

SB 1046 by Detert (CO-INTRODUCERS) Soto, Gibson; (Compare to CS/CS/H 0451) Entertainment Industry

433232	D	S	RCS	ATD, Detert	Delete everything after	04/06 03:34 PM
212236	AA	S	RCS	ATD, Diaz de la Portill	Delete L.942 - 952:	04/06 03:34 PM
445244	A	S		ATD, Diaz de la Portill	Delete L.1027 - 1037:	04/01 08:53 AM

CS/CS/SB 112 by TR, MS, Hays; (Similar to CS/CS/H 0329) Special License Plates

CS/SB 228 by EE, Clemens (CO-INTRODUCERS) Richter; (Similar to H 0227) Online Voter Application

CS/SB 240 by TR, Brandes (CO-INTRODUCERS) Gaetz, Gibson; (Similar to CS/H 0027) Driver Licenses and Identification Cards

CS/SB 256 by TR, Sobel; (Similar to H 0519) Identification Cards

CS/SB 484 by CA, Simpson; (Compare to H 0873) Regional Planning Councils

204092	A	S	RCS	ATD, Hukill	Delete L.126 - 181:	04/03 02:28 PM
161486	A	S	RCS	ATD, Hukill	Delete L.645 - 655.	04/03 02:28 PM

CS/SB 988 by TR, Margolis; (Compare to H 0809) Anatomical Gifts

314112	D	S	RCS	ATD, Clemens	Delete everything after	04/06 03:34 PM

CS/SB 1024 by TR, Simmons; (Similar to CS/H 1101) Central Florida Expressway Authority

CS/SB 1072 by TR, Evers; (Compare to H 0831) Registration of Melon Hauling Vehicles

281492	D	S	RCS	ATD, Brandes	Delete everything after	04/06 03:34 PM

CS/SB 1216 by CA, Simpson; (Compare to CS/CS/H 0933) Connected-city Corridors

CS/SB 1554 by TR, Brandes; (Compare to CS/H 7039) Transportation

546402	A	S		ATD, Clemens	btw L.454 - 455:	04/02 08:14 AM
559046	AA	S		ATD, Clemens	Delete L.7:	04/07 09:19 AM
318744	A	S		ATD, Sachs	btw L.654 - 655:	04/08 06:08 PM
900098	A	S		ATD, Thompson	Delete L.1761 - 1779.	04/01 04:14 PM
862024	A	S		ATD, Brandes	Delete L.1917 - 1964:	04/01 04:13 PM
398410	A	S		ATD, Diaz de la Portill	btw L.2743 - 2744:	03/31 04:21 PM
938556	AA	S		ATD, Diaz de la Portill	btw L.12 - 13:	04/02 07:49 AM
585792	A	S		ATD, Diaz de la Portill	btw L.2743 - 2744:	04/02 07:49 AM
245794	A	S	WD	ATD, Brandes	btw L.2814 - 2815:	04/01 01:19 PM

CS/SB 1048 by TR, Garcia; (Similar to CS/H 0921) Motor Vehicle Manufacturer Licenses

485814	D	S	RCS	ATD, Diaz de la Portill	Delete everything after	04/06 03:41 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

**APPROPRIATIONS SUBCOMMITTEE ON
TRANSPORTATION, TOURISM, AND ECONOMIC
DEVELOPMENT**

Senator Latvala, Chair
Senator Clemens, Vice Chair

MEETING DATE: Thursday, April 2, 2015
TIME: 9:00 —11:00 a.m.
PLACE: 301 Senate Office Building

MEMBERS: Senator Latvala, Chair; Senator Clemens, Vice Chair; Senators Brandes, Detert, Diaz de la Portilla, Gibson, Hukill, Sachs, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 1046 Detert (Compare CS/CS/H 451)	Entertainment Industry; Revising the sources of moneys to be credited to the State Economic Enhancement and Development Trust Fund to include repayments to the entertainment industry quick action fund created by the act; creating the Entertainment Industry Quick Action Account within the State Economic Enhancement and Development Trust Fund; renaming the Office of Film and Entertainment within the Department of Economic Opportunity as the Division of Film and Entertainment within Enterprise Florida, Inc.; revising provisions relating to the application process, tax credit eligibility, transfer of tax credits, election and distribution of tax credits, allocation of tax credits, forfeiture of tax credits, and annual report, etc. CM 03/10/2015 Favorable ATD 04/02/2015 Fav/CS AP	Fav/CS Yeas 9 Nays 0
2	CS/CS/SB 112 Transportation / Military and Veterans Affairs, Space, and Domestic Security / Hays (Similar CS/CS/H 329)	Special License Plates; Authorizing the department to issue Woman Veteran, World War II Veteran, Navy Submariner, Combat Action Ribbon, Air Force Combat Action Medal, and Distinguished Flying Cross license plates; specifying qualifications and requirements for the plates; requiring that any revenue generated from the sale of Woman Veteran license plates be deposited into the Operations and Maintenance Trust Fund to be used for certain purposes, etc. MS 01/21/2015 Fav/CS TR 03/19/2015 Fav/CS ATD 04/02/2015 Favorable FP	Favorable Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Transportation, Tourism, and Economic Development
 Thursday, April 2, 2015, 9:00 —11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	CS/SB 228 Ethics and Elections / Clemens (Similar H 227, Compare H 1161, S 7064)	Online Voter Application; Requiring the Division of Elections of the Department of State to develop an online voter registration system; requiring the system to compare information submitted online with Department of Highway Safety and Motor Vehicles records; requiring the division to report to the Legislature regarding online voter registration implementation by a specified date, etc. EE 03/17/2015 Fav/CS ATD 04/02/2015 Favorable AP	Favorable Yeas 8 Nays 0
4	CS/SB 240 Transportation / Brandes (Similar CS/H 27)	Driver Licenses and Identification Cards; Providing for the Department of Highway Safety and Motor Vehicles to accept a military identification card to meet certain requirements for issuance of an identification card or a driver license, respectively, etc. TR 03/12/2015 Fav/CS ATD 04/02/2015 Favorable RC	Favorable Yeas 9 Nays 0
5	CS/SB 256 Transportation / Sobel (Similar H 519)	Identification Cards; Requiring the Department of Highway Safety and Motor Vehicles to issue an identification card exhibiting a special designation for a person who is diagnosed by a licensed physician as having a developmental disability; requiring payment of an additional fee and proof of diagnosis; authorizing issuance of a replacement identification card that includes the special designation without payment of a specified fee; requiring the department to develop rules to facilitate the issuance, requirements, and oversight of developmental identification cards, etc. TR 03/19/2015 Fav/CS ATD 04/02/2015 Favorable AP	Favorable Yeas 9 Nays 0
6	CS/SB 484 Community Affairs / Simpson (Compare H 873, CS/H 933)	Regional Planning Councils; Removing the requirement that regional planning councils provide assistance in developing a plan for a rural land stewardship area; removing the power of regional planning councils to establish and conduct cross-acceptance negotiation processes; removing the Governor's authority to revise regional planning council district boundaries; subdividing the state into specified geographic regions for the purpose of regional comprehensive planning, etc. CA 03/10/2015 Fav/CS ATD 04/02/2015 Fav/CS AP	Fav/CS Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Thursday, April 2, 2015, 9:00 —11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	CS/SB 988 Transportation / Margolis (Compare H 809)	Anatomical Gifts; Requiring an applicant for a driver license, driver license renewal, or identification card to provide a statement of whether he or she agrees to have his or her name included in the donor registry; specifying the options that may be selected by an applicant in his or her statement, etc. TR 03/12/2015 Fav/CS ATD 04/02/2015 Fav/CS FP	Fav/CS Yeas 8 Nays 1
8	CS/SB 1024 Transportation / Simmons (Similar CS/H 1101, Compare CS/H 7075)	Central Florida Expressway Authority; Requiring the chairs of the boards of specified county commissions each to appoint one member from their respective counties who is a commission member or chair or a county mayor to serve on the governing body of the authority; specifying that the terms of members appointed by the Governor end on a specified date; removing the requirement that title in fee simple absolute to the former Orlando-Orange County Expressway System be transferred to the state upon the completion of the faithful performance and termination of a specified lease-purchase agreement, etc. TR 03/12/2015 Fav/CS ATD 04/02/2015 Favorable FP	Favorable Yeas 9 Nays 0
9	CS/SB 1072 Transportation / Evers (Compare H 831)	Registration of Melon Hauling Vehicles; Providing a fee for registration of a melon hauling vehicle; defining the term "melon hauling vehicle"; exempting drivers of melon hauling vehicles from the requirement to obtain a commercial driver license; requiring such drivers to comply with specified regulations, etc. TR 03/12/2015 Fav/CS ATD 04/02/2015 Fav/CS AP	Fav/CS Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Thursday, April 2, 2015, 9:00 —11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	CS/SB 1216 Community Affairs / Simpson (Compare CS/H 933, H 1159)	Connected-city Corridors; Requiring plan amendments that qualify as connected-city corridor amendments to be reviewed by the local government; providing legislative intent; authorizing local governments to adopt connected-city corridor plan amendments; requiring community development districts located within a connected-city corridor plan amendment to be established pursuant to a county ordinance; providing a statutory exemption from the development of regional impact review process for any development within the geographic boundaries of a connected-city corridor plan, etc. CA 03/17/2015 Fav/CS ATD 04/02/2015 Favorable FP	Favorable Yeas 9 Nays 0
11	CS/SB 1554 Transportation / Brandes (Compare H 7039, CS/H 7075, CS/S 918, CS/S 1186, S 1456, S 7054)	Transportation; Deleting the requirement that the Secretary of Transportation appoint an inspector general pursuant to s. 20.055, F.S.; increasing the minimum amount that shall be made available annually from the State Transportation Fund to fund the Florida Seaport Transportation and Economic Development Program; providing that provisions prohibiting a driver from following certain vehicles within a certain distance do not apply to truck tractor-semitrailer combinations under certain conditions; authorizing certain counties to form the Northwest Florida Regional Transportation Finance Authority to construct, maintain, or operate transportation projects in a given region of the state, etc. TR 03/19/2015 Fav/CS ATD 04/02/2015 Not Considered AP	Not Considered
12	CS/SB 1048 Transportation / Garcia (Similar CS/H 921)	Motor Vehicle Manufacturer Licenses; Providing that a motor vehicle dealer who receives approval of a facility from an applicant or licensee within a specified timeframe is deemed to be in full compliance with facility-related requirements; revising provisions related to an applicant or licensee who has undertaken or engaged in an audit of service-related payments or incentive payments; limiting the timeframe for the performance of such audits, etc. TR 03/26/2015 Fav/CS ATD 04/02/2015 Fav/CS RC	Fav/CS Yeas 7 Nays 1

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: PCS/SB 1046 (530364)

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development and Senators Detert and Soto

SUBJECT: Entertainment Industry

DATE: April 6, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Askey	McKay	CM	Favorable
2.	Gusky	Miller	ATD	Recommended: Fav/CS
3.			AP	

I. Summary:

PCS/SB 1046 restructures Florida's approach to the entertainment industry in the state.

The bill transfers the Department of Economic Opportunity's Office of Film and Entertainment, including the Commissioner of Film and Entertainment and the Florida Film and Entertainment Advisory Council, to Enterprise Florida, Inc., (EFI). The office is established as the Division of Film and Entertainment (division) in EFI and given additional responsibilities. The bill subjects the film commissioner to conflict of interest provisions applicable to senior managers of EFI, and prohibits employees of the division from accepting gifts or travel from entities seeking state funds from the Entertainment Action Fund. The bill reduces the number of council members serving on the Florida Film and Entertainment Advisory Council from 17 to 11 and revises the powers and duties of the council.

The bill renames the Entertainment Industry Incentive Program as the Entertainment Industry Program, and makes the following changes:

- Sets a program expiration date of July 1, 2021;
- Creates a competitive application process for tax credits, with criteria to be evaluated and ranked by the division, a semi-annual application period, and limits the available tax credits to one half for each period;
- Clarifies the denial, withdrawal, and verification of application processes;
- Modifies an existing tax credit bonus for "underutilized counties" to require that 70 days (up from 67 days) of principal photography must occur in the county to receive the bonus;
- Creates a tax credit bonus for 5 percent of qualified expenditures for productions that make at least a \$2 million capital investment that remains in the state after the production ends;

- Creates a tax credit bonus for 15 percent of qualified expenditures for productions that hire individuals participating in the Road to Independence Program and veterans and individuals with development disabilities that reside in Florida;
- Reduces the total credit allowed to 25 percent of qualified expenditures, down from the current allowance of 30 percent of qualified expenditures;
- Allows music videos to qualify for tax credits at a lower amount of expenditures; and
- Repeals tax credit bonuses for underutilized regions, off-season productions, and productions that occur at certain facilities.

The bill creates the Entertainment Action Fund Program to respond to extraordinary opportunities to attract entertainment productions, subject to appropriation. Specifically, the bill:

- Requires the Division of Film and Entertainment and the DEO to evaluate applications for fund awards based on specified criteria;
- Requires performance-based contracts;
- Limits funding to 30 percent of planned qualified expenditures by the project;
- Creates an approval process that requires legislative approval of certain award amounts;
- Sets aside 50 percent of the fund to be awarded in the second 6 months of a fiscal year; and
- Sets a program expiration date of July 1, 2025, for the Entertainment Action Fund.

The bill clarifies the application and renewal process for the Entertainment Industry Sales Tax Exemption Program.

The bill prohibits a production from receiving benefits from more than one program at the same time (the Entertainment Industry tax credit and sales tax exemption programs, or the Entertainment Action Fund Program).

The bill does not provide additional tax credits for the Entertainment Industry Program and does not include an appropriation for the Entertainment Industry Quick Action Fund program created in the bill. The DEO indicates that the bill has a fiscal impact to the department. See Section V.

The bill provides an effective date of July 1, 2015.

II. Present Situation:

The Office of Film and Entertainment

The Office of Film and Entertainment (OFE) in the Department of Economic Opportunity (DEO) develops, markets, promotes, and provides services to Florida's entertainment industry, including serving as a liaison between the industry and government entities and facilitating access to filming locations.¹ The OFE gathers statistical information related to the state's entertainment industry; provides information and services to businesses, communities, organizations, and individuals engaged in entertainment industry activities; administers field offices outside the state; and coordinates with regional offices maintained by counties and regions of the state. The OFE is also required to develop a 5-year strategic plan to guide its activities, which is updated on

¹ Section 288.1251, F.S. See also OFE website, available at <http://www.filminflorida.com/about/vm.asp> (last visited Mar. 3, 2015).

an annual basis and aligns with the DEO's Strategic Plan for Economic Development.² The OFE's mission is to build, support, and market the entertainment industry in Florida.

The head of the OFE is the Commissioner of Film and Entertainment. The executive director of the DEO hires the commissioner, after conducting a statutorily required national search to find a qualified person to fill the position. For Fiscal Year 2014-2015, the OFE has an operating budget of approximately \$758,000, five full-time-equivalent (FTE) positions and three temporary other personal services (OPS) positions.³ The OFE's budget supports a field office in Los Angeles.

The OFE is assisted by the Florida Film and Entertainment Advisory Council (advisory council), which is composed of 17 members, of which seven members are appointed by the Governor, and five members each are appointed by the President of the Senate and the Speaker of the House of Representatives.⁴ In addition, Enterprise Florida, Inc., Workforce Florida, Inc., and the Florida Tourism Industry Marketing Corporation (commonly referred to as "VISIT Florida") each have a representative that serves as an ex-officio nonvoting member of the advisory council. The advisory council provides the OFE and the DEO with industry insight and assists in the creation of the 5-year strategic plan.

Additionally, over 60 local film offices have been established across the state, organized predominately by county and municipal governments, local chambers of commerce, economic development councils, convention and visitors' bureaus, and tourist development councils.⁵

Entertainment Industry Financial Incentive Program⁶

In 2003, the Legislature created the Entertainment Industry Financial Incentive Program (incentive program).⁷ The incentive program's dual purposes are to:

- Promote Florida as a site for filming, creating, or producing movies, television series, commercials, digital media and other types of entertainment productions; and
- Sustain and develop the state's entertainment workforce, studios, and other related infrastructure.

The incentive program is administered by the OFE, subject to the policies and oversight of the DEO. Currently, the incentive program is a 6-year program, which began July 1, 2010, and sunsets June 30, 2016. The incentive program provides tax credits for qualified expenditures related to filming and production activities in Florida. These tax credits may be applied against

² The OFE's Film and Entertainment Industry Strategic Plan for Economic Development is available at http://www.filminflorida.com/about/OFE_Plan_V11.pdf (last visited Mar. 3, 2015).

³ E-mail from Dean M. Izzo, Chief Financial Officer, Department of Economic Affairs, to Kristin Pingree Gusky, Chief Legislative Analyst, Florida Senate (March 27, 2015) (on file with the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development).

⁴ Section 288.1252, F.S.

⁵ A list of Florida film commissions is provided at the OFE website, available at http://www.filminflorida.com/lr/local_film_commissions.asp (last visited Mar. 3, 2015).

⁶ Information about the incentive program is also available on OFE's website, available at <http://filminflorida.com/ifi/incentives.asp> (last visited Mar. 3, 2015).

⁷ Section 288.1254, F.S. See ch. 2003-81, L.O.F. In 2010, the incentive program was changed from a cash reimbursement type program to the current form. See ch. 2010-147, L.O.F.

the corporate income tax or sales and use taxes. Additionally these tax credits may be transferred or sold one time.⁸

Over the 6 year period, a total of \$296 million in tax credits were authorized. Annual limitations for tax credits are set at:

- \$53.5 million in Fiscal Year 2010-11;
- \$74.5 million in Fiscal Year 2011-12; and
- \$42 million in each Fiscal Year 2012-13, 2013-14, 2014-15, and 2015-16.⁹

The law provides that if the total tax credits applied for in a fiscal year is greater than the amount available for that year, then the excess credits are to be treated as if they had been applied for in the next fiscal year. The OFE reports that all of the tax credits authorized for the six-year period have been certified (or allocated to certified productions).¹⁰

Eligibility and Application

Generally, a production company that plans to engage in a production in Florida can apply to the OFE prior to beginning production for a certification of tax credits based upon estimated qualified expenditures planned for the production. A “production” is defined in s. 288.1054, F.S., as a:

- Theatrical, direct-to-video, or made-for-television motion picture;
- Visual effects or digital animation sequences produced in conjunction with a motion picture;
- Commercial or infomercial;
- Music video;
- Industrial, educational, or documentary film;
- Television pilot program or presentation for a television pilot program;
- Digital media project; or
- Television series, including but not limited to a: drama, reality show, comedy, soap opera, telenovela, game show, awards show, or miniseries production. One season of a television series is considered one production.

A production does not include a: weather or market program; sporting event or sporting event production; gala; production that solicits funds; home shopping program; political program, documentary, or advertising; gambling-related project or production; concert production; a local, regional, or Internet-distributed-only news show or current-events show; a sports news or sports recap show; a pornographic production; or any production deemed obscene under ch. 487, F.S.

A “qualified production” must meet the requirements above, plus two additional criteria:

- Depending on the type of production and period of time in the incentive program, most of the production cast and below-the-line production crew¹¹ must be Florida residents, or students enrolled full-time in a film and entertainment-related course of study at a Florida university or college.; and

⁸ Also, tax credits may be relinquished to the DOR for 90 percent of the amount of the relinquished tax credit.

⁹ Section 288.1254(7), F.S. In 2012, an additional year was added to the program. See s. 15, ch. 2012-32, L.O.F.

¹⁰ Office of Economic and Demographic Research, The Florida Legislature, *Return on Investment for the Entertainment Industry Incentive Programs* (January, 2015).

¹¹ “Below-the-line production crew” excludes actors, directors, producers, and writers.

- The production does not contain obscene content, as defined in s. 847.001(10), F.S.¹²

Queues

Priority for tax credit certifications is made on a first-come, first-served basis within the appropriate “queue.”¹³ There are three queues of qualified productions eligible for tax credit certification: general production, commercial and music video, and independent and emerging media production. State incentive funding is allocated to the queues as follows:

- General production queue - 94 percent (no more than 45 percent of which can be certified for television series);
- Commercial and music video queue – 3 percent; and
- Independent and emerging media production queue – 3 percent.

First priority in the general production queue for tax credits not yet certified is given to “high-impact television series” and “high-impact digital media projects,”¹⁴ in alternating order, depending on the type of application first received by the OFE. OFE may certify a project out of order (ex: two high-impact television series productions in a row) if an application by the next appropriate type of production is not received within 5 business days.¹⁵

Characteristics of Production Queues

	General Production	Commercial & Music Video	Independent and Emerging Media Production Queue
Minimum amount of qualified expenditures	\$625,000	\$100,000 per commercial or video <u>and</u> exceeds \$500,000 combined per fiscal year	At least \$100,000, but not more than \$625,000
Amount of basic incentive	20% of qualified expenditures, up to \$8 million	20% of qualified expenditures, up to \$500,000	20% of qualified expenditures, up to \$125,000

There are additional tax credits, also referred to as “bonuses,” available for general production queue projects. A five percent additional tax credit is available for:

- Feature films, independent films, or television series or pilots that are “off-season certified,” including those that are not able to complete 75 percent of their principal photography due to

¹² Pursuant to this section, “‘obscene’ means the status of material which: (a) The average person, applying contemporary community standards, would find, taken as a whole, appeals to the prurient interest; (b) Depicts or describes, in a patently offensive way, sexual conduct as specifically defined herein; and (c) Taken as a whole, lacks serious literary, artistic, political, or scientific value. A mother’s breastfeeding of her baby is not under any circumstance ‘obscene.’”

¹³ Section 288.1254(4), F.S.

¹⁴ Section 288.1254(1), F.S., provides that: a “high-impact digital media project” means a digital media project that has qualified expenditures greater than \$4.5 million; a “high-impact television series” means a production created to run in multiple production seasons and having an estimated order of at least seven episodes per season and qualified expenditures of at least \$625,000 per episode.

¹⁵ This rotating schedule was created in ch. 2012-32, L.O.F.

a hurricane or tropical storm. Off-season certified means that the production films 75 percent or more of its principal photography from June 1 to November 30.

- Productions that incur at least 65 percent of its principal photography days in an underutilized region. An “underutilized region” is one with a regional tax credit ratio for a fiscal year that is lower than its regional population ratio that year.¹⁶
- Productions which conduct at least 50 percent of their principal photography at a qualified production facility. This additional 5 percent may be applied to any qualified expenditures related to production activity at that facility.
- Qualified digital media projects or digital animation components of productions which have at least 50 percent of their qualified expenditures related to a qualified digital media production facility. This additional 5 percent may be applied to any qualified expenditures related to production activity at that facility.

A 15 percent additional tax credit is available for productions that employ students enrolled full-time in a film and entertainment-related or digital media-related course of study or recent graduates of such a course of study. The course of study must have occurred at an institution of higher education in Florida. This additional 15 percent may be applied to any qualified expenditures related to wages, salaries, or other compensation paid to such students or graduates.

Further, family-friendly certified theatrical or direct-to-video movies and video games are eligible for an additional tax credit of 5 percent of its actual qualified expenditures. The determination for “family-friendly” is made by the OFE, with the advice of the advisory council. A family friendly production is one that:

- Has cross-generational appeal;
- Is considered suitable for viewing by children aged 5 years or older;
- Is appropriate in theme, content and language for a broad family audience;
- Responsibly resolves issues raised in the film; and
- Does not include any act of smoking, sex, nudity, or vulgar or profane language.

A qualified production in the general production queue is limited to a total tax credit of 30 percent of its actual qualified expenditures.¹⁷

Current law defines “qualified expenditures” as production expenditures incurred by a qualified production in Florida for:¹⁸

- Goods purchased or leased from, or services provided by, a vendor or supplier in Florida that is registered with the Department of State or the Department of Revenue (DOR) and is doing business in Florida. Eligible production goods and services include:
 - Sound stages, back lots, production editing, digital effects, sound recordings, sets, and set construction;
 - Entertainment-related rental equipment, including cameras and grip or electrical equipment;

¹⁶ “Underutilized region” is defined in s. 288.1254(1)(p), F.S. The definition establishes five regions and every county is assigned to a region.

¹⁷ A qualified production in the commercial and music video queue is not eligible for any bonuses. A qualified production in the independent and emerging media production queue may be eligible for the family-friendly bonus.

¹⁸ See s. 288.1254(1)(i), F.S.

- Newly purchased computer software and hardware, up to \$300,000; and
- Meals, travel, and accommodations.
- Salary, wages, or other compensation paid to Florida residents, up to a maximum of \$400,000 per resident.

Additionally, for a qualified production involving an event, such as an awards show, the term “qualified expenditures” excludes expenditures solely associated with the event itself and not directly required by the production. The term also excludes expenditures prior to certification, with the exception of those incurred for a commercial, a music video, or the pickup of additional episodes of a television series within a single season.

Award of Credits

After production ends and all certified expenditures are made in Florida, the production company must have an independent certified public accountant licensed in Florida conduct a compliance audit. The OFE is required to review the audit and report to the DEO the final verified amount of actual qualified expenditures. The DEO then must review and approve the final tax credit award, and notify the DOR. Tax credit awards are based on the production queue and are subject to the limitations discussed above. In order to be eligible for tax credits, the production must include, when appropriate, the placement of a “Filmed in Florida” or “Produced in Florida” logo in the end credits.

Additionally after production ends, the company must make an irrevocable election to apply the tax credits to the corporate income taxes or sales and use taxes or a stated combination of both. This decision is binding on any distributee, successor, transferee, or purchaser. Tax credits that are unused in any year may be carried forward to the next for a maximum of 5 years.

Section 288.1254(9), F.S., authorizes the DOR to conduct audits related to the tax credits, and to revoke or forfeit tax credits under certain circumstances. Fraudulent applications for tax credits may also result in penalties and other costs in addition to repayment of the tax credits.

Sales Tax Exemption Certificate for a Qualified Production Company

Entertainment industry qualified production companies are eligible for several exemptions from taxes under ch. 212, F.S. A qualified production company can obtain a certificate to avoid paying tax at the point of sale, rather than claiming a refund after paying the tax.¹⁹ Qualified production companies are exempt from paying sales tax for the following:

- *Lease or rental of real property* that is used as an integral part of an activity or service performed directly in connection with the production of a qualified motion picture (the term “activity or service” includes photography, casting, location scouting, and designing sets).²⁰
- *Fabrication labor* when a producer uses his or her own equipment and personnel to produce a qualified motion picture.²¹

¹⁹ Section 288.1258, F.S. See also DOR, Film in Florida Sales Tax Exemption, available at http://dor.myflorida.com/dor/taxes/film_in_florida.html (last visited Mar. 3, 2015).

²⁰ Section 212.031(1)(a)9., F.S.

²¹ Section 212.06(1)(b), F.S. The term “qualified motion picture” is defined in the statute.

- *Purchase or lease of motion picture and video equipment and sound recording equipment used in Florida for motion picture or television production or for the production of master tapes or master records.*²²
- *Sale, lease, storage, or use of blank master tapes, records, films, and video tapes.*²³

The OFE reviews and approves applications for the exemptions, while the DOR issues certificates of exemption to the production companies. The estimated cost of these exemptions was \$51.1 million for Fiscal Year 2014-2015.²⁴

The OFE Annual Report for Fiscal Year 2013-14²⁵

The OFE is required to submit a report by November 1 of each year to the Governor, the President of the Senate, and the Speaker of the House of Representatives, that includes: the incentive program's return on the state's investment and economic benefits to the state; the estimate of FTEs for each production that received tax credits; and the geographic distribution of the credits in Florida. The report is also required to include a summary of the OFE's travel and entertainment expenditures for the previous fiscal year²⁶, and information describing the relationship between tax exemptions and incentives to industry growth.²⁷

The OFE's annual report for Fiscal Year 2013-14 reviewed the incentive program for the first 4 years of the 6-year program. As of June 30, 2014:

- 689 applications were received and processed;
- 342 productions have been certified for tax credits; outcomes for these productions include the following estimates:
 - Over \$1.5 billion in qualified expenditures in Florida; and
 - 171,922 positions with over \$926 million in wages paid²⁸.
- Certified productions include: 74 motion pictures, 59 digital media productions, 154 television productions, and 55 commercials; and
- 146 certified projects completed production in Fiscal Year 2013-14; projected outcomes for these productions include:
 - 8,927 production days;
 - Over \$483.9 million in qualified expenditures in Florida;
 - 51,130 positions with over \$353.8 million in wages paid;
 - 77,634 lodging/room nights; and
 - Almost \$108 million in final tax credits awarded.

²² Section 212.08(5)(f), F.S.

²³ Section 212.08(12), F.S.

²⁴ Florida Revenue Estimating Conference, 2015 Florida Tax Handbook.

²⁵ OFE, Fiscal Year 2013-14 Annual Report (November 1, 2014), available at <http://www.filminflorida.com/ifi/PDFs/annualReports/Entertainment%20Industry%20Financial%20Incentive%20Annual%20Report%20FY2013-2014.pdf> (last visited Mar. 3, 2015).

²⁶ Section 288.1253, F.S.

²⁷ Sections 288.1254(10), 288.1253, and 288.1258(5), F.S.

²⁸ Positions are individual positions, not FTEs. Positions may be permanent or temporary. Production cast, crew, extras, and stand-ins, etc., may work for multiple productions and fill multiple positions. The OFE was directed in the 2011 Regular Session to report positions as estimates of FTEs, but according to the annual report the OFE is still developing methodology to report the data. See ch. 2011-76, L.O.F.

Projected outcomes are based on information supplied with the applications. These outcomes are subject to change as some projects may withdraw or additional projects become certified.

Florida Economic Development Program Evaluations

Section 288.001, F.S., requires the Office of Economic and Demographic Research (EDR) and the Office of Program Policy Analysis and Government Accountability (OPPAGA) to provide a detailed analysis of state economic development programs according to a recurring schedule established in law. The OPPAGA must evaluate each program over the three previous years for effectiveness and value to the state's taxpayers and include recommendations for consideration by the Legislature. EDR must evaluate and determine the economic benefits, as defined in s. 288.005(1), F.S., of each program over the previous three years.

In January 2015, the EDR reported the following return on investments (ROI) for the entertainment industry incentive programs for Fiscal Years 2010-11, 2011-12, and 2012-13:²⁹

- 0.54 to 1 for the Sales Tax Exemption program;
- 0.43 to 1 for the Financial Incentives (tax credits) program; and
- 0.25 to 1 for the Financial Incentives (tax credits) program when there is a full accounting of all credits awarded, not just the credits awarded in the three-year window.

The OPPAGA made several recommendations related to entertainment industry incentives to the Legislature. First, the OFE staff should discontinue the informal process of backdating sales tax exemption applications to ensure that production company expenditures are tax exempt under state law. In addition, if the Legislature chooses to allocate additional tax credits for the Entertainment Industry Financial Incentive Program, the OPPAGA suggests:

- Requiring the amount of tax credits awarded during a single fiscal year not exceed the amount of tax credits allocated for that year.
- Directing the DEO to use a third party to process tax credit audits to expedite the audit review process and reduce delays in awarding tax credits.³⁰

III. Effect of Proposed Changes:

The bill restructures Florida's approach to the entertainment industry in the state. The bill:

- Establishes the Division of Film and Entertainment in Enterprise Florida, Inc. (EFI);
- Amends the Entertainment Industry Financial Incentive (tax credit) and Sales Tax Exemption programs; and
- Creates the Entertainment Action Fund.

EFI's Division of Film and Entertainment

Section 2 of the bill transfers s. 288.1251, F.S., renumbers it as s. 288.913, and amends that section to transfer the Department of Economic Opportunity's Office of Film and Entertainment

²⁹ Office of Economic and Demographic Research, The Florida Legislature, *Return on Investment for the Entertainment Industry Incentive Programs*, 2 (January, 2015).

³⁰ Office of Program Policy Analysis and Government Accountability, The Florida Legislature, *Florida Economic Development Program Evaluations – Year 2*, Report No. 15-01 (January 1, 2015).

to EFI. The office is established as the Division of Film and Entertainment (division) in EFI and given additional duties with regards to the evaluation of applicants for tax credits, and applicants for funds from the Entertainment Action Fund created in Section 7 of the bill. The bill also subjects the film commissioner to conflict of interest provisions applicable to senior managers of EFI.

The Division of Film and Entertainment is established for the purpose of developing, recruiting, marketing, promoting, and providing services to the state's entertainment industry. The division will serve as a liaison between the entertainment industry and other state and local governmental agencies, local film commissions, and labor organizations. The division must develop and update a 5-year strategic plan that must include specified information. EFI's board of directors must annually review and approve the plan.

Section 3 of the bill transfers s. 288.1252, renumbers it as s. 288.914, and amends that section to transfer the Florida Film and Entertainment Advisory Council (council) to EFI. The bill reduces the council membership from 17 to 11 members, five appointed by the Governor and three each appointed by the President of the Senate and Speaker of the House of Representatives. A council member serving as of July 1, 2015, may finish his or her term but upon vacancy, appointments may not be made that would result in more than 11 council members.

Section 4 of the bill transfers s. 288.1253, renumbers it as s. 288.915, and amends that section to continue the department's oversight and rule-making responsibilities regarding the travel and entertainment expenses incurred by the staff of EFI's Division of Film and Entertainment. Division employees may not accept complimentary travel, accommodations, meeting space, meals, equipment, transportation, or any other goods or services from any entity, including an employee, designee, or representative of such entity, seeking funds from the Entertainment Action Fund.

Sections 1, 9, and 10 amend ss. 288.125, 288.92, and 477.0135, F.S., respectively, and make conforming changes to reflect the creation of the division and the department's responsibilities.

Entertainment Industry Financial Incentive Program

Section 5 of the bill amends s. 288.1254, F.S., to rename the Entertainment Industry Financial Incentive Program as the "Entertainment Industry Program" and makes several changes to the renamed program.

Definitions and Eligibility

The bill makes numerous changes to definitions section, including:

- Moving an existing definition of "family-friendly production" from the tax credit eligibility subsection to the definitions subsection.
- Amending the definition for "high-impact television series" to include telenovelas that have qualified expenditures of more than \$6 million, at least 45 principal photography days in the state, cast and crews that are at least 90 percent state residents, and have at least 90 percent of production occurring in the state. The required amount of qualified expenditures per episode for a television series is increased from \$625,000 to \$1 million.

- Including direct-to-Internet motion pictures and television series in the definition of “production.”
- Eliminating definitions for high-impact digital media project, off-season certified production, qualified digital media production facility, qualified production facility, regional population ratio, regional tax credit ratio, and underutilized region.

Application Procedure and Approval Process

The bill requires a production company to include additional information in its application. Currently, applications must include production-related information concerning employment of residents, a detailed budget of planned qualified expenditures, and the applicant’s signed affirmation that the information provided is correct. The bill requires additional information related to the planned aggregate nonqualified expenditures, including capital investment, and proof of financing for the production. Under current law, a production has 90 days from the date it submits the application to provide proof of financing. The bill requires such proof to be submitted as part of the application.

The bill creates two application periods per year for tax credits, and specifies criteria by which the division is to review, evaluate, and rank the applications. The criteria must be evaluated in the following order of priority:

- Number of state residents to be employed, both full-time and part-time, by the project;
- Amount of qualified and nonqualified expenditures in Florida;
- Duration of the project in Florida, including whether production will occur in an underutilized county;
- Amount of preproduction and postproduction in Florida;
- Amount of capital investment, especially fixed capital investment, to be made directly by the production company and the amount of any other capital investment to be made related to the project in Florida; and
- Local support and amount of any financial commitment for the project.

After review and ranking of the applicants, the division must provide the applications and rankings to the Department of Economic Opportunity (DEO) for review and certification.

Every fiscal year, one half of the allocated tax credits are available during each application period. Applications remaining in the queue at the end of a period are denied and applicants may reapply in the next period. The bill clarifies the denial process.

High-impact television series productions may apply and be certified for a tax credit for a future fiscal year allocation for one additional successive season of a series. The applicant must affirm that the additional season is likely to be ordered, and must notify the DEO within 10 days if the second season is not ordered or is cancelled. The department may not certify tax credits in an amount greater than the allocation for a specified year, with the exception of one additional season of a high-impact television series. The bill clarifies the certification process in regards to the changes made to the Division of Film and Entertainment.

Upon certification, the production is required to provide the DEO and the division with information related to the production's needs for cast, crew, contractors, and vendors. The production must also provide a single point of contact. The division will publish this information online and include relevant information such as the starting date of the production and its location. The DEO and division may adopt procedures for a production to post such information itself within a week of certification.

Current law permits the DEO to withdraw the eligibility of a production for tax credits if the production does not continue on a reasonable basis, or if the production does not provide proof of financing. The bill clarifies when the DEO may deny a certified production. The DEO may deny a certified production upon finding any circumstance that affects the reasonable schedule or timely completion of the production, including a break in production or loss of financing. The certified production must notify the DEO within 5 days after any circumstance affecting the timely completion of the production. However, a certified production that has lost financing may avoid denial by the DEO if it provides the DEO with proof of replacement financing within 10 days of the original loss.

The bill makes clarifying changes to the DEO's verification process. A certified production must submit the required documentation within 180 days of the completion of the production. All production-related information on full and part-time employment and wages paid to state residents is required in the documentation. The DEO must require a certified production to submit data substantiating aggregate nonqualified expenditures in this state, including capital investment.

The Division of Film and Entertainment is required to give the Florida Tourism Industry Marketing Corporation (VISIT Florida) contact information for each qualified production. Qualified productions are required to work with VISIT Florida to develop marketing materials that promote the state. The "VISIT Florida" logo is required to be shown in the end credits of a production, along with other currently required logos.

Section 6 provides that all applications on file with the DEO to receive a tax credit through the entertainment industry program that have not been certified on July 1, 2015, are deemed denied.

General Production Queue

The bill amends several of the additional tax credit bonuses. The bill:

- Amends an existing tax credit bonus for "underutilized counties" to require that 70 days (up from 67 days) of principal photography must occur in the county to receive the bonus.
- Repeals the tax credit bonus for "underutilized regions" and related definitions.
- Repeals the tax credit bonus for "off-season" productions and related definitions.
- Repeals the tax credit bonus for productions that occur at certain production facilities and related definitions.
- Creates a tax credit bonus of 5 percent for productions that complete a permanent capital investment of at least \$2 million before the completion of the qualified production. The capital investment may be the basis of an application only once.
- Expands the 15 percent tax credit bonus currently provided to productions that employ students enrolled in certain film and entertainment-related or digital media-related studies to

also include: individuals participating in the Road to Independence Program and individuals with developmental disabilities and veterans that reside in the state.

The bill reduces the total tax credits a qualified production in the General Production queue is eligible for from 30 to 25 percent of qualified expenses.

Commercial and Music Video Queue

Currently, production companies that produce national or regional commercials or music videos may be eligible for a tax credit award if it demonstrates a minimum of \$100,000 of qualified expenditures for each commercial or music video. The bill reduces the expenditure level for a music video to \$25,000.

The bill makes clarifying changes to the tax credit carry forward process, at the suggestion of the Department of Revenue³¹ and extends the program until July 1, 2021.

Florida Entertainment Action Fund

Section 7 creates in s. 288.1256, F.S., the Entertainment Action Fund. The fund is created to respond to extraordinary opportunities, to compete effectively with other states to attract and retain production companies, and to provide favorable conditions for the growth of the entertainment industry in this state.

The Entertainment Action Fund will function similarly to other state economic development programs. A production company may apply for funds from the fund and the Division of Film and Entertainment, along with the DEO, will review and evaluate applications to determine eligibility.

In their review and evaluation of applications, the division and the DEO must consider the following criteria, with priority given in descending order:

- The number of state residents that will be employed in full-time and part-time positions related to the project, the duration of employment, and the average wages paid;
- The amount of qualified and nonqualified expenditures that will be made in-state;
- Planned or executed contracts with facilities in Florida, and the percentage of principal photography or production activity that will occur at in-state facilities or locations;
- Preproduction and postproduction planned to occur in-state;
- The amount of direct capital investment, especially fixed capital investment, to be made by the production company in this state related to the project and the amount of other capital investment made in-state related to the project;
- The duration of the project in this state, including any production occurring in the off-season;
- The amount and duration of principal photography or production activity that will occur in an underutilized county;
- The amount of promotion of Florida that the production company will provide for the state;
- The employment of full-time students in entertainment-related courses of study and recent graduates from in-state institutions of higher education;

³¹ Florida Department of Revenue, 2014 *Legislative Bill Analysis SB 1734* (April 22, 2014) available at <http://abar.laspbs.state.fl.us/ABAR/Attachment.aspx?ID=4671> (last visited Mar 3, 2015).

- Any plans the production company has to work with entertainment-related courses of study at an in-state institution of higher education;
- Any local support and financial commitment for the project;
- The project is about this state or shows the state in a positive light;
- A review of the production company's past activities in this or other states;
- The length of time, number, and history of commitment the production company has made in the state;
- Expected contributions to the state's economy; and
- The expected effect of the award on the viability of the project and the probability that the project will occur in Florida if funds are granted.

A production company must have financing in place for a project before it applies to receive an award from the fund. The DEO must prescribe an application form with information required by similar economic development programs. Any awards funded may not be more than 30 percent of in-state qualified expenditures, and may not fund wages paid to nonresidents.

The approval process is required to be conducted as follows:

- The DEO makes a project recommendation to the Governor within one week after the review and evaluation of an application.
- The recommendation must include the performance conditions that the project must meet to obtain funds.
- The Governor may approve projects:
 - Requiring funding less than \$2 million in funding without consulting the Legislature; and
 - Requiring funding between \$2 million and \$5 million, after providing a written description and evaluation of a project recommended for approval to the chair and vice chair of the Legislative Budget Commission (LBC) at least 10 days before giving final approval. If the chair or vice chair of the LBC or the President of the Senate or the Speaker of the House of Representatives object, the Governor must void the release of funds until the LBC or Legislature addresses the issue.
- Projects requiring funding exceeding \$5 million must be approved by the LBC.
- Production must start within 1 year after the date a project is approved.

Once a project has been approved, the DEO and the production company will enter into an agreement that specifies at minimum:

- The total funds awarded and schedule of payment;
- The performance conditions required for payment of funds awarded;
- The methodology for validating the performance conditions and the date by which a production company must submit proof of performance to the DEO;
- That the DEO may review and verify any records of the production company to determine compliance with the agreement;
- Sanctions for failure to meet performance conditions; and
- That the payment of fund awards is contingent upon an appropriation by the Legislature.

The agreement must be signed and finalized within 90 days of the Governor's approval.

The DEO may not approve awards exceeding the amount appropriated in a fiscal year. The department must set aside 50 percent of the appropriated amount each fiscal year, which becomes available to be awarded after 6 months.

Section 1 amends s. 288.1201, F.S., to create the Entertainment Industry Quick Action Account in the State Economic Enhancement and Development Trust Fund to make for payments authorized under the Entertainment Industry Quick Action Fund. In addition, all repayments are deposited into the Entertainment Industry Quick Action Account.

The bill creates a penalty for fraudulent claims. The penalty is a reimbursement for any payment amounts plus an amount double the payment amount.

The DEO may not waive any provision or provide any extension of time to meet requirements, of the new Entertainment Action Fund statute.

The Entertainment Industry Quick Action Fund expires on July 1, 2025.

Sales Tax Exemption Certificates

Section 8 clarifies that a production can receive a sales tax exemption certificate for purchases made **after** filing a complete application.

The bill clarifies a portion of the certificate application process, including that:

- A production company may annually renew the 1-year certificate for up to 5 years without submitting a new application;
- A production company may quarterly renew the 90-day certificate for up to 1 year without submitting a new application;
- Upon surrender or expiration of a tax certificate, a production company must report additional production-related information for inclusion in the DEO's annual report.

Limitation

A production company is prohibited from receiving benefits from more than one entertainment industry incentive program at a time (the tax credit, sales tax exemption, or entertainment action fund).

Miscellaneous

Sections 11 and 12 reenact ss. 212.08 and 220.1899, F.S., respectively, for the purpose of incorporating the amendments made by the bill in cross referenced sections.

The bill provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference has not yet adopted a fiscal impact for PCS/SB 1046.

B. Private Sector Impact:

The private sector impact of the bill is indeterminate.

C. Government Sector Impact:

The bill does not provide additional tax credits for the Entertainment Industry Program and does not include an appropriation for the Entertainment Industry Quick Action Fund program created in the bill.

The Department of Economic Opportunity (DEO) indicates that five full-time equivalent (FTE) positions and \$400,000 to \$500,000 will be needed annually to administer the new Entertainment Action Fund and to implement the proposed changes in both the Entertainment Industry and Sales Tax Exemption programs.³²

For Fiscal Year 2014-2015, the OFE has an operating budget of approximately \$758,000, five FTE positions and three temporary services (OPS) positions.³³

SB 2500, First Engrossed:

- Eliminates two positions and \$315,578 of operating budget authority funded with state trust funds in DEO's Office of Film and Entertainment and appropriates that amount in the Enterprise Florida, Inc. appropriation category; and
- Appropriates \$10,000,000 of nonrecurring State Economic Enhancement and Development trust funds for the Entertainment Action Fund created in the bill, contingent upon legislation creating the program becoming law.

³² DEO, 2015 Agency Legislative Bill Analysis: SB 1046 (March 27, 2015).

³³ E-mail from Dean M. Izzo, Chief Financial Officer, Department of Economic Affairs, to Kristin Pingree Gusky, Chief Legislative Analyst, Florida Senate (March 27, 2015) (on file with the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 288.125, 288.1251, 288.1252, 288.1253, 288.1254, 288.1258, 288.92, and 477.0135.

This bill creates the following sections of the Florida Statutes: 288.913, 288.914, 288.915, and 288.1256.

This bill reenacts the following sections of the Florida Statutes: 212.08 and 220.1899.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 2, 2015:

The committee substitute:

- Subjects the film commissioner to conflict of interest requirements;
- Changes the tax credit award process from first-come/first-served to a competitive process, using specified criteria to be ranked by the division;
- Allows music videos to qualify for tax credits at a lower amount of expenditures;
- Eliminates a requirement that high-grossing productions repay portions of awards from the Entertainment Action Fund, and eliminates a related account; and
- Expands qualification for the 15 percent employment tax credit bonus to employment of individuals with a developmental disability and veterans who reside in Florida and participants in the state's Road to Independence Program.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2015	.	
	.	
	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Detert) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 288.125, Florida Statutes, is amended to
read:

288.125 Definition of term "entertainment industry."—For
the purposes of ss. 288.1254, 288.1256, 288.1258, 288.913,
288.914, and 288.915 ~~ss. 288.1251-288.1258~~, the term

"entertainment industry" means those persons or entities engaged



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in the operation of motion picture or television studios or recording studios; those persons or entities engaged in the preproduction, production, or postproduction of motion pictures, made-for-television movies, television programming, digital media projects, commercial advertising, music videos, or sound recordings; and those persons or entities providing products or services directly related to the preproduction, production, or postproduction of motion pictures, made-for-television movies, television programming, digital media projects, commercial advertising, music videos, or sound recordings, including, but not limited to, the broadcast industry.

Section 2. Section 288.1251, Florida Statutes, is transferred, renumbered as section 288.913, Florida Statutes, and amended to read:

288.913 ~~288.1251~~ Promotion and development of entertainment industry; Division ~~Office~~ of Film and Entertainment; creation; purpose; powers and duties.—

(1) CREATION.—

~~(a) The Division of Film and Entertainment is~~ There is hereby created within Enterprise Florida, Inc., the department ~~the Office of Film and Entertainment~~ for the purpose of developing, recruiting, marketing, promoting, and providing services to the state's entertainment industry. The division shall serve as a liaison between the entertainment industry and other state and local governmental agencies, local film commissions, and labor organizations.

~~(2)(b) COMMISSIONER.—~~ The Governor shall appoint the film and entertainment commissioner, who shall serve at the pleasure of the Governor ~~department shall conduct a national search for a~~



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~~qualified person to fill the position of Commissioner of Film and Entertainment when the position is vacant. The executive director of the department has the responsibility to hire the film commissioner. The commissioner is subject to the requirements of s. 288.901(1)(c). Qualifications for the film commissioner include, but are not limited to, the following:~~

~~(a)1.~~ A working knowledge of and experience with the equipment, personnel, financial, and day-to-day production operations of the industries to be served by the division Office ~~of Film and Entertainment;~~

~~(b)2.~~ Marketing and promotion experience related to the film and entertainment industries to be served;

~~(c)3.~~ Experience working with a variety of individuals representing large and small entertainment-related businesses, industry associations, local community entertainment industry liaisons, and labor organizations; and

~~(d)4.~~ Experience working with a variety of state and local governmental agencies.

~~(3)(2)~~ POWERS AND DUTIES.—

(a) The Division Office ~~of Film and Entertainment~~, in performance of its duties, shall develop and÷

~~1. In consultation with the Florida Film and Entertainment Advisory Council, update a 5-year the strategic plan every 5 years to guide the activities of the division Office of Film and Entertainment in the areas of entertainment industry development, marketing, promotion, liaison services, field office administration, and information. The plan shall÷~~

~~a.~~ be annual in construction and ongoing in nature.

1. At a minimum, the plan must address the following:



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~~a.b. Include recommendations relating to~~ The organizational structure of the division, including any field offices outside the state office.

b. The coordination of the division with local or regional offices maintained by counties and regions of the state, local film commissions, and labor organizations, and the coordination of such entities with each other to facilitate a working relationship.

c. Strategies to identify, solicit, and recruit entertainment production opportunities for the state, including implementation of programs for rural and urban areas designed to develop and promote the state's entertainment industry.

~~d.e. Include~~ An annual budget projection for the division office for each year of the plan.

~~d. Include an operational model for the office to use in implementing programs for rural and urban areas designed to:~~
~~(I) develop and promote the state's entertainment industry.~~
~~(II) Have the office serve as a liaison between the entertainment industry and other state and local governmental agencies, local film commissions, and labor organizations.~~

~~(III) Gather statistical information related to the state's entertainment industry.~~

e.(IV) Provision of Provide information and service to businesses, communities, organizations, and individuals engaged in entertainment industry activities.

~~(V) Administer field offices outside the state and coordinate with regional offices maintained by counties and regions of the state, as described in sub-sub-subparagraph (II), as necessary.~~



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~~f.e. Include~~ Performance standards and measurable outcomes for the programs to be implemented by the division office.

2. The plan shall be annually reviewed and approved by the board of directors of Enterprise Florida, Inc.

~~f. Include an assessment of, and make recommendations on, the feasibility of creating an alternative public-private partnership for the purpose of contracting with such a partnership for the administration of the state's entertainment industry promotion, development, marketing, and service programs.~~

~~2. Develop, market, and facilitate a working relationship between state agencies and local governments in cooperation with local film commission offices for out-of-state and indigenous entertainment industry production entities.~~

~~3. Implement a structured methodology prescribed for coordinating activities of local offices with each other and the commissioner's office.~~

(b) The division shall also:

~~1.4.~~ Represent the state's indigenous entertainment industry to key decisionmakers within the national and international entertainment industry, and to state and local officials.

~~2.5.~~ Prepare an inventory and analysis of the state's entertainment industry, including, but not limited to, information on crew, related businesses, support services, job creation, talent, and economic impact and coordinate with local offices to develop an information tool for common use.

~~3.6.~~ Identify, solicit, and recruit entertainment production opportunities for the state.



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127 ~~4.7.~~ Assist rural communities and other small communities
128 in the state in developing the expertise and capacity necessary
129 for such communities to develop, market, promote, and provide
130 services to the state's entertainment industry.

131 ~~(c)(b)~~ The division ~~Office of Film and Entertainment~~, in
132 the performance of its duties, may:

133 1. Conduct or contract for specific promotion and marketing
134 functions, including, but not limited to, production of a
135 statewide directory, production and maintenance of an Internet
136 website, establishment and maintenance of a toll-free telephone
137 number, organization of trade show participation, and
138 appropriate cooperative marketing opportunities.

139 2. Conduct its affairs, carry on its operations, establish
140 offices, and exercise the powers granted by this act in any
141 state, territory, district, or possession of the United States.

142 3. Carry out any program of information, special events, or
143 publicity designed to attract entertainment industry to Florida.

144 4. Develop relationships and leverage resources with other
145 public and private organizations or groups in their efforts to
146 publicize to the entertainment industry in this state, other
147 states, and other countries the depth of Florida's entertainment
148 industry talent, crew, production companies, production
149 equipment resources, related businesses, and support services,
150 including the establishment of and expenditure for a program of
151 cooperative advertising with these public and private
152 organizations and groups in accordance with the provisions of
153 chapter 120.

154 5. Provide and arrange for reasonable and necessary
155 promotional items and services for such persons as the division



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~~office~~ deems proper in connection with the performance of the promotional and other duties of the division ~~office~~.

6. Prepare an ~~annual~~ economic impact analysis on entertainment industry-related activities in the state.

7. Request or accept any grant, payment, or gift of funds or property made by this state, the United States, or any department or agency thereof, or by any individual, firm, corporation, municipality, county, or organization, for ~~any or all of~~ the purposes of the ~~Office of Film and Entertainment's~~ 5-year strategic plan or those permitted activities enumerated in this paragraph. Such funds shall be deposited in a separate account ~~the Grants and Donations Trust Fund of the Executive Office of the Governor~~ for use by the division ~~Office of Film and Entertainment~~ in carrying out its responsibilities and duties ~~as delineated in law~~. The division ~~office~~ may expend such funds in accordance with the terms and conditions of any such grant, payment, or gift in the pursuit of its administration or in support of fulfilling its duties and responsibilities. The division ~~office~~ shall separately account for the public funds and the private funds deposited into the account ~~trust fund~~.

Section 3. Section 288.1252, Florida Statutes, is transferred, renumbered as section 288.914, Florida Statutes, and amended to read:

288.914 ~~288.1252~~ Florida Film and Entertainment Advisory Council; ~~creation~~; purpose; membership; powers and duties.—

~~(1) CREATION.—There is created within the department, for administrative purposes only, the Florida Film and Entertainment Advisory Council.~~

(1)(2) CREATION AND PURPOSE.—The Florida Film and



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185 Entertainment Advisory Council is created ~~purpose of the Council~~
186 ~~is~~ to serve as an advisory body to the Division of Film and
187 Entertainment within Enterprise Florida, Inc., and department
188 ~~and to the Office of Film and Entertainment~~ to provide these
189 ~~offices with~~ industry insight and expertise related to
190 developing, marketing, and promoting, ~~and providing service to~~
191 the state's entertainment industry.

192 (2) ~~(3)~~ MEMBERSHIP.—

193 (a) The council shall consist of 11 ~~17~~ members, 5 ~~7~~ to be
194 appointed by the Governor, 3 ~~5~~ to be appointed by the President
195 of the Senate, and 3 ~~5~~ to be appointed by the Speaker of the
196 House of Representatives.

197 (b) When making appointments to the council, the Governor,
198 the President of the Senate, and the Speaker of the House of
199 Representatives shall appoint persons who are residents of the
200 state and who are highly knowledgeable of, active in, and
201 recognized leaders in Florida's motion picture, television,
202 video, sound recording, or other entertainment industries. These
203 persons shall include, but not be limited to, representatives of
204 local film commissions, representatives of entertainment
205 associations, a representative of the broadcast industry,
206 representatives of labor organizations in the entertainment
207 industry, and board chairs, presidents, chief executive
208 officers, chief operating officers, or persons of comparable
209 executive position or stature of leading or otherwise important
210 entertainment industry businesses and offices. Council members
211 shall be appointed in such a manner as to equitably represent
212 the broadest spectrum of the entertainment industry and
213 geographic areas of the state.



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(c) Council members shall serve for 4-year terms. A member of the council serving as of July 1, 2015, may serve the remainder of his or her term, but upon the conclusion of the term or upon vacancy, such appointment may not be filled except to meet the requirements of this section.

(d) Subsequent appointments shall be made by the official who appointed the council member whose expired term is to be filled.

(e) A representative of Enterprise Florida, Inc., a representative of Workforce Florida, Inc., and a representative of VISIT Florida shall serve as ex officio, nonvoting members of the council, ~~and shall be~~ in addition to the 11 ~~17~~ appointed members ~~of the council~~.

(f) Absence from three consecutive meetings shall result in automatic removal from the council.

(g) A vacancy on the council shall be filled for the remainder of the unexpired term by the official who appointed the vacating member.

(h) No more than one member of the council may be an employee of any one company, organization, or association.

(i) Any member shall be eligible for reappointment but may not serve more than two consecutive terms.

(3) ~~(4)~~ MEETINGS; ORGANIZATION.—

(a) The council shall meet at least ~~no less frequently than~~ once each quarter of the calendar year, and ~~but~~ may meet more often as determined necessary ~~set~~ by the council.

(b) The council shall annually elect from its appointed membership one member to serve as chair ~~of the council~~ and one member to serve as vice chair. The Division ~~Office~~ of Film and



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Entertainment shall provide staff assistance to the council, which ~~must shall~~ include, but need not be limited to, keeping records of the proceedings of the council, and serving as custodian of all books, documents, and papers filed with the council.

(c) A majority of the members of the council constitutes ~~shall constitute~~ a quorum.

(d) Members of the council shall serve without compensation, but are ~~shall be~~ entitled to reimbursement for per diem and travel expenses in accordance with s. 112.061 while in performance of their duties.

(4)(5) POWERS AND DUTIES.—The Florida Film and Entertainment Advisory Council shall have ~~all the power powers necessary or convenient~~ to carry out ~~and effectuate the purposes and provisions of~~ this act, including, but not limited to, the power to:

(a) Adopt bylaws for the governance of its affairs and the conduct of its business.

(b) Advise the Division of Film and Entertainment ~~and consult with the Office of Film and Entertainment~~ on the content, development, and implementation of the division's 5-year strategic plan ~~to guide the activities of the office.~~

(c) ~~Review the Commissioner of Film and Entertainment's administration of the programs related to the strategic plan,~~ and Advise the Division of Film and Entertainment ~~commissioner~~ on the division's programs and any changes that might be made to better meet the strategic plan.

(d) Consider and study the needs of the entertainment industry for the purpose of advising the Division of Film and



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~~Entertainment film commissioner and the department.~~

(e) ~~Identify and make recommendations on state agency and~~
~~local government actions that may have an impact on the~~
~~entertainment industry or that may appear to industry~~
~~representatives as an official state or local actions action~~
~~affecting production in the state, and advise the Division of~~
~~Film and Entertainment of such actions.~~

(f) Consider all matters submitted to it by the Division of
~~Film and Entertainment film commissioner and the department.~~

~~(g) Advise and consult with the film commissioner and the~~
~~department, at their request or upon its own initiative,~~
~~regarding the promulgation, administration, and enforcement of~~
~~all laws and rules relating to the entertainment industry.~~

(g)(h) ~~Suggest policies and practices for the conduct of~~
~~business by the Office of Film and Entertainment or by the~~
~~department that will improve interaction with internal~~
~~operations affecting the entertainment industry and will enhance~~
~~related state the economic development initiatives of the state~~
~~for the industry.~~

~~(i) Appear on its own behalf before boards, commissions,~~
~~departments, or other agencies of municipal, county, or state~~
~~government, or the Federal Government.~~

Section 4. Section 288.1253, Florida Statutes, is
transferred, renumbered as section 288.915, Florida Statutes,
and amended to read:

288.915 ~~288.1253~~ Travel and entertainment expenses.—

(1) As used in this section, the term "travel expenses"
means the actual, necessary, and reasonable costs of
transportation, meals, lodging, and incidental expenses normally



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incurred by an employee of the Division Office of Film and Entertainment within Enterprise Florida, Inc., as which costs ~~are~~ defined and prescribed by ~~rules adopted by the~~ department rule, subject to approval by the Chief Financial Officer.

(2) Notwithstanding ~~the provisions of~~ s. 112.061, the department shall adopt rules by which the Division of Film and Entertainment ~~it~~ may make expenditures by reimbursement to ~~the~~ Governor, the Lieutenant Governor, security staff of the Governor or Lieutenant Governor, the Commissioner of Film and Entertainment, or staff of the Division Office of Film and Entertainment for travel expenses or entertainment expenses incurred by such individuals solely and exclusively in connection with the performance of the statutory duties of the division Office of Film and Entertainment. The rules are subject to approval by the Chief Financial Officer before adoption. The rules shall require the submission of paid receipts, or other proof of expenditure prescribed by the Chief Financial Officer, with any claim for reimbursement.

(3) The Division Office of Film and Entertainment shall include in the annual report for the entertainment industry ~~financial incentive~~ program required under s. 288.1254~~(10)~~ a report of the division's office's expenditures for the previous fiscal year. The report must consist of a summary of all travel, entertainment, and incidental expenses incurred within the United States and all travel, entertainment, and incidental expenses incurred outside the United States, as well as a summary of all successful projects that developed from such travel.

(4) The Division Office of Film and Entertainment and its



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employees and representatives, when authorized, may accept and use complimentary travel, accommodations, meeting space, meals, equipment, transportation, and any other goods or services necessary for or beneficial to the performance of the division's ~~office's~~ duties and purposes, so long as such acceptance or use is not in conflict with part III of chapter 112. The department shall, by rule, develop internal controls to ensure that such goods or services accepted or used pursuant to this subsection are limited to those that will assist solely and exclusively in the furtherance of the division's ~~office's~~ goals and are in compliance with part III of chapter 112. Notwithstanding this subsection, the division and its employees and representatives may not accept any complimentary travel, accommodations, meeting space, meals, equipment, transportation, or any other goods or services from an entity or party, including an employee, designee, or representative of such entity or party, which has received, has applied to receive, or anticipates that it will receive through an application, funds under s. 288.1256. If the division or its employee or representative accepts such goods or services, the division or its employee or representative is subject to the penalties provided in s. 112.317.

(5) Any claim submitted under this section is not required to be sworn to before a notary public or other officer authorized to administer oaths, but any claim authorized or required to be made under any provision of this section shall contain a statement that the expenses were actually incurred as necessary travel or entertainment expenses in the performance of official duties of the Division ~~Office~~ of Film and Entertainment and shall be verified by written declaration that it is true and



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correct as to every material matter. Any person who willfully makes and subscribes to any claim that ~~which~~ he or she does not believe to be true and correct as to every material matter or who willfully aids or assists in, procures, or counsels or advises with respect to, the preparation or presentation of a claim pursuant to this section which ~~that~~ is fraudulent or false as to any material matter, whether such falsity or fraud is with the knowledge or consent of the person authorized or required to present the claim, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Whoever receives a reimbursement by means of a false claim is civilly liable, in the amount of the overpayment, for the reimbursement of the public fund from which the claim was paid.

Section 5. Section 288.1254, Florida Statutes, is amended to read:

288.1254 Entertainment industry ~~financial incentive~~ program.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Certified production" means a qualified production that has tax credits allocated to it by the department based on the production's estimated qualified expenditures, up to the production's maximum certified amount of tax credits, by the department. The term does not include a production if its first day of principal photography or project start date in this state occurs before the production is certified by the department, unless the production spans more than 1 fiscal year, was a certified production on its first day of principal photography or project start date in this state, and submits an application for continuing the same production for the subsequent fiscal



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year.

(b) "Digital media project" means a production of interactive entertainment that is produced for distribution in commercial or educational markets. The term includes a video game or production intended for Internet or wireless distribution, an interactive website, digital animation, and visual effects, including, but not limited to, three-dimensional movie productions and movie conversions. The term does not include a production that contains content that is obscene as defined in s. 847.001.

(c) "Family-friendly production" means a production that has cross-generational appeal; is considered suitable for viewing by children age 5 or older; is appropriate in theme, content, and language for a broad family audience; embodies a responsible resolution of issues; and does not exhibit or imply any act of smoking, sex, nudity, or vulgar or profane language
~~"High-impact digital media project" means a digital media project that has qualified expenditures greater than \$4.5 million.~~

(d) "High-impact television production series" means:

1. A production created to run multiple production seasons which has ~~and having~~ an estimated order of at least seven episodes per season and qualified expenditures of at least \$1 million ~~\$625,000~~ per episode; or

2. A telenovela that has qualified expenditures of more than \$6 million; a minimum of 45 principal photography days filmed in this state; a production cast, including background actors, and a crew of which at least 90 percent are legal residents of this state; and at least 90 percent of its



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production occurring in this state.

~~(e) "Off-season certified production" means a feature film, independent film, or television series or pilot that films 75 percent or more of its principal photography days from June 1 through November 30.~~

~~(f)~~ "Principal photography" means the filming of major or significant components of the qualified production which involve lead actors.

(f)(g) "Production" means a theatrical, ~~or~~ direct-to-video, or direct-to-Internet motion picture; a made-for-television motion picture; visual effects or digital animation sequences produced in conjunction with a motion picture; a commercial; a music video; an industrial or educational film; an infomercial; a documentary film; a television pilot program; a presentation for a television pilot program; a television series, including, but not limited to, a drama, a reality show, a comedy, a soap opera, a telenovela, a game show, an awards show, or a miniseries production; a direct-to-Internet television series; or a digital media project by the entertainment industry. One season of a television series is considered one production. The term does not include a weather or market program; a sporting event or a sporting event broadcast; a gala; a production that solicits funds; a home shopping program; a political program; a political documentary; political advertising; a gambling-related project or production; a concert production; a local, regional, or Internet-distributed-only news show or current-events show; a sports news or sports recap show; a pornographic production; or any production deemed obscene under chapter 847. A production may be produced on or by film, tape, or otherwise by means of a



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446 motion picture camera; electronic camera or device; tape device;
447 computer; any combination of the foregoing; or any other means,
448 method, or device.

449 (g)~~(h)~~ "Production expenditures" means the costs of
450 tangible and intangible property used for, and services
451 performed primarily and customarily in, production, including
452 preproduction and postproduction, but excluding costs for
453 development, marketing, and distribution. The term includes, but
454 is not limited to:

455 1. Wages, salaries, or other compensation paid to legal
456 residents of this state, including amounts paid through payroll
457 service companies, for technical and production crews,
458 directors, producers, and performers.

459 2. Net expenditures for sound stages, backlots, production
460 editing, digital effects, sound recordings, sets, and set
461 construction.

462 3. Net expenditures for rental equipment, including, but
463 not limited to, cameras and grip or electrical equipment.

464 4. Up to \$300,000 of the costs of newly purchased computer
465 software and hardware unique to the project, including servers,
466 data processing, and visualization technologies, which are
467 located in and used exclusively in this ~~the~~ state for the
468 production of digital media.

469 5. Expenditures for meals, travel, and accommodations. For
470 purposes of this paragraph, the term "net expenditures" means
471 the actual amount of money a qualified production spent for
472 equipment or other tangible personal property, after subtracting
473 any consideration received for reselling or transferring the
474 item after the qualified production ends, if applicable.



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475 (h)~~(i)~~ "Qualified expenditures" means production
476 expenditures incurred in this state by a qualified production
477 for:

478 1. Goods purchased or leased from, or services, including,
479 but not limited to, insurance costs and bonding, payroll
480 services, and legal fees, which are provided by, a vendor or
481 supplier in this state that is registered with the Department of
482 State or the Department of Revenue, has a physical location in
483 this state, and employs one or more legal residents of this
484 state. This does not include rebilled goods or services provided
485 by an in-state company from out-of-state vendors or suppliers.
486 When services provided by the vendor or supplier include
487 personal services or labor, only personal services or labor
488 provided by residents of this state, evidenced by the required
489 documentation of residency in this state, qualify.

490 2. Payments to legal residents of this state in the form of
491 salary, wages, or other compensation up to a maximum of \$400,000
492 per resident unless otherwise specified in subsection (4). A
493 completed declaration of residency in this state must accompany
494 the documentation submitted to the department ~~office~~ for
495 reimbursement.

496
497 For a qualified production involving an event, such as an awards
498 show, the term does not include expenditures solely associated
499 with the event itself and not directly required by the
500 production. The term does not include expenditures incurred
501 before certification, with the exception of those incurred for a
502 commercial, a music video, or the pickup of additional episodes
503 of a high-impact television production ~~series~~ within a single



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season. ~~Under no circumstances may~~ The qualified production may
not include in the calculation for qualified expenditures the
original purchase price for equipment or other tangible property
that is later sold or transferred by the qualified production
for consideration. In such cases, the qualified expenditure is
the net of the original purchase price minus the consideration
received upon sale or transfer.

(i) ~~(j)~~ "Qualified production" means a production in this
state meeting the requirements of this section. The term does
not include a production:

1. In which, ~~for the first 2 years of the incentive~~
~~program, less than 50 percent, and thereafter,~~ less than 60
percent, of the positions that make up its production cast and
below-the-line production crew, or, in the case of digital media
projects, less than 75 percent of such positions, are filled by
legal residents of this state, whose residency is demonstrated
by a valid Florida driver license or other state-issued
identification confirming residency, or students enrolled full-
time in an entertainment-related ~~a film and entertainment-~~
~~related~~ course of study at an institution of higher education in
this state; or

2. That contains obscene content as defined in s.
847.001(10).

(j) ~~(k)~~ "Qualified production company" means a corporation,
limited liability company, partnership, or other legal entity
engaged in one or more productions in this state.

~~(l) "Qualified digital media production facility" means a~~
~~building or series of buildings and their improvements in which~~
~~data processing, visualization, and sound synchronization~~



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~~technologies are regularly applied for the production of
qualified digital media projects or the digital animation
components of qualified productions.~~

~~(m) "Qualified production facility" means a building or
complex of buildings and their improvements and associated
backlot facilities in which regular filming activity for film or
television has occurred for a period of no less than 1 year and
which contain at least one sound stage of at least 7,800 square
feet.~~

~~(n) "Regional population ratio" means the ratio of the
population of a region to the population of this state. The
regional population ratio applicable to a given fiscal year is
the regional population ratio calculated by the Office of Film
and Entertainment using the latest official estimates of
population certified under s. 186.901, available on the first
day of that fiscal year.~~

~~(o) "Regional tax credit ratio" means a ratio the numerator
of which is the sum of tax credits awarded to productions in a
region to date plus the tax credits certified, but not yet
awarded, to productions currently in that region and the
denominator of which is the sum of all tax credits awarded in
the state to date plus all tax credits certified, but not yet
awarded, to productions currently in the state. The regional tax
credit ratio applicable to a given year is the regional tax
credit ratio calculated by the Office of Film and Entertainment
using credit award and certification information available on
the first day of that fiscal year.~~

~~(p) "Underutilized region" for a given state fiscal year
means a region with a regional tax credit ratio applicable to~~



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~~that fiscal year that is lower than its regional population ratio applicable to that fiscal year. The following regions are established for purposes of making this determination:~~

~~1. North Region, consisting of Alachua, Baker, Bay, Bradford, Calhoun, Clay, Columbia, Dixie, Duval, Escambia, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Putnam, Santa Rosa, St. Johns, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties.~~

~~2. Central East Region, consisting of Brevard, Flagler, Indian River, Lake, Okeechobee, Orange, Osceola, Seminole, St. Lucie, and Volusia Counties.~~

~~3. Central West Region, consisting of Citrus, Hernando, Hillsborough, Manatee, Marion, Polk, Pasco, Pinellas, Sarasota, and Sumter Counties.~~

~~4. Southwest Region, consisting of Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, and Lee Counties.~~

~~5. Southeast Region, consisting of Broward, Martin, Miami-Dade, Monroe, and Palm Beach Counties.~~

~~(k) (q)~~ "Interactive website" means a website or group of websites that includes interactive and downloadable content, and creates 25 new Florida full-time equivalent positions operating from a principal place of business located within Florida. An interactive website or group of websites must provide documentation that those jobs were created to the department ~~before Office of Film and Entertainment prior to~~ the award of tax credits. Each subsequent program application must provide proof that 25 Florida full-time equivalent positions are maintained.



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(1) "Underutilized county" means a county in which less than \$500,000 in qualified expenditures were made in the last 2 fiscal years.

(2) CREATION AND PURPOSE OF PROGRAM.—The entertainment industry ~~financial incentive~~ program is created within the ~~department Office of Film and Entertainment. The purpose of this program is~~ to encourage the use of this state as a site for entertainment production, for filming, and for the digital production of entertainment films, and to develop and sustain the workforce and infrastructure for film, digital media, and entertainment production.

(3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

(a) *Program application.*—A qualified production company producing a qualified production in this state may submit a program application to the Division ~~Office~~ of Film and Entertainment for the purpose of determining qualification for an award of tax credits authorized by this section no earlier than 180 days before the first day of principal photography or project start date in this state. The applicant shall provide the division ~~Office of Film and Entertainment~~ with information required to determine whether the production is a qualified production and to determine the qualified expenditures and other information necessary for the division and the department ~~office~~ to determine eligibility for the tax credit.

(b) *Required documentation.*—The department, in consultation with the division, ~~Office of Film and Entertainment~~ shall develop an application form for qualifying an applicant as a qualified production. The form must include, but need not be limited to, production-related information concerning employment



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of residents in this state; ~~7~~ a detailed budget of planned
qualified expenditures and aggregate nonqualified expenditures,
including capital investment, in this state; proof of financing
for the production; ~~7~~ and the applicant's signed affirmation that
the information on the form has been verified and is correct.
The division ~~Office of Film and Entertainment~~ and local film
commissions shall distribute the form.

(c) *Application process.*—The division ~~Office of Film and~~
~~Entertainment~~ shall establish a process by which an application
is accepted and reviewed ~~and by which tax credit eligibility and~~
~~award amount are determined.~~

1. The division shall review, evaluate, and rank
applications for each queue, as provided in subsection (4),
using the following evaluation criteria, with priority given in
descending order, with the highest priority given to sub-
subparagraph a.:

a. The number of state residents that will be employed in
full-time equivalent and part-time positions related to the
project, and the duration of such employment and the average
wages paid to such residents. Preference shall be given to a
project that expects to pay higher than the statewide average
wage.

b. The amount of qualified and nonqualified expenditures
that will be made in this state.

c. The duration of the project in this state, including
whether production will occur in an underutilized county.

d. The length of time for planned preproduction and
postproduction scheduled to occur in this state.

e. The amount of capital investment, especially fixed



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capital investment, to be made directly by the production company in this state related to the project and the amount of any other capital investment to be made in this state related to the project.

f. The local support and amount of any financial commitment for the project.

2. The Division of Film and Entertainment shall designate two application cycles per fiscal year for qualified production companies to submit applications pursuant to this section. Each application cycle must consist of an application submittal deadline and a subsequent review period. The two application deadlines shall be separated in time by at least 4 months. The first application cycle must be "Application Cycle A," and the second application cycle must be "Application Cycle B." Each applicant must designate the cycle for which the applicant is applying.

3. The Division of Film and Entertainment shall designate the length of the review period for each application cycle which must immediately follow its corresponding application deadline. The review cycle may not exceed 30 days. During each review period, the Division of Film and Entertainment shall:

a. Review each timely received application to ensure that the application is complete and shall label each application according to its queue as specified in subsection (4).

b. Recommend rankings for applications pursuant to the criteria in subparagraph 1.

c. Submit each complete and timely received application along with the recommended application rankings to the department no later than 1 day after the end of the review



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cycle. Applications that do not meet the requirements of this section may not be ranked.

4. Applications that are not timely received or complete may not be carried forward to a subsequent application cycle.

5. A certified high-impact television production may submit an initial application for no more than two successive seasons, notwithstanding the fact that the second season has not been ordered. The qualified expenditure amounts for the second season shall be based on the current season's estimated qualified expenditures. Upon the completion of production of each season, a high-impact television production may submit an application for only one additional season. To be certified for a tax credit, the applicant must agree to notify the department within 10 days if the additional season is not ordered or is cancelled.

~~The Office of Film and Entertainment may request assistance from a duly appointed local film commission in determining compliance with this section. A certified high-impact television series may submit an initial application for no more than two successive seasons, notwithstanding the fact that the successive seasons have not been ordered. The successive season's qualified expenditure amounts shall be based on the current season's estimated qualified expenditures. Upon the completion of production of each season, a high-impact television series may submit an application for no more than one additional season.~~

(d) Certification.—

1. The department ~~Office of Film and Entertainment~~ shall review the applications and recommendations by the division ~~application~~ within 15 business days after receipt from the ~~division~~. ~~Upon its determination that~~ The department shall



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determine if each application contains all the information required by this subsection and meets the criteria set out in this section. Going from the highest-ranked and recommended application to the lowest-ranked application, the department, ~~the Office of Film and Entertainment shall determine, for each application, whether to certify the tax credit amount qualify the applicant and recommend to the department that the applicant be certified for the maximum tax credit award amount. Within 5 business days after receipt of the recommendation, the department shall reject the recommendation or certify the maximum recommended tax credit award, if any funds are~~ available, to the applicant and to the executive director of the Department of Revenue; or to reject the request for the tax credit pursuant to paragraph (f).

2. The department may certify only up to 50 percent of the credits available in a fiscal year for "Application Cycle A" of the fiscal year. All remaining tax credits in the fiscal year may be certified in "Application Cycle B." The department may not certify tax credits in an amount greater than the allocation for a specified fiscal year, as determined under subsection (7).

(e) Employment.—Upon certification by the department, the production must provide the department and the Division of Film and Entertainment with a single point of contact and information related to the production's needs for cast, crew, contractors, and vendors. The division shall publish this information online, including the type of production, the projected start date of the production, the locations in this state for such production, and the e-mail or other contact information for the production's point of contact. The department, in consultation with the



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division, may adopt procedures for a production to post such information itself within 7 days after certification.

(f)~~(e)~~ *Grounds for denial.*—The department ~~Office of Film and Entertainment~~ shall deny an application if it determines that the application is not complete, ~~or~~ the production or application does not meet the requirements of this section, or the application is not ranked by the division. Within 90 days after submitting a program application, except with respect to applications in the independent and emerging media queue, a production must provide proof of project financing to the Office of Film and Entertainment, otherwise the project is deemed denied and withdrawn. A project that has been denied ~~withdrawn~~ may submit a new application in a subsequent application cycle upon providing the Office of Film and Entertainment proof of financing.

(g)~~(f)~~ *Verification of actual qualified expenditures.*—

1. The department, in consultation with the Division Office of Film and Entertainment, shall develop a process to verify the actual qualified expenditures of a certified production. The process must require:

a. A certified production to submit, within 180 days ~~in a timely manner~~ after production ends in this state and after making all of its qualified expenditures in this state, data substantiating each qualified expenditure, including documentation of ~~on~~ the net expenditure on equipment and other tangible personal property by the qualified production and all production-related information on full- and part-time employment and wages paid to residents of this state, to an independent certified public accountant licensed in this state;



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b. Such accountant to conduct a compliance audit, at the certified production's expense, to substantiate each qualified expenditure and submit the results as a report, along with the required substantiating data, to the department ~~Office of Film and Entertainment~~; and

c. The department ~~Office of Film and Entertainment~~ to review the accountant's submittal and verify ~~report to the department~~ the final ~~verified~~ amount of actual qualified expenditures made by the certified production.

2. The department shall also require a certified production to submit data substantiating aggregate nonqualified expenditures, including capital investment, in this state.

3.2. ~~The~~ The department shall determine and approve the final tax credit award amount to each certified applicant based on the final verified amount of actual qualified expenditures and evidence that the qualified production met the requirements of this section. The department shall notify the executive director of the Department of Revenue in writing that the certified production has met the requirements of the ~~incentive~~ program and of the final amount of the tax credit award. The final tax credit award amount may not exceed the maximum tax credit award amount certified under paragraph (d).

(h) (g) Promoting Florida. ~~The department Office of Film and Entertainment~~ shall ensure that, as a condition of receiving a tax credit under this section, marketing materials promoting this state as a tourist destination or film and entertainment production destination are included, when appropriate, at no cost to the state, in the qualified production or as otherwise required by the department and the Division of Film and



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Entertainment. The Division of Film and Entertainment shall provide the Florida Tourism Industry Marketing Corporation with the contact information for each qualified production in order for the corporation to work with the qualified production to develop the marketing materials promoting this state. The marketing materials ~~which~~ must, at a minimum, include placement of the "Visit Florida" logo and a "Filmed in Florida" or "Produced in Florida" logo in the end credits. The placement of the "Visit Florida" logo and a "Filmed in Florida" or "Produced in Florida" logo on all packaging material and hard media is also required, unless such placement is prohibited by licensing or other contractual obligations. The sizes ~~size~~ and placements ~~placement~~ of such logos ~~logo~~ shall be commensurate to other logos used. If no logos are used, the statement "Filmed in Florida using Florida's Entertainment Industry Program Financial Incentive," or a similar statement approved by the Division Office of Film and Entertainment, shall be used. The Division Office of Film and Entertainment shall provide a logo and supply it for the purposes specified in this paragraph. A 30-second "Visit Florida" promotional video must also be included on all optical disc formats of a film, unless such placement is prohibited by licensing or other contractual obligations. The 30-second promotional video shall be approved and provided by the Florida Tourism Industry Marketing Corporation in consultation with the Division Commissioner of Film and Entertainment. The marketing materials must also include a link to the Florida Tourism Industry Marketing Corporation website or another website designated by the department on the certified applicant's website or the production's website for the entire



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term of the production. If the certified applicant cannot provide such link, it must provide a promotional opportunity of equal or greater value as approved by the department and the division.

(4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES; ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS; PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND ACQUISITIONS.—

~~(a) Priority for tax credit award.—The priority of a qualified production for tax credit awards must be determined on a first-come, first-served basis within its appropriate queue. Each qualified production must be placed into the appropriate queue and is subject to the requirements of that queue.~~

~~(b) Tax credit eligibility.—Each qualified production must be placed into the appropriate queue and is subject to the requirements of that queue.~~

1. General production queue.—Ninety-four percent of tax credits authorized pursuant to subsection (7) ~~(6)~~ in any state fiscal year must be dedicated to the general production queue. The general production queue consists of all qualified productions other than those eligible for the commercial and music video queue or the independent and emerging media production queue. A qualified production that demonstrates a minimum of \$625,000 in qualified expenditures is eligible for tax credits equal to 20 percent of its actual qualified expenditures, up to a maximum of \$8 million. A qualified production that incurs qualified expenditures during multiple state fiscal years may combine those expenditures to satisfy the \$625,000 minimum threshold.



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~~a. An off-season certified production that is a feature film, independent film, or television series or pilot is eligible for an additional 5 percent tax credit on actual qualified expenditures. An off-season certified production that does not complete 75 percent of principal photography due to a disruption caused by a hurricane or tropical storm may not be disqualified from eligibility for the additional 5 percent credit as a result of the disruption.~~

~~b. If more than 45 percent of the sum of total tax credits initially certified and awarded after April 1, 2012, total tax credits initially certified after April 1, 2012, but not yet awarded, and total tax credits available for certification after April 1, 2012, but not yet certified has been awarded for high-impact television series, then no high-impact television series is eligible for tax credits under this subparagraph. Tax credits initially certified for a high-impact television series after April 1, 2012, may not be awarded if the award will cause the percentage threshold in this sub-subparagraph to be exceeded. This sub-subparagraph does not prohibit the award of tax credits certified before April 1, 2012, for high-impact television series.~~

~~c. Subject to sub-subparagraph b., First priority in the queue for tax credit awards not yet certified shall be given to high-impact television series and high-impact digital media projects. For the purposes of determining priority between a high-impact television series and a high-impact digital media project, the first position must go to the first application received. Thereafter, priority shall be determined by alternating between a high-impact television series and a high-~~



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~~impact digital media project on a first come, first served basis. However, if the Office of Film and Entertainment receives an application for a high impact television series or high impact digital media project that would be certified but for the alternating priority, the office may certify the project as being in the priority position if an application that would normally be the priority position is not received within 5 business days.~~

~~d.~~ A qualified production for which at least 70 ~~67~~ percent of its principal photography days occur within a county region designated as an underutilized county region at the time that the production is certified is eligible for an additional 5 percent tax credit.

~~b.e.~~ A qualified production that employs students enrolled full-time in a film and entertainment-related or digital media-related course of study at an institution of higher education in this state, individuals participating in the Road-to-Independence Program under s. 409.1451, individuals with developmental disabilities as defined in s. 393.063 residing in this state, and veterans residing in this state, is eligible for an additional 15 percent tax credit on qualified expenditures that are wages, salaries, or other compensation paid to such students. The additional 15 percent tax credit is also applicable to persons hired within 12 months after graduating from a film and entertainment-related or digital media-related course of study at an institution of higher education in this state. The additional 15 percent tax credit applies to qualified expenditures that are wages, salaries, or other compensation paid to such recent graduates for 1 year after the date of



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hiring.

~~f. A qualified production for which 50 percent or more of its principal photography occurs at a qualified production facility, or a qualified digital media project or the digital animation component of a qualified production for which 50 percent or more of the project's or component's qualified expenditures are related to a qualified digital media production facility, is eligible for an additional 5 percent tax credit on actual qualified expenditures for production activity at that facility.~~

c. A qualified production that completes a capital investment in this state of at least \$2 million for property improvements before the completion of the qualified production, is eligible for an additional 5 percent tax credit. The capital investment must be permanent and must be made after July 1, 2015, and the property must remain in this state after the production ends. A capital investment may be the basis of an application only once, unless the qualified production makes an additional \$2 million of substantial changes to the property.

d. A qualified production determined by the department to be a family-friendly production, based on review of the script and review of the final release version, is eligible for an additional 5 percent tax credit. The department must consult with the Division of Film and Entertainment in making this determination.

~~e.g.~~ A qualified production is not eligible for tax credits provided under this paragraph totaling more than 25 ~~30~~ percent of its actual qualified expenses.

2. Commercial and music video queue.—Three percent of tax



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credits authorized pursuant to subsection (7) ~~(6)~~ in any state fiscal year must be dedicated to the commercial and music video queue. A qualified production company that produces national or regional commercials or music videos may be eligible for a tax credit award if it demonstrates a minimum of \$100,000 in qualified expenditures per national or regional commercial or music video and exceeds a combined threshold of \$500,000 after combining actual qualified expenditures from qualified commercials and music videos during a single state fiscal year. After a qualified production company that produces commercials, music videos, or both reaches the threshold of \$500,000, it is eligible to apply for certification for a tax credit award. The maximum credit award shall be equal to 20 percent of its actual qualified expenditures up to a maximum of \$500,000. If there is a surplus at the end of a fiscal year after the department ~~Office of Film and Entertainment~~ certifies and determines the tax credits for all qualified commercial and video projects, such surplus tax credits shall be carried forward to the following fiscal year and are available to any eligible qualified productions under the general production queue.

3. Independent and emerging media production queue.—Three percent of tax credits authorized pursuant to subsection (7) ~~(6)~~ in any state fiscal year must be dedicated to the independent and emerging media production queue. This queue is intended to encourage independent film and emerging media production in this state. Any qualified production, excluding commercials, infomercials, or music videos, which demonstrates at least \$100,000, but not more than \$625,000, in total qualified expenditures is eligible for tax credits equal to 20 percent of



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its actual qualified expenditures. If a surplus exists at the end of a fiscal year after the department ~~Office of Film and Entertainment~~ certifies and determines the tax credits for all qualified independent and emerging media production projects, such surplus tax credits shall be carried forward to the following fiscal year and are available to any eligible qualified productions under the general production queue.

~~4. Family-friendly productions. A certified theatrical or direct-to-video motion picture production or video game determined by the Commissioner of Film and Entertainment, with the advice of the Florida Film and Entertainment Advisory Council, to be family-friendly, based on review of the script and review of the final release version, is eligible for an additional tax credit equal to 5 percent of its actual qualified expenditures. Family-friendly productions are those that have cross-generational appeal; would be considered suitable for viewing by children age 5 or older; are appropriate in theme, content, and language for a broad family audience; embody a responsible resolution of issues; and do not exhibit or imply any act of smoking, sex, nudity, or vulgar or profane language.~~

~~(b)(c) Withdrawal of certification tax credit eligibility.~~
The department shall withdraw the certification of a qualified or certified production if the must continue on a reasonable schedule or timely completion of the certified production is delayed, including a break in production, a change in the production schedule, or the loss of financing for the production. A certified production must notify the department within 5 days after any circumstance that delays the reasonable schedule or timely completion. The certification of a certified



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production may not be withdrawn if the production provides the department with proof of replacement financing within 10 days after the loss of financing for the production. To keep a reasonable schedule, the certified production must begin ~~which includes beginning~~ principal photography or the production project in this state within ~~no more than~~ 45 calendar days before or after the principal photography or project start date provided in the production's program application. ~~The department shall withdraw the eligibility of a qualified or certified production that does not continue on a reasonable schedule.~~

(c) ~~(d)~~ *Election and distribution of tax credits.-*

1. A certified production company receiving a tax credit award under this section shall, at the time the credit is awarded by the department after production is completed and all requirements to receive a credit award have been met, make an irrevocable election to apply the credit against taxes due under chapter 220, against state taxes collected or accrued under chapter 212, or against a stated combination of the two taxes. The election is binding upon any distributee, successor, transferee, or purchaser. The department shall notify the Department of Revenue of any election made pursuant to this paragraph.

2. A qualified production company is eligible for tax credits against its sales and use tax liabilities and corporate income tax liabilities as provided in this section. However, tax credits awarded under this section may not be claimed against sales and use tax liabilities or corporate income tax liabilities for any tax period beginning before July 1, 2011, regardless of when the credits are applied for or awarded.



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1026 (d)~~(e)~~ *Tax credit carryforward.*—If the certified production
1027 company cannot use the entire tax credit in the taxable year or
1028 reporting period in which the credit is awarded, any excess
1029 amount may be carried forward to a succeeding taxable year or
1030 reporting period. A tax credit applied against taxes imposed
1031 under chapter 212 may be carried forward for a maximum of 5
1032 years after the date the credit is awarded. A tax credit applied
1033 against taxes imposed under chapter 220 may be carried forward
1034 for a maximum of 5 taxable years after the taxable year in which
1035 date the credit is awarded. An unused remaining tax credit
1036 expires after this period, ~~after which the credit expires~~ and
1037 may not be used.

1038 (e)~~(f)~~ *Consolidated returns.*—A certified production company
1039 that files a Florida consolidated return as a member of an
1040 affiliated group under s. 220.131(1) may be allowed the credit
1041 on a consolidated return basis up to the amount of the tax
1042 imposed upon the consolidated group under chapter 220.

1043 (f)~~(g)~~ *Partnership and noncorporate distributions.*—A
1044 qualified production company that is not a corporation as
1045 defined in s. 220.03 may elect to distribute tax credits awarded
1046 under this section to its partners or members in proportion to
1047 their respective distributive income or loss in the taxable year
1048 in which the tax credits were awarded.

1049 (g)~~(h)~~ *Mergers or acquisitions.*—Tax credits available under
1050 this section to a certified production company may succeed to a
1051 surviving or acquiring entity subject to the same conditions and
1052 limitations as described in this section; however, they may not
1053 be transferred again by the surviving or acquiring entity.

1054 (5) TRANSFER OF TAX CREDITS.—



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(a) *Authorization.*—Upon application to ~~the Office of Film and Entertainment~~ and approval by the department, a certified production company, or a partner or member that has received a distribution under paragraph (4)(f) ~~(4)(g)~~, may elect to transfer, in whole or in part, any unused credit amount granted under this section. An election to transfer any unused tax credit amount under chapter 212 or chapter 220 must be made no later than 5 years after the date the credit is awarded, after which period the credit expires and may not be used. The department shall notify the Department of Revenue of the election and transfer.

(b) *Number of transfers permitted.*—A certified production company that elects to apply a credit amount against taxes remitted under chapter 212 is permitted a one-time transfer of unused credits to one transferee. A certified production company that elects to apply a credit amount against taxes due under chapter 220 is permitted a one-time transfer of unused credits to no more than four transferees, and such transfers must occur in the same taxable year.

(c) *Transferee rights and limitations.*—The transferee is subject to the same rights and limitations as the certified production company awarded the tax credit, except that the initial transferee shall be permitted a one-time transfer of unused credits to no more than two subsequent transferees, and such transfers must occur in the same taxable year as the credits were received by the initial transferee, after which the subsequent transferees may not sell or otherwise transfer the tax credit.

(6) RELINQUISHMENT OF TAX CREDITS.—



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(a) Beginning July 1, 2011, a certified production company, or any person who has acquired a tax credit from a certified production company pursuant to subsections (4) and (5), may elect to relinquish the tax credit to the Department of Revenue in exchange for 90 percent of the amount of the relinquished tax credit.

(b) The Department of Revenue may approve payments to persons relinquishing tax credits pursuant to this subsection.

(c) Subject to legislative appropriation, the Department of Revenue shall request the Chief Financial Officer to issue warrants to persons relinquishing tax credits. Payments under this subsection shall be made from the funds from which the proceeds from the taxes against which the tax credits could have been applied pursuant to the irrevocable election made by the certified production company under subsection (4) are deposited.

(7) ANNUAL ALLOCATION OF TAX CREDITS.—

(a) The aggregate amount of the tax credits that may be certified pursuant to paragraph (3)(d) may not exceed:

1. For fiscal year 2010-2011, \$53.5 million.
2. For fiscal year 2011-2012, \$74.5 million.
3. For fiscal years 2012-2013, 2013-2014, 2014-2015, and 2015-2016, \$42 million per fiscal year.

(b) Any portion of the maximum amount of tax credits established per fiscal year in paragraph (a) that is not certified as of the end of a fiscal year shall be carried forward and made available for certification during the following 2 fiscal years in addition to the amounts available for certification under paragraph (a) for those fiscal years.

(c) Upon approval of the final tax credit award amount



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pursuant to subparagraph (3)(g)3. ~~(3)(f)2.~~, an amount equal to the difference between the maximum tax credit award amount previously certified under paragraph (3)(d) and the approved final tax credit award amount shall immediately be available for recertification during the current and following fiscal years in addition to the amounts available for certification under paragraph (a) for those fiscal years.

(d) Tax credit award amounts available for certification on and after July 1, 2015, may not be certified before the fiscal year in which they will become available as specified in paragraph (a). Additionally, for amounts available for certification on and after July 1, 2015, one-half of the amount available in the fiscal year shall be available for certification in "Application Cycle A", and the remaining amount available in the fiscal year shall be available for certification in "Application Cycle B." ~~If, during a fiscal year, the total amount of credits applied for, pursuant to paragraph (3)(a), exceeds the amount of credits available for certification in that fiscal year, such excess shall be treated as having been applied for on the first day of the next fiscal year in which credits remain available for certification.~~

(8) LIMITATION WITH OTHER PROGRAMS.—A qualified production that is certified for tax credits under this section may not simultaneously receive benefits under ss. 288.1256 and 288.1258 for the same production.

(9)~~(8)~~ RULES, POLICIES, AND PROCEDURES.—

(a) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 and develop policies and procedures to implement and administer this section, including, but not



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limited to, rules specifying requirements for the application and approval process, records required for substantiation for tax credits, procedures for making the election in paragraph (4)(c) ~~(4)(d)~~, the manner and form of documentation required to claim tax credits awarded or transferred under this section, and marketing requirements for tax credit recipients.

(b) The Department of Revenue may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section, including rules governing the examination and audit procedures required to administer this section and the manner and form of documentation required to claim tax credits awarded, transferred, or relinquished under this section.

(10) ~~(9)~~ AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX CREDITS; FRAUDULENT CLAIMS.—

(a) *Audit authority.*—The Department of Revenue may conduct examinations and audits as provided in s. 213.34 to verify that tax credits under this section are received, transferred, and applied according to the requirements of this section. If the Department of Revenue determines that tax credits are not received, transferred, or applied as required by this section, it may, in addition to the remedies provided in this subsection, pursue recovery of such funds pursuant to the laws and rules governing the assessment of taxes.

(b) *Revocation of tax credits.*—The department may revoke or modify any written decision qualifying, certifying, or otherwise granting eligibility for tax credits under this section if it is discovered that the tax credit applicant submitted any false statement, representation, or certification in any application, record, report, plan, or other document filed in an attempt to



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receive tax credits under this section. The department shall immediately notify the Department of Revenue of any revoked or modified orders affecting previously granted tax credits. Additionally, the applicant must notify the Department of Revenue of any change in its tax credit claimed.

(c) *Forfeiture of tax credits.*—A determination by the Department of Revenue, as a result of an audit pursuant to paragraph (a) or from information received from the department or the Division ~~Office~~ of Film and Entertainment, that an applicant received tax credits pursuant to this section to which the applicant was not entitled is grounds for forfeiture of previously claimed and received tax credits. The applicant is responsible for returning forfeited tax credits to the Department of Revenue, and such funds shall be paid into the General Revenue Fund of the state. Tax credits purchased in good faith are not subject to forfeiture unless the transferee submitted fraudulent information in the purchase or failed to meet the requirements in subsection (5).

(d) *Fraudulent claims.*—Any applicant that submits fraudulent information under this section is liable for reimbursement of the reasonable costs and fees associated with the review, processing, investigation, and prosecution of the fraudulent claim. An applicant that obtains a credit payment under this section through a claim that is fraudulent is liable for reimbursement of the credit amount plus a penalty in an amount double the credit amount. The penalty is in addition to any criminal penalty to which the applicant is liable for the same acts. The applicant is also liable for costs and fees incurred by the state in investigating and prosecuting the



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fraudulent claim.

~~(11)(10)~~ ANNUAL REPORT.—Each November 1, the department
~~Office of Film and Entertainment~~ shall submit an annual report
for the previous fiscal year to the Governor, the President of
the Senate, and the Speaker of the House of Representatives
which outlines the ~~incentive~~ program's return on investment and
economic benefits to the state. The report must also include an
estimate of the full-time equivalent positions created by each
production that received tax credits under this section and
information relating to the distribution of productions
receiving credits by geographic region and type of production.
The report must also include the expenditures report required
under s. 288.915, ~~s. 288.1253(3)~~ and the information describing
the relationship between tax exemptions and incentives to
industry growth required under s. 288.1258(5), and program
performance information under s. 288.1256. The department may
work with the Division of Film and Entertainment to develop the
annual report.

~~(12)(11)~~ REPEAL.—This section is repealed July 1, 2021
~~2016~~, except that:

(a) Tax credits certified under paragraph (3) (d) before
July 1, 2021 ~~2016~~, may be awarded under paragraph (3) (g) ~~(3) (f)~~
on or after July 1, 2021 ~~2016~~, if the other requirements of this
section are met.

(b) Tax credits carried forward under paragraph (4) (d)
~~(4) (e)~~ remain valid for the period specified.

(c) Subsections (5), (9), ~~(8)~~ and (10) ~~(9)~~ shall remain in
effect until July 1, 2026 ~~July 1, 2021~~.

Section 6. Beginning July 1, 2015, if an application is on



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file with the Department of Economic Opportunity to receive a
tax credit through the entertainment industry program under s.
288.1254, Florida Statutes, and the application has not been
certified for a tax credit award under current s. 288.1254(3)(d)
by the department, the application is deemed denied.

Section 7. Section 288.1256, Florida Statutes, is created
to read:

288.1256 Entertainment action fund.—

(1) The entertainment action fund is created within the
department in order to respond to extraordinary opportunities
and to compete effectively with other states to attract and
retain production companies and to provide favorable conditions
for the growth of the entertainment industry in this state.

(2) As used in this section, the term:

(a) "Division" means the Division of Film and Entertainment
within Enterprise Florida, Inc.

(b) "Principal photography" means the filming of major or
significant components of the project which involve lead actors.

(c) "Production" means a theatrical, direct-to-video, or
direct-to-Internet motion picture; a made-for-television motion
picture; visual effects or digital animation sequences produced
in conjunction with a motion picture; a commercial; a music
video; an industrial or educational film; an infomercial; a
documentary film; a television pilot program; a presentation for
a television pilot program; a television series, including, but
not limited to, a drama, a reality show, a comedy, a soap opera,
a telenovela, a game show, an awards show, or a miniseries
production; a direct-to-Internet television series; or a digital
media project by the entertainment industry. One season of a



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television series is considered one production. The term does not include a weather or market program; a sporting event or a sporting event broadcast; a gala; a production that solicits funds; a home shopping program; a political program; a political documentary; political advertising; a gambling-related project or production; a concert production; a local, regional, or Internet-distributed-only news show or current-events show; a sports news or sports recap show; a pornographic production; or any production deemed obscene under chapter 847. A production may be produced on or by film, tape, or otherwise by means of a motion picture camera; electronic camera or device; tape device; computer; any combination of the foregoing; or any other means, method, or device.

(d) "Production company" means a corporation, limited liability company, partnership, or other legal entity engaged in one or more productions in this state.

(e) "Production expenditures" means the costs of tangible and intangible property used for, and services performed primarily and customarily in, production, including preproduction and postproduction, but excluding costs for development, marketing, and distribution. The term includes, but is not limited to:

1. Wages, salaries, or other compensation paid to legal residents of this state, including amounts paid through payroll service companies, for technical and production crews, directors, producers, and performers.

2. Net expenditures for sound stages, backlots, production editing, digital effects, sound recordings, sets, and set construction.



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3. Net expenditures for rental equipment, including, but not limited to, cameras and grip or electrical equipment.

4. Up to \$300,000 of the costs of newly purchased computer software and hardware unique to the project, including servers, data processing, and visualization technologies, which are located in and used exclusively in this state for the production of digital media.

5. Expenditures for meals, travel, and accommodations. As used in this paragraph, the term "net expenditures" means the actual amount of money a project spent for equipment or other tangible personal property, after subtracting any consideration received for reselling or transferring the item after the production ends, if applicable.

(f) "Project" means a production in this state meeting the requirements of this section. The term does not include a production:

1. In which less than 70 percent of the positions that make up its production cast and below-the-line production crew are filled by legal residents of this state, whose residency is demonstrated by a valid Florida driver license or other state-issued identification confirming residency, or students enrolled full-time in an entertainment-related course of study at an institution of higher education in this state; or

2. That contains obscene content as defined in s. 847.001(10).

(g) "Qualified expenditures" means production expenditures incurred in this state by a production company for:

1. Goods purchased or leased from, or services, including, but not limited to, insurance costs and bonding, payroll



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services, and legal fees, which are provided by a vendor or supplier in this state that is registered with the Department of State or the Department of Revenue, has a physical location in this state, and employs one or more legal residents of this state. This does not include rebilled goods or services provided by an in-state company from out-of-state vendors or suppliers. When services provided by the vendor or supplier include personal services or labor, only personal services or labor provided by residents of this state, evidenced by the required documentation of residency in this state, qualify.

2. Payments to legal residents of this state in the form of salary, wages, or other compensation up to a maximum of \$400,000 per resident unless otherwise specified in subsection (4). A completed declaration of residency in this state must accompany the documentation submitted to the department for reimbursement.

For a project involving an event, such as an awards show, the term does not include expenditures solely associated with the event itself and not directly required by the production. The term does not include expenditures incurred before the agreement is signed. The production company may not include in the calculation for qualified expenditures the original purchase price for equipment or other tangible property that is later sold or transferred by the production company for consideration. In such cases, the qualified expenditure is the net of the original purchase price minus the consideration received upon sale or transfer.

(h) "Underutilized county" means a county in which less than \$500,000 in qualified expenditures were made in the last 2



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fiscal years.

(3) A production company may apply for funds from the entertainment industry quick action fund for a production or successive seasons of a production. The department and the division shall jointly review and evaluate applications to determine the eligibility of each project consistent with the requirements of this section. The department shall select projects that maximize the return to the state.

(4) The department and the division, in their review and evaluation of applications, must consider the following criteria, with priority given in descending order, with the highest priority given to paragraph (a):

(a) The number of state residents that will be employed in full-time equivalent and part-time positions related to the project and the duration of such employment and the average wages paid to such residents. Preference shall be given to a project that expects to pay higher than the statewide average wage.

(b) The amount of qualified and nonqualified expenditures that will be made in this state.

(c) Planned or executed contracts with production facilities or soundstages in this state and the percentage of principal photography or production activity that will occur at each location.

(d) Planned preproduction and postproduction to occur in this state.

(e) The amount of capital investment, especially fixed capital investment, to be made directly by the production company in this state related to the project and the amount of



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any other capital investment to be made in this state related to the project.

(f) The duration of the project in this state.

(g) The amount and duration of principal photography or production activity that will occur in an underutilized county.

(h) The amount of promotion of Florida that the production company will provide for the state. This includes marketing materials promoting this state as a tourist destination or a film and entertainment production destination; placement of state agency logos in the production and credits; permitted use of production assets, characters, and themes by this state; promotional videos for this state included on optical disc formats; and other marketing integration.

(i) The employment of students enrolled full-time in an entertainment-related course of study at an institution of higher education in this state or of graduates from such an institution within 12 months after graduation.

(j) Plans to work with entertainment industry-related courses of study at an institution of higher education in this state.

(k) The local support and any financial commitment for the project.

(l) The project is about this state or shows this state in a positive light.

(m) A review of the production company's past activities in this state or other states.

(n) The length of time the production company has made productions in this state, the number of productions the production company has made in this state, and the production



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company's overall commitment to this state. This includes a
production company that is based in this state.

(o) Expected contributions to this state's economy,
consistent with the state strategic economic development plan
prepared by the department.

(p) The expected effect of the award on the viability of
the project and the probability that the project would be
undertaken in this state if funds are granted to the production
company.

(5) A production company must have financing in place for a
project before it applies for funds under this section.

(6) The department shall prescribe a form upon which an
application must be made. At a minimum, the application must
include:

(a) The applicant's federal employer identification number,
reemployment assistance account number, and state sales tax
registration number, as applicable. If such numbers are not
available at the time of application, they must be submitted to
the department in writing before the disbursement of any
payments.

(b) The signature of the applicant.

(c) A detailed budget of planned qualified and nonqualified
expenditures in this state.

(d) The type and amount of capital investment that will be
made in this state.

(e) The locations in this state at which the project will
occur.

(f) The anticipated commencement date and duration of the
project.



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(g) The proposed number of state residents and nonstate residents that will be employed in full-time equivalent and part-time positions related to the project and wages paid to such persons.

(h) The total number of full-time equivalent employees employed by the production company in this state, if applicable.

(i) Proof of financing for the project.

(j) The amount of promotion of Florida that the production company will provide for the state.

(k) An attestation verifying that the information provided on the application is true and accurate.

(l) Any additional information requested by the department or division.

(7) The department must make a recommendation to the Governor to approve or deny an award within 7 days after completion of the review and evaluation. An award of funds may not constitute more than 30 percent of qualified expenditures in this state and may not fund wages paid to nonresidents. A production must start within 1 year after the date the project is approved by the Governor. The recommendation must include the performance conditions that the project must meet to obtain funds.

(a) The Governor may approve projects without consulting the Legislature for projects requiring less than \$2 million in funding.

(b) For projects requiring funding in the amount of \$2 million to \$5 million, the Governor shall provide a written description and evaluation of a project recommended for approval to the chair and vice chair of the Legislative Budget Commission



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at least 10 days before giving final approval for the project.
The recommendation must include the performance conditions that
the project must meet in order to obtain funds.

(c) If the chair or vice chair of the Legislative Budget
Commission or the President of the Senate or the Speaker of the
House of Representatives timely advises the Executive Office of
the Governor, in writing, that such action or proposed action
exceeds the delegated authority of the Executive Office of the
Governor or is contrary to legislative policy or intent, the
Executive Office of the Governor shall void the release of funds
and instruct the department to immediately change such action or
proposed action until the Legislative Budget Commission or the
Legislature addresses the issue.

(d) Any project exceeding \$5 million must be approved by
the Legislative Budget Commission before the funding is
released.

(8) Upon the approval of the Governor, the department and
the production company shall enter into an agreement that
specifies, at a minimum:

(a) The total amount of funds awarded and the schedule of
payment.

(b) The performance conditions for payment of moneys from
the fund, including full- and part-time employment in this
state; wages paid in this state; capital investment in this
state, including fixed capital investment; marketing and
promotion in this state; the date by which production must start
and the duration of production; and the amount of qualified
expenditures in this state.

(c) The methodology for validating performance and the date



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by which the production company must submit proof of performance to the department.

(d) That the department may review and verify any records of the production company to ascertain whether that company is in compliance with this section and the agreement.

(e) Sanctions for failure to meet performance conditions.

(f) That payment of moneys from the fund is contingent upon sufficient appropriation of funds by the Legislature.

(9) The agreement must be finalized and signed by an authorized officer of the production company within 90 days after the Governor's approval. A production company that is approved under this section may not simultaneously receive benefits under ss. 288.1254 and 288.1258 for the same production.

(10) The department shall validate contractor performance and report such validation in the annual report required under s. 288.1254.

(11) Contingent upon an annual appropriation by the Legislature, the department may not approve awards in excess of the amount appropriated for a fiscal year. The department must maintain a schedule of funds to be paid from the appropriation for the fiscal year that begins on July 1. For the first 6 months of each fiscal year, the department shall set aside 50 percent of the amount appropriated for the fund by the Legislature. At the end of the 6-month period, these funds may be used to provide funding for any project that qualifies under this section.

(12) A production company that submits fraudulent information under this section is liable for reimbursement of



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the reasonable costs and fees associated with the review,
processing, investigation, and prosecution of the fraudulent
claim. A production company that receives a payment under this
section through a claim that is fraudulent is liable for
reimbursement of the payment amount, plus a penalty in an amount
double the payment amount. The penalty is in addition to any
criminal penalty for which the production company is liable for
the same acts. The production company is also liable for costs
and fees incurred by the state in investigating and prosecuting
the fraudulent claim.

(13) The department may not waive any provision or provide
an extension of time to meet any requirement of this section.

(14) This section expires on July 1, 2025. An agreement in
existence on that date shall continue in effect in accordance
with its terms.

Section 8. Section 288.1258, Florida Statutes, is amended
to read:

288.1258 Entertainment industry qualified production
companies; application procedure; categories; duties of the
Department of Revenue; records and reports.—

(1) PRODUCTION COMPANIES AUTHORIZED TO APPLY.—

(a) Any production company engaged in this state in the
production of motion pictures, made-for-TV motion pictures,
television series, commercial advertising, music videos, or
sound recordings may submit an application to the Department of
Revenue to be approved by the Department of Economic Opportunity
~~Office of Film and Entertainment~~ as a qualified production
company for the purpose of receiving a sales and use tax
certificate of exemption from the Department of Revenue to



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exempt purchases on or after the date a complete application is
filed with the Department of Revenue for exemptions under ss.
212.031, 212.06, and 212.08.

(b) As used in ~~For the purposes of~~ this section, the term
"qualified production company" means any production company that
has submitted a properly completed application to the Department
of Revenue and that is subsequently qualified by the Department
of Economic Opportunity ~~Office of Film and Entertainment~~.

(2) APPLICATION PROCEDURE.—

(a) The Department of Revenue shall ~~will~~ review all
submitted applications for the required information. Within 10
working days after the receipt of a properly completed
application, the Department of Revenue shall ~~will~~ forward the
completed application to the Department of Economic Opportunity
~~Office of Film and Entertainment~~ for approval.

(b)1. The Department of Economic Opportunity ~~Office of Film~~
~~and Entertainment~~ shall establish a process by which an
entertainment industry production company may be approved by the
department ~~office~~ as a qualified production company and may
receive a certificate of exemption from the Department of
Revenue for the sales and use tax exemptions under ss. 212.031,
212.06, and 212.08. A production company that is approved under
this section may not simultaneously receive benefits under ss.
288.1254 and 288.1256 for the same production.

2. Upon determination by the department ~~Office of Film and~~
~~Entertainment~~ that a production company meets the established
approval criteria and qualifies for exemption, the department
~~Office of Film and Entertainment~~ shall return the approved
application or application renewal or extension to the



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Department of Revenue, which shall issue a certificate of exemption.

3. The department ~~Office of Film and Entertainment~~ shall deny an application or application for renewal or extension from a production company if it determines that the production company does not meet the established approval criteria.

(c) The department ~~Office of Film and Entertainment~~ shall develop, with the cooperation of the Department of Revenue, the Division of Film and Entertainment within Enterprise Florida, Inc., and local government entertainment industry promotion agencies, a standardized application form for use in approving qualified production companies.

1. The application form shall include, but not be limited to, production-related information on employment, proposed budgets, planned purchases of items exempted from sales and use taxes under ss. 212.031, 212.06, and 212.08, a signed affirmation from the applicant that any items purchased for which the applicant is seeking a tax exemption are intended for use exclusively as an integral part of entertainment industry preproduction, production, or postproduction activities engaged in primarily in this state, and a signed affirmation from the department ~~Office of Film and Entertainment~~ that the information on the application form has been verified and is correct. In lieu of information on projected employment, proposed budgets, or planned purchases of exempted items, a production company seeking a 1-year certificate of exemption may submit summary historical data on employment, production budgets, and purchases of exempted items related to production activities in this state. Any information gathered from production companies for



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the purposes of this section shall be considered confidential taxpayer information and shall be disclosed only as provided in s. 213.053.

2. The application form may be distributed to applicants by the department, the Division ~~Office~~ of Film and Entertainment, or local film commissions.

(d) All applications, renewals, and extensions for designation as a qualified production company shall be processed by the department ~~Office of Film and Entertainment~~.

(e) ~~If In the event that~~ the Department of Revenue determines that a production company no longer qualifies for a certificate of exemption, or has used a certificate of exemption for purposes other than those authorized by this section and chapter 212, the Department of Revenue shall revoke the certificate of exemption of that production company, and any sales or use taxes exempted on items purchased or leased by the production company during the time such company did not qualify for a certificate of exemption or improperly used a certificate of exemption shall become immediately due to the Department of Revenue, along with interest and penalty as provided by s. 212.12. In addition to the other penalties imposed by law, any person who knowingly and willfully falsifies an application, or uses a certificate of exemption for purposes other than those authorized by this section and chapter 212, commits a felony of the third degree, punishable as provided in ss. 775.082, 775.083, and 775.084.

(3) CATEGORIES.—

(a)1. A production company may be qualified for designation as a qualified production company for a period of 1 year if the



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company has operated a business in Florida at a permanent address for a period of 12 consecutive months. Such a qualified production company shall receive a single 1-year certificate of exemption from the Department of Revenue for the sales and use tax exemptions under ss. 212.031, 212.06, and 212.08, which certificate shall expire 1 year after issuance or upon the cessation of business operations in the state, at which time the certificate shall be surrendered to the Department of Revenue.

2. ~~The Office of Film and Entertainment shall develop a method by which~~ A qualified production company may submit a new application for annually renew a 1-year certificate of exemption upon the expiration of that company's certificate of exemption; however, upon approval of the department, such qualified production company may annually renew the 1-year certificate of exemption for a period of up to 5 years without submitting ~~requiring the production company to resubmit~~ a new application during that 5-year period.

3. Each year, or upon surrender of the certificate of exemption to the Department of Revenue, the ~~Any~~ qualified production company shall ~~may~~ submit to the department aggregate data for production-related information on employment, expenditures in this state, capital investment, and purchases of items exempted from sales and use taxes under ss. 212.031, 212.06, and 212.08 for inclusion in the annual report required under subsection (5) ~~a new application for a 1-year certificate of exemption upon the expiration of that company's certificate of exemption.~~

(b)1. A production company may be qualified for designation as a qualified production company for a period of 90 days. Such



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production company shall receive a single 90-day certificate of exemption from the Department of Revenue for the sales and use tax exemptions under ss. 212.031, 212.06, and 212.08, which certificate shall expire 90 days after issuance or upon the cessation of business operations in the state, at which time, ~~with extensions contingent upon approval of the Office of Film and Entertainment.~~ the certificate shall be surrendered to the Department of Revenue ~~upon its expiration.~~

2. A qualified production company may submit a new application for a 90-day certificate of exemption each quarter upon the expiration of that company's certificate of exemption; however, upon approval of the department, such qualified production company may renew the 90-day certificate of exemption for a period of up to 1 year without submitting a new application during that 1-year period.

3.2. Each 90 days, or upon surrender of the certificate of exemption to the Department of Revenue, the qualified Any production company shall may submit to the department aggregate data for production-related information on employment, expenditures in this state, capital investment, and purchases of items exempted from sales and use taxes under ss. 212.031, 212.06, and 212.08 for inclusion in the annual report required under subsection (5) a new application for a 90-day certificate of exemption upon the expiration of that company's certificate of exemption.

(4) DUTIES OF THE DEPARTMENT OF REVENUE.—

(a) The Department of Revenue shall review the initial application and notify the applicant of any omissions and request additional information if needed. An application shall



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be complete upon receipt of all requested information. The Department of Revenue shall forward all complete applications to the department ~~Office of Film and Entertainment~~ within 10 working days.

(b) The Department of Revenue shall issue a numbered certificate of exemption to a qualified production company within 5 working days of the receipt of an approved application, application renewal, or application extension from the department ~~Office of Film and Entertainment~~.

(c) The Department of Revenue may adopt ~~promulgate~~ such rules and shall prescribe and publish such forms as may be necessary to effectuate the purposes of this section or any of the sales tax exemptions which are reasonably related to the provisions of this section.

(d) The Department of Revenue is authorized to establish audit procedures in accordance with the provisions of ss. 212.12, 212.13, and 213.34 which relate to the sales tax exemption provisions of this section.

(5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The department ~~Office of Film and Entertainment~~ shall keep annual records from the information provided on taxpayer applications for tax exemption certificates and regularly reported as required in this section ~~beginning January 1, 2001~~. These records also must reflect a ratio of the annual amount of sales and use tax exemptions under this section, plus the tax credits ~~incentives~~ awarded pursuant to s. 288.1254 to the estimated amount of funds expended by certified productions. In addition, the department ~~office~~ shall maintain data showing annual growth in Florida-



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based entertainment industry companies and entertainment industry employment and wages. The employment information must include ~~an estimate of~~ the full-time equivalent positions created by each production that received tax credits pursuant to s. 288.1254. The ~~department Office of Film and Entertainment~~ shall include this information in the annual report for the entertainment industry ~~financial-incentive~~ program required under s. 288.1254~~(10)~~.

Section 9. Subsection (1) of section 288.92, Florida Statutes, is amended to read:

288.92 Divisions of Enterprise Florida, Inc.—

(1) Enterprise Florida, Inc., may create and dissolve divisions as necessary to carry out its mission. Each division shall have distinct responsibilities and complementary missions. At a minimum, Enterprise Florida, Inc., shall have divisions related to the following areas:

(a) International Trade and Business Development;

(b) Business Retention and Recruitment;

(c) Tourism Marketing;

(d) Minority Business Development; ~~and~~

(e) Sports Industry Development; and

(f) Film and Entertainment.

Section 10. Subsection (5) of section 477.0135, Florida Statutes, is amended to read:

477.0135 Exemptions.—

(5) A license is not required of any individual providing makeup, special effects, or cosmetology services to an actor, stunt person, musician, extra, or other talent during a production recognized by the Department of Economic Opportunity



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~~Office of Film and Entertainment~~ as a qualified production as defined in s. 288.1254(1). Such services are not required to be performed in a licensed salon. Individuals exempt under this subsection may not provide such services to the general public.

Section 11. Paragraph (q) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(q) *Entertainment industry tax credit; authorization; eligibility for credits.*—The credits against the state sales tax authorized pursuant to s. 288.1254 shall be deducted from any sales and use tax remitted by the dealer to the department by electronic funds transfer and may only be deducted on a sales and use tax return initiated through electronic data interchange. The dealer shall separately state the credit on the electronic return. The net amount of tax due and payable must be remitted by electronic funds transfer. If the credit for the qualified expenditures is larger than the amount owed on the sales and use tax return that is eligible for the credit, the unused amount of the credit may be carried forward to a succeeding reporting period as provided in s. 288.1254(4)(d) ~~288.1254(4)(e)~~. A dealer may only obtain a credit using the method described in this subparagraph. A dealer is not authorized to obtain a credit by applying for a refund.



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Section 12. Subsection (3) of section 220.1899, Florida Statutes, is amended to read:

220.1899 Entertainment industry tax credit.—

(3) To the extent that the amount of a tax credit exceeds the amount due on a return, the balance of the credit may be carried forward to a succeeding taxable year pursuant to s. 288.1254(4) (d) ~~288.1254(4) (e)~~.

Section 13. This act shall take effect October 1, 2015.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to the entertainment industry;
amending s. 288.125, F.S.; revising the applicability
of the term "entertainment industry"; transferring,
renumbering, and amending s. 288.1251, F.S.; renaming
the Office of Film and Entertainment within the
Department of Economic Opportunity as the Division of
Film and Entertainment within Enterprise Florida,
Inc.; requiring the division to serve as a liaison
between the entertainment industry and other agencies,
commissions, and organizations; requiring the Governor
to appoint the film and entertainment commissioner;
revising the requirements of the division's strategic
plan; transferring, renumbering, and amending s.
288.1252, F.S.; revising the powers and duties of the
Florida Film and Entertainment Advisory Council;



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1809 revising council membership; conforming provisions to
1810 changes made by the act; transferring, renumbering,
1811 and amending s. 288.1253, F.S.; conforming provisions
1812 to changes made by the act; prohibiting the division
1813 and its employees and representatives from accepting
1814 specified accommodations, goods, or services from
1815 specified parties; providing that any person who
1816 accepts any such good or services is subject to
1817 specified penalties; amending s. 288.1254, F.S.;
1818 redefining and revising terms; requiring the
1819 department and the division, rather than the Office of
1820 Film and Entertainment, to be responsible for
1821 applications for the entertainment industry program;
1822 revising provisions relating to the application
1823 process, tax credit eligibility, transfer of tax
1824 credits, election and distribution of tax credits,
1825 allocation of tax credits, forfeiture of tax credits,
1826 and annual report; extending the repeal date;
1827 conforming provisions to changes made by the act;
1828 specifying a date on which the applications on file
1829 with the department and not yet certified are deemed
1830 denied; creating s. 288.1256, F.S.; creating the
1831 entertainment industry quick action fund within the
1832 department; defining terms; authorizing a production
1833 company to apply for funds from the entertainment
1834 industry quick action fund in certain circumstances;
1835 requiring the department and the division to jointly
1836 review and evaluate applications to determine the
1837 eligibility of each project; requiring the department



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1838 to select projects that maximize the return to the
1839 state; requiring certain criteria to be considered by
1840 the department and the division; requiring a
1841 production company to have financing for a project
1842 before it applies for quick action funds; requiring
1843 the department to prescribe a form for an application
1844 with specified information; requiring that the
1845 department make a recommendation to the Governor to
1846 approve or deny an award within a specified timeframe
1847 after the completion of the review and evaluation;
1848 providing that an award of funds may not constitute
1849 more than a specified percentage of qualified
1850 expenditures in this state and prohibiting the use of
1851 such funds to pay wages to nonresidents; requiring a
1852 production to start within a specified period after it
1853 is approved by the Governor; requiring that the
1854 recommendation include performance conditions that the
1855 project must meet to obtain funds; requiring the
1856 department and the production company to enter into a
1857 specified agreement after approval by the Governor;
1858 requiring that the agreement be finalized and signed
1859 by an authorized officer of the production company
1860 within a specified period after approval by the
1861 Governor; prohibiting an approved production company
1862 from simultaneously receiving specified benefits for
1863 the same production; requiring that the department
1864 validate contractor performance and report such
1865 validation in the annual report; prohibiting the
1866 department from approving awards in excess of the



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1867 amount appropriated for a fiscal year; requiring the
1868 department to maintain a schedule of funds; providing
1869 that a production company that submits fraudulent
1870 information is liable for reimbursement of specified
1871 costs; providing a penalty; prohibiting the department
1872 from waiving any provision or providing an extension
1873 of time to meet specified requirements; providing an
1874 expiration date; amending s. 288.1258, F.S.;
1875 conforming provisions to changes made by the act;
1876 prohibiting an approved production company from
1877 simultaneously receiving benefits under specified
1878 provisions for the same production; requiring the
1879 department to develop a standardized application form
1880 in cooperation with the division and other agencies;
1881 requiring the qualified production company to submit
1882 aggregate data on specified topics; authorizing a
1883 qualified production company to renew its certificate
1884 of exemption for a specified period; amending s.
1885 288.92, F.S.; requiring Enterprise Florida, Inc., to
1886 have a division relating to film and entertainment;
1887 amending s. 477.0135, F.S.; conforming a provision to
1888 changes made by the act; amending ss. 212.08, and
1889 220.1899, F.S.; conforming cross-references; providing
1890 an effective date.



212236

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/06/2015	.	
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Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Diaz de la Portilla) recommended the
following:

Senate Amendment to Amendment (433232)

Delete lines 942 - 952
and insert:
regional commercials ~~or music videos~~ may be eligible for a tax
credit award if it demonstrates a minimum of \$100,000 in
qualified expenditures per national or regional commercial ~~or~~
~~music video~~ and exceeds a combined threshold of \$500,000 after
combining actual qualified expenditures from qualified



212236

10 commercials ~~and music videos~~ during a single state fiscal year.
11 After a qualified production company that produces commercials,
12 ~~music videos, or both~~ reaches the threshold of \$500,000, it is
13 eligible to apply for certification for a tax credit award. The
14 maximum credit award for a qualified production company that
15 produces commercials shall be equal to 20 percent of its actual
16 qualified expenditures up to a maximum of \$500,000. A qualified
17 production company that produces music videos may be eligible
18 for a tax credit if it demonstrates a minimum of \$25,000 in
19 qualified expenditures per music video and exceeds a combined
20 threshold of \$125,000 after combining actual qualified
21 expenditures from qualified music videos during a single state
22 fiscal year. After a qualified production company that produces
23 music videos reaches the threshold of \$125,000, it is eligible
24 to apply for certification for a tax credit award. The maximum
25 credit award for a qualified production company that produces
26 music videos shall be equal to 20 percent of its actual
27 qualified expenditures up to a maximum of \$125,000. If there is



445244

LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Diaz de la Portilla) recommended the
following:

Senate Amendment

Delete lines 1027 - 1037
and insert:
regional commercials ~~or music videos~~ may be eligible for a tax
credit award if it demonstrates a minimum of \$100,000 in
qualified expenditures per national or regional commercial ~~or~~
~~music video~~ and exceeds a combined threshold of \$500,000 after
combining actual qualified expenditures from qualified



445244

10 commercials ~~and music videos~~ during a single state fiscal year.
11 After a qualified production company that produces commercials,
12 ~~music videos, or both~~ reaches the threshold of \$500,000, it is
13 eligible to apply for certification for a tax credit award. The
14 maximum credit award for a qualified production company that
15 produces commercials shall be equal to 20 percent of its actual
16 qualified expenditures up to a maximum of \$500,000. A qualified
17 production company that produces music videos may be eligible
18 for a tax credit if it demonstrates a minimum of \$25,000 in
19 qualified expenditures per music video and exceeds a combined
20 threshold of \$125,000 after combining actual qualified
21 expenditures from qualified music videos during a single state
22 fiscal year. After a qualified production company that produces
23 music videos reaches the threshold of \$125,000, it is eligible
24 to apply for certification for a tax credit award. The maximum
25 credit award for a qualified production company that produces
26 music videos shall be equal to 20 percent of its actual
27 qualified expenditures up to a maximum of \$125,000. If there is

By Senator Detert

28-00708C-15

20151046__

A bill to be entitled

An act relating to the entertainment industry;
amending s. 288.1201, F.S.; revising the sources of
moneys to be credited to the State Economic
Enhancement and Development Trust Fund to include
repayments to the entertainment industry quick action
fund created by the act; creating the Entertainment
Industry Quick Action Account within the State
Economic Enhancement and Development Trust Fund;
authorizing the Department of Economic Opportunity to
adopt specified rules; amending s. 288.125, F.S.;
revising the applicability of the term "entertainment
industry"; transferring, renumbering, and amending s.
288.1251, F.S.; renaming the Office of Film and
Entertainment within the Department of Economic
Opportunity as the Division of Film and Entertainment
within Enterprise Florida, Inc.; requiring the
division to serve as a liaison between the
entertainment industry and other agencies,
commissions, and organizations; requiring the Governor
to appoint the film and entertainment commissioner;
revising the requirements of the division's strategic
plan; transferring, renumbering, and amending s.
288.1252, F.S.; revising the powers and duties of the
Florida Film and Entertainment Advisory Council;
revising council membership; conforming provisions to
changes made by the act; transferring, renumbering,
and amending s. 288.1253, F.S.; conforming provisions
to changes made by the act; amending s. 288.1254,

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F.S.; redefining terms; requiring the Department of Economic Opportunity, rather than the Office of Film and Entertainment, to be responsible for applications for the entertainment industry program; revising provisions relating to the application process, tax credit eligibility, transfer of tax credits, election and distribution of tax credits, allocation of tax credits, forfeiture of tax credits, and annual report; extending the repeal date; conforming provisions to changes made by the act; specifying a date on which the applications on file with the department and not yet certified are deemed denied; creating s. 288.1256, F.S.; creating the entertainment industry quick action fund within the department; defining terms; authorizing a production company to apply for funds from the entertainment industry quick action fund in certain circumstances; requiring the department and the division to jointly review and evaluate applications to determine the eligibility of each project; requiring the department to select projects that maximize the return to the state; requiring certain criteria to be considered by the department and the division; requiring a production company to have financing for a project before it applies for quick action funds; requiring the department to prescribe a form for an application with specified information; requiring that the department make a recommendation to the Governor to approve or deny an award within a specified timeframe after the

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completion of the review and evaluation; providing that an award of funds may not constitute more than a specified percentage of qualified expenditures in this state and prohibiting the use of such funds to pay wages to nonresidents; requiring a production to start within a specified period after it is approved by the Governor; requiring that the recommendation include performance conditions that the project must meet to obtain funds; requiring the department and the production company to enter into a specified agreement after approval by the Governor; requiring that the agreement be finalized and signed by an authorized officer of the production company within a specified period after approval by the Governor; prohibiting an approved production company from simultaneously receiving specified benefits for the same production; requiring that the department validate contractor performance and report such validation in the annual report; prohibiting the department from approving awards in excess of the amount appropriated for a fiscal year; requiring the department to maintain a schedule of funds; requiring that all funds received from the required repayment be deposited into the Entertainment Industry Quick Action Account within the State Economic Enhancement and Development Trust Fund; providing that a production company that submits fraudulent information is liable for reimbursement of specified costs; providing a penalty; prohibiting the department from waiving any provision or providing an

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extension of time to meet specified requirements;
providing an expiration date; amending s. 288.1258,
F.S.; conforming provisions to changes made by the
act; prohibiting an approved production company from
simultaneously receiving benefits under specified
provisions for the same production; requiring the
department to develop a standardized application form
in cooperation with the division and other agencies;
requiring the qualified production company to submit
aggregate data on specified topics; authorizing a
qualified production company to renew its certificate
of exemption for a specified period; amending s.
288.92, F.S.; requiring Enterprise Florida, Inc., to
have a division relating to film and entertainment;
amending s. 477.0135, F.S.; conforming a provision to
changes made by the act; reenacting s. 212.08(5)(q),
F.S., relating to sales, rental, use, consumption,
distribution, and storage tax; specified exemptions;
reenacting s. 220.1899(3), F.S., relating to
entertainment industry tax credit; providing an
effective date.

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

Section 1. Subsection (2) of section 288.1201, Florida
Statutes, is amended, present subsection (3) is redesignated as
subsection (4), and a new subsection (3) is added to that
section, to read:

288.1201 State Economic Enhancement and Development Trust

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117 Fund.—

118 (2) The trust fund is established for use as a depository
119 for funds to be used for the purposes specified in subsection
120 (1). Moneys to be credited to the trust fund ~~shall~~ consist of
121 documentary stamp tax proceeds as specified in law, local
122 financial support funds, interest earnings, repayments made
123 under s. 288.1256, and cash advances from other trust funds.
124 Funds shall be expended only pursuant to legislative
125 appropriation or an approved amendment to the department's
126 operating budget pursuant to the provisions of chapter 216.

127 (3) There is created, within the State Economic Enhancement
128 and Development Trust Fund, the Entertainment Industry Quick
129 Action Account. The Entertainment Industry Quick Action Account
130 shall consist of moneys appropriated to the account for purposes
131 of the program authorized under s. 288.1256 and repayment made
132 under s. 288.1256. Moneys in the Entertainment Industry Quick
133 Action Account are subject to s. 216.301(1)(a). Moneys in the
134 Entertainment Industry Quick Action Account may be used only to
135 make payments authorized under s. 288.1256. The department may
136 adopt rules necessary to provide for the use of moneys in the
137 Entertainment Industry Quick Action Account and for the
138 administration of the Entertainment Industry Quick Action
139 Account.

140 Section 2. Section 288.125, Florida Statutes, is amended to
141 read:

142 288.125 Definition of "entertainment industry."—For the
143 purposes of ss. 288.1254, 288.1256, 288.1258, 288.913, 288.914,
144 and 288.915 ~~ss. 288.1251-288.1258~~, the term "entertainment
145 industry" means those persons or entities engaged in the

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operation of motion picture or television studios or recording studios; those persons or entities engaged in the preproduction, production, or postproduction of motion pictures, made-for-television movies, television programming, digital media projects, commercial advertising, music videos, or sound recordings; and those persons or entities providing products or services directly related to the preproduction, production, or postproduction of motion pictures, made-for-television movies, television programming, digital media projects, commercial advertising, music videos, or sound recordings, including, but not limited to, the broadcast industry.

Section 3. Section 288.1251, Florida Statutes, is transferred, renumbered as section 288.913, Florida Statutes, and amended to read:

288.913 ~~288.1251~~ Promotion and development of entertainment industry; Division ~~Office~~ of Film and Entertainment; creation; purpose; powers and duties.—

(1) CREATION.—

~~(a) The Division of Film and Entertainment is~~ There is hereby created within Enterprise Florida, Inc., the department ~~the Office of Film and Entertainment~~ for the purpose of developing, recruiting, marketing, promoting, and providing services to the state's entertainment industry. The division shall serve as a liaison between the entertainment industry and other state and local governmental agencies, local film commissions, and labor organizations.

(2)(b) COMMISSIONER.—The Governor shall appoint the film and entertainment commissioner, who shall serve at the pleasure of the Governor and is subject to confirmation by the Senate

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~~department shall conduct a national search for a qualified person to fill the position of Commissioner of Film and Entertainment when the position is vacant. The executive director of the department has the responsibility to hire the film commissioner.~~ Qualifications for the film commissioner include, but are not limited to, the following:

(a)1. A working knowledge of and experience with the equipment, personnel, financial, and day-to-day production operations of the industries to be served by the division Office ~~of Film and Entertainment;~~

(b)2. Marketing and promotion experience related to the film and entertainment industries to be served;

(c)3. Experience working with a variety of individuals representing large and small entertainment-related businesses, industry associations, local community entertainment industry liaisons, and labor organizations; and

(d)4. Experience working with a variety of state and local governmental agencies.

(3)(2) POWERS AND DUTIES.—

(a) The Division Office of Film and Entertainment, in performance of its duties, shall develop and÷

~~1. In consultation with the Florida Film and Entertainment Advisory Council,~~ update a 5-year ~~the~~ strategic plan ~~every 5 years~~ to guide the activities of the division Office ~~of Film and Entertainment~~ in the areas of entertainment industry development, marketing, promotion, liaison services, field office administration, and information. The plan shall÷

~~a.~~ be annual in construction and ongoing in nature.

1. At a minimum, the plan must address the following:

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~~a.b.~~ Include recommendations relating to The organizational structure of the division, including any field offices outside the state office.

b. The coordination of the division with local or regional offices maintained by counties and regions of the state, local film commissions, and labor organizations, and the coordination of such entities with each other to facilitate a working relationship.

c. Strategies to identify, solicit, and recruit entertainment production opportunities for the state, including implementation of programs for rural and urban areas designed to develop and promote the state's entertainment industry.

~~d.e.~~ Include An annual budget projection for the division office for each year of the plan.

~~d. Include an operational model for the office to use in implementing programs for rural and urban areas designed to:~~
~~(I) develop and promote the state's entertainment industry.~~
~~(II) Have the office serve as a liaison between the entertainment industry and other state and local governmental agencies, local film commissions, and labor organizations.~~

~~(III) Gather statistical information related to the state's entertainment industry.~~

e. ~~(IV)~~ Provision of ~~Provide~~ information and service to businesses, communities, organizations, and individuals engaged in entertainment industry activities.

~~(V) Administer field offices outside the state and coordinate with regional offices maintained by counties and regions of the state, as described in sub-sub-subparagraph (II), as necessary.~~

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233 ~~f.e.~~ Include Performance standards and measurable outcomes
234 for the programs to be implemented by the division ~~office~~.

235 2. The plan shall be annually reviewed and approved by the
236 board of directors of Enterprise Florida, Inc.

237 ~~f. Include an assessment of, and make recommendations on,~~
238 ~~the feasibility of creating an alternative public-private~~
239 ~~partnership for the purpose of contracting with such a~~
240 ~~partnership for the administration of the state's entertainment~~
241 ~~industry promotion, development, marketing, and service~~
242 ~~programs.~~

243 ~~2. Develop, market, and facilitate a working relationship~~
244 ~~between state agencies and local governments in cooperation with~~
245 ~~local film commission offices for out-of-state and indigenous~~
246 ~~entertainment industry production entities.~~

247 ~~3. Implement a structured methodology prescribed for~~
248 ~~coordinating activities of local offices with each other and the~~
249 ~~commissioner's office.~~

250 (b) The division shall also:

251 ~~1.4.~~ Represent the state's indigenous entertainment
252 industry to key decisionmakers within the national and
253 international entertainment industry, and to state and local
254 officials.

255 ~~2.5.~~ Prepare an inventory and analysis of the state's
256 entertainment industry, including, but not limited to,
257 information on crew, related businesses, support services, job
258 creation, talent, and economic impact and coordinate with local
259 offices to develop an information tool for common use.

260 ~~3.6.~~ Identify, solicit, and recruit entertainment
261 production opportunities for the state.

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262 ~~4.7-~~ Assist rural communities and other small communities
263 in the state in developing the expertise and capacity necessary
264 for such communities to develop, market, promote, and provide
265 services to the state's entertainment industry.

266 ~~(c)-(b)~~ The division ~~Office of Film and Entertainment~~, in
267 the performance of its duties, may:

268 1. Conduct or contract for specific promotion and marketing
269 functions, including, but not limited to, production of a
270 statewide directory, production and maintenance of an Internet
271 website, establishment and maintenance of a toll-free telephone
272 number, organization of trade show participation, and
273 appropriate cooperative marketing opportunities.

274 2. Conduct its affairs, carry on its operations, establish
275 offices, and exercise the powers granted by this act in any
276 state, territory, district, or possession of the United States.

277 3. Carry out any program of information, special events, or
278 publicity designed to attract entertainment industry to Florida.

279 4. Develop relationships and leverage resources with other
280 public and private organizations or groups in their efforts to
281 publicize to the entertainment industry in this state, other
282 states, and other countries the depth of Florida's entertainment
283 industry talent, crew, production companies, production
284 equipment resources, related businesses, and support services,
285 including the establishment of and expenditure for a program of
286 cooperative advertising with these public and private
287 organizations and groups in accordance with the provisions of
288 chapter 120.

289 5. Provide and arrange for reasonable and necessary
290 promotional items and services for such persons as the division

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~~office~~ deems proper in connection with the performance of the promotional and other duties of the division ~~office~~.

6. Prepare an ~~annual~~ economic impact analysis on entertainment industry-related activities in the state.

7. Request or accept any grant, payment, or gift of funds or property made by this state, the United States, or any department or agency thereof, or by any individual, firm, corporation, municipality, county, or organization, for ~~any or all of the purposes of the Office of Film and Entertainment's 5-year strategic plan or those permitted activities enumerated in this paragraph. Such funds shall be deposited in a separate account the Grants and Donations Trust Fund of the Executive Office of the Governor for use by the division Office of Film and Entertainment in carrying out its responsibilities and duties as delineated in law. The division office may expend such funds in accordance with the terms and conditions of any such grant, payment, or gift in the pursuit of its administration or in support of fulfilling its duties and responsibilities. The division office shall separately account for the public funds and the private funds deposited into the account trust fund.~~

Section 4. Section 288.1252, Florida Statutes, is transferred, renumbered as section 288.914, Florida Statutes, and amended to read:

288.914 ~~288.1252~~ Florida Film and Entertainment Advisory Council; ~~creation;~~ purpose; membership; powers and duties.—

~~(1) CREATION. There is created within the department, for administrative purposes only, the Florida Film and Entertainment Advisory Council.~~

(1)(2) CREATION AND PURPOSE.—The Florida Film and

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320 Entertainment Advisory Council is created ~~purpose of the Council~~
321 ~~is~~ to serve as an advisory body to the Division of Film and
322 Entertainment within Enterprise Florida, Inc., ~~department and to~~
323 ~~the Office of Film and Entertainment~~ to provide ~~these offices~~
324 ~~with~~ industry insight and expertise related to developing,
325 marketing, and promoting, ~~and providing service to~~ the state's
326 entertainment industry.

327 (2) ~~(3)~~ MEMBERSHIP.—

328 (a) The council shall consist of 11 ~~17~~ members, 5 ~~7~~ to be
329 appointed by the Governor, 3 ~~5~~ to be appointed by the President
330 of the Senate, and 3 ~~5~~ to be appointed by the Speaker of the
331 House of Representatives.

332 (b) When making appointments to the council, the Governor,
333 the President of the Senate, and the Speaker of the House of
334 Representatives shall appoint persons who are residents of the
335 state and who are highly knowledgeable of, active in, and
336 recognized leaders in Florida's motion picture, television,
337 video, sound recording, or other entertainment industries. These
338 persons shall include, but not be limited to, representatives of
339 local film commissions, representatives of entertainment
340 associations, a representative of the broadcast industry,
341 representatives of labor organizations in the entertainment
342 industry, and board chairs, presidents, chief executive
343 officers, chief operating officers, or persons of comparable
344 executive position or stature of leading or otherwise important
345 entertainment industry businesses and offices. Council members
346 shall be appointed in such a manner as to equitably represent
347 the broadest spectrum of the entertainment industry and
348 geographic areas of the state.

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(c) Council members shall serve for 4-year terms. A member of the council serving as of July 1, 2015, may serve the remainder of his or her term, but upon the conclusion of the term or upon vacancy, such appointment may not be filled except to meet the requirements of this section.

(d) Subsequent appointments shall be made by the official who appointed the council member whose expired term is to be filled.

(e) A representative of Enterprise Florida, Inc., a representative of Workforce Florida, Inc., and a representative of VISIT Florida shall serve as ex officio, nonvoting members of the council, ~~and shall be~~ in addition to the 11 ~~17~~ appointed members ~~of the council~~.

(f) Absence from three consecutive meetings shall result in automatic removal from the council.

(g) A vacancy on the council shall be filled for the remainder of the unexpired term by the official who appointed the vacating member.

(h) No more than one member of the council may be an employee of any one company, organization, or association.

(i) Any member shall be eligible for reappointment but may not serve more than two consecutive terms.

(3) ~~(4)~~ MEETINGS; ORGANIZATION.—

(a) The council shall meet at least ~~no less frequently than~~ once each quarter of the calendar year, and ~~but~~ may meet more often as determined necessary ~~set~~ by the council.

(b) The council shall annually elect from its appointed membership one member to serve as chair ~~of the council~~ and one member to serve as vice chair. The Division ~~Office~~ of Film and

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Entertainment shall provide staff assistance to the council, which must ~~shall~~ include, but need not be limited to, keeping records of the proceedings of the council, and serving as custodian of all books, documents, and papers filed with the council.

(c) A majority of the members of the council constitutes ~~shall constitute~~ a quorum.

(d) Members of the council shall serve without compensation, but are ~~shall be~~ entitled to reimbursement for per diem and travel expenses in accordance with s. 112.061 while in performance of their duties.

~~(4)-(5)~~ POWERS AND DUTIES.—The Florida Film and Entertainment Advisory Council shall have ~~all the~~ power ~~powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including, but not limited to, the~~ power to:

(a) Adopt bylaws for the governance of its affairs and the conduct of its business.

(b) Advise the Division of Film and Entertainment ~~and consult with the Office of Film and Entertainment~~ on the content, development, and implementation of the division's 5-year strategic plan ~~to guide the activities of the office.~~

(c) ~~Review the Commissioner of Film and Entertainment's administration of the programs related to the strategic plan, and Advise the~~ Division of Film and Entertainment ~~commissioner~~ on the division's programs and any changes that might be made to better meet the strategic plan.

(d) Consider and study the needs of the entertainment industry for the purpose of advising the Division of Film and

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407 ~~Entertainment film commissioner and the department.~~

408 (e) Identify ~~and make recommendations on~~ state agency and
409 local government actions that may have an impact on the
410 entertainment industry or that may appear to industry
411 representatives as ~~an~~ official state or local actions ~~action~~
412 affecting production in the state, and advise the Division of
413 Film and Entertainment of such actions.

414 (f) Consider all matters submitted to it by the Division of
415 Film and Entertainment ~~film commissioner and the department.~~

416 ~~(g) Advise and consult with the film commissioner and the~~
417 ~~department, at their request or upon its own initiative,~~
418 ~~regarding the promulgation, administration, and enforcement of~~
419 ~~all laws and rules relating to the entertainment industry.~~

420 (g)(h) Suggest policies and practices ~~for the conduct of~~
421 ~~business by the Office of Film and Entertainment or by the~~
422 ~~department~~ that will improve interaction with internal
423 ~~operations affecting~~ the entertainment industry and will enhance
424 related state ~~the~~ economic development initiatives ~~of the state~~
425 ~~for the industry.~~

426 ~~(i) Appear on its own behalf before boards, commissions,~~
427 ~~departments, or other agencies of municipal, county, or state~~
428 ~~government, or the Federal Government.~~

429 Section 5. Section 288.1253, Florida Statutes, is
430 transferred, renumbered as section 288.915, Florida Statutes,
431 and amended to read:

432 288.915 ~~288.1253~~ Travel and entertainment expenses.—

433 (1) As used in this section, the term "travel expenses"
434 means the actual, necessary, and reasonable costs of
435 transportation, meals, lodging, and incidental expenses normally

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436 incurred by an employee of the Division Office of Film and
437 Entertainment within Enterprise Florida, Inc., as ~~which costs~~
438 ~~are~~ defined and prescribed by ~~rules adopted by the~~ department
439 rule, subject to approval by the Chief Financial Officer.

440 (2) Notwithstanding ~~the provisions of~~ s. 112.061, the
441 department shall adopt rules by which the Division of Film and
442 Entertainment ~~it~~ may make expenditures by reimbursement to ~~÷~~ the
443 Governor, the Lieutenant Governor, security staff of the
444 Governor or Lieutenant Governor, the Commissioner of Film and
445 Entertainment, or staff of the Division Office of Film and
446 Entertainment for travel expenses or entertainment expenses
447 incurred by such individuals solely and exclusively in
448 connection with the performance of the statutory duties of the
449 division Office of Film and Entertainment. The rules are subject
450 to approval by the Chief Financial Officer before adoption. The
451 rules shall require the submission of paid receipts, or other
452 proof of expenditure prescribed by the Chief Financial Officer,
453 with any claim for reimbursement.

454 (3) The Division Office of Film and Entertainment shall
455 include in the annual report for the entertainment industry
456 ~~financial incentive~~ program required under s. 288.1254(10) a
457 report of the division's office's expenditures for the previous
458 fiscal year. The report must consist of a summary of all travel,
459 entertainment, and incidental expenses incurred within the
460 United States and all travel, entertainment, and incidental
461 expenses incurred outside the United States, as well as a
462 summary of all successful projects that developed from such
463 travel.

464 (4) The Division Office of Film and Entertainment and its

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employees and representatives, when authorized, may accept and use complimentary travel, accommodations, meeting space, meals, equipment, transportation, and any other goods or services necessary for or beneficial to the performance of the division's ~~office's~~ duties and purposes, so long as such acceptance or use is not in conflict with part III of chapter 112. The department shall, by rule, develop internal controls to ensure that such goods or services accepted or used pursuant to this subsection are limited to those that will assist solely and exclusively in the furtherance of the division's ~~office's~~ goals and are in compliance with part III of chapter 112.

(5) Any claim submitted under this section is not required to be sworn to before a notary public or other officer authorized to administer oaths, but any claim authorized or required to be made under any provision of this section shall contain a statement that the expenses were actually incurred as necessary travel or entertainment expenses in the performance of official duties of the Division ~~Office~~ of Film and Entertainment and shall be verified by written declaration that it is true and correct as to every material matter. Any person who willfully makes and subscribes to any claim that ~~which~~ he or she does not believe to be true and correct as to every material matter or who willfully aids or assists in, procures, or counsels or advises with respect to, the preparation or presentation of a claim pursuant to this section which ~~that~~ is fraudulent or false as to any material matter, whether such falsity or fraud is with the knowledge or consent of the person authorized or required to present the claim, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Whoever

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receives a reimbursement by means of a false claim is civilly liable, in the amount of the overpayment, for the reimbursement of the public fund from which the claim was paid.

Section 6. Section 288.1254, Florida Statutes, is amended to read:

288.1254 Entertainment industry ~~financial incentive~~ program.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Certified production" means a qualified production that has tax credits allocated to it by the department based on the production's estimated qualified expenditures, up to the production's maximum certified amount of tax credits, by the department. The term does not include a production if its first day of principal photography or project start date in this state occurs before the production is certified by the department, unless the production spans more than 1 fiscal year, was a certified production on its first day of principal photography or project start date in this state, and submits an application for continuing the same production for the subsequent fiscal year.

(b) "Digital media project" means a production of interactive entertainment that is produced for distribution in commercial or educational markets. The term includes a video game or production intended for Internet or wireless distribution, an interactive website, digital animation, and visual effects, including, but not limited to, three-dimensional movie productions and movie conversions. The term does not include a production that contains content that is obscene as defined in s. 847.001.

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(c) "Family-friendly production" means a production that has cross-generational appeal; is considered suitable for viewing by children age 5 or older; is appropriate in theme, content, and language for a broad family audience; embodies a responsible resolution of issues; and does not exhibit or imply any act of smoking, sex, nudity, or vulgar or profane language
~~"High-impact digital media project" means a digital media project that has qualified expenditures greater than \$4.5 million.~~

(d) "High-impact television series" means:

1. A production created to run multiple production seasons which has ~~and having~~ an estimated order of at least seven episodes per season and qualified expenditures of at least \$1 million ~~\$625,000~~ per episode; or

2. A telenovela that has qualified expenditures of more than \$6 million; a minimum of 45 principal photography days filmed in this state; a production cast, including background actors, and a crew of which at least 90 percent are legal residents of this state; and at least 90 percent of its production occurring in this state.

~~(e) "Off-season certified production" means a feature film, independent film, or television series or pilot that films 75 percent or more of its principal photography days from June 1 through November 30.~~

~~(f)~~ "Principal photography" means the filming of major or significant components of the qualified production which involve lead actors.

(f) ~~(g)~~ "Production" means a theatrical, or direct-to-video, or direct-to-Internet motion picture; a made-for-television

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552 motion picture; visual effects or digital animation sequences
553 produced in conjunction with a motion picture; a commercial; a
554 music video; an industrial or educational film; an infomercial;
555 a documentary film; a television pilot program; a presentation
556 for a television pilot program; a television series, including,
557 but not limited to, a drama, a reality show, a comedy, a soap
558 opera, a telenovela, a game show, an awards show, or a
559 miniseries production; a direct-to-Internet television series;
560 or a digital media project by the entertainment industry. One
561 season of a television series is considered one production. The
562 term does not include a weather or market program; a sporting
563 event or a sporting event broadcast; a gala; a production that
564 solicits funds; a home shopping program; a political program; a
565 political documentary; political advertising; a gambling-related
566 project or production; a concert production; a local, regional,
567 or Internet-distributed-only news show or current-events show; a
568 sports news or sports recap show; a pornographic production; or
569 any production deemed obscene under chapter 847. A production
570 may be produced on or by film, tape, or otherwise by means of a
571 motion picture camera; electronic camera or device; tape device;
572 computer; any combination of the foregoing; or any other means,
573 method, or device.

574 (g)~~(h)~~ "Production expenditures" means the costs of
575 tangible and intangible property used for, and services
576 performed primarily and customarily in, production, including
577 preproduction and postproduction, but excluding costs for
578 development, marketing, and distribution. The term includes, but
579 is not limited to:

- 580 1. Wages, salaries, or other compensation paid to legal

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581 residents of this state, including amounts paid through payroll
582 service companies, for technical and production crews,
583 directors, producers, and performers.

584 2. Net expenditures for sound stages, backlots, production
585 editing, digital effects, sound recordings, sets, and set
586 construction.

587 3. Net expenditures for rental equipment, including, but
588 not limited to, cameras and grip or electrical equipment.

589 4. Up to \$300,000 of the costs of newly purchased computer
590 software and hardware unique to the project, including servers,
591 data processing, and visualization technologies, which are
592 located in and used exclusively in this ~~the~~ state for the
593 production of digital media.

594 5. Expenditures for meals, travel, and accommodations. For
595 purposes of this paragraph, the term "net expenditures" means
596 the actual amount of money a qualified production spent for
597 equipment or other tangible personal property, after subtracting
598 any consideration received for reselling or transferring the
599 item after the qualified production ends, if applicable.

600 (h) ~~(i)~~ "Qualified expenditures" means production
601 expenditures incurred in this state by a qualified production
602 for:

603 1. Goods purchased or leased from, or services, including,
604 but not limited to, insurance costs and bonding, payroll
605 services, and legal fees, which are provided by, a vendor or
606 supplier in this state that is registered with the Department of
607 State or the Department of Revenue, has a physical location in
608 this state, and employs one or more legal residents of this
609 state. This does not include rebilled goods or services provided

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by an in-state company from out-of-state vendors or suppliers.
When services provided by the vendor or supplier include
personal services or labor, only personal services or labor
provided by residents of this state, evidenced by the required
documentation of residency in this state, qualify.

2. Payments to legal residents of this state in the form of
salary, wages, or other compensation up to a maximum of \$400,000
per resident unless otherwise specified in subsection (4). A
completed declaration of residency in this state must accompany
the documentation submitted to the department ~~office~~ for
reimbursement.

For a qualified production involving an event, such as an awards
show, the term does not include expenditures solely associated
with the event itself and not directly required by the
production. The term does not include expenditures incurred
before certification, with the exception of those incurred for a
commercial, a music video, or the pickup of additional episodes
of a high-impact television series within a single season. ~~Under~~
~~no circumstances may~~ The qualified production may not include in
the calculation for qualified expenditures the original purchase
price for equipment or other tangible property that is later
sold or transferred by the qualified production for
consideration. In such cases, the qualified expenditure is the
net of the original purchase price minus the consideration
received upon sale or transfer.

(i) ~~(j)~~ "Qualified production" means a production in this
state meeting the requirements of this section. The term does
not include a production:

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639 1. In which, ~~for the first 2 years of the incentive~~
640 ~~program, less than 50 percent, and thereafter, less than 70 60~~
641 ~~percent,~~ of the positions that make up its production cast and
642 below-the-line production crew, or, in the case of digital media
643 projects, less than 80 75 percent of such positions, are filled
644 by legal residents of this state, whose residency is
645 demonstrated by a valid Florida driver license or other state-
646 issued identification confirming residency, or students enrolled
647 full-time in an entertainment-related ~~a film and entertainment-~~
648 ~~related~~ course of study at an institution of higher education in
649 this state; or

650 2. That contains obscene content as defined in s.
651 847.001(10).

652 (j) ~~(k)~~ "Qualified production company" means a corporation,
653 limited liability company, partnership, or other legal entity
654 engaged in one or more productions in this state.

655 ~~(l) "Qualified digital media production facility" means a~~
656 ~~building or series of buildings and their improvements in which~~
657 ~~data processing, visualization, and sound synchronization~~
658 ~~technologies are regularly applied for the production of~~
659 ~~qualified digital media projects or the digital animation~~
660 ~~components of qualified productions.~~

661 ~~(m) "Qualified production facility" means a building or~~
662 ~~complex of buildings and their improvements and associated~~
663 ~~backlot facilities in which regular filming activity for film or~~
664 ~~television has occurred for a period of no less than 1 year and~~
665 ~~which contain at least one sound stage of at least 7,800 square~~
666 ~~feet.~~

667 ~~(n) "Regional population ratio" means the ratio of the~~

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population of a region to the population of this state. The regional population ratio applicable to a given fiscal year is the regional population ratio calculated by the Office of Film and Entertainment using the latest official estimates of population certified under s. 186.901, available on the first day of that fiscal year.

(o) "Regional tax credit ratio" means a ratio the numerator of which is the sum of tax credits awarded to productions in a region to date plus the tax credits certified, but not yet awarded, to productions currently in that region and the denominator of which is the sum of all tax credits awarded in the state to date plus all tax credits certified, but not yet awarded, to productions currently in the state. The regional tax credit ratio applicable to a given year is the regional tax credit ratio calculated by the Office of Film and Entertainment using credit award and certification information available on the first day of that fiscal year.

(p) "Underutilized region" for a given state fiscal year means a region with a regional tax credit ratio applicable to that fiscal year that is lower than its regional population ratio applicable to that fiscal year. The following regions are established for purposes of making this determination:

1. North Region, consisting of Alachua, Baker, Bay, Bradford, Calhoun, Clay, Columbia, Dixie, Duval, Escambia, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Putnam, Santa Rosa, St. Johns, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties.

2. Central East Region, consisting of Brevard, Flagler,

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~~Indian River, Lake, Okeechobee, Orange, Osceola, Seminole, St. Lucie, and Volusia Counties.~~

~~3. Central West Region, consisting of Citrus, Hernando, Hillsborough, Manatee, Marion, Polk, Pasco, Pinellas, Sarasota, and Sumter Counties.~~

~~4. Southwest Region, consisting of Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, and Lee Counties.~~

~~5. Southeast Region, consisting of Broward, Martin, Miami-Dade, Monroe, and Palm Beach Counties.~~

~~(k)(a)~~ (k) "Interactive website" means a website or group of websites that includes interactive and downloadable content, and creates 25 new Florida full-time equivalent positions operating from a principal place of business located within Florida. An interactive website or group of websites must provide documentation that those jobs were created to the department ~~before Office of Film and Entertainment~~ prior to the award of tax credits. Each subsequent program application must provide proof that 25 Florida full-time equivalent positions are maintained.

(2) CREATION AND PURPOSE OF PROGRAM.—The entertainment industry ~~financial incentive~~ program is created within the department ~~Office of Film and Entertainment~~. ~~The purpose of this program is~~ to encourage the use of this state as a site for entertainment production, for filming, and for the digital production of entertainment films, and to develop and sustain the workforce and infrastructure for film, digital media, and entertainment production.

(3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

(a) *Program application*.—A qualified production company

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726 producing a qualified production in this state may submit a
727 program application to the department ~~Office of Film and~~
728 ~~Entertainment~~ for the purpose of determining qualification for
729 an award of tax credits authorized by this section no earlier
730 than 180 days before the first day of principal photography or
731 project start date in this state. The applicant shall provide
732 the department ~~Office of Film and Entertainment~~ with information
733 required to determine whether the production is a qualified
734 production and to determine the qualified expenditures and other
735 information necessary for the department ~~office~~ to determine
736 eligibility for the tax credit.

737 (b) *Required documentation.*—The department ~~Office of Film~~
738 ~~and Entertainment~~ shall develop an application form for
739 qualifying an applicant as a qualified production. The form must
740 include, but need not be limited to, production-related
741 information concerning employment of residents in this state;; a
742 detailed budget of planned qualified expenditures and aggregate
743 nonqualified expenditures, including capital investment, in this
744 state; proof of financing for the production;; and the
745 applicant's signed affirmation that the information on the form
746 has been verified and is correct. The Division ~~Office~~ of Film
747 and Entertainment and local film commissions shall distribute
748 the form.

749 (c) *Application process.*—The department ~~Office of Film and~~
750 ~~Entertainment~~ shall establish a process by which an application
751 is accepted and reviewed and by which tax credit eligibility and
752 award amount are determined. The department may consult with the
753 Division ~~Office~~ of Film and Entertainment or ~~may request~~
754 ~~assistance from~~ a duly appointed local film commission in

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determining compliance with this section.

1. Each year, there shall be two periods during which applications may be accepted. The application periods shall run from January 1 through June 30 and July 1 through December 31. One-half of the tax credits allocated for the fiscal year under paragraph (7)(a) shall be available during each application period. Applications remaining in the queue on June 30 and December 31 of each year are deemed denied. For each application period, applications by qualified production companies which are received after one-half of the tax credits allocated for the fiscal year have been certified, but before the total applied for exceeds 125 percent of the one-half of the tax credits allocated for the fiscal year, shall be assigned a queue number that is determined by the date and time the application was received by the department. These queued applications may be considered for tax credit allocations that become available for certification during the application period. For each application period, the department shall deny any application received after the total amount of tax credits applied for exceeds 125 percent of the one-half of the tax credits allocated for the fiscal year.

2. A ~~certified~~ high-impact television series may submit an initial application for no more than two successive seasons, notwithstanding the fact that the second season has ~~successive~~ seasons have not been ordered. The ~~successive season's~~ qualified expenditure amounts for the second season shall be based on the current season's estimated qualified expenditures. Upon the completion of production of each season, a high-impact television series may submit an application for no more than one

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784 additional season. To be certified for a tax credit, the
785 applicant must affirm that the additional season is likely to be
786 ordered as part of the application for the additional season and
787 must agree to notify the department within 10 days if the
788 additional season is not ordered or is cancelled.

789 (d) *Certification.*—

790 1. The department ~~Office of Film and Entertainment~~ shall
791 review the application within 15 business days after receipt.
792 The department, in consultation with the Division of Film and
793 Entertainment, shall determine if ~~Upon its determination that~~
794 the application contains all the information required by this
795 subsection and meets the criteria set out in this section, and
796 ~~the Office of Film and Entertainment shall deny~~ qualify the
797 ~~applicant and recommend to the department that the applicant be~~
798 ~~certified for the maximum tax credit award amount. Within 5~~
799 ~~business days after receipt of the recommendation, the~~
800 ~~department shall reject~~ the application, place the application
801 in the queue pursuant to paragraph (c), ~~recommendation~~ or
802 certify the ~~maximum recommended~~ tax credit award, if any funds
803 are available, to the applicant and to the executive director of
804 the Department of Revenue.

805 2. The department may not certify tax credits in an amount
806 greater than the allocation for a specified fiscal year, as
807 determined under subsection (7). However, pursuant to
808 subparagraph (c)2., the department may certify a tax credit for
809 a future fiscal-year allocation for one additional season of a
810 high-impact television series.

811 (e) *Employment.*—Upon certification by the department, the
812 production must provide the department and the Division of Film

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and Entertainment with a single point of contact and information related to the production's needs for cast, crew, contractors, and vendors. The division shall publish this information online, including the type of production, the projected start date of the production, the locations in this state for such production, and the e-mail or other contact information for the production's point of contact. The department, in consultation with the division, may adopt procedures for a production to post such information itself within 7 days after certification.

(f)~~(e)~~ *Grounds for denial.*—The department ~~Office of Film and Entertainment~~ shall deny an application if it determines that the application is not complete, or ~~or~~ the production or application does not meet the requirements of this section, or the application is received after the total tax credits applied for in that application period have reached 125 percent of the one-half of the tax credits allocated for the fiscal year as provided under paragraph (c). Within 90 days after submitting a program application, except with respect to applications in the independent and emerging media queue, a production must provide proof of project financing to the Office of Film and Entertainment, otherwise the project is deemed denied and withdrawn. A project that has been denied withdrawn may submit a new application upon providing the Office of Film and Entertainment proof of financing.

(g)~~(f)~~ *Verification of actual qualified expenditures.*—

1. The department, in consultation with the Division ~~Office~~ of Film and Entertainment, shall develop a process to verify the actual qualified expenditures of a certified production. The process must require:

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842 a. A certified production to submit, within 180 days ~~in a~~
843 ~~timely manner~~ after production ends in this state and after
844 making all of its qualified expenditures in this state, data
845 substantiating each qualified expenditure, including
846 documentation of ~~on~~ the net expenditure on equipment and other
847 tangible personal property by the qualified production and all
848 production-related information on full- and part-time employment
849 and wages paid to residents of this state, to an independent
850 certified public accountant licensed in this state;

851 b. Such accountant to conduct a compliance audit, at the
852 certified production's expense, to substantiate each qualified
853 expenditure and submit the results as a report, along with the
854 required substantiating data, to the department ~~Office of Film~~
855 ~~and Entertainment;~~ and

856 c. The department ~~Office of Film and Entertainment~~ to
857 review the accountant's submittal and verify ~~report to the~~
858 ~~department~~ the final ~~verified~~ amount of actual qualified
859 expenditures made by the certified production.

860 2. The department shall also require a certified production
861 to submit data substantiating aggregate nonqualified
862 expenditures, including capital investment, in this state.

863 3.2. ~~The~~ department shall determine and approve the final
864 tax credit award amount to each certified applicant based on the
865 final verified amount of actual qualified expenditures and
866 evidence that the qualified production met the requirements of
867 this section. The department shall notify the executive director
868 of the Department of Revenue in writing that the certified
869 production has met the requirements of the ~~incentive~~ program and
870 of the final amount of the tax credit award. The final tax

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credit award amount may not exceed the maximum tax credit award amount certified under paragraph (d).

(h)~~(g)~~ *Promoting Florida.*—The department ~~Office of Film and Entertainment~~ shall ensure that, as a condition of receiving a tax credit under this section, marketing materials promoting this state as a tourist destination or film and entertainment production destination are included, when appropriate, at no cost to the state, in the qualified production or as otherwise required by the department and the Division of Film and Entertainment. The Division of Film and Entertainment shall provide the Florida Tourism Industry Marketing Corporation with the contact information for each qualified production in order for the corporation to work with the qualified production to develop the marketing materials promoting this state. The marketing materials ~~which~~ must, at a minimum, include placement of the "Visit Florida" logo and a "Filmed in Florida" or "Produced in Florida" logo in the end credits. The placement of the "Visit Florida" logo and a "Filmed in Florida" or "Produced in Florida" logo on all packaging material and hard media is also required, unless such placement is prohibited by licensing or other contractual obligations. The sizes ~~size~~ and placements ~~placement~~ of such logos ~~logo~~ shall be commensurate to other logos used. If no logos are used, the statement "Filmed in Florida using Florida's Entertainment Industry Program ~~Financial Incentive,~~" or a similar statement approved by the Division ~~Office~~ of Film and Entertainment, shall be used. The Division ~~Office~~ of Film and Entertainment shall provide a logo and supply it for the purposes specified in this paragraph. A 30-second "Visit Florida" promotional video must also be included on all

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optical disc formats of a film, unless such placement is prohibited by licensing or other contractual obligations. The 30-second promotional video shall be approved and provided by the Florida Tourism Industry Marketing Corporation in consultation with the Division ~~Commissioner~~ of Film and Entertainment.

(4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES; ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS; PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND ACQUISITIONS.—

(a) *Priority for tax credit award.*—The priority of a qualified production for tax credit awards must be determined on a first-come, first-served basis within its appropriate queue. Each qualified production must be placed into the appropriate queue and is subject to the requirements of that queue.

(b) *Tax credit eligibility.*—

1. General production queue.—Ninety-four percent of tax credits authorized pursuant to subsection (7) ~~(6)~~ in any state fiscal year must be dedicated to the general production queue. The general production queue consists of all qualified productions other than those eligible for the commercial and music video queue or the independent and emerging media production queue. A qualified production that demonstrates a minimum of \$625,000 in qualified expenditures is eligible for tax credits equal to 20 percent of its actual qualified expenditures, up to a maximum of \$8 million. A qualified production that incurs qualified expenditures during multiple state fiscal years may combine those expenditures to satisfy the \$625,000 minimum threshold.

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929 a. For the first 4 months of each application period under
930 paragraph (3)(c), 20 percent of the tax credits dedicated to the
931 general production queue shall be set aside for qualified
932 productions in underutilized counties. A qualified production
933 eligible for these tax credits is a production for which at
934 least 70 percent of its principal photography days occur within
935 an underutilized county. The underutilized county must be
936 designated as an underutilized county at the time that the
937 production is certified. As used in this subparagraph, the term
938 "underutilized county" means a county in which less than
939 \$500,000 in qualified expenditures were made in the last 2
940 fiscal years. Any tax credit not certified from this set-aside
941 at the end of each 4-month period may be certified to qualified
942 productions pursuant to this section ~~An off-season certified~~
943 ~~production that is a feature film, independent film, or~~
944 ~~television series or pilot is eligible for an additional 5~~
945 ~~percent tax credit on actual qualified expenditures. An off-~~
946 ~~season certified production that does not complete 75 percent of~~
947 ~~principal photography due to a disruption caused by a hurricane~~
948 ~~or tropical storm may not be disqualified from eligibility for~~
949 ~~the additional 5 percent credit as a result of the disruption.~~
950 ~~b. If more than 45 percent of the sum of total tax credits~~
951 ~~initially certified and awarded after April 1, 2012, total tax~~
952 ~~credits initially certified after April 1, 2012, but not yet~~
953 ~~awarded, and total tax credits available for certification after~~
954 ~~April 1, 2012, but not yet certified has been awarded for high-~~
955 ~~impact television series, then no high-impact television series~~
956 ~~is eligible for tax credits under this subparagraph. Tax credits~~
957 ~~initially certified for a high-impact television series after~~

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958 ~~April 1, 2012, may not be awarded if the award will cause the~~
959 ~~percentage threshold in this sub-subparagraph to be exceeded.~~
960 ~~This sub-subparagraph does not prohibit the award of tax credits~~
961 ~~certified before April 1, 2012, for high-impact television~~
962 ~~series.~~

963 ~~b.e. Subject to sub-subparagraph b.,~~ First priority in the
964 queue for tax credit awards not yet certified shall be given to
965 high-impact television series and ~~high-impact digital media~~
966 ~~projects. For the purposes of determining priority between a~~
967 ~~high-impact television series and a high-impact digital media~~
968 ~~project, the first position must go to the first application~~
969 ~~received. Thereafter, priority shall be determined by~~
970 ~~alternating between a high-impact television series and a high-~~
971 ~~impact digital media project on a first-come, first-served~~
972 ~~basis. However, if the Office of Film and Entertainment receives~~
973 ~~an application for a high-impact television series or high-~~
974 ~~impact digital media project that would be certified but for the~~
975 ~~alternating priority, the office may certify the project as~~
976 ~~being in the priority position if an application that would~~
977 ~~normally be the priority position is not received within 5~~
978 ~~business days.~~

979 ~~d. A qualified production for which at least 67 percent of~~
980 ~~its principal photography days occur within a region designated~~
981 ~~as an underutilized region at the time that the production is~~
982 ~~certified is eligible for an additional 5 percent tax credit.~~

983 ~~c.e.~~ A qualified production that employs students enrolled
984 full-time in a film and entertainment-related or digital media-
985 related course of study at an institution of higher education in
986 this state is eligible for an additional 15 percent tax credit

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on qualified expenditures that are wages, salaries, or other compensation paid to such students. The additional 15 percent tax credit is also applicable to persons hired within 12 months after graduating from a film and entertainment-related or digital media-related course of study at an institution of higher education in this state. The additional 15 percent tax credit applies to qualified expenditures that are wages, salaries, or other compensation paid to such recent graduates for 1 year after the date of hiring.

~~f. A qualified production for which 50 percent or more of its principal photography occurs at a qualified production facility, or a qualified digital media project or the digital animation component of a qualified production for which 50 percent or more of the project's or component's qualified expenditures are related to a qualified digital media production facility, is eligible for an additional 5 percent tax credit on actual qualified expenditures for production activity at that facility.~~

d. A qualified production that completes a capital investment in this state of at least \$2 million for property improvements before the completion of the qualified production is eligible for an additional 5 percent tax credit. The capital investment must be permanent and must be made after July 1, 2015, and the property must remain in this state after the production ends. A capital investment may be the basis of an application only once, unless the qualified production makes an additional \$2 million of substantial changes to the property.

e. A qualified production determined by the department to be a family-friendly production, based on review of the script

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and review of the final release version, is eligible for an
additional 5 percent tax credit. The department must consult
with the Division of Film and Entertainment in making this
determination.

~~f.g.~~ A qualified production is not eligible for tax credits
provided under this paragraph totaling more than 25 ~~30~~ percent
of its actual qualified expenses.

2. Commercial and music video queue.—Three percent of tax
credits authorized pursuant to subsection (7) ~~(6)~~ in any state
fiscal year must be dedicated to the commercial and music video
queue. A qualified production company that produces national or
regional commercials or music videos may be eligible for a tax
credit award if it demonstrates a minimum of \$100,000 in
qualified expenditures per national or regional commercial or
music video and exceeds a combined threshold of \$500,000 after
combining actual qualified expenditures from qualified
commercials and music videos during a single state fiscal year.
After a qualified production company that produces commercials,
music videos, or both reaches the threshold of \$500,000, it is
eligible to apply for certification for a tax credit award. The
maximum credit award shall be equal to 20 percent of its actual
qualified expenditures up to a maximum of \$500,000. If there is
a surplus at the end of a fiscal year after the department
~~Office of Film and Entertainment~~ certifies and determines the
tax credits for all qualified commercial and video projects,
such surplus tax credits shall be carried forward to the
following fiscal year and are available to any eligible
qualified productions under the general production queue.

3. Independent and emerging media production queue.—Three

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percent of tax credits authorized pursuant to subsection (7) ~~(6)~~ in any state fiscal year must be dedicated to the independent and emerging media production queue. This queue is intended to encourage independent film and emerging media production in this state. Any qualified production, excluding commercials, infomercials, or music videos, which demonstrates at least \$100,000, but not more than \$625,000, in total qualified expenditures is eligible for tax credits equal to 20 percent of its actual qualified expenditures. If a surplus exists at the end of a fiscal year after the department ~~Office of Film and Entertainment~~ certifies and determines the tax credits for all qualified independent and emerging media production projects, such surplus tax credits shall be carried forward to the following fiscal year and are available to any eligible qualified productions under the general production queue.

~~4. Family-friendly productions. A certified theatrical or direct-to-video motion picture production or video game determined by the Commissioner of Film and Entertainment, with the advice of the Florida Film and Entertainment Advisory Council, to be family-friendly, based on review of the script and review of the final release version, is eligible for an additional tax credit equal to 5 percent of its actual qualified expenditures. Family-friendly productions are those that have cross-generational appeal; would be considered suitable for viewing by children age 5 or older; are appropriate in theme, content, and language for a broad family audience; embody a responsible resolution of issues; and do not exhibit or imply any act of smoking, sex, nudity, or vulgar or profane language.~~

(c) Withdrawal of certification tax credit eligibility.—The

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department shall withdraw the certification of a ~~qualified or~~
certified production if the ~~must continue on a~~ reasonable
schedule or timely completion of the certified production is
delayed, including a break in production, a change in the
production schedule, or the loss of financing for the
production. A certified production must notify the department
within 5 days after any circumstance that delays the reasonable
schedule or timely completion. The certification of a certified
production may not be withdrawn if the production provides the
department with proof of replacement financing within 10 days
after the loss of financing for the production. To keep a
reasonable schedule, the certified production must begin ~~which~~
~~includes beginning~~ principal photography or the production
project in this state within ~~no more than~~ 45 calendar days
before or after the principal photography or project start date
provided in the production's program application. ~~The department~~
~~shall withdraw the eligibility of a qualified or certified~~
~~production that does not continue on a reasonable schedule.~~

(d) *Election and distribution of tax credits.*—

1. A certified production company receiving a tax credit
award under this section shall, at the time the credit is
awarded by the department after production is completed and all
requirements to receive a credit award have been met, make an
irrevocable election to apply the credit against taxes due under
chapter 220, against state taxes collected or accrued under
chapter 212, or against a stated combination of the two taxes.
The election is binding upon any distributee, successor,
transferee, or purchaser. The department shall notify the
Department of Revenue of any election made pursuant to this

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paragraph.

2. A qualified production company is eligible for tax credits against its sales and use tax liabilities and corporate income tax liabilities as provided in this section. However, tax credits awarded under this section may not be claimed against sales and use tax liabilities or corporate income tax liabilities for any tax period beginning before July 1, 2011, regardless of when the credits are applied for or awarded.

(e) *Tax credit carryforward.*—If the certified production company cannot use the entire tax credit in the taxable year or reporting period in which the credit is awarded, any excess amount may be carried forward to a succeeding taxable year or reporting period. A tax credit applied against taxes imposed under chapter 212 may be carried forward for a maximum of 5 years after the date the credit is awarded. A tax credit applied against taxes imposed under chapter 220 may be carried forward for a maximum of 5 taxable years after the taxable year in which ~~date~~ the credit is awarded. An unused remaining tax credit expires after this period, ~~after which the credit expires~~ and may not be used.

(f) *Consolidated returns.*—A certified production company that files a Florida consolidated return as a member of an affiliated group under s. 220.131(1) may be allowed the credit on a consolidated return basis up to the amount of the tax imposed upon the consolidated group under chapter 220.

(g) *Partnership and noncorporate distributions.*—A qualified production company that is not a corporation as defined in s. 220.03 may elect to distribute tax credits awarded under this section to its partners or members in proportion to their

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1132 respective distributive income or loss in the taxable year in
1133 which the tax credits were awarded.

1134 (h) *Mergers or acquisitions.*—Tax credits available under
1135 this section to a certified production company may succeed to a
1136 surviving or acquiring entity subject to the same conditions and
1137 limitations as described in this section; however, they may not
1138 be transferred again by the surviving or acquiring entity.

1139 (5) TRANSFER OF TAX CREDITS.—

1140 (a) *Authorization.*—Upon application to ~~the Office of Film~~
1141 ~~and Entertainment~~ and approval by the department, a certified
1142 production company, or a partner or member that has received a
1143 distribution under paragraph (4)(g), may elect to transfer, in
1144 whole or in part, any unused credit amount granted under this
1145 section. An election to transfer any unused tax credit amount
1146 under chapter 212 or chapter 220 must be made no later than 5
1147 years after the date the credit is awarded, after which period
1148 the credit expires and may not be used. The department shall
1149 notify the Department of Revenue of the election and transfer.

1150 (b) *Number of transfers permitted.*—A certified production
1151 company that elects to apply a credit amount against taxes
1152 remitted under chapter 212 is permitted a one-time transfer of
1153 unused credits to one transferee. A certified production company
1154 that elects to apply a credit amount against taxes due under
1155 chapter 220 is permitted a one-time transfer of unused credits
1156 to no more than four transferees, and such transfers must occur
1157 in the same taxable year.

1158 (c) *Transferee rights and limitations.*—The transferee is
1159 subject to the same rights and limitations as the certified
1160 production company awarded the tax credit, except that the

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1161 initial transferee shall be permitted a one-time transfer of
1162 unused credits to no more than two subsequent transferees, and
1163 such transfers must occur in the same taxable year as the
1164 credits were received by the initial transferee, after which the
1165 subsequent transferees may not sell or otherwise transfer the
1166 tax credit.

1167 (6) RELINQUISHMENT OF TAX CREDITS.—

1168 (a) Beginning July 1, 2011, a certified production company,
1169 or any person who has acquired a tax credit from a certified
1170 production company pursuant to subsections (4) and (5), may
1171 elect to relinquish the tax credit to the Department of Revenue
1172 in exchange for 90 percent of the amount of the relinquished tax
1173 credit.

1174 (b) The Department of Revenue may approve payments to
1175 persons relinquishing tax credits pursuant to this subsection.

1176 (c) Subject to legislative appropriation, the Department of
1177 Revenue shall request the Chief Financial Officer to issue
1178 warrants to persons relinquishing tax credits. Payments under
1179 this subsection shall be made from the funds from which the
1180 proceeds from the taxes against which the tax credits could have
1181 been applied pursuant to the irrevocable election made by the
1182 certified production company under subsection (4) are deposited.

1183 (7) ANNUAL ALLOCATION OF TAX CREDITS.—

1184 (a) The aggregate amount of the tax credits that may be
1185 certified pursuant to paragraph (3) (d) may not exceed:

- 1186 1. For fiscal year 2010-2011, \$53.5 million.
- 1187 2. For fiscal year 2011-2012, \$74.5 million.
- 1188 3. For fiscal years 2012-2013, 2013-2014, 2014-2015, and
1189 2015-2016, \$42 million per fiscal year.

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(b) Any portion of the maximum amount of tax credits established per fiscal year in paragraph (a) that is not certified as of the end of a fiscal year shall be carried forward and made available for certification during the following 2 fiscal years in addition to the amounts available for certification under paragraph (a) for those fiscal years.

(c) Upon approval of the final tax credit award amount pursuant to subparagraph (3)(g)3. ~~(3)(f)2.~~, an amount equal to the difference between the maximum tax credit award amount previously certified under paragraph (3)(d) and the approved final tax credit award amount shall immediately be available for recertification during the current and following fiscal years in addition to the amounts available for certification under paragraph (a) for those fiscal years.

(d) Amounts available for certification on and after July 1, 2015, may not be certified before the fiscal year in which they will become available as specified in paragraph (a), except as provided in subparagraph (3)(d)2. Additionally, for amounts available for certification on and after July 1, 2015, one-half of the amount available in the fiscal year shall be available for certification on July 1, and one-half of the amount available in the fiscal year shall be available for certification on January 1 ~~If, during a fiscal year, the total amount of credits applied for, pursuant to paragraph (3)(a), exceeds the amount of credits available for certification in that fiscal year, such excess shall be treated as having been applied for on the first day of the next fiscal year in which credits remain available for certification.~~

(8) LIMITATION WITH OTHER PROGRAMS.—A qualified production

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that is certified for tax credits under this section may not simultaneously receive benefits under ss. 288.1256 and 288.1258 for the same production.

(9)~~(8)~~ RULES, POLICIES, AND PROCEDURES.—

(a) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 and develop policies and procedures to implement and administer this section, including, but not limited to, rules specifying requirements for the application and approval process, records required for substantiation for tax credits, procedures for making the election in paragraph (4) (d), the manner and form of documentation required to claim tax credits awarded or transferred under this section, and marketing requirements for tax credit recipients.

(b) The Department of Revenue may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section, including rules governing the examination and audit procedures required to administer this section and the manner and form of documentation required to claim tax credits awarded, transferred, or relinquished under this section.

(10)~~(9)~~ AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX CREDITS; FRAUDULENT CLAIMS.—

(a) *Audit authority.*—The Department of Revenue may conduct examinations and audits as provided in s. 213.34 to verify that tax credits under this section are received, transferred, and applied according to the requirements of this section. If the Department of Revenue determines that tax credits are not received, transferred, or applied as required by this section, it may, in addition to the remedies provided in this subsection, pursue recovery of such funds pursuant to the laws and rules

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governing the assessment of taxes.

(b) *Revocation of tax credits.*—The department may revoke or modify any written decision qualifying, certifying, or otherwise granting eligibility for tax credits under this section if it is discovered that the tax credit applicant submitted any false statement, representation, or certification in any application, record, report, plan, or other document filed in an attempt to receive tax credits under this section. The department shall immediately notify the Department of Revenue of any revoked or modified orders affecting previously granted tax credits. Additionally, the applicant must notify the Department of Revenue of any change in its tax credit claimed.

(c) *Forfeiture of tax credits.*—A determination by the Department of Revenue, as a result of an audit pursuant to paragraph (a) or from information received from the department or the Division Office of Film and Entertainment, that an applicant received tax credits pursuant to this section to which the applicant was not entitled is grounds for forfeiture of previously claimed and received tax credits. The applicant is responsible for returning forfeited tax credits to the Department of Revenue, and such funds shall be paid into the General Revenue Fund of the state. Tax credits purchased in good faith are not subject to forfeiture unless the transferee submitted fraudulent information in the purchase or failed to meet the requirements in subsection (5).

(d) *Fraudulent claims.*—Any applicant that submits fraudulent information under this section is liable for reimbursement of the reasonable costs and fees associated with the review, processing, investigation, and prosecution of the

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1277 fraudulent claim. An applicant that obtains a credit payment
1278 under this section through a claim that is fraudulent is liable
1279 for reimbursement of the credit amount plus a penalty in an
1280 amount double the credit amount. The penalty is in addition to
1281 any criminal penalty to which the applicant is liable for the
1282 same acts. The applicant is also liable for costs and fees
1283 incurred by the state in investigating and prosecuting the
1284 fraudulent claim.

1285 (11)~~(10)~~ ANNUAL REPORT.—Each November 1, the department
1286 ~~Office of Film and Entertainment~~ shall submit an annual report
1287 for the previous fiscal year to the Governor, the President of
1288 the Senate, and the Speaker of the House of Representatives
1289 which outlines the ~~incentive~~ program's return on investment and
1290 economic benefits to the state. The report must also include an
1291 estimate of the full-time equivalent positions created by each
1292 production that received tax credits under this section and
1293 information relating to the distribution of productions
1294 receiving credits by geographic region and type of production.
1295 The report must also include the expenditures report required
1296 under s. 288.915, ~~s. 288.1253(3)~~ and the information describing
1297 the relationship between tax exemptions and incentives to
1298 industry growth required under s. 288.1258(5), and program
1299 performance information under s. 288.1256. The department may
1300 work with the Division of Film and Entertainment to develop the
1301 annual report.

1302 (12)~~(11)~~ REPEAL.—This section is repealed July 1, 2021
1303 ~~2016~~, except that:

1304 (a) Tax credits certified under paragraph (3) (d) before
1305 July 1, 2021 ~~2016~~, may be awarded under paragraph (3) (g) ~~(3) (f)~~

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on or after July 1, 2021 ~~2016~~, if the other requirements of this section are met.

(b) Tax credits carried forward under paragraph (4)(e) remain valid for the period specified.

(c) Subsections (5), (9), ~~(8)~~ and (10) ~~(9)~~ shall remain in effect until July 1, 2026 ~~July 1, 2021~~.

Section 7. Beginning July 1, 2015, if an application is on file with the Department of Economic Opportunity to receive a tax credit through the entertainment industry program under s. 288.1254, Florida Statutes, and has not been certified, it is deemed denied.

Section 8. Section 288.1256, Florida Statutes, is created to read:

288.1256 Entertainment industry quick action fund.—

(1) The entertainment industry quick action fund is created within the department in order to respond to extraordinary opportunities and to compete effectively with other states to attract and retain production companies and to provide favorable conditions for the growth of the entertainment industry in this state.

(2) As used in this section, the term:

(a) "Division" means the Division of Film and Entertainment within Enterprise Florida, Inc.

(b) "Off-season" means June 1 through November 30.

(c) "Principal photography" means the filming of major or significant components of the project which involve lead actors.

(d) "Production" means a theatrical, direct-to-video, or direct-to-Internet motion picture; a made-for-television motion picture; visual effects or digital animation sequences produced

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1335 in conjunction with a motion picture; a commercial; a music
1336 video; an industrial or educational film; an infomercial; a
1337 documentary film; a television pilot program; a presentation for
1338 a television pilot program; a television series, including, but
1339 not limited to, a drama, a reality show, a comedy, a soap opera,
1340 a telenovela, a game show, an awards show, or a miniseries
1341 production; a direct-to-Internet television series; or a digital
1342 media project by the entertainment industry. One season of a
1343 television series is considered one production. The term does
1344 not include a weather or market program; a sporting event or a
1345 sporting event broadcast; a gala; a production that solicits
1346 funds; a home shopping program; a political program; a political
1347 documentary; political advertising; a gambling-related project
1348 or production; a concert production; a local, regional, or
1349 Internet-distributed-only news show or current-events show; a
1350 sports news or sports recap show; a pornographic production; or
1351 any production deemed obscene under chapter 847. A production
1352 may be produced on or by film, tape, or otherwise by means of a
1353 motion picture camera; electronic camera or device; tape device;
1354 computer; any combination of the foregoing; or any other means,
1355 method, or device.

1356 (e) "Production company" means a corporation, limited
1357 liability company, partnership, or other legal entity engaged in
1358 one or more productions in this state.

1359 (f) "Production expenditures" means the costs of tangible
1360 and intangible property used for, and services performed
1361 primarily and customarily in, production, including
1362 preproduction and postproduction, but excluding costs for
1363 development, marketing, and distribution. The term includes, but

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is not limited to:

1. Wages, salaries, or other compensation paid to legal residents of this state, including amounts paid through payroll service companies, for technical and production crews, directors, producers, and performers.

2. Net expenditures for sound stages, backlots, production editing, digital effects, sound recordings, sets, and set construction.

3. Net expenditures for rental equipment, including, but not limited to, cameras and grip or electrical equipment.

4. Up to \$300,000 of the costs of newly purchased computer software and hardware unique to the project, including servers, data processing, and visualization technologies, which are located in and used exclusively in this state for the production of digital media.

5. Expenditures for meals, travel, and accommodations. As used in this paragraph, the term "net expenditures" means the actual amount of money a project spent for equipment or other tangible personal property, after subtracting any consideration received for reselling or transferring the item after the production ends, if applicable.

(g) "Project" means a production in this state meeting the requirements of this section. The term does not include a production:

1. In which less than 70 percent of the positions that make up its production cast and below-the-line production crew are filled by legal residents of this state, whose residency is demonstrated by a valid Florida driver license or other state-issued identification confirming residency, or students enrolled

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full-time in an entertainment-related course of study at an
institution of higher education in this state; or

2. That contains obscene content as defined in s.
847.001(10).

(h) "Qualified expenditures" means production expenditures
incurred in this state by a production company for:

1. Goods purchased or leased from, or services, including,
but not limited to, insurance costs and bonding, payroll
services, and legal fees, which are provided by a vendor or
supplier in this state that is registered with the Department of
State or the Department of Revenue, has a physical location in
this state, and employs one or more legal residents of this
state. This does not include rebilled goods or services provided
by an in-state company from out-of-state vendors or suppliers.
When services provided by the vendor or supplier include
personal services or labor, only personal services or labor
provided by residents of this state, evidenced by the required
documentation of residency in this state, qualify.

2. Payments to legal residents of this state in the form of
salary, wages, or other compensation up to a maximum of \$400,000
per resident unless otherwise specified in subsection (4). A
completed declaration of residency in this state must accompany
the documentation submitted to the department for reimbursement.

For a project involving an event, such as an awards show, the
term does not include expenditures solely associated with the
event itself and not directly required by the production. The
term does not include expenditures incurred before the agreement
is signed. The production company may not include in the

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1422 calculation for qualified expenditures the original purchase
1423 price for equipment or other tangible property that is later
1424 sold or transferred by the production company for consideration.
1425 In such cases, the qualified expenditure is the net of the
1426 original purchase price minus the consideration received upon
1427 sale or transfer.

1428 (i) "Underutilized county" means a county in which less
1429 than \$500,000 in qualified expenditures were made in the last 2
1430 fiscal years.

1431 (3) A production company may apply for funds from the
1432 entertainment industry quick action fund for a production or
1433 successive seasons of a production. The department and the
1434 division shall jointly review and evaluate applications to
1435 determine the eligibility of each project consistent with the
1436 requirements of this section. The department shall select
1437 projects that maximize the return to the state.

1438 (4) The department and the division, in their review and
1439 evaluation of applications, must consider the following
1440 criteria:

1441 (a) Expected contributions to the state's economy,
1442 consistent with the state strategic economic development plan
1443 prepared by the department.

1444 (b) The amount of qualified and nonqualified expenditures
1445 that will be made in this state, including spending or
1446 contracting with Florida-based businesses and small and minority
1447 businesses in this state.

1448 (c) Planned or executed contracts with production
1449 facilities or soundstages in this state and the percentage of
1450 principal photography or production activity that will occur at

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each location.

(d) Planned preproduction and postproduction to occur in this state.

(e) The amount of capital investment, especially fixed capital investment, to be made directly by the production company in this state related to the project.

(f) The amount of any other capital investment to be made in this state related to the project.

(g) The duration of the project in this state, including whether production will occur in the off-season.

(h) The amount and duration of principal photography or production activity that will occur in an underutilized county.

(i) The amount of promotion of Florida that the production company will provide for the state. This includes marketing materials promoting this state as a tourist destination or a film and entertainment production destination; placement of state agency logos in the production and credits; permitted use of production assets, characters, and themes by this state; promotional videos for this state included on optical disc formats; and other marketing integration.

(j) The number of state residents that will be employed in full-time equivalent and part-time positions related to the project and the duration of such employment and the wages paid to such persons.

(k) The employment of students enrolled full-time in an entertainment-related course of study at an institution of higher education in this state or of graduates from such an institution within 12 months after graduation.

(l) Plans to work with entertainment industry-related

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1480 courses of study at an institution of higher education in this
1481 state.

1482 (m) The local support and any financial commitment for the
1483 project.

1484 (n) The project is about this state or shows this state in
1485 a positive light.

1486 (o) The length of time the production company has made
1487 productions in this state, the number of productions the
1488 production company has made in this state, and the production
1489 company's overall commitment to this state. This includes a
1490 production company that is based in this state.

1491 (p) The project is an independent film.

1492 (q) The amount of repayment the production company agrees
1493 to pay the state. At a minimum, the production company must
1494 agree to repay 25 percent of its final award amount when the
1495 production generates \$20 million in gross revenues.

1496 (r) The expected effect of the award on the viability of
1497 the project and the probability that the project would be
1498 undertaken in this state if funds are granted to the production
1499 company.

1500 (s) A review of the production company's past activities in
1501 this state or other states.

1502 (5) A production company must have financing in place for a
1503 project before it applies for funds under this section.

1504 (6) The department shall prescribe a form upon which an
1505 application must be made. At a minimum, the application must
1506 include:

1507 (a) The applicant's federal employer identification number,
1508 reemployment assistance account number, and state sales tax

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1509 registration number, as applicable. If such numbers are not
1510 available at the time of application, they must be submitted to
1511 the department in writing before the disbursement of any
1512 payments.

1513 (b) The signature of the applicant.

1514 (c) A detailed budget of planned qualified and nonqualified
1515 expenditures in this state.

1516 (d) The type and amount of capital investment that will be
1517 made in this state.

1518 (e) The locations in this state at which the project will
1519 occur.

1520 (f) The anticipated commencement date and duration of the
1521 project.

1522 (g) The proposed number of state residents and nonstate
1523 residents that will be employed in full-time equivalent and
1524 part-time positions related to the project and wages paid to
1525 such persons.

1526 (h) The total number of full-time equivalent employees
1527 employed by the production company in this state, if applicable.

1528 (i) Proof of financing for the project.

1529 (j) The amount of repayment the production company agrees
1530 to pay the state.

1531 (k) The amount of promotion of Florida that the production
1532 company will provide for the state.

1533 (l) An attestation verifying that information provided on
1534 the application is true and accurate.

1535 (m) Any additional information requested by the department
1536 or division.

1537 (7) The department must make a recommendation to the

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Governor to approve or deny an award within 7 days after completion of the review and evaluation. An award of funds may not constitute more than 30 percent of qualified expenditures in this state and may not fund wages paid to nonresidents. A production must start within 1 year after the date the project is approved by the Governor. The recommendation must include the performance conditions that the project must meet to obtain funds.

(a) The Governor may approve projects without consulting the Legislature for projects requiring less than \$2 million in funding.

(b) For projects requiring funding in the amount of \$2 million to \$5 million, the Governor shall provide a written description and evaluation of a project recommended for approval to the chair and vice chair of the Legislative Budget Commission at least 10 days before giving final approval for a project. The recommendation must include the performance conditions that the project must meet in order to obtain funds.

(c) If the chair or vice chair of the Legislative Budget Commission or the President of the Senate or the Speaker of the House of Representatives timely advises the Executive Office of the Governor, in writing, that such action or proposed action exceeds the delegated authority of the Executive Office of the Governor or is contrary to legislative policy or intent, the Executive Office of the Governor shall void the release of funds and instruct the department to immediately change such action or proposed action until the Legislative Budget Commission or the Legislature addresses the issue.

(d) Any project exceeding \$5 million must be approved by

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the Legislative Budget Commission before the funding is released.

(8) Upon the approval of the Governor, the department and the production company shall enter into an agreement that specifies, at a minimum:

(a) The total amount of funds awarded and the schedule of payment.

(b) The performance conditions for payment of moneys from the fund, including full- and part-time employment in this state; wages paid in this state; capital investment in this state, including fixed capital investment; marketing and promotion in this state; the date by which production must start and the duration of production; the amount of qualified expenditures in this state; and the amount and timing of repayment.

(c) The methodology for validating performance and the date by which the production company must submit proof of performance to the department.

(d) That the department may review and verify any records of the production company to ascertain whether that company is in compliance with this section and the agreement.

(e) Sanctions for failure to meet performance conditions.

(f) That payment of moneys from the fund is contingent upon sufficient appropriation of funds by the Legislature.

(9) The agreement must be finalized and signed by an authorized officer of the production company within 90 days after the Governor's approval. A production company that is approved under this section may not simultaneously receive benefits under ss. 288.1254 and 288.1258 for the same

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production.

(10) The department shall validate contractor performance and report such validation in the annual report required under s. 288.1254.

(11) Contingent upon an annual appropriation by the Legislature, the department may not approve awards in excess of the amount appropriated for a fiscal year. The department must maintain a schedule of funds to be paid from the appropriation for the fiscal year that begins on July 1. For the first 6 months of each fiscal year, the department shall set aside 50 percent of the amount appropriated for the fund by the Legislature. At the end of the 6-month period, these funds may be used to provide funding for any project that qualifies under this section.

(12) All funds received from the required repayment must be deposited into the Entertainment Industry Quick Action Account within the State Economic Enhancement and Development Trust Fund for use in this program.

(13) Any production company that submits fraudulent information under this section is liable for reimbursement of the reasonable costs and fees associated with the review, processing, investigation, and prosecution of the fraudulent claim. A production company that receives a payment under this section through a claim that is fraudulent is liable for reimbursement of the payment amount plus a penalty in an amount double the payment amount. The penalty is in addition to any criminal penalty for which the production company is liable for the same acts. The production company is also liable for costs and fees incurred by the state in investigating and prosecuting

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the fraudulent claim.

(14) The department may not waive any provision or provide an extension of time to meet any requirement of this section.

(15) This section expires on July 1, 2025. An agreement in existence on that date shall continue in effect in accordance with its terms.

Section 9. Section 288.1258, Florida Statutes, is amended to read:

288.1258 Entertainment industry qualified production companies; application procedure; categories; duties of the Department of Revenue; records and reports.—

(1) PRODUCTION COMPANIES AUTHORIZED TO APPLY.—

(a) Any production company engaged in this state in the production of motion pictures, made-for-TV motion pictures, television series, commercial advertising, music videos, or sound recordings may submit an application to the Department of Revenue to be approved by the Department of Economic Opportunity ~~Office of Film and Entertainment~~ as a qualified production company for the purpose of receiving a sales and use tax certificate of exemption from the Department of Revenue to exempt purchases on or after the date a complete application is filed with the Department of Revenue for exemptions under ss. 212.031, 212.06, and 212.08.

(b) As used in ~~For the purposes of~~ this section, the term "qualified production company" means any production company that has submitted a properly completed application to the Department of Revenue and that is subsequently qualified by the Department of Economic Opportunity ~~Office of Film and Entertainment~~.

(2) APPLICATION PROCEDURE.—

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1654 (a) The Department of Revenue shall ~~will~~ review all
1655 submitted applications for the required information. Within 10
1656 working days after the receipt of a properly completed
1657 application, the Department of Revenue shall ~~will~~ forward the
1658 completed application to the Department of Economic Opportunity
1659 ~~Office of Film and Entertainment~~ for approval.

1660 (b)1. The Department of Economic Opportunity ~~Office of Film~~
1661 ~~and Entertainment~~ shall establish a process by which an
1662 entertainment industry production company may be approved by the
1663 department office as a qualified production company and may
1664 receive a certificate of exemption from the Department of
1665 Revenue for the sales and use tax exemptions under ss. 212.031,
1666 212.06, and 212.08. A production company that is approved under
1667 this section may not simultaneously receive benefits under ss.
1668 288.1254 and 288.1256 for the same production.

1669 2. Upon determination by the department ~~Office of Film and~~
1670 ~~Entertainment~~ that a production company meets the established
1671 approval criteria and qualifies for exemption, the department
1672 ~~Office of Film and Entertainment~~ shall return the approved
1673 application or application renewal or extension to the
1674 Department of Revenue, which shall issue a certificate of
1675 exemption.

1676 3. The department ~~Office of Film and Entertainment~~ shall
1677 deny an application or application for renewal or extension from
1678 a production company if it determines that the production
1679 company does not meet the established approval criteria.

1680 (c) The department ~~Office of Film and Entertainment~~ shall
1681 develop, with the cooperation of the Department of Revenue, the
1682 Division of Film and Entertainment within Enterprise Florida,

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1683 Inc., and local government entertainment industry promotion
1684 agencies, a standardized application form for use in approving
1685 qualified production companies.

1686 1. The application form shall include, but not be limited
1687 to, production-related information on employment, proposed
1688 budgets, planned purchases of items exempted from sales and use
1689 taxes under ss. 212.031, 212.06, and 212.08, a signed
1690 affirmation from the applicant that any items purchased for
1691 which the applicant is seeking a tax exemption are intended for
1692 use exclusively as an integral part of entertainment industry
1693 preproduction, production, or postproduction activities engaged
1694 in primarily in this state, and a signed affirmation from the
1695 department ~~Office of Film and Entertainment~~ that the information
1696 on the application form has been verified and is correct. In
1697 lieu of information on projected employment, proposed budgets,
1698 or planned purchases of exempted items, a production company
1699 seeking a 1-year certificate of exemption may submit summary
1700 historical data on employment, production budgets, and purchases
1701 of exempted items related to production activities in this
1702 state. Any information gathered from production companies for
1703 the purposes of this section shall be considered confidential
1704 taxpayer information and shall be disclosed only as provided in
1705 s. 213.053.

1706 2. The application form may be distributed to applicants by
1707 the department, the Division ~~Office~~ of Film and Entertainment,
1708 or local film commissions.

1709 (d) All applications, renewals, and extensions for
1710 designation as a qualified production company shall be processed
1711 by the department ~~Office of Film and Entertainment~~.

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(e) ~~If In the event that~~ the Department of Revenue determines that a production company no longer qualifies for a certificate of exemption, or has used a certificate of exemption for purposes other than those authorized by this section and chapter 212, the Department of Revenue shall revoke the certificate of exemption of that production company, and any sales or use taxes exempted on items purchased or leased by the production company during the time such company did not qualify for a certificate of exemption or improperly used a certificate of exemption shall become immediately due to the Department of Revenue, along with interest and penalty as provided by s. 212.12. In addition to the other penalties imposed by law, any person who knowingly and willfully falsifies an application, or uses a certificate of exemption for purposes other than those authorized by this section and chapter 212, commits a felony of the third degree, punishable as provided in ss. 775.082, 775.083, and 775.084.

(3) CATEGORIES.—

(a)1. A production company may be qualified for designation as a qualified production company for a period of 1 year if the company has operated a business in Florida at a permanent address for a period of 12 consecutive months. Such a qualified production company shall receive a single 1-year certificate of exemption from the Department of Revenue for the sales and use tax exemptions under ss. 212.031, 212.06, and 212.08, which certificate shall expire 1 year after issuance or upon the cessation of business operations in the state, at which time the certificate shall be surrendered to the Department of Revenue.

2. ~~The Office of Film and Entertainment shall develop a~~

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~~method by which~~ A qualified production company may submit a new
application for ~~annually renew~~ a 1-year certificate of exemption
upon the expiration of that company's certificate of exemption;
however, upon approval of the department, such qualified
production company may annually renew the 1-year certificate of
exemption for a period of up to 5 years without submitting
~~requiring the production company to resubmit~~ a new application
during that 5-year period.

3. Each year, or upon surrender of the certificate of
exemption to the Department of Revenue, the ~~Any~~ qualified
production company shall ~~may~~ submit to the department aggregate
data for production-related information on employment,
expenditures in this state, capital investment, and purchases of
items exempted from sales and use taxes under ss. 212.031,
212.06, and 212.08 for inclusion in the annual report required
under subsection (5) ~~a new application for a 1-year certificate~~
~~of exemption upon the expiration of that company's certificate~~
~~of exemption.~~

(b)1. A production company may be qualified for designation
as a qualified production company for a period of 90 days. Such
production company shall receive a single 90-day certificate of
exemption from the Department of Revenue for the sales and use
tax exemptions under ss. 212.031, 212.06, and 212.08, which
certificate shall expire 90 days after issuance or upon the
cessation of business operations in the state at which time,
~~with extensions contingent upon approval of the Office of Film~~
~~and Entertainment.~~ the certificate shall be surrendered to the
Department of Revenue ~~upon its expiration.~~

2. A qualified production company may submit a new

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1770 application for a 90-day certificate of exemption each quarter
1771 upon the expiration of that company's certificate of exemption;
1772 however, upon approval of the department, such qualified
1773 production company may renew the 90-day certificate of exemption
1774 for a period of up to 1 year without submitting a new
1775 application during that 1-year period.

1776 3.2- Each 90 days, or upon surrender of the certificate of
1777 exemption to the Department of Revenue, the qualified Any
1778 production company shall may submit to the department aggregate
1779 data for production-related information on employment,
1780 expenditures in this state, capital investment, and purchases of
1781 items exempted from sales and use taxes under ss. 212.031,
1782 212.06, and 212.08 for inclusion in the annual report required
1783 under subsection (5) a new application for a 90-day certificate
1784 of exemption upon the expiration of that company's certificate
1785 of exemption.

1786 (4) DUTIES OF THE DEPARTMENT OF REVENUE.—

1787 (a) The Department of Revenue shall review the initial
1788 application and notify the applicant of any omissions and
1789 request additional information if needed. An application shall
1790 be complete upon receipt of all requested information. The
1791 Department of Revenue shall forward all complete applications to
1792 the department ~~Office of Film and Entertainment~~ within 10
1793 working days.

1794 (b) The Department of Revenue shall issue a numbered
1795 certificate of exemption to a qualified production company
1796 within 5 working days of the receipt of an approved application,
1797 application renewal, or application extension from the
1798 department ~~Office of Film and Entertainment~~.

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(c) The Department of Revenue may adopt ~~promulgate~~ such rules and shall prescribe and publish such forms as may be necessary to effectuate the purposes of this section or any of the sales tax exemptions which are reasonably related to the provisions of this section.

(d) The Department of Revenue is authorized to establish audit procedures in accordance with the provisions of ss. 212.12, 212.13, and 213.34 which relate to the sales tax exemption provisions of this section.

(5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The department ~~Office of Film and Entertainment~~ shall keep annual records from the information provided on taxpayer applications for tax exemption certificates and regularly reported as required in this section ~~beginning January 1, 2001~~. These records also must reflect a ratio of the annual amount of sales and use tax exemptions under this section, plus the tax credits ~~incentives~~ awarded pursuant to s. 288.1254 to the estimated amount of funds expended by certified productions. In addition, the department ~~office~~ shall maintain data showing annual growth in Florida-based entertainment industry companies and entertainment industry employment and wages. The employment information must include ~~an estimate of~~ the full-time equivalent positions created by each production that received tax credits pursuant to s. 288.1254. The department ~~Office of Film and Entertainment~~ shall include this information in the annual report for the entertainment industry ~~financial incentive~~ program required under s. 288.1254~~(10)~~.

Section 10. Subsection (1) of section 288.92, Florida

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Statutes, is amended to read:

288.92 Divisions of Enterprise Florida, Inc.—

(1) Enterprise Florida, Inc., may create and dissolve divisions as necessary to carry out its mission. Each division shall have distinct responsibilities and complementary missions. At a minimum, Enterprise Florida, Inc., shall have divisions related to the following areas:

(a) International Trade and Business Development;

(b) Business Retention and Recruitment;

(c) Tourism Marketing;

(d) Minority Business Development; ~~and~~

(e) Sports Industry Development; and

(f) Film and Entertainment.

Section 11. Subsection (5) of section 477.0135, Florida Statutes, is amended to read:

477.0135 Exemptions.—

(5) A license is not required of any individual providing makeup, special effects, or cosmetology services to an actor, stunt person, musician, extra, or other talent during a production recognized by the Department of Economic Opportunity ~~Office of Film and Entertainment~~ as a qualified production as defined in s. 288.1254(1). Such services are not required to be performed in a licensed salon. Individuals exempt under this subsection may not provide such services to the general public.

Section 12. For the purpose of incorporating the amendment made by this act to section 288.1254, Florida Statutes, in a reference thereto, paragraph (q) of subsection (5) of section 212.08, Florida Statutes, is reenacted to read:

212.08 Sales, rental, use, consumption, distribution, and

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storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(q) *Entertainment industry tax credit; authorization; eligibility for credits.*—The credits against the state sales tax authorized pursuant to s. 288.1254 shall be deducted from any sales and use tax remitted by the dealer to the department by electronic funds transfer and may only be deducted on a sales and use tax return initiated through electronic data interchange. The dealer shall separately state the credit on the electronic return. The net amount of tax due and payable must be remitted by electronic funds transfer. If the credit for the qualified expenditures is larger than the amount owed on the sales and use tax return that is eligible for the credit, the unused amount of the credit may be carried forward to a succeeding reporting period as provided in s. 288.1254(4)(e). A dealer may only obtain a credit using the method described in this subparagraph. A dealer is not authorized to obtain a credit by applying for a refund.

Section 13. For the purpose of incorporating the amendment made by this act to section 288.1254, Florida Statutes, in a reference thereto, subsection (3) of section 220.1899, Florida Statutes, is reenacted to read:

220.1899 Entertainment industry tax credit.—

(3) To the extent that the amount of a tax credit exceeds the amount due on a return, the balance of the credit may be

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1886 carried forward to a succeeding taxable year pursuant to s.

1887 288.1254(4) (e) .

1888 Section 14. This act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: CS/CS/SB 112

INTRODUCER: Transportation Committee, Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Hays

SUBJECT: Special License Plates

DATE: April 1, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sanders	Ryon	MS	Fav/CS
2.	Jones	Eichin	TR	Fav/CS
3.	Wells	Miller	ATD	Favorable
4.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 112 creates six special use military license plates. Special use license plates are created for recipients of the Combat Action Ribbon, Air Force Combat Action Medal, and the Distinguished Flying Cross medal. Special plates are also created for women veterans, WWII veterans, and Navy Submariners.

Revenue generated from the sale of these special license plates, with the exception of the “Woman Veteran” plate, will be deposited into the Grants and Donations Trust Fund and the State Homes for Veterans Trust Fund to support the State Veterans’ Homes Program. Revenue generated from the “Woman Veteran” special license plate will be deposited into the Operations and Maintenance Trust Fund administered by the Department of Veterans’ Affairs for the purpose of creating and implementing programs benefitting women veterans.

According to the Department of Highway Safety and Motor Vehicles (DHSMV), the cost of initial startup and programming revisions for the creation and manufacture of these six new special use license plates will be \$44,050.

The bill provides for an effective date of July 1, 2015.

II. Present Situation:

Special Use License Plates

Current law provides for several types of license plates. In addition to plates issued for governmental or business purposes, the Department of Highway Safety and Motor Vehicles (DHSMV) offers four basic types of plates to the general public:

- Standard plates;
- Specialty license plates;
- Personalized prestige license plates; and
- Special use license plates.

Certain members of the general public may be eligible to apply for special use license plates if they are able to document their eligibility pursuant to various sections of ch. 320, F.S. Special use license plates primarily include special use military license plates as well as plates for the handicapped.

Currently, there are 15 special use license plates authorized in s. 320.089, F.S., available to military service members or veterans for the following types of service:¹

- Veteran of the United States Armed Forces;
- Active or retired member of the Florida National Guard;
- Survivor of the attack on Pearl Harbor;
- Recipient of the Purple Heart Medal;
- Active or retired member of any branch of the United States Armed Forces Reserve;
- Recipient of the Combat Infantry Badge;
- Recipient of the Combat Medical Badge;
- Recipient of the Combat Action Badge;
- Former Prisoner of War;
- Veteran of the Korean War;
- Veteran of the Vietnam War;
- Service member or veteran of Operation Desert Shield;
- Service member or veteran of Operation Desert Storm;
- Service member or veteran of Operation Enduring Freedom; and
- Service member or veteran of Operation Iraqi Freedom.

There are currently no special use military plates recognizing the unique contributions of women veterans, WWII veterans, and Navy Submariners.

Special use license plates authorized under s. 320.089, F.S., are stamped with words consistent with the type of special use plate issued. For example, a special use plate issued to a current or former member of the Florida National Guard is stamped with the words “National Guard.” Additionally, a likeness of the related campaign medal or badge appears on the plate.

¹ Section 320.089, F.S.

Applicants for special use license plates in s. 320.089, F.S., are required to pay the annual license tax in s. 320.08, F.S., with the exception of certain disabled veterans who qualify for the Pearl Harbor, Purple Heart, or Prisoner of War plate, to whom such plates are issued at no cost.² The first \$100,000 of the general revenue generated annually from the issuance of special use plates is deposited into the Grants and Donations Trust Fund under the Veterans' Nursing Homes of Florida Act, as described in s. 296.38(2), F.S.³ Any additional general revenue is deposited into the State Homes for Veterans Trust Fund and used to construct, operate, and maintain domiciliary and nursing homes for veterans.⁴ For fiscal year 2013-2014 the total revenue from these plates was \$2,087,743.⁵

Three special use license plates are established in the Florida Statutes to recognize combat service for current or former Army personnel.⁶ However, no special use license plate exists to recognize the awards for service in combat for current or former members of the Air Force, Navy, Marine Corps, or Coast Guard.

Distinguished Flying Cross

America's oldest military aviation award, the Distinguished Flying Cross, was created in the Air Corps Act by the United States Congress on July 2, 1926. It is a U.S. military decoration awarded to an individual recipient, an aviator, who distinguished himself by heroism or extraordinary achievement while participating in aerial flight.⁷ Eligibility is dependent on service after April 6, 1917, in an Air Corps of either the United States Armed Forces or Armed Forces Reserves. The medal is not limited to combat operations and may be awarded for achievement during times of peace. The Air Force, Navy, and Marine Corps are authorized to use the "V" device, or "Combat V," which denotes that the medal was awarded for heroism.

Combat Action Ribbon

The Combat Action Ribbon recognizes members of the Navy and Marine Corps who rendered satisfactory performance under enemy fire while actively participating in a ground or surface engagement on or after December 7, 1941. Members of the Coast Guard who served while under the control of the Navy are also eligible for this award. The Combat Action Ribbon may also be awarded to individuals who faced direct exposure to the detonation of an improvised explosive device and personnel who serve in clandestine or special operations.⁸ The Secretary of the Navy determines which operations meet the criteria for this award. However, only one award per operation is authorized.

² Section 320.089(2)(a), F.S.

³ Section 320.089(1)(b), F.S.

⁴ *Id.*

⁵ Florida Department of Veterans' Affairs, 2015 Agency Bill Analysis: SB 112.

⁶ Special use license plates issued to current or former Army personnel to recognize combat service include the Combat Infantry Badge plate, Combat Medical Badge plate, and the Combat Action Badge plate.

⁷ Pub. L. No. 446, (1926).

⁸ SECNAVINST 1650.1H. "Navy and Marine Corps Awards Manual."

Air Force Combat Action Medal

Created on March 15, 2007, the Air Force Combat Action Medal recognizes members of the Air Force who actively participated in ground or air combat on or after September 11, 2001.

Nomination for the award is restricted to military members who:

- Deliberately go into the enemy's domain to conduct official duties, either on the ground or in the air, and have come under enemy fire by lethal weapons, and are at risk of grave danger; or
- While defending the base, have come under fire and engage the enemy with direct and lethal fire, and are at the risk of grave danger.

Members from other branches of the United States Armed Forces are also eligible for the award provided they served with a U.S. Air Force unit and meet the award criteria. Subsequent operations that qualify for the award are recognized on the medal through the use of a gold star device rather than issuing a second medal.⁹

III. Effect of Proposed Changes:

The bill amends s. 320.089, F.S., to create six special use military license plates for:

- Recipients of the Combat Action Ribbon;
- Recipients of the Air Force Combat Action Badge;
- Recipients of the Distinguished Flying Cross;
- Women veterans;
- WWII veterans; and
- Navy Submariners.

The plates will be stamped with the words "Combat Action Ribbon," "Air Force Combat Action Medal," "Distinguished Flying Cross," "Woman Veteran," "WWII Veteran," or "Navy Submariner," as appropriate, with an image of the related campaign medal or badge.

Applicants for the new special use license plates are required to pay the annual license tax in s. 320.08, F.S. Revenue generated from the sale of these license plates, with the exception of the "Woman Veteran" plate, will be administered in the same manner as the existing special use license plates in s. 320.089, F.S., and deposited into the Grants and Donations Trust Fund and the State Homes for Veterans Trust Fund to support the State Veterans' Homes Program. Revenue generated from the "Woman Veteran" special license plate will be deposited into the Operations and Maintenance Trust Fund administered by the Department of Veterans' Affairs for the purpose of creating and implementing programs benefitting women veterans.

The bill takes effect July 1, 2015.

⁹ AFI36-2803. 18 December 2013. "The Air Force Military Awards and Decorations Program."

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Under CS/CS/SB 112 a special use license plate would be available to a new group of registrants. The cost for an eligible individual to purchase such plate generally ranges from \$45-\$75.¹⁰

C. Government Sector Impact:

According to the DHSMV, the initial startup cost for the creation and manufacture of these six new special use license plates will be \$12,690. The bill will also require programming revision

Additionally, the bill could have a positive impact on the Grants and Donations Trust Fund, the State Homes for Veteran's Trust Fund, and the Operations and Maintenance Trust Fund with the sale of the six new special use license plates.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 320.089 of the Florida Statutes.

¹⁰ E-mail correspondence with DHSMV on January 16, 2015. On file with Military and Veterans Affairs, Space, and Domestic Security Committee.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Transportation on March 19, 2015:

The CS adds three additional military special license plates for:

- Women veterans;
- WWII veterans; and
- Navy Submariners

CS by Military and Veterans Affairs, Space, and Domestic Security on January 21, 2015:

The committee substitute creates two new special use license plates to recognize recipients of the Combat Action Ribbon and the Air Force Combat Action Badge.

B. Amendments:

None.

By the Committees on Transportation; and Military and Veterans Affairs, Space, and Domestic Security; and Senator Hays

596-02568-15

2015112c2

A bill to be entitled
An act relating to special license plates; amending s.
320.089, F.S.; authorizing the department to issue
Woman Veteran, World War II Veteran, Navy Submariner,
Combat Action Ribbon, Air Force Combat Action Medal,
and Distinguished Flying Cross license plates;
specifying qualifications and requirements for the
plates; requiring that any revenue generated from the
sale of Woman Veteran license plates be deposited into
the Operations and Maintenance Trust Fund to be used
for certain purposes; providing an effective date.

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

Section 1. Section 320.089, Florida Statutes, is amended to read:

320.089 Veterans of the United States Armed Forces; members of National Guard; survivors of Pearl Harbor; Purple Heart medal recipients; active or retired United States Armed Forces reservists; Combat Infantry Badge, Combat Medical Badge, or Combat Action Badge recipients; Combat Action Ribbon recipients; Air Force Combat Action Medal recipients; Distinguished Flying Cross recipients; former prisoners of war; Korean War Veterans; Vietnam War Veterans; Operation Desert Shield Veterans; Operation Desert Storm Veterans; Operation Enduring Freedom Veterans; ~~and~~ Operation Iraqi Freedom Veterans; Women Veterans; World War II Veterans; and Navy Submariners; special license plates; fee.—

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(1)(a) Each owner or lessee of an automobile or truck for private use or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of the state and a veteran of the United States Armed Forces, a Woman Veteran, a World War II Veteran, a Navy Submariner, an active or retired member of the Florida National Guard, a survivor of the attack on Pearl Harbor, a recipient of the Purple Heart medal, an active or retired member of any branch of the United States Armed Forces Reserve, or a recipient of the Combat Infantry Badge, Combat Medical Badge, ~~or~~ Combat Action Badge, Combat Action Ribbon, Air Force Combat Action Medal, or Distinguished Flying Cross ~~shall~~, upon application to the department, accompanied by proof of release or discharge from any branch of the United States Armed Forces, proof of active membership or retired status in the Florida National Guard, proof of membership in the Pearl Harbor Survivors Association or proof of active military duty in Pearl Harbor on December 7, 1941, proof of being a Purple Heart medal recipient, proof of active or retired membership in any branch of the United States Armed Forces Reserve, or proof of membership in the Combat Infantrymen's Association, Inc., ~~or~~ ~~either~~ proof of being a recipient of the Combat Infantry Badge, Combat Medical Badge, ~~or~~ Combat Action Badge, Combat Action Ribbon, Air Force Combat Action Medal, or Distinguished Flying Cross, and upon payment of the license tax for the vehicle as provided in s. 320.08, shall be issued a license plate as provided by s. 320.06, ~~upon~~ which, in lieu of the serial numbers prescribed by s. 320.06, ~~is shall be~~ stamped with the words "Veteran," "Woman Veteran," "WWII Veteran," "Navy Submariner,"

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59 "National Guard," "Pearl Harbor Survivor," "Combat-wounded
60 veteran," "U.S. Reserve," "Combat Infantry Badge," "Combat
61 Medical Badge," ~~or~~ "Combat Action Badge," "Combat Action
62 Ribbon," "Air Force Combat Action Medal," or "Distinguished
63 Flying Cross," as appropriate, and a likeness of the related
64 campaign medal or badge, followed by the serial number of the
65 license plate. Additionally, the Purple Heart plate may have the
66 words "Purple Heart" stamped on the plate and the likeness of
67 the Purple Heart medal appearing on the plate.

68 (b) Notwithstanding any other provision of law to the
69 contrary, beginning with fiscal year 2002-2003 and annually
70 thereafter, the first \$100,000 in general revenue generated from
71 the sale of license plates issued under this section shall be
72 deposited into the Grants and Donations Trust Fund, as described
73 in s. 296.38(2), to be used for the purposes established by law
74 for that trust fund. Any additional general revenue generated
75 from the sale of such plates shall be deposited into the State
76 Homes for Veterans Trust Fund and used solely to construct,
77 operate, and maintain domiciliary and nursing homes for
78 veterans, subject to the requirements of chapter 216.

79 (c) Any revenue generated from the sale of Woman Veteran
80 license plates must be deposited into the Operations and
81 Maintenance Trust Fund administered by the Department of
82 Veterans' Affairs pursuant to s. 20.375(3) and must be used
83 solely for the purpose of creating and implementing programs to
84 benefit women veterans. Notwithstanding any provisions of law to
85 the contrary, an applicant for a Pearl Harbor Survivor license
86 plate or a Purple Heart license plate who also qualifies for a
87 disabled veteran's license plate under s. 320.084 shall be

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88 issued the appropriate special license plate without payment of
89 the license tax imposed by s. 320.08.

90 (2) Each owner or lessee of an automobile or truck for
91 private use, a truck weighing not more than 7,999 pounds, or a
92 recreational vehicle as specified in s. 320.08(9)(c) or (d),
93 which is not used for hire or commercial use, ~~who~~ who is a resident
94 of this ~~the~~ state and who is a former prisoner of war, or his or
95 her ~~their~~ unremarried surviving spouse, ~~shall~~, upon application
96 ~~therefor~~ to the department, shall be issued a license plate as
97 provided in s. 320.06, ~~on which license plate are stamped with~~
98 the words "Ex-POW" followed by the serial number. Each
99 application shall be accompanied by proof that the applicant
100 meets the qualifications specified in paragraph (a) or paragraph
101 (b).

102 (a) A citizen of the United States who served as a member
103 of the Armed Forces of the United States or the armed forces of
104 a nation allied with the United States who was held as a
105 prisoner of war at such time as the Armed Forces of the United
106 States were engaged in combat, or his or her ~~their~~ unremarried
107 surviving spouse, may be issued the special license plate
108 provided for in this subsection without payment of the license
109 tax imposed by s. 320.08.

110 (b) A person who was serving as a civilian with the consent
111 of the United States Government, or a person who was a member of
112 the Armed Forces of the United States while he or she ~~who~~ was
113 not a United States citizen and was held as a prisoner of war
114 when the Armed Forces of the United States were engaged in
115 combat, or his or her ~~their~~ unremarried surviving spouse, may be
116 issued the special license plate provided for in this subsection

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117 upon payment of the license tax imposed by s. 320.08.

118 (3) Each owner or lessee of an automobile or truck for
119 private use, a truck weighing not more than 7,999 pounds, or a
120 recreational vehicle as specified in s. 320.08(9)(c) or (d),
121 which is not used for hire or commercial use~~7~~ who is a resident
122 of this state and who is the unremarried surviving spouse of a
123 recipient of the Purple Heart medal ~~shall~~, upon application
124 ~~therefor~~ to the department accompanied by, ~~with~~ the payment of
125 the required fees, shall be issued a license plate as provided
126 in s. 320.06~~7~~, ~~on which is license plate are stamped with~~ the
127 words "Purple Heart" and the likeness of the Purple Heart medal
128 followed by the serial number. Each application shall be
129 accompanied by proof that the applicant is the unremarried
130 surviving spouse of a recipient of the Purple Heart medal.

131 (4) The owner or lessee of an automobile or truck for
132 private use, a truck weighing not more than 7,999 pounds, or a
133 recreational vehicle as specified in s. 320.08(9)(c) or (d)
134 which ~~automobile, truck, or recreational vehicle~~ is not used for
135 hire or commercial use~~7~~ who is a resident of this ~~the~~ state and
136 a current or former member of the United States Armed Forces~~7~~
137 ~~and~~ who was deployed and served in Korea during the Korean War
138 as defined in s. 1.01(14), ~~shall~~, upon application to the
139 department~~7~~ accompanied by proof of active membership or former
140 active duty status during the Korean War~~7~~ and ~~upon~~ payment of
141 the license tax for the vehicle as provided in s. 320.08, shall
142 be issued a license plate as provided by s. 320.06 ~~upon~~ which,
143 in lieu of the registration license number prescribed by s.
144 320.06, is ~~shall be~~ stamped with the words "Korean War Veteran~~7~~"
145 and a likeness of the Korean Service Medal, followed by the

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146 registration license number of the plate. Proof that the
147 applicant was awarded the Korean Service Medal is sufficient to
148 establish eligibility for the license plate.

149 (5) The owner or lessee of an automobile or truck for
150 private use, a truck weighing not more than 7,999 pounds, or a
151 recreational vehicle as specified in s. 320.08(9)(c) or (d)
152 which ~~automobile, truck, or recreational vehicle~~ is not used for
153 hire or commercial use, who is a resident of this the state and
154 a current or former member of the United States military, ~~and~~
155 who was deployed and served in Vietnam during United States
156 military deployment in Indochina ~~shall~~, upon application to the
157 department, accompanied by proof of active membership or former
158 active duty status during these operations, ~~and, upon~~ payment of
159 the license tax for the vehicle as provided in s. 320.08, shall
160 be issued a license plate as provided by s. 320.06 ~~upon~~ which,
161 in lieu of the registration license number prescribed by s.
162 320.06, is shall be stamped with the words "Vietnam War
163 Veteran," and a likeness of the Vietnam Service Medal, followed
164 by the registration license number of the plate. Proof that the
165 applicant was awarded the Vietnam Service Medal is sufficient to
166 establish eligibility for the license plate.

167 (6) The owner or lessee of an automobile or truck for
168 private use, a truck weighing not more than 7,999 pounds, or a
169 recreational vehicle as specified in s. 320.08(9)(c) or (d)
170 which ~~automobile, truck, or recreational vehicle~~ is not used for
171 hire or commercial use who is a resident of this the state and a
172 current or former member of the United States military who was
173 deployed and served in Saudi Arabia, Kuwait, or another area of
174 the Persian Gulf during Operation Desert Shield or Operation

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175 Desert Storm; in Afghanistan during Operation Enduring Freedom;
176 or in Iraq during Operation Iraqi Freedom ~~shall~~, upon
177 application to the department, ~~and~~ accompanied by proof of active
178 membership or former active duty status during one of these
179 operations, ~~and upon~~ payment of the license tax for the vehicle
180 as provided in s. 320.08, shall be issued a license plate as
181 provided by s. 320.06 ~~upon~~ which, in lieu of the registration
182 license number prescribed by s. 320.06, is shall be stamped with
183 the words "Operation Desert Shield," "Operation Desert Storm,"
184 "Operation Enduring Freedom," or "Operation Iraqi Freedom," as
185 appropriate, and a likeness of the related campaign medal
186 followed by the registration license number of the plate. Proof
187 that the applicant was awarded the Southwest Asia Service Medal,
188 Iraq Campaign Medal, Afghanistan Campaign Medal, or Global War
189 on Terrorism Expeditionary Medal is sufficient to establish
190 eligibility for the appropriate license plate.

191 Section 2. This act shall take effect July 1, 2015.

192

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: CS/SB 228

INTRODUCER: Ethics and Elections Committee and Senators Clemens and Richter

SUBJECT: Online Voter Application

DATE: April 1, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton	Roberts	EE	Fav/CS
2.	Sneed	Miller	ATD	Favorable
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 228 directs the Division of Elections in the Department of State to develop an operational, online voter registration system by October 1, 2017.

The Division of Elections is tasked with establishing the secure Internet website and developing security measures to prevent unauthorized tampering with a voter's registration information, including the use of a unique identifier for each applicant. The system must also comply with certain federal laws to ensure equal access to voters with disabilities. The Division of Elections is required to submit a report to the President of the Senate and the Speaker of the House of Representatives regarding the implementation of online voter registration applications no later than January 1, 2016.

The bill takes effect July 1, 2015 (although none of its provisions will be implemented until at least October 1, 2017, when the online voter registration system is up and running).

Although the bill is expected to have an insignificant fiscal impact on the Department of Highway Safety and Motor Vehicles, the fiscal impact to the Division of Elections to develop and operate the online system is indeterminate yet likely significant.

II. Present Situation:

As of December 2014, the National Conference on State Legislatures (“NCSL”) found that:

- 20 states offered online voter registration;
- 4 states had passed legislation to create online registration systems, but had not yet implemented them; and,
- 3 states offered some form of limited online voter registration.¹

Florida was not included among these states, despite the fact that it has an electronic system for submitting voter registration applications from Department of Highway Safety & Motor Vehicles (“DHSMV”) offices.² Floridians not registering electronically at a DHSMV office must fill out a paper voter registration application and return it to their local county supervisor of elections, or to any of the following entities: any supervisor of elections’ office in the state, a voter registration agency including an armed forces recruitment office, a public library, or the Division of Elections.³ The division’s website, and most if not all supervisor’s websites, contain an electronic version of the official Florida Voter Registration Application which can be printed out, sworn and affirmed by the applicant’s signature, and mailed.⁴

III. Effect of Proposed Changes:

Beginning October 1, 2017, the bill creates an online voter registration system for registering first-time voters and updating existing voter registrations. The Division of Elections is tasked with establishing the secure Internet website and developing security measures to prevent unauthorized tampering with a voter’s registration information, including the use of a unique identifier for each applicant. The system must also comply with certain federal laws to ensure equal access to voters with disabilities.

Upon submission of a completed online voter registration application, the website must generate an immediate electronic confirmation that the supervisor has received it and will provide instruction with respect to checking the status of the application.

¹ National Conference of State Legislatures website, <http://www.ncsl.org/research/elections-and-campaigns/electronic-or-online-voter-registration.aspx> (last accessed 3.11.2015).

² DHSMV’s staff analysis on SB 784 (2014) provides:

Currently, driver license examiners ask driver license or identification card applicants if the applicant would like to apply to register to vote or update his or her current voter registration information during the credential process. If so, an electronic voter registration application is completed, with a digital signature, and the voter oath is administered. The voter registration application includes data specific to the voter registration process, such as whether the person is a convicted felon, party affiliation, military status, whether the person needs voting assistance and previous voter registration data. The voter application also requires the examiner to re-key the customer’s address in order to verify it against a Department of State database, as required by law. The customer receives a printed application for his or her review. At the close of business, the day’s voter registration applications, changes, and declinations are submitted electronically to the Department of State.

DHSMV’s 2014 Agency Legislative Bill Analysis, *SB 784*, at p.1 (January 31, 2014) (Section 2.1., Present Situation), available at, <http://abar.laspbs.state.fl.us/ABAR/Document.aspx?id=2773&yr=2014> (last visited 3.11.2015).

³ Florida Department of State website, <http://election.dos.state.fl.us/voter-registration/voter-reg.shtml> (last accessed 3.11.2015).

⁴ Florida Voter Registration Application Form, available at the Division of Elections website, <http://election.dos.state.fl.us/pdf/webappform.pdf> (last visited 3.11.2015).

Specifically, the new online voting system will:

- Compare an applicant's driver's license number or Florida ID number with DHSMV records, to confirm the name and birth date of the applicant.
- *If the applicant's name and birth date are consistent*, electronically transmit the application to the appropriate supervisor of elections along with the applicant's digital signature (if he or she has it on file with DHSMV), in which case the application process can proceed electronically.
- *If an otherwise eligible applicant's name and birth cannot be verified, or if the applicant has no driver's license or Florida ID card, the system must populate the form and direct the applicant to print, sign and date the application and deliver it to the appropriate Supervisor of Elections for disposition pursuant to s. 97.073, F.S.5*

The Division of Elections is required to submit a report to the President of the Senate and the Speaker of the House of Representatives regarding implementation of online voter registration applications no later than January 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Expenditures; nonrecurring (DHSMV)

In its agency bill analysis on SB 784 (2014), which was nearly identical to CS/SB 228, the Department of Highway Safety and Motor Vehicles estimated that it will take about

⁵ Section 97.073, F.S., requires a Supervisor of Elections to request any required information missing from the voter registration application

270 nonrecurring programming hours at a cost of \$20,400 to provide verification for the name, date of birth, Florida Driver's license number, or Florida identification card number after voter registration applications are submitted online. The DHSMV has not yet provided an agency bill analysis on CS/SB 228 (2015).

Expenditures; recurring/nonrecurring (DOS)

According to the Division of Elections, the cost of developing and operating an online voter registration system is indeterminate, yet likely significant. Based on information from other states, the division projects that development costs could range from \$250,000 to \$1,800,000. The division may also need to enlist the services of experts to ensure that the new system meets nationally accepted accessibility standards for individuals with disabilities.

Additionally, the Division of Elections states that the proposed system could negatively disrupt and delay two independent ongoing major multi-year system modernization efforts for the Department of State and DHSMV. The Department of State has initiated plans to update its Florida Voter Registration System (FVRS). DHSMV has completed year 1 of a 5-year plan to rewrite its Driver and Vehicle Identification Database system (DAVID).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 97.0525 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Ethics and Elections on March 17, 2015:

The committee substitute differs from the original bill in that:

- Online voter registration applications would begin on October 1, 2017;
- Applicants must have a Florida driver license or a Florida identification card;
- Provides that if the applicant does not have a Florida driver license or Florida identification card, the system must populate the form and direct the applicant to print, sign and date the application and deliver it to the appropriate Supervisor of Elections for disposition pursuant to s. 97.073, F.S.; and

- The Division of Elections is required to submit a report to the President of the Senate and the Speaker of the House of Representatives regarding implementation of online voter registration applications no later than January 1, 2016.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Ethics and Elections; and Senators Clemens and Richter

582-02440-15

2015228c1

A bill to be entitled

An act relating to online voter registration; creating s. 97.0525, F.S.; requiring the Division of Elections of the Department of State to develop an online voter registration system; providing application and security requirements; requiring the system to compare information submitted online with Department of Highway Safety and Motor Vehicles records; providing for the disposition of voter registration applications; requiring system compliance with federal accessibility provisions; providing for construction; requiring the division to report to the Legislature regarding online voter registration implementation by a specified date; providing an effective date.

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

Section 1. Section 97.0525, Florida Statutes, is created to read:

97.0525 Online voter registration.—

(1) Beginning October 1, 2017, an applicant may submit an online voter registration application using the procedures set forth in this section.

(2) The division shall establish a secure Internet website to permit an applicant to:

(a) Submit a voter registration application, including first-time voter registration applications and updates to existing voter registration records.

(b) Submit information necessary to establish an

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applicant's eligibility to vote, pursuant to s. 97.041, which must include the information required for the uniform statewide voter registration application pursuant to s. 97.052(2).

(c) Swear to the oath required pursuant to s. 97.051.

(3) The division shall establish appropriate technological security measures, including use of a unique identifier for each applicant, to prevent unauthorized persons from altering a voter's registration information.

(4) (a) The online voter registration system shall compare the Florida driver license number or Florida identification number submitted pursuant to s. 97.052(2) (n) with information maintained by the Department of Highway Safety and Motor Vehicles to confirm that the name and date of birth on the application are consistent with the records of the Department of Highway Safety and Motor Vehicles.

(b) If the applicant's name and date of birth are consistent with the records of the Department of Highway Safety and Motor Vehicles, the online voter registration system shall transmit, using the statewide voter registration system maintained pursuant to s. 98.035, the applicant's registration application, along with the digital signature of the applicant on file with the Department of Highway Safety and Motor Vehicles, to the supervisor of elections. The applicant's digital signature satisfies the signature requirement of s. 97.052(2) (q).

(c) If the applicant's name and date of birth cannot be verified by the records of the Department of Highway Safety and Motor Vehicles, or if the applicant indicated that he or she has not been issued a Florida driver license or Florida

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59 identification card, the online voter registration system shall
60 populate the applicant's information into a printable voter
61 registration application pursuant to s. 97.052(2) and direct the
62 applicant to print, sign, and date the application and deliver
63 the application to the supervisor of elections for disposition
64 pursuant to s. 97.073.

65 (5) Upon submission of a completed online voter
66 registration application, the website must generate an immediate
67 electronic confirmation that the supervisor of elections has
68 received the application and provide instructions regarding the
69 ability of a registrant to check the status of the application
70 thereafter.

71 (6) Except as otherwise provided in this section, the
72 supervisor of elections shall process the application pursuant
73 to s. 97.053.

74 (7) The online voter registration system must conform to
75 nationally accepted standards for accessibility for individuals
76 with disabilities, including s. 508 of the Rehabilitation Act of
77 1973, s. 255 of the Telecommunications Act of 1996, and the Web
78 Content Accessibility Guidelines of the World Wide Web
79 Consortium, to ensure equal access for voters with disabilities.

80 (8) A legal distinction may not be made between online
81 voter registration under this section and voter registration in
82 person, by mail, or by other methods provided by general law.

83 Section 2. No later than January 1, 2016, the Division of
84 Elections shall submit a report to the President of the Senate
85 and the Speaker of the House of Representatives regarding the
86 implementation of online voter registration. In the report, the
87 division shall summarize progress to date in implementing online

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88 voter registration and expected implementation timeframes, and
89 shall propose any further legislation needed to facilitate
90 online voter registration.

91 Section 3. This act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: CS/SB 240

INTRODUCER: Transportation Committee and Senators Brandes and Gaetz

SUBJECT: Issuance of Driver Licenses and Identification Cards

DATE: April 1, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	Fav/CS
2.	Miller	Miller	ATD	Favorable
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 240 allows the Department of Highway Safety and Motor Vehicles (DHSMV) to accept a military personnel identification card as proof of social security number for issuing a driver license or identification card.

The bill has no fiscal impact on the private sector or government.

The bill takes effect July 1, 2015.

II. Present Situation:

REAL ID Act of 2005

The REAL ID Act became effective nationwide on May 11, 2008. The Act establishes minimum standards for the issuance of state driver licenses and identification cards. The Act prohibits Federal agencies from accepting driver licenses and identification cards for official uses¹ if the United States Department of Homeland Security (DHS) has determined the state does not meet the minimum standards.

¹ Department of Homeland Security, *REAL ID FAQs for the Public*, Jan. 11, 2015. <http://www.dhs.gov/real-id-public-faqs> (last visited Mar. 8, 2015). "Official uses are defined as accessing Federal facilities, entering nuclear power plants, and boarding federally-regulated commercial aircraft."

Individuals without a license from a compliant jurisdiction may present alternative forms of identification accepted by a federal agency, such as a U.S. Passport. Agencies may have additional processes to accommodate individuals lacking the prescribed identification documents.²

Enforcement of the REAL ID Act will happen in phases³:

Phase	Enforcement	Full Enforcement Date
1	Restricted areas for DHS's Nebraska Avenue Complex headquarters	April 21, 2014
2	Restricted areas for all Federal facilities and nuclear power plants	July 21, 2014
3	Semi-restricted areas for most Federal facilities	January 19, 2015
3a	Facility Security Levels 1 and 2	January 19, 2015
3b	Facility Security Levels 3, 4, and 5	October 10, 2015
4	Boarding federally regulated commercial aircraft	No sooner than 2016

Florida's Compliance with the REAL ID Act⁴

Florida began issuing REAL ID compliant driver licenses and identification cards on January 4, 2010. The REAL ID-compliant credentials have a star in the upper right corner of the card. According to the DHSMV, over 11.5 million individuals have met the new identity standards for a Florida driver license or identification card.⁵ Florida currently has a 70 percent compliance rate with the REAL ID Act.

Military Personnel Identification Cards

The Department of Defense (DoD) issues two main types of military identification cards. The Common Access Card is the standard identification for active duty uniformed service personnel, Selected Reserve, DoD civilian employees, and eligible contractor personnel.⁶ The Uniformed Services ID Card is held by retired military and military family members. The card is necessary for retired military and military family members to access military service benefits and privileges.⁷

Proof of Social Security Number

Current law requires an applicant for a driver license or identification card to present proof of social security number satisfactory to the DHSMV.⁸

² *Id.*

³ *Id.*

⁴ Department of Highway Safety and Motor Vehicles, *The REAL ID Act*, <http://www.flhsmv.gov/realid/> (last visited Mar. 8, 2015).

⁵ Email from DHSMV, (Mar. 9, 2015) (On file with the Senate Committee on Transportation).

⁶ Department of Defense, *Common Access Card (CAC)*, <http://www.cac.mil/common-access-card/> (last visited Mar. 8, 2015).

⁷ Department of Defense, *Uniformed Services ID Card*, <http://www.cac.mil/uniformed-services-id-card/> (last visited Mar. 8, 2015).

⁸ Sections 322.08(2)(a) and 322.051(1)(a)1., F.S.

The DHSMV currently requires an original of one of the following documents that show the applicant's name and social security number⁹:

- Social Security Card
- W-2 Form
- Pay-Check
- Form SSA-1099 (Social Security Benefit Statement)
- Form 1099

III. Effect of Proposed Changes:

The bill allows the DHSMV to accept a military identification card as proof of social security number for issuing a driver license or identification card.

The bill also makes technical changes to correct references to United States Citizenship and Immigration Services, the government agency that oversees lawful immigration to the United States.

The bill takes effect July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

⁹ Department of Highway Safety and Motor Vehicles, *Documents Now Required When You Come to a Driver License Office*, <http://www.flhsmv.gov/ddl/address.html> (last visited March 25, 2015).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following section of the Florida Statutes: 322.051 and 322.08.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on March 12, 2015:

The CS removes the provision that the DHSMV must accept an active or retired military personnel identification card as proof of identity for issuance of a driver license or identification card.

It, instead, allows the DHSMV to accept military identification cards for proof of social security number when issuing a driver license or identification card.

The change was made to maintain compliance with the REAL-ID Act.

B. Amendments:

None.

By the Committee on Transportation; and Senators Brandes and Gaetz

596-02199-15

2015240c1

A bill to be entitled
An act relating to driver licenses and identification cards; amending ss. 322.051 and 322.08, F.S.; providing for the Department of Highway Safety and Motor Vehicles to accept a military identification card to meet certain requirements for issuance of an identification card or a driver license, respectively; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) of section 322.051, Florida Statutes, is amended to read:

322.051 Identification cards.—

(1) Any person who is 5 years of age or older, or any person who has a disability, regardless of age, who applies for a disabled parking permit under s. 320.0848, may be issued an identification card by the department upon completion of an application and payment of an application fee.

(a) The application must include the following information regarding the applicant:

1. Full name (first, middle or maiden, and last), gender, proof of social security card number satisfactory to the department, which may include a military identification card, county of residence, mailing address, proof of residential address satisfactory to the department, country of birth, and a brief description.

2. Proof of birth date satisfactory to the department.

3. Proof of identity satisfactory to the department. Such

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proof must include one of the following documents issued to the applicant:

a. A driver license record or identification card record from another jurisdiction that required the applicant to submit a document for identification which is substantially similar to a document required under sub-subparagraph b., sub-subparagraph c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph f., sub-subparagraph g., or sub-subparagraph h.;

b. A certified copy of a United States birth certificate;

c. A valid, unexpired United States passport;

d. A naturalization certificate issued by the United States Department of Homeland Security;

e. A valid, unexpired alien registration receipt card (green card);

f. A Consular Report of Birth Abroad provided by the United States Department of State;

g. An unexpired employment authorization card issued by the United States Department of Homeland Security; or

h. Proof of nonimmigrant classification provided by the United States Department of Homeland Security, for an original identification card. In order to prove nonimmigrant classification, an applicant must provide at least one of the following documents. In addition, the department may require applicants to produce United States Department of Homeland Security documents for the sole purpose of establishing the maintenance of, or efforts to maintain, continuous lawful presence:

(I) A notice of hearing from an immigration court scheduling a hearing on any proceeding.

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59 (II) A notice from the Board of Immigration Appeals
60 acknowledging pendency of an appeal.

61 (III) A notice of the approval of an application for
62 adjustment of status issued by the United States ~~Bureau of~~
63 Citizenship and Immigration Services.

64 (IV) An official documentation confirming the filing of a
65 petition for asylum or refugee status or any other relief issued
66 by the United States ~~Bureau of~~ Citizenship and Immigration
67 Services.

68 (V) A notice of action transferring any pending matter from
69 another jurisdiction to Florida, issued by the United States
70 ~~Bureau of~~ Citizenship and Immigration Services.

71 (VI) An order of an immigration judge or immigration
72 officer granting relief that authorizes the alien to live and
73 work in the United States, including, but not limited to,
74 asylum.

75 (VII) Evidence that an application is pending for
76 adjustment of status to that of an alien lawfully admitted for
77 permanent residence in the United States or conditional
78 permanent resident status in the United States, if a visa number
79 is available having a current priority date for processing by
80 the United States ~~Bureau of~~ Citizenship and Immigration
81 Services.

82 (VIII) On or after January 1, 2010, an unexpired foreign
83 passport with an unexpired United States Visa affixed,
84 accompanied by an approved I-94, documenting the most recent
85 admittance into the United States.

86
87 An identification card issued based on documents required in

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sub-subparagraph g. or sub-subparagraph h. is valid for a period not to exceed the expiration date of the document presented or 1 year, whichever occurs first.

Section 2. Subsection (2) of section 322.08, Florida Statutes, is amended to read:

322.08 Application for license; requirements for license and identification card forms.—

(2) Each such application shall include the following information regarding the applicant:

(a) Full name (first, middle or maiden, and last), gender, proof of social security card number satisfactory to the department, which may include a military identification card, county of residence, mailing address, proof of residential address satisfactory to the department, country of birth, and a brief description.

(b) Proof of birth date satisfactory to the department.

(c) Proof of identity satisfactory to the department. Such proof must include one of the following documents issued to the applicant:

1. A driver license record or identification card record from another jurisdiction that required the applicant to submit a document for identification which is substantially similar to a document required under subparagraph 2., subparagraph 3., subparagraph 4., subparagraph 5., subparagraph 6., subparagraph 7., or subparagraph 8.;

2. A certified copy of a United States birth certificate;

3. A valid, unexpired United States passport;

4. A naturalization certificate issued by the United States Department of Homeland Security;

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117 5. A valid, unexpired alien registration receipt card
118 (green card);

119 6. A Consular Report of Birth Abroad provided by the United
120 States Department of State;

121 7. An unexpired employment authorization card issued by the
122 United States Department of Homeland Security; or

123 8. Proof of nonimmigrant classification provided by the
124 United States Department of Homeland Security, for an original
125 driver license. In order to prove nonimmigrant classification,
126 an applicant must provide at least one of the following
127 documents. In addition, the department may require applicants to
128 produce United States Department of Homeland Security documents
129 for the sole purpose of establishing the maintenance of, or
130 efforts to maintain, continuous lawful presence:

131 a. A notice of hearing from an immigration court scheduling
132 a hearing on any proceeding.

133 b. A notice from the Board of Immigration Appeals
134 acknowledging pendency of an appeal.

135 c. A notice of the approval of an application for
136 adjustment of status issued by the United States ~~Bureau of~~
137 Citizenship and Immigration Services.

138 d. An official documentation confirming the filing of a
139 petition for asylum or refugee status or any other relief issued
140 by the United States ~~Bureau of~~ Citizenship and Immigration
141 Services.

142 e. A notice of action transferring any pending matter from
143 another jurisdiction to this state issued by the United States
144 ~~Bureau of~~ Citizenship and Immigration Services.

145 f. An order of an immigration judge or immigration officer

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granting relief that authorizes the alien to live and work in the United States, including, but not limited to, asylum.

g. Evidence that an application is pending for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States, if a visa number is available having a current priority date for processing by the United States ~~Bureau of~~ Citizenship and Immigration Services.

h. On or after January 1, 2010, an unexpired foreign passport with an unexpired United States Visa affixed, accompanied by an approved I-94, documenting the most recent admittance into the United States.

A driver license or temporary permit issued based on documents required in subparagraph 7. or subparagraph 8. is valid for a period not to exceed the expiration date of the document presented or 1 year.

(d) Whether the applicant has previously been licensed to drive, and, if so, when and by what state, and whether any such license or driving privilege has ever been disqualified, revoked, or suspended, or whether an application has ever been refused, and, if so, the date of and reason for such disqualification, suspension, revocation, or refusal.

(e) Each such application may include fingerprints and other unique biometric means of identity.

Section 3. This act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: CS/SB 256

INTRODUCER: Transportation Committee and Senator Sobel

SUBJECT: Identification Cards

DATE: April 1, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	Fav/CS
2.	Miller	Miller	ATD	Favorable
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 256 allows a person with a developmental disability, or a parent or guardian of a child or ward with a developmental disability to voluntarily request to be issued an identification card with a “D” designation for the person diagnosed with a developmental disability.

The Department of Highway Safety and Motor Vehicles (DHSMV) will issue the identification card upon proof of diagnosis of a developmental disability by a licensed physician and payment of a \$10 fee. A replacement identification card that includes the designation may be issued without payment of the current \$25 replacement fee.

According to the DHSMV implementation of the bill will cost an estimated \$90,880 for programming hours and changes to the identification card issuance process.

Revenue from the \$10 additional fee will have a positive indeterminate fiscal impact on the Agency for Persons with Disabilities (APD) Operations and Maintenance Trust Fund. The bill will have a negative indeterminate fiscal impact to the General Revenue Fund and the Highway Safety Operating Trust Fund (HSOTF) due to individuals with the “D” designation being able to receive a replacement identification card without payment of the required \$25 fee.

The bill provides an effective date of October 1, 2015.

II. Present Situation:

Developmental Disabilities in Florida

Section 393.063(9), F.S., defines developmental disabilities to mean “a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely.”

The Florida Developmental Disabilities Council estimates there are approximately 100,000 individuals living in the state who meet the developmental disability criteria.

Identification Cards in Florida

Any person who is five years of age or older, or any person who has a disability, regardless of age, who applies for a disabled parking permit, may be issued an identification card by the DHSMV upon completion of an application and payment of a \$25 fee.¹ For an original identification card the \$25 fee is deposited into the General Revenue Fund; and for a replacement identification card \$9 is deposited into the HSOTF and \$16 is deposited into the General Revenue Fund.²

An identification card issued to a person 5 to 14 years of age expires, unless canceled earlier, on the fourth birthday of the applicant following the date of original issue. An identification card issued to a person 15 years of age or older expires, unless canceled earlier, on the eighth birthday of the applicant following the date of original issue.³

In fiscal year 2013-2014, there were 517,874 identification cards issued statewide.⁴

Identification Cards for Persons with Developmental Disabilities

Other states have implemented Disability Identification Cards for individuals with developmental disabilities. These identification cards serve as an indicator for police and others that an individual has a developmental disability.

For example, in Illinois, the Disabled Person Identification Card is used to signify an individual has a physical, developmental, visual, hearing, or mental disability, and classifies each disability.⁵ The card is able to be used as proof of a disability as well as proof of identification for the individual. In Georgia, disability symbols can be placed on a license, permit, or identification card issued by the Georgia Department of Driver Services.⁶ Conditions such as

¹ Section 322.051, F.S.

² Section 322.021(1)(f), F.S., also provides that beginning July 1, 2015, or upon completion of the transition of the driver license issuance services, if the replacement identification card is issued by the tax collector, the tax collector retains \$9 of the fee that would have been deposited in the HSOTF.

³ Section 322.051(2)(a), F.S.

⁴ Department of Highway Safety and Motor Vehicles, *SB 256 Agency Legislative Bill Analysis* (Mar. 13, 2015) (on file with the Senate Committee on Transportation).

⁵ See 15 ILCS 335/4a

⁶ O.C.G.A. s. 40-5-171 (2010).

PTSD, Dementia, Autism, and developmental disabilities, confirmed by a medical doctor, can be indicated on the back of an individual's license, permit, or identification card.⁷

Agency for Persons with Disabilities (APD)

The APD serves over 50,000 Floridians with developmental disabilities.⁸ Revenues deposited into the Operations and Maintenance Trust Fund administered by the APD, under s. 20.1971(2), F.S. go toward client services and administration of those services.⁹ These services include: life skills development and job training, personal care assistance, therapeutic and wellness support, transportation services, and specialized medical assistance.

III. Effect of Proposed Changes:

The bill allows a person with a developmental disability¹⁰, or the parent or guardian of a child or ward with a developmental disability, to voluntarily request to be issued an identification card exhibiting a "D" designation for the person who has been diagnosed by a licensed physician as having a developmental disability.

The DHSMV will issue the identification card upon proof of diagnosis of a developmental disability, acceptable to the department, and an additional fee of \$10. The \$10 fee will be deposited into the Operations and Maintenance Trust Fund administered by the APD. A replacement identification card that includes the "D" designation may be issued without payment of the required \$25 fee. The DHSMV is required by the bill to develop rules for implementing the identification card designation.

The designated identification card could help law enforcement and other officials identify if they are dealing with a developmentally disabled individual. However, it is unknown how many individuals may apply for this designated identification card.

This bill takes effect October 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁷ Georgia Department of Driver Services, *DDs-29 Revised (3/23/2011) Form*, <http://www.dds.ga.gov/docs/forms/DDS-29-12610.pdf> (last visited Mar. 16, 2015).

⁸ Agency for Persons with Disabilities, *About Us*, <http://apd.myflorida.com/about/> (last visited Mar. 19, 2015).

⁹ Email from Agency for Persons with Disabilities, (Mar. 18, 2015) (on file with the Senate Committee on Transportation).

¹⁰ As defined in s. 393.063, F.S.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Under CS/SB 256, individuals requesting a “D” designation identification card must pay the current \$25 fee for an identification card, plus an additional \$10 fee to receive the card. After receiving an identification card with the “D” designation, a replacement identification card including the designation may be issued without payment of the \$25 replacement fee.

Revenue from the \$10 additional fee may have a minimal positive impact on clients of the APD, since the funds are deposited into its Operations and Maintenance Trust Fund for client services. However, it is unknown how many individuals may apply for this designation identification card.

C. Government Sector Impact:

According to the DHSMV implementation of the bill will cost an estimated \$20,880 in programming hours.¹¹ The change will also require re-engineering of the driver license issuance functions causing an indeterminate negative fiscal impact to the department and impacting the Motorist Modernization project that is currently underway.¹²

According to the DHSMV’s driver license and identification card vendor,¹³ the estimated cost to make required changes to issue the “D” designation identification cards is \$70,000.¹⁴

Revenue from the \$10 additional fee will have a positive fiscal impact on the APD Operations and Maintenance Trust Fund. However, it is unknown how many individuals may apply for the “D” designation identification card, therefore the impact is indeterminate.

Additionally, the bill will have a negative fiscal impact to the General Revenue Fund and the HSOTF due to individuals with the “D” designation being able to receive a replacement identification card without payment of the required \$25 fee. Because

¹¹ DHSMV analysis, *supra* note 4.

¹² *Id.*

¹³ MorphoTrust is contracted by the DHSMV to provide items such as, but not limited to, card stock, printer ribbons, and laminates for a set price per license or identification card issued.

¹⁴ DHSMV analysis, *supra* note 4.

demand for “D” designation identification cards and for subsequent requests for replacements. is unknown, the fiscal impact cannot be determined.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 322.051 of the Florida Statutes.

IX. Additional Information:

- A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on March 19, 2015:

The CS:

- Specifies that the \$10 additional fee to receive the “D” designation is to be deposited into the Operations and Maintenance Trust Fund administered by the APD;
- Allows the DHSMV rulemaking authority to facilitate the issuance, requirements, and oversight of developmental identification cards; and
- Modifies the effective date from July 1, 2015, to October 1, 2015.

- B. Amendments:

None.

By the Committee on Transportation; and Senator Sobel

596-02566-15

2015256c1

A bill to be entitled
An act relating to identification cards; amending s.
322.051, F.S.; requiring the Department of Highway
Safety and Motor Vehicles to issue an identification
card exhibiting a special designation for a person who
is diagnosed by a licensed physician as having a
developmental disability; requiring payment of an
additional fee and proof of diagnosis; authorizing
issuance of a replacement identification card that
includes the special designation without payment of a
specified fee; requiring the department to develop
rules to facilitate the issuance, requirements, and
oversight of developmental identification cards;
providing an effective date.

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

Section 1. Paragraph (c) is added to subsection (8) of
section 322.051, Florida Statutes, to read:

322.051 Identification cards.—

(8)

(c) Upon request by a person who has a developmental
disability, or by a parent or guardian of a child or ward who
has a developmental disability, and submission of payment and
required proof, the department shall issue an identification
card exhibiting a capital "D" for a person who has been
diagnosed by a licensed physician as having a developmental
disability as defined in s. 393.063. Such card shall be issued
upon payment of an additional \$10 fee, deposited into the Agency

596-02566-15

2015256c1

30 for Persons with Disabilities Operations and Maintenance Trust
31 Fund under s. 20.1971(2), and submission of proof acceptable to
32 the department of diagnosis of the developmental disability by a
33 licensed physician. A replacement identification card that
34 includes the designation may be issued without payment of the
35 fee required in s. 322.21(1)(f). The Department of Highway
36 Safety and Motor Vehicles shall develop rules to facilitate the
37 issuance, requirements, and oversight of developmental
38 identification cards pursuant to this section.

39 Section 2. This act shall take effect October 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: PCS/CS/SB 484 (559290)

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Community Affairs Committee; and Senator Simpson

SUBJECT: Regional Planning Councils

DATE: April 6, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stearns	Yeatman	CA	Fav/CS
2.	Gusky	Miller	ATD	Recommended: Fav/CS
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 484 designates ten Regional Planning Councils (RPCs) and their borders. The Withlacoochee Regional Planning Council is dissolved and the five counties currently within the boundaries of that council are incorporated into three existing councils. The bill deletes several of the RPCs' statutory duties and requirements because they are already completed, unnecessary or duplicative.

The fiscal impact of the bill is indeterminate.

The bill provides an effective date of July, 1, 2015.

II. Present Situation:

The Florida Legislature passed the Florida Regional Planning Council Act in 1980.¹ The Legislature found that "the problems of growth and development often transcend the boundaries of individual units of local general-purpose government"² and that "there is a need for regional planning agencies to assist local governments to resolve their common problems, engage in area

¹ Sections 186.501-186.513, F.S.

² Section 186.502(a), F.S.

wide comprehensive and functional planning, administer certain federal and state grants-in-aid, and provide a regional focus in regard to multiple programs undertaken on an area wide basis.”³

Today, the state is divided into 11 RPCs, each functioning as an association of that district’s constituent local governments. Two-thirds of the Board of Governors of each RPC is composed of local elected officials, and the remaining third are gubernatorial appointees. Generally, the primary functions of RPCs fall into the following three major categories:⁴

- Economic development/job creation,
- Emergency preparedness planning, training and exercise, and
- Land development and growth related activities.

Economic Development and Job Creation

Section 186.502(5), F.S., provides that RPCs have “a duty to assist local governments with activities designed to promote and facilitate economic development in the geographic area covered by the council.” RPCs carry out this duty in a number of ways. For example, each RPC is a designated Economic Development District by the U.S. Economic Development Administration. As part of this function, they engage in grant writing and administration, which result in economic development and infrastructure funds being awarded to the state that would not otherwise have been received. RPCs administer federal revolving loan funds, including those for Brownfields, many of which result in job creation.⁵ They conduct regional economic impact analysis modeling to help local governments and economic development organizations make decisions regarding incentives for new or expanding economic development projects.

RPCs also play a vital role in implementing the Florida Strategic Plan for Economic Development. In addition to providing the Comprehensive Economic Development Strategies used by the plan, RPCs held public forums at which extensive public input was received.⁶ Several of the councils partnered with other organizations in their respective areas to create “regional prosperity plans,” including the:

- Seven50 plan, created in part by the South Florida Regional Planning Council and the Treasure Coast Regional Planning Council;
- Regional Business Plan for Tampa Bay, created under the leadership of the Tampa Bay Regional Planning Council; and
- Innovate Northeast Florida initiative, created in partnership with the Northeast Florida Regional Planning Council.⁷

Emergency Preparedness Planning, Training and Exercise

Section 186.505(11), F.S., states that RPCs have the duty “[t]o cooperate, in the exercise of [their] planning functions, with federal and state agencies in planning for emergency

³ Section 186.502(b), F.S.

⁴ Memo from Ronald Book, the Executive Director of the Florida Regional Councils Association, on file with the Community Affairs Committee.

⁵ *Id.*

⁶ *Florida Strategic Plan for Economic Development*, Florida Department of Economic Opportunity, available at www.floridajobs.org/Business/FL5yrPlan/FL_5yrEcoPlan.pdf.

⁷ *Id.*

management as defined in s. 252.34.” RPCs fulfill this duty by serving as the state’s Local Emergency Planning Committees.⁸ Regional evacuation studies have historically been conducted by RPCs under contract with the Florida Department of Emergency Management.⁹ These studies provide the data and information necessary for County Emergency Management Departments to develop operational evacuation plans. These efforts, building off regional evacuation studies conducted by the RPCs in 2007 and 2010, were recognized by the American Planning Association in 2012 with its National Planning Excellence Award for Best Practices in Hazard Mitigation and Disaster Planning.¹⁰

In 1988, the state’s 11 RPCs were designated as the Local Emergency Planning Committees required by federal law to implement hazardous materials emergency planning. As part of their duties in this role, the RPCs:

- Engage in public outreach.
- Provide technical assistance to local governments.
- Engage in hazards analysis/planning.
- Conduct training exercises.

Florida is recognized as having the leading hazardous materials planning process in the nation.¹¹

Land Development and Growth Management

Section 186.502(4), F.S., recognizes Florida’s RPCs as the state’s “only multipurpose regional entity that is in a position to plan for and coordinate intergovernmental solutions to growth-related problems on greater-than-local issues, provide technical assistance to local governments, and meet other needs of the communities in each region.” As part of their duties, RPCs are directed to:

- Act in an advisory capacity to the constituent local governments in regional, metropolitan, county, and municipal planning matters.¹²
- Conduct studies of the resources of the region.¹³
- Provide technical assistance to local governments on growth management matters.¹⁴
- Perform a coordinating function among other regional entities relating to preparation and assurance of regular review of the strategic regional policy plan, with the entities to be coordinated determined by the topics addressed in the strategic regional policy plan.¹⁵
- Coordinate land development and transportation policies in a manner that fosters region wide transportation systems.¹⁶

⁸ Memo from Ronald Book.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² Section 186.505(10), F.S.

¹³ Section 186.505(16), F.S.

¹⁴ Section 186.505(20), F.S.

¹⁵ Section 185.505(21), F.S.

¹⁶ Section 186.505(23), F.S.

- Review plans of independent transportation authorities and metropolitan planning organizations to identify inconsistencies between those agencies' plans and applicable local government plans.¹⁷
- Provide consulting services to a private developer or landowner for a project.¹⁸

Section 186.507, F.S., directs RPCs to develop a strategic regional policy plan. The plan is required to "contain regional goals and policies that shall address affordable housing, economic development, emergency preparedness, natural resources of regional significance, and regional transportation" and are required to "identify and address significant regional resources and facilities."¹⁹

RPCs play a role in the review and analysis of local government comprehensive plans and amendments to such plans,²⁰ as well as proposed developments of regional impact.²¹

III. Effect of Proposed Changes:

Section 1 deletes s. 163.3175(9), F.S., requiring a local government and certain other parties to enter into mediation if the local government does not address the compatibility of lands adjacent to military installations in its future land use plans. All local governments adjacent to military installations have already completed this task.

Section 2 amends s. 163.3246(11), F.S., to delete requirements related to an application for development approval filed by a developer proposing a project that would have been subject to review pursuant to s. 380.06, F.S., if the local government with jurisdiction over the project had not been certified to review such projects pursuant to s. 163.3246, F.S. Current law requires the developer to notify the RPC of submitting such an application to the local government. The RPC is required to coordinate with the developer and the local government to ensure that all concurrency and environmental permit requirements are met. The bill deletes these requirements because certification program participants are few and these provisions have had little effect, according to the Florida Regional Council Association (FRCA).

Section 3 amends s. 163.3248(4), F.S., to remove a statutory reference to regional planning councils related to rural land stewardship areas. The reference is unnecessary because the action it purports to authorize can be performed with or without the reference.

Section 4 amends s. 186.505(22), F.S., to delete the duty of RPCs to establish and conduct a cross-acceptance negotiation process with local governments. According to FRCA, no council has ever been requested to perform this duty.

Section 5 creates s. 186.512, F.S., to designate 10 RPCs and their constituent counties. The Withlacoochee Regional Planning Council is dissolved and the five counties currently within the boundaries of that council are incorporated into three existing councils:

¹⁷ Section 186.505(24), F.S.

¹⁸ Section 186.505(26), F.S.

¹⁹ Section 186.507(1), F.S.

²⁰ Section 163.3184, F.S.

²¹ Section 380.06, F.S.

- Levy and Marion counties – North Central Florida Regional Planning Council;
- Sumter County – East Central Florida Regional Planning Council; and
- Citrus and Hernando counties – Tampa Bay Regional Planning Council.

The section also provides that beginning January 1, 2016, the Governor may review and update the district boundaries of the regional planning councils.

Section 6 amends s. 186.513, F.S., to delete the requirement that RPCs make a joint report and recommendations to the appropriate legislative committees. However, the RPCs must still make individual reports to the state land planning agency.

Section 7 amends s. 253.7828, F.S., to delete the specific mandate that RPCs, among other state agencies, recognize the special character of the Cross Florida Greenways State Recreation and Conservation Area. This mandate is unnecessary, according to the FRCA.

Section 8 amends s. 339.135(4), F.S., to delete language related to the 2014-2015 transportation work program that was set to expire on July 1, 2015.

Section 9 amends s. 339.155(4), F.S., to delete the requirement that RPCs review urbanized area transportation plans and any other planning products stipulated in s. 339.175, F.S., and provide written recommendations. It also deletes the requirement that RPCs directly assist local governments that are not part of a metropolitan area transportation planning process in the development of the transportation element of their comprehensive plans. These duties can be performed without the statutory reference, making it unnecessary.

Section 10 amends s. 380.06(18), F.S., to delete the requirement that an RPC notify a local government if it does not receive a biennial report from a developer related to a development of regional impact.

Section 11 amends s. 403.50663(2) and (3), F.S., to delete the statutory option that an RPC hold an informational public meeting if a local government elects not to do so. The bill amends the statute to state that it is the legislative intent that local governments hold such a meeting, rather than local governments or RPCs hold the meeting.

Section 12 deletes s. 403.507(2)(a)5., F.S., requiring that an RPC prepare a report regarding the impacts of a proposed electrical power plant and its consistency with the strategic regional policy plan. According to the FRCA, the statutory mandate is duplicative and unnecessary.

Section 13 amends s. 403.508(3)(a) and (4)(a), F.S., to delete the requirement that RPCs participate in land use and certification hearings regarding a proposed power plant facility. Several other state agencies remain required to participate.

Section 14 amends s. 403.5115(5), F.S., to delete the requirement that an RPC publish a notice of an informational public hearing. Local governments holding a hearing are still required to publish a notice of the hearing.

Section 15 deletes s. 403.526(2)(a)6., F.S., requiring that RPCs prepare a report on the impacts of a proposed electrical transmission line or corridor and its consistency with the strategic regional policy plan, because the requirement is duplicative and unnecessary.

Section 16 amends s. 403.527(2)(a) and (3)(a), F.S., to delete the requirement that RPCs participate in land use and certification hearings regarding a proposed electrical transmission line or corridor. A number of state agencies remain required to participate.

Section 17 amends s. 403.5272(2) and (3), F.S., to delete the option that an RPC hold an informational public meeting if a local government elects not to do so. The bill amends the statute to state that it is the legislative intent that local government holds such a meeting, rather than local governments or RPCs hold the meeting.

Section 18 deletes s. 403.7264(4), F.S., requiring RPCs to assist the Department of Environmental Protection (DEP) in site selection, public awareness and program coordination related to amnesty days for purging small quantities of hazardous wastes. According to FRCA, the DEP has never asked for this assistance and the statutory direction is unnecessary.

Section 19 deletes s. 403.941(2)(a)6., F.S., requiring RPCs to present a report on the impacts of a proposed natural gas transmission pipeline or corridor and the pipeline or corridor's consistency with the strategic regional policy plan because the requirement is duplicative and unnecessary.

Section 20 amends s. 403.9411(4)(a) and (6), F.S., to delete the requirement that RPCs participate in a certification hearing regarding siting of natural gas transmission pipeline corridors.

Section 21 amends s. 419.001(6), F.S., to delete statutory authorization for a community residential home and a local government to utilize dispute resolution procedures provided by an RPC. According to FRCA, this provision has never been utilized and a community residential home and a local government could utilize the RPC for dispute resolution regardless of whether this statutory provision exists.

Section 22 amends s. 985.682(4), F.S., to delete statutory authorization for the Department of Juvenile Justice and local governments to utilize dispute resolution procedures provided by an RPC. According to FRCA, this provision has never been utilized and is unnecessary to allow the department to utilize the RPC for dispute resolution services.

Section 23 repeals s. 186.0201, F.S., requiring electric utilities to provide RPCs with advisory reports on their plans for electric utility substation development over the next five years.

Section 24 repeals s. 260.018, F.S., requiring all local governments, state agencies and RPCs to recognize the special character of the state's greenways and trails, because this statute does not appear to be necessary.

Section 26 provides an effective date of July 1, 2015.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Under PCS/CS.SB 484, deleting duplicative statutory duties assigned to Regional Planning Councils (RPCs) may have a positive, but indeterminate, fiscal impact to the private sector.

C. Government Sector Impact:

Dissolving the Withlacoochee Regional Planning Council and deleting duplicative statutory duties assigned to RPCs may have a positive, but indeterminate, fiscal impact to state and local governments.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 163.3175, 163.3246, 163.3248, 186.505, 186.513, 253.7828, 339.135, 339.155, 380.06, 403.50663, 403.507, 403.508, 403.5115, 403.526, 403.527, 403.5272, 403.7264, 403.941, 403.9411, 419.001, and 985.682.

This bill creates section 186.512 of the Florida Statutes.

This bill repeals the following sections of the Florida Statutes: 186.0201 and 260.018,

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 2, 2015:

The committee substitute:

- Restores the Governor’s power to make future changes to the boundaries of the RPCs and provides that beginning January 1, 2016, the Governor may review and update the district boundaries of the RPCs.
- Removes the appropriation provided to the RPCs for Fiscal Year 2015-2016 from the bill.

CS by Community Affairs on March 10, 2015:

- Removes the Governor’s power to make the boundaries of the RPCs and gives that power to the Legislature. Gives the Governor the power to make recommendations to the Legislature regarding their boundaries.
- Designates 10 RPCs and their borders.
- Deletes several unnecessary or duplicative statutory duties of RPCs.
- Appropriates \$2.5 million in nonrecurring funds from the General Revenue Fund to RPCs for the completion of certain critical duties.

- B. **Amendments:**

None.



204092

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2015	.	
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	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Hukill) recommended the following:

Senate Amendment (with title amendment)

Delete lines 126 - 181

and insert:

Section 5. Section 186.512, Florida Statutes, is created to
read:

186.512 Designation of regional planning councils.—The
territorial area of the state is subdivided into the following
districts for the purpose of regional comprehensive planning.
The name and geographic area of each respective district shall



204092

accord with the following:

(1) West Florida Regional Planning Council: Bay, Escambia, Holmes, Okaloosa, Santa Rosa, Walton, and Washington Counties.

(2) Apalachee Regional Planning Council: Calhoun, Franklin, Gadsden, Gulf, Jackson, Jefferson, Leon, Liberty, and Wakulla Counties.

(3) North Central Florida Regional Planning Council: Alachua, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Madison, Marion, Suwannee, Taylor, and Union Counties.

(4) Northeast Florida Regional Planning Council: Baker, Clay, Duval, Flagler, Nassau, Putnam, and St. Johns Counties.

(5) East Central Florida Regional Planning Council: Brevard, Lake, Orange, Osceola, Seminole, Sumter, and Volusia Counties.

(6) Central Florida Regional Planning Council: DeSoto, Hardee, Highlands, Okeechobee, and Polk Counties.

(7) Tampa Bay Regional Planning Council: Citrus, Hernando, Hillsborough, Manatee, Pasco, and Pinellas Counties.

(8) Southwest Florida Regional Planning Council: Charlotte, Collier, Glades, Hendry, Lee, and Sarasota Counties.

(9) Treasure Coast Regional Planning Council: Indian River, Martin, Palm Beach, and St. Lucie Counties.

(10) South Florida Regional Planning Council: Broward, Miami-Dade, and Monroe Counties.

Beginning January 1, 2016, and thereafter, the Governor may review and update the district boundaries of the regional planning councils pursuant to his authority under s. 186.506(4).



204092

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

And the title is amended as follows:

Delete lines 11 - 16

and insert:

negotiation processes; creating s. 186.512, F.S.;
subdividing the state into specified geographic
regions for the purpose of regional comprehensive
planning; authorizing the Governor to review and
update the district boundaries of the regional
planning councils; amending s. 186.513, F.S.;



161486

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2015	.	
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Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Hukill) recommended the following:

Senate Amendment (with title amendment)

Delete lines 645 - 655.

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

And the title is amended as follows:

Delete lines 56 - 57

and insert:

publicly owned lands and waters; providing an
effective date.

By the Committee on Community Affairs; and Senator Simpson

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A bill to be entitled
An act relating to regional planning councils;
amending s. 163.3175, F.S.; deleting obsolete
provisions; amending s. 163.3246, F.S.; removing
restrictions on certain exemptions; amending s.
163.3248, F.S.; removing the requirement that regional
planning councils provide assistance in developing a
plan for a rural land stewardship area; amending s.
186.505, F.S.; removing the power of regional planning
councils to establish and conduct cross-acceptance
negotiation processes; amending s. 186.506, F.S.;
removing the Governor's authority to revise regional
planning council district boundaries; creating s.
186.512, F.S.; subdividing the state into specified
geographic regions for the purpose of regional
comprehensive planning; amending s. 186.513, F.S.;
deleting the requirement that regional planning
councils make joint reports and recommendations;
amending s. 253.7828, F.S.; conforming provisions to
changes made by the act; amending s. 339.135, F.S.;
deleting obsolete provisions; amending s. 339.155,
F.S.; removing certain duties of regional planning
councils; amending s. 380.06, F.S.; removing the
requirement that certain developers submit biennial
reports to regional planning agencies; amending s.
403.50663, F.S.; removing requirements relating to
certain informational public meetings; amending s.
403.507, F.S.; removing the requirement that regional
planning councils prepare reports addressing the

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30 impact of proposed electrical power plants; amending
31 s. 403.508, F.S.; removing the requirement that
32 regional planning councils participate in certain
33 proceedings; amending s. 403.5115, F.S.; conforming
34 provisions to changes made by the act; amending s.
35 403.526, F.S.; removing the requirement that regional
36 planning councils prepare reports addressing the
37 impact of proposed transmission lines or corridors;
38 amending s. 403.527, F.S.; removing the requirement
39 that regional planning councils parties participate in
40 certain proceedings; amending s. 403.5272, F.S.;
41 conforming provisions to changes made by the act;
42 amending s. 403.7264, F.S.; removing the requirement
43 that regional planning councils assist with amnesty
44 days for purging small quantities of hazardous wastes;
45 amending s. 403.941, F.S.; removing the requirement
46 that regional planning councils prepare reports
47 addressing the impact of proposed natural gas
48 transmission lines or corridors; amending s. 403.9411,
49 F.S.; removing the requirement that regional planning
50 councils participate in certain proceedings; amending
51 ss. 419.001 and 985.682, F.S.; removing provisions
52 relating to the use of a certain dispute resolution
53 process; repealing s. 186.0201, F.S., relating to
54 electric substation planning; repealing s. 260.018,
55 F.S., relating to agency recognition of certain
56 publicly owned lands and waters; providing an
57 appropriation; providing an effective date.
58

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

Section 1. Subsection (9) of section 163.3175, Florida Statutes, is amended to read:

163.3175 Legislative findings on compatibility of development with military installations; exchange of information between local governments and military installations.—

~~(9) If a local government, as required under s. 163.3177(6)(a), does not adopt criteria and address compatibility of lands adjacent to or closely proximate to existing military installations in its future land use plan element by June 30, 2012, the local government, the military installation, the state land planning agency, and other parties as identified by the regional planning council, including, but not limited to, private landowner representatives, shall enter into mediation conducted pursuant to s. 186.509. If the local government comprehensive plan does not contain criteria addressing compatibility by December 31, 2013, the agency may notify the Administration Commission. The Administration Commission may impose sanctions pursuant to s. 163.3184(8). Any local government that amended its comprehensive plan to address military installation compatibility requirements after 2004 and was found to be in compliance is deemed to be in compliance with this subsection until the local government conducts its evaluation and appraisal review pursuant to s. 163.3191 and determines that amendments are necessary to meet updated general law requirements.~~

Section 2. Subsection (11) of section 163.3246, Florida Statutes, is amended to read:

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163.3246 Local government comprehensive planning
certification program.—

(11) If the local government of an area described in
subsection (10) does not request that the state land planning
agency review the developments of regional impact that are
proposed within the certified area, an application for approval
of a development order within the certified area shall be exempt
from review under s. 380.06, ~~subject to the following:~~

~~(a) Concurrent with filing an application for development
approval with the local government, a developer proposing a
project that would have been subject to review pursuant to s.
380.06 shall notify in writing the regional planning council
with jurisdiction.~~

~~(b) The regional planning council shall coordinate with the
developer and the local government to ensure that all
concurrency requirements as well as federal, state, and local
environmental permit requirements are met.~~

Section 3. Subsection (4) of section 163.3248, Florida
Statutes, is amended to read:

163.3248 Rural land stewardship areas.—

(4) A local government or one or more property owners may
request assistance and participation in the development of a
plan for the rural land stewardship area from the state land
planning agency, the Department of Agriculture and Consumer
Services, the Fish and Wildlife Conservation Commission, the
Department of Environmental Protection, the appropriate water
management district, the Department of Transportation, ~~the
regional planning council,~~ private land owners, and
stakeholders.

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Section 4. Subsection (22) of section 186.505, Florida Statutes, is amended to read:

186.505 Regional planning councils; powers and duties.—Any regional planning council created hereunder shall have the following powers:

~~(22) To establish and conduct a cross-acceptance negotiation process with local governments intended to resolve inconsistencies between applicable local and regional plans, with participation by local governments being voluntary.~~

Section 5. Subsection (4) of section 186.506, Florida Statutes, is amended to read:

186.506 Executive Office of the Governor; powers and duties.—The Executive Office of the Governor, or its designee, shall:

(4) Conduct an in-depth analysis of the current boundaries of comprehensive planning districts to ensure that the regional planning councils working within them together form a workable system for effective regional planning, and that each council can adequately perform the tasks assigned to it by law. The Executive Office of the Governor shall include in its study the preferences of local general-purpose governments; the effects of population migration, transportation networks, population increases and decreases, economic development centers, trade areas, natural resource systems, federal program requirements, designated air quality nonattainment areas, economic relationships among cities and counties, and media markets; and other data, projections, or studies that it determines to be of significance in establishing district boundaries. The Executive Office of the Governor may recommend to the Legislature ~~make~~

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such changes in the district boundaries of the regional planning
councils as are found to be feasible and desirable, ~~shall~~
~~complete a review of existing boundaries by January 1, 1994, and~~
~~may revise and update the boundaries from time to time~~
~~thereafter.~~

Section 6. Section 186.512, Florida Statutes, is created to
read:

186.512 Designation of regional planning councils.—The
territorial area of the state is subdivided into the following
districts for the purpose of regional comprehensive planning.
The name and geographic area of each respective district shall
accord with the following:

(1) West Florida Regional Planning Council: Bay, Escambia,
Holmes, Okaloosa, Santa Rosa, Walton, and Washington Counties.

(2) Apalachee Regional Planning Council: Calhoun, Franklin,
Gadsden, Gulf, Jackson, Jefferson, Leon, Liberty, and Wakulla
Counties.

(3) North Central Florida Regional Planning Council:
Alachua, Bradford, Columbia, Dixie, Gilchrist, Hamilton,
Lafayette, Levy, Madison, Marion, Suwannee, Taylor, and Union
Counties.

(4) Northeast Florida Regional Planning Council: Baker,
Clay, Duval, Flagler, Nassau, Putnam, and St. Johns Counties.

(5) East Central Florida Regional Planning Council:
Brevard, Lake, Orange, Osceola, Seminole, Sumter, and Volusia
Counties.

(6) Central Florida Regional Planning Council: DeSoto,
Hardee, Highlands, Okeechobee, and Polk Counties.

(7) Tampa Bay Regional Planning Council: Citrus, Hernando,

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Hillsborough, Manatee, Pasco, and Pinellas Counties.

(8) Southwest Florida Regional Planning Council: Charlotte, Collier, Glades, Hendry, Lee, and Sarasota Counties.

(9) Treasure Coast Regional Planning Council: Indian River, Martin, Palm Beach, and St. Lucie Counties.

(10) South Florida Regional Planning Council: Broward, Miami-Dade, and Monroe Counties.

Section 7. Section 186.513, Florida Statutes, is amended to read:

186.513 Reports.—Each regional planning council shall prepare and furnish an annual report on its activities to the state land planning agency as defined in s. 163.3164 and the local general-purpose governments within its boundaries and, upon payment as may be established by the council, to any interested person. ~~The regional planning councils shall make a joint report and recommendations to appropriate legislative committees.~~

Section 8. Section 253.7828, Florida Statutes, is amended to read:

253.7828 Impairment of use or conservation by agencies prohibited.—All agencies of the state, ~~regional planning councils,~~ water management districts, and local governments shall recognize the special character of the lands and waters designated by the state as the Cross Florida Greenways State Recreation and Conservation Area and shall not take any action which will impair its use and conservation.

Section 9. Paragraph (j) of subsection (4) of section 339.135, Florida Statutes, is amended to read:

339.135 Work program; legislative budget request;

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definitions; preparation, adoption, execution, and amendment.—

(4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

~~(j) Notwithstanding paragraph (a) and for the 2014-2015 fiscal year only, the department may use up to \$15 million of appropriated funds to pay the costs of strategic and regionally significant transportation projects. Funds may be used to provide up to 75 percent of project costs for production-ready eligible projects. Preference shall be given to projects that support the state's economic regions, or that have been identified as regionally significant in accordance with s. 339.155(4)(c), (d), and (e), and that have an increased level of nonstate match. This paragraph expires July 1, 2015.~~

Section 10. Paragraph (b) of subsection (4) of section 339.155, Florida Statutes, is amended to read:

339.155 Transportation planning.—

(4) ADDITIONAL TRANSPORTATION PLANS.—

(b) Each regional planning council, as provided for in s. 186.504, or any successor agency thereto, shall develop, as an element of its strategic regional policy plan, transportation goals and policies. The transportation goals and policies must be prioritized to comply with the prevailing principles provided in subsection (1) and s. 334.046(1). The transportation goals and policies shall be consistent, to the maximum extent feasible, with the goals and policies of the metropolitan planning organization and the Florida Transportation Plan. The transportation goals and policies of the regional planning council will be advisory only and shall be submitted to the department and any affected metropolitan planning organization for their consideration and comments. Metropolitan planning

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organization plans and other local transportation plans shall be developed consistent, to the maximum extent feasible, with the regional transportation goals and policies. ~~The regional planning council shall review urbanized area transportation plans and any other planning products stipulated in s. 339.175 and provide the department and respective metropolitan planning organizations with written recommendations, which the department and the metropolitan planning organizations shall take under advisement. Further, the regional planning councils shall directly assist local governments that are not part of a metropolitan area transportation planning process in the development of the transportation element of their comprehensive plans as required by s. 163.3177.~~

Section 11. Subsection (18) of section 380.06, Florida Statutes, is amended to read:

380.06 Developments of regional impact.—

(18) BIENNIAL REPORTS.—The developer shall submit a biennial report on the development of regional impact to the local government, the regional planning agency, the state land planning agency, and all affected permit agencies in alternate years on the date specified in the development order, unless the development order by its terms requires more frequent monitoring. If the report is not received, ~~the regional planning agency or~~ the state land planning agency shall notify the local government. If the local government does not receive the report or receives notification that ~~the regional planning agency or~~ the state land planning agency has not received the report, the local government shall request in writing that the developer submit the report within 30 days. The failure to submit the

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report after 30 days shall result in the temporary suspension of the development order by the local government. If no additional development pursuant to the development order has occurred since the submission of the previous report, then a letter from the developer stating that no development has occurred shall satisfy the requirement for a report. Development orders that require annual reports may be amended to require biennial reports at the option of the local government.

Section 12. Subsections (2) and (3) of section 403.50663, Florida Statutes, are amended to read:

403.50663 Informational public meetings.—

(2) Informational public meetings shall be held solely at the option of each local government ~~or regional planning council~~ if a public meeting is not held by the local government. It is the legislative intent that local governments ~~or regional planning councils~~ attempt to hold such public meetings. Parties to the proceedings under this act shall be encouraged to attend; however, no party other than the applicant and the department shall be required to attend such informational public meetings.

(3) A local government ~~or regional planning council~~ that intends to conduct an informational public meeting must provide notice of the meeting to all parties not less than 5 days prior to the meeting and to the general public in accordance with s. 403.5115(5). The expense for such notice is eligible for reimbursement under s. 403.518(2)(c)1.

Section 13. Paragraph (a) of subsection (2) of section 403.507, Florida Statutes, is amended to read:

403.507 Preliminary statements of issues, reports, project analyses, and studies.—

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291 (2) (a) No later than 100 days after the certification
292 application has been determined complete, the following agencies
293 shall prepare reports as provided below and shall submit them to
294 the department and the applicant, unless a final order denying
295 the determination of need has been issued under s. 403.519:

296 1. The Department of Economic Opportunity shall prepare a
297 report containing recommendations which address the impact upon
298 the public of the proposed electrical power plant, based on the
299 degree to which the electrical power plant is consistent with
300 the applicable portions of the state comprehensive plan,
301 emergency management, and other such matters within its
302 jurisdiction. The Department of Economic Opportunity may also
303 comment on the consistency of the proposed electrical power
304 plant with applicable strategic regional policy plans or local
305 comprehensive plans and land development regulations.

306 2. The water management district shall prepare a report as
307 to matters within its jurisdiction, including but not limited
308 to, the impact of the proposed electrical power plant on water
309 resources, regional water supply planning, and district-owned
310 lands and works.

311 3. Each local government in whose jurisdiction the proposed
312 electrical power plant is to be located shall prepare a report
313 as to the consistency of the proposed electrical power plant
314 with all applicable local ordinances, regulations, standards, or
315 criteria that apply to the proposed electrical power plant,
316 including any applicable local environmental regulations adopted
317 pursuant to s. 403.182 or by other means.

318 4. The Fish and Wildlife Conservation Commission shall
319 prepare a report as to matters within its jurisdiction.

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320 ~~5. Each regional planning council shall prepare a report~~
321 ~~containing recommendations that address the impact upon the~~
322 ~~public of the proposed electrical power plant, based on the~~
323 ~~degree to which the electrical power plant is consistent with~~
324 ~~the applicable provisions of the strategic regional policy plan~~
325 ~~adopted pursuant to chapter 186 and other matters within its~~
326 ~~jurisdiction.~~

327 5.6. The Department of Transportation shall address the
328 impact of the proposed electrical power plant on matters within
329 its jurisdiction.

330 Section 14. Paragraph (a) of subsection (3) and paragraph
331 (a) of subsection (4) of section 403.508, Florida Statutes, are
332 amended to read:

333 403.508 Land use and certification hearings, parties,
334 participants.-

335 (3)(a) Parties to the proceeding shall include:

336 1. The applicant.

337 2. The Public Service Commission.

338 3. The Department of Economic Opportunity.

339 4. The Fish and Wildlife Conservation Commission.

340 5. The water management district.

341 6. The department.

342 ~~7. The regional planning council.~~

343 7.8. The local government.

344 8.9. The Department of Transportation.

345 (4)(a) The order of presentation at the certification
346 hearing, unless otherwise changed by the administrative law
347 judge to ensure the orderly presentation of witnesses and
348 evidence, shall be:

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1. The applicant.

2. The department.

3. State agencies.

4. Regional agencies, including ~~regional planning councils~~
and water management districts.

5. Local governments.

6. Other parties.

Section 15. Subsection (5) of section 403.5115, Florida
Statutes, is amended to read:

403.5115 Public notice.—

(5) A local government ~~or regional planning council~~ that
proposes to conduct an informational public meeting pursuant to
s. 403.50663 must publish notice of the meeting in a newspaper
of general circulation within the county or counties in which
the proposed electrical power plant will be located no later
than 7 days prior to the meeting. A newspaper of general
circulation shall be the newspaper that has the largest daily
circulation in that county and has its principal office in that
county. If the newspaper with the largest daily circulation has
its principal office outside the county, the notices shall
appear in both the newspaper having the largest circulation in
that county and in a newspaper authorized to publish legal
notices in that county.

Section 16. Paragraph (a) of subsection (2) of section
403.526, Florida Statutes, is amended to read:

403.526 Preliminary statements of issues, reports, and
project analyses; studies.—

(2)(a) No later than 90 days after the filing of the
application, the following agencies shall prepare reports as

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provided below, unless a final order denying the determination of need has been issued under s. 403.537:

1. The department shall prepare a report as to the impact of each proposed transmission line or corridor as it relates to matters within its jurisdiction.

2. Each water management district in the jurisdiction of which a proposed transmission line or corridor is to be located shall prepare a report as to the impact on water resources and other matters within its jurisdiction.

3. The Department of Economic Opportunity shall prepare a report containing recommendations which address the impact upon the public of the proposed transmission line or corridor, based on the degree to which the proposed transmission line or corridor is consistent with the applicable portions of the state comprehensive plan, emergency management, and other matters within its jurisdiction. The Department of Economic Opportunity may also comment on the consistency of the proposed transmission line or corridor with applicable strategic regional policy plans or local comprehensive plans and land development regulations.

4. The Fish and Wildlife Conservation Commission shall prepare a report as to the impact of each proposed transmission line or corridor on fish and wildlife resources and other matters within its jurisdiction.

5. Each local government shall prepare a report as to the impact of each proposed transmission line or corridor on matters within its jurisdiction, including the consistency of the proposed transmission line or corridor with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed transmission line or corridor, including local

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comprehensive plans, zoning regulations, land development regulations, and any applicable local environmental regulations adopted pursuant to s. 403.182 or by other means. A change by the responsible local government or local agency in local comprehensive plans, zoning ordinances, or other regulations made after the date required for the filing of the local government's report required by this section is not applicable to the certification of the proposed transmission line or corridor unless the certification is denied or the application is withdrawn.

~~6. Each regional planning council shall present a report containing recommendations that address the impact upon the public of the proposed transmission line or corridor based on the degree to which the transmission line or corridor is consistent with the applicable provisions of the strategic regional policy plan adopted under chapter 186 and other impacts of each proposed transmission line or corridor on matters within its jurisdiction.~~

6.7. The Department of Transportation shall prepare a report as to the impact of the proposed transmission line or corridor on state roads, railroads, airports, aeronautics, seaports, and other matters within its jurisdiction.

~~7.8.~~ The commission shall prepare a report containing its determination under s. 403.537, and the report may include the comments from the commission with respect to any other subject within its jurisdiction.

8.9. Any other agency, if requested by the department, shall also perform studies or prepare reports as to subjects within the jurisdiction of the agency which may potentially be

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affected by the proposed transmission line.

Section 17. Paragraph (a) of subsection (2) and paragraph (a) of subsection (3) of section 403.527, Florida Statutes, are amended to read:

403.527 Certification hearing, parties, participants.—

(2)(a) Parties to the proceeding shall be:

1. The applicant.

2. The department.

3. The commission.

4. The Department of Economic Opportunity.

5. The Fish and Wildlife Conservation Commission.

6. The Department of Transportation.

7. Each water management district in the jurisdiction of which the proposed transmission line or corridor is to be located.

8. The local government.

~~9. The regional planning council.~~

(3)(a) The order of presentation at the certification hearing, unless otherwise changed by the administrative law judge to ensure the orderly presentation of witnesses and evidence, shall be:

1. The applicant.

2. The department.

3. State agencies.

4. Regional agencies, including ~~regional planning councils~~ and water management districts.

5. Local governments.

6. Other parties.

Section 18. Subsections (2) and (3) of section 403.5272,

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Florida Statutes, are amended to read:

403.5272 Informational public meetings.—

(2) Informational public meetings shall be held solely at the option of each local government ~~or regional planning council~~. It is the legislative intent that local governments ~~or regional planning councils~~ attempt to hold such public meetings. Parties to the proceedings under this act shall be encouraged to attend; however, a party other than the applicant and the department is not required to attend the informational public meetings.

(3) A local government ~~or regional planning council~~ that intends to conduct an informational public meeting must provide notice of the meeting, with notice sent to all parties listed in s. 403.527(2)(a), not less than 15 days before the meeting and to the general public in accordance with s. 403.5363(4).

Section 19. Subsection (4) of section 403.7264, Florida Statutes, is amended to read:

403.7264 Amnesty days for purging small quantities of hazardous wastes.—Amnesty days are authorized by the state for the purpose of purging small quantities of hazardous waste, free of charge, from the possession of homeowners, farmers, schools, state agencies, and small businesses. These entities have no appropriate economically feasible mechanism for disposing of their hazardous wastes at the present time. In order to raise public awareness on this issue, provide an educational process, accommodate those entities which have a need to dispose of small quantities of hazardous waste, and preserve the waters of the state, amnesty days shall be carried out in the following manner:

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~~(4) Regional planning councils shall assist the department in site selection, public awareness, and program coordination. However, the department shall retain full responsibility for the state amnesty days program.~~

Section 20. Paragraph (a) of subsection (2) of section 403.941, Florida Statutes, is amended to read:

403.941 Preliminary statements of issues, reports, and studies.—

(2)(a) The affected agencies shall prepare reports as provided in this paragraph and shall submit them to the department and the applicant within 60 days after the application is determined sufficient:

1. The department shall prepare a report as to the impact of each proposed natural gas transmission pipeline or corridor as it relates to matters within its jurisdiction.

2. Each water management district in the jurisdiction of which a proposed natural gas transmission pipeline or corridor is to be located shall prepare a report as to the impact on water resources and other matters within its jurisdiction.

3. The Department of Economic Opportunity shall prepare a report containing recommendations which address the impact upon the public of the proposed natural gas transmission pipeline or corridor, based on the degree to which the proposed natural gas transmission pipeline or corridor is consistent with the applicable portions of the state comprehensive plan and other matters within its jurisdiction. The Department of Economic Opportunity may also comment on the consistency of the proposed natural gas transmission pipeline or corridor with applicable strategic regional policy plans or local comprehensive plans and

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land development regulations.

4. The Fish and Wildlife Conservation Commission shall prepare a report as to the impact of each proposed natural gas transmission pipeline or corridor on fish and wildlife resources and other matters within its jurisdiction.

5. Each local government in which the natural gas transmission pipeline or natural gas transmission pipeline corridor will be located shall prepare a report as to the impact of each proposed natural gas transmission pipeline or corridor on matters within its jurisdiction, including the consistency of the proposed natural gas transmission pipeline or corridor with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed natural gas transmission pipeline or corridor, including local comprehensive plans, zoning regulations, land development regulations, and any applicable local environmental regulations adopted pursuant to s. 403.182 or by other means. No change by the responsible local government or local agency in local comprehensive plans, zoning ordinances, or other regulations made after the date required for the filing of the local government's report required by this section shall be applicable to the certification of the proposed natural gas transmission pipeline or corridor unless the certification is denied or the application is withdrawn.

~~6. Each regional planning council in which the natural gas transmission pipeline or natural gas transmission pipeline corridor will be located shall present a report containing recommendations that address the impact upon the public of the proposed natural gas transmission pipeline or corridor, based on the degree to which the natural gas transmission pipeline or~~

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~~corridor is consistent with the applicable provisions of the strategic regional policy plan adopted pursuant to chapter 186 and other impacts of each proposed natural gas transmission pipeline or corridor on matters within its jurisdiction.~~

6.7. The Department of Transportation shall prepare a report on the effect of the natural gas transmission pipeline or natural gas transmission pipeline corridor on matters within its jurisdiction, including roadway crossings by the pipeline. The report shall contain at a minimum:

a. A report by the applicant to the department stating that all requirements of the department's utilities accommodation guide have been or will be met in regard to the proposed pipeline or pipeline corridor; and

b. A statement by the department as to the adequacy of the report to the department by the applicant.

7.8. The Department of State, Division of Historical Resources, shall prepare a report on the impact of the natural gas transmission pipeline or natural gas transmission pipeline corridor on matters within its jurisdiction.

8.9. The commission shall prepare a report addressing matters within its jurisdiction. The commission's report shall include its determination of need issued pursuant to s. 403.9422.

Section 21. Paragraph (a) of subsection (4) and subsection (6) of section 403.9411, Florida Statutes, are amended to read:

403.9411 Notice; proceedings; parties and participants.—

(4) (a) Parties to the proceeding shall be:

1. The applicant.

2. The department.

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3. The commission.

4. The Department of Economic Opportunity.

5. The Fish and Wildlife Conservation Commission.

6. Each water management district in the jurisdiction of which the proposed natural gas transmission pipeline or corridor is to be located.

7. The local government.

~~8. The regional planning council.~~

8.9. The Department of Transportation.

9.10. The Department of State, Division of Historical Resources.

(6) The order of presentation at the certification hearing, unless otherwise changed by the administrative law judge to ensure the orderly presentation of witnesses and evidence, shall be:

(a) The applicant.

(b) The department.

(c) State agencies.

(d) Regional agencies, including ~~regional planning councils~~ and water management districts.

(e) Local governments.

(f) Other parties.

Section 22. Subsection (6) of section 419.001, Florida Statutes, is amended to read:

419.001 Site selection of community residential homes.—

(6) If agreed to by both the local government and the sponsoring agency, a conflict may be resolved through informal mediation. The local government shall arrange for the services of an independent mediator ~~or may utilize the dispute resolution~~

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~~process established by a regional planning council pursuant to~~
s. ~~186.509~~. Mediation shall be concluded within 45 days of a
request therefor. The resolution of any issue through the
mediation process shall not alter any person's right to a
judicial determination of any issue if that person is entitled
to such a determination under statutory or common law.

Section 23. Subsection (4) of section 985.682, Florida
Statutes, is amended to read:

985.682 Siting of facilities; criteria.—

(4) When the department requests such a modification and it
is denied by the local government, the local government or the
department shall initiate the dispute resolution process
~~established under s. 186.509~~ to reconcile differences on the
siting of correctional facilities between the department, local
governments, and private citizens. ~~If the regional planning~~
~~council has not established a dispute resolution process~~
~~pursuant to s. 186.509,~~ The department shall establish, by rule,
procedures for dispute resolution. The dispute resolution
process shall require the parties to commence meetings to
reconcile their differences. If the parties fail to resolve
their differences within 30 days after the denial, the parties
shall engage in voluntary mediation or similar process. If the
parties fail to resolve their differences by mediation within 60
days after the denial, or if no action is taken on the
department's request within 90 days after the request, the
department must appeal the decision of the local government on
the requested modification of local plans, ordinances, or
regulations to the Governor and Cabinet. Any dispute resolution
process initiated under this section must conform to the time

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limitations set forth herein. However, upon agreement of all parties, the time limits may be extended, but in no event may the dispute resolution process extend over 180 days.

Section 24. Section 186.0201, Florida Statutes, is repealed.

Section 25. Section 260.018, Florida Statutes, is repealed.

Section 26. For the 2015-2016 fiscal year, the sum of \$2.5 million in nonrecurring funds from the General Revenue Fund is appropriated to the regional planning councils, 75 percent of which must be divided equally among the councils and 25 percent must be allocated according to population. The funds must be used to implement the statutory requirements of chapter 163, Florida Statutes, and the Florida Five-Year Strategic Plan for Economic Development and to address problems of greater than local government concern and provide technical assistance to local governments, economic development organizations, and other stakeholders.

Section 27. This act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: PCS/CS/SB 988 (311582)

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development;
Transportation Committee; and Senator Margolis

SUBJECT: Anatomical Gifts

DATE: April 6, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	Fav/CS
2.	Miller	Miller	ATD	Recommended: Fav/CS
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 988 requires the Department of Highway Safety and Motor Vehicles (DHSMV) to designate employees in each office as points of contact and to require them to ask each person doing business with the DHSMV whether they would like to become an organ donor. The bill also requires the DHSMV to maintain a website link referring customers to the organ donor registry. Procedures must also be implemented requiring agency staff to confirm electronically that the question about becoming an organ donor is asked of all customers doing business at a DHSMV office or facility.

These new requirements only become applicable when the DHSMV's vehicle registration information technology modernization project is implemented.

The DHSMV will incur minimal costs to integrate the bill's requirements into its motorist modernization project.

The bill provides an effective date of July 1, 2015.

II. Present Situation:

Organ Donations in Florida

Over 3,500 people in Florida are registered and waiting for organ transplants, and thousands more wait for tissue donations.¹ The most common types of organ transplants include the kidneys, liver, heart, lungs and pancreas, but many other organs and tissues can be transplanted or used for various other medical procedures.² Nationwide, nearly 6,000 people die each year waiting for an organ donation.³

Four major organ and tissue procurement agencies operate in Florida to facilitate the process of organ donation. Each agency serves a different region of the state.⁴ These agencies are certified by the U.S. Centers for Medicare and Medicaid Services (CMS) and operate in Florida to increase the number of registered donors and coordinate the donation process when organs become available.⁵

The Joshua Abbott Organ and Tissue Donor Registry⁶ (Donor Registry)

In 2008,⁷ Florida's Legislature found that a shortage of organ and tissue donors existed in Florida, and there was a need for a statewide donor registry with online donor registration capability and enhanced donor education to increase the number of organ and tissue donors. This online registry would afford more persons who are awaiting organ or tissue transplants the opportunity for a full and productive life.⁸ As directed by the legislature, the Agency for Healthcare Administration (AHCA) and DHSMV jointly contracted for the operation of Florida's interactive web-based donor registry that, through electronic means, allows for online donor registration and the recording of organ and tissue donation records submitted through the driver license identification program or through other sources. The AHCA and the DHSMV selected Donate Life Florida, which is a coalition of Florida's organ, tissue, and eye donor programs, to run the donor registry and maintain donor records.

Floridians who are age 18 or older can join the donor registry either online,⁹ at the DHSMV (or their local driver license office), or by contacting Donate Life Florida for a paper application. Children ages 13 to 17 may join the registry, but the final decision on any organ donation of a minor rests with the parent or guardian. The registry collects personal information from each

¹ *FAQs About Donation*, Donate Life Florida, 2009, available at: http://www.donateliflorida.org/content/about/facts/faq/#faq_22, (Last visited Mar. 6, 2015).

² *Id.*

³ *Id.*

⁴ *Id.* LifeLink of Florida serves west Florida, LifeQuest Organ Recovery Services serves north Florida, TransLife/Florida Hospital serves east Florida, and LifeAlliance Organ Recovery Agency serves south Florida.

⁵ Organ Procurement Organizations, Organdonor.gov, <http://organdonor.gov/materialsresources/materialsopolist.html>, (last visited Mar. 9, 2015).

⁶ Section 765.5155(5), F.S., designates the donor registry as the Joshua Abbott Organ and Tissue Registry, however it is currently referred to as the Joshua Abbott Organ and Tissue Donor Registry.

⁷ Chapter 2008-223, Laws of Fla.

⁸ Section 765.5155(1), F.S.

⁹ At <https://www.donateliflorida.org/> (last visited on Mar. 9, 2015).

donor including, but not limited to, his or her name, address, date and place of birth, race, ethnicity, and driver's license number.

As of March 9, 2015, there were 8,204,313 people registered in the donor registry.¹⁰ Its large number of registered donors ranks the Joshua Abbott Organ and Tissue Donor Registry as the second largest donor registry in the United States in terms of enrollment.¹¹

Information held in the donor registry which identifies a donor is confidential and exempt from the state's public records laws.¹² Donor information may be disclosed to:

- Procurement organizations certified by the AHCA; and
- Persons engaged in bona fide research.¹³

The funding for the organ and tissue donor registry and education program is provided from the funds designated for maintaining the registry within the Health Care Trust Fund.

Organ Donor Registration at the DHSMV

Section 765.521, F.S., which predates the establishment of the donor registry, requires that the AHCA and the DHSMV implement a system to encourage potential donors to make anatomical gifts through the process of issuing and renewing driver licenses or identification cards. Approximately 95 percent of people who enroll in Florida's registry do so while obtaining or renewing a driver license.¹⁴

III. Effect of Proposed Changes:

The bill requires the DHSMV to designate employees in each office as points of contact and to require them to ask each person doing business with the DHSMV whether they would like to become an organ donor. The bill also requires the DHSMV to maintain a website link referring customers doing business on the agency's website to the organ donor registry established in s. 765.5155, F.S. Procedures must also be implemented by the DHSMV requiring its staff to confirm electronically that the question about becoming an organ donor is asked of all customers doing business in person at a DHSMV office or facility.

These new requirements only become applicable when the DHSMV's vehicle registration system modernization project is implemented. This is a multiyear project, referred to as "motorist modernization", being undertaken by the DHSMV to modernize the information technology programs used to issue driver licenses and identification cards and to register and title vehicles and vessels.

The bill takes effect July 1, 2015.

¹⁰ http://www.donatelifeflorida.org/content/about/facts/faq/#faq_22, (last visited Mar. 9, 2015).

¹¹ Donate Life Florida's annual report to AHCA for 2013.

¹² Section 119.07(1), F.S. and FLA. CONST. art. I, s. 24(a).

¹³ Section 765.51551, F.S. A person engaged in bona fide research must agree to submit a research plan to the AHCA detailing the exact nature of the information requested and intended use, and must maintain the confidentiality of the information made available to the researcher.

¹⁴ *Id.*

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

PCS/CS/SB 988 may increase the amount of organ donors in the state.

C. Government Sector Impact:

The DHSMV will incur minimal costs to integrate the bill's requirements into its ongoing information technology modernization project.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 765.521 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 2, 2015:

The committee substitute removes components of the bill requiring an applicant for issuance or renewal of a driver license or issuance of an identification card to choose in

writing, or by another means established by the DHSMV, one of three options (“yes,” “no,” or “defer to family wishes”) regarding being included in the organ and tissue donor registry. The PCS replaces this requirement with requirements for the DHSMV to:

- Designate employees in each office as points of contact who must ask each person doing business with the DHSMV whether they would like to become an organ donor;
- Maintain a website link referring customers doing business on the agency’s website to the organ donor registry; and
- Implement procedures requiring staff to confirm electronically that the question about becoming an organ donor is asked of all customers doing business in a DHSMV office or facility.

CS by Transportation on March 12, 2015:

The CS removes numerous components of the bill, including:

- Requiring the DHSMV to create and maintain the First Person Consent organ and tissue donor registry;
- Requiring the DHSMV to create a brochure explaining the First Person Consent organ and tissue donor registry to be handed out to each applicant for issuance or renewal of a driver license or issuance of an identification card;
- Authorizing a person to revise or withdraw his or her statement of agreement regarding being included in the First Person Consent organ and tissue donor registry;
- Allowing the DHSMV to establish additional methods by which a person may be included in the First Person Consent Registry;
- Allowing the DHSMV to provide a potential organ donor’s name to a representative of an organ procurement organization, a tissue bank, or a coroner’s or medical examiner’s office; and
- Reenacting statutes to capture these changes.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/06/2015	.	
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	.	

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Clemens) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (1) of section 765.521, Florida
Statutes, is amended, present subsections (2) and (3) of that
section are redesignated as subsections (3) and (4),
respectively, and a new subsection (2) is added to that section,
to read:

765.521 Donations as part of driver license or



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identification card process.—

(1) The agency and the department shall develop and implement a program encouraging and allowing persons to make anatomical gifts as a part of the process of issuing identification cards and issuing and renewing driver licenses. The department shall designate individuals employed in each department office or facility as points of contact and require them to ask each person transacting business with the department if he or she would like to become an organ donor. The donor registration card distributed by the department shall include the information required by the uniform donor card under s. 765.514 and such additional information as determined necessary by the department. The department shall also develop and implement a program to identify donors which includes notations on identification cards, driver licenses, and driver records or such other methods as the department develops to clearly indicate the individual's intent to make an anatomical gift. A notation on an individual's driver license or identification card that the individual intends to make an anatomical gift satisfies all requirements for consent to organ or tissue donation. The agency shall provide the necessary supplies and forms from funds appropriated from general revenue or contributions from interested voluntary, nonprofit organizations. The department shall provide the necessary recordkeeping system from funds appropriated from general revenue. The department and the agency shall incur no liability in connection with the performance of any acts authorized herein.

(2) The department shall maintain an integrated link on its



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website referring a visitor renewing a driver license or
conducting other business on the website to the organ donation
registry under s. 765.5155. The department shall establish a
procedure requiring department staff to confirm electronically
that the organ donor question required in subsection (1) has
been asked of each person entering the office or facility to
conduct business.

Section 2. The amendment made by this act in s. 765.521(2),
Florida Statutes, shall apply upon the development and
implementation of the vehicle registration system modernization
project by the Department of Highway Safety and Motor Vehicles.

Section 3. This act shall take effect July 1, 2015.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to anatomical gifts; amending s.
765.521, F.S.; requiring the Department of Highway
Safety and Motor Vehicles to designate points of
contact at offices and facilities of the department;
requiring points of contact to ask persons transacting
business with the department if they would like to
become an organ donor; requiring the department to
maintain an integrated website link to the organ
donation registry; requiring the department to
establish a procedure requiring department staff to
confirm electronically that the organ donor question



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69 has been asked; providing for the future applicability
70 of an amendment upon the development and
71 implementation of a project by the department;
72 providing an effective date.

By the Committee on Transportation; and Senator Margolis

596-02197-15

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A bill to be entitled
An act relating to anatomical gifts; amending s.
765.521, F.S.; requiring an applicant for a driver
license, driver license renewal, or identification
card to provide a statement of whether he or she
agrees to have his or her name included in the donor
registry; specifying the options that may be selected
by an applicant in his or her statement; providing an
effective date.

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

Section 1. Present subsections (2) and (3) of section
765.521, Florida Statutes, are redesignated as subsections (3)
and (4), respectively, and a new subsection (2) is added to that
section, to read:

765.521 Donations as part of driver license or
identification card process.—

(2) An applicant for a driver license under s. 322.08, a
driver license renewal under s. 322.18, or an identification
card under s. 322.051 shall provide a statement in writing, or
by other means approved by the department, of whether he or she
agrees to have his or her name included in the donor registry by
responding to one of the following three options provided by the
department: "Yes," "No," or "Defer to family wishes." A person
who chooses:

(a) "Yes" has agreed to have his or her name included in
the donor registry and has entered into a legally binding
commitment to donate his or her organs or tissue upon his or her

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30 death.

31 (b) "No" has not agreed to have his or her name included in
32 the donor registry.

33 (c) "Defer to family wishes" has agreed to allow a person
34 listed in s. 765.512(3) to donate all or any part of the
35 decedent's body for any purpose specified in s. 765.513.

36 Section 2. This act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: CS/SB 1024

INTRODUCER: Transportation Committee and Senator Simmons

SUBJECT: Central Florida Expressway Authority

DATE: April 1, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Fav/CS
2.	Sneed	Miller	ATD	Favorable
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1024 addresses issues relating to the Central Florida Expressway Authority and the Wekiva Parkway. The bill clarifies that members of Central Florida Expressway Authority's governing body from Seminole, Lake, and Osceola Counties must be a county commission member or chair, or county mayor from the respective counties. The bill provides that the 4-year term of authority members appointed by the Governor ends on December 31 of the last year of service. The bill also repeals superseded language requiring that title to the former Orlando-Orange County Expressway System be transferred to the state under certain conditions.

The bill has no apparent fiscal impact on state or local governments.

II. Present Situation:

Historical Background of the Orlando-Orange County Expressway Authority

The former Orlando-Orange County Expressway Authority (OOCEA) was created by the Legislature with the power to construct, operate, and maintain roads, bridges, avenues of access, thoroughfares, and boulevards in Orange County, as well as in any consenting county within whose jurisdiction the activities occurred. The OOCEA was authorized to issue bonds. The OOCEA System was operated almost from its inception pursuant to a lease-purchase agreement,

under which the FDOT agreed to assume certain operation and maintenance costs for certain OOCEA facilities.¹

The most recent supplemented and extended lease-purchase agreement was to remain in effect until all bonds and any refunding bonds were fully paid and the FDOT was reimbursed for all amounts owed to it under the agreement. OOCEA's obligation to the FDOT in early 2012 was approximately \$235 million, with full repayment to the FDOT expected in 2042.² The lease-purchase agreement was statutorily required to provide that upon termination of the agreement, title to the OOCEA System must be transferred to the state.³

The OOCEA and the Wekiva Parkway

In 2012, the OOCEA and the FDOT agreed, pursuant to a Memorandum of Understanding (MOU) and the existing lease-purchase agreement, to jointly undertake construction of the Wekiva Parkway (Parkway), a beltway around the Metropolitan Orlando area.⁴ The agreement called for the OOCEA to independently finance, build, own, and manage sections of the Parkway primarily in Orange County, and the FDOT to be responsible for the remaining portions of the Parkway in Lake and Seminole Counties.⁵

To ensure available funds to the FDOT for its portion of the Parkway, the 2012 Legislature codified references to the existing MOU and lease-purchase agreement and established a repayment schedule for the OOCEA to reimburse the FDOT for the costs of operation and maintenance of the OOCEA System in accordance with the terms of the MOU. The OOCEA was required to pay the FDOT \$10 million on July 1, 2012, and \$20 million every July 1 thereafter to pay off the long-term debt obligation to the FDOT.^{6, 7}

The Legislature also required that upon the earlier of the defeasance, redemption, or payment in full of bonds issued before July 1, 2012, or the earlier date to which the purchasers of the bonds have consented:

- The obligations of the FDOT under the lease-purchase agreement terminate, including payment of any cost of operation, maintenance, repair, or rehabilitation of the system;
- The lease-purchase agreement terminates;
- The expressway system remains the property of the CFX and may not be transferred to the FDOT; and
- The OOCEA remains obligated to reimburse the FDOT according to the terms of the MOU.⁸

¹ See Budget Committee Staff Analysis for SB 1998, February 15, 2012, for more detail on the lease-purchase agreement history.

² *Id.*

³ Section 348.757(2).

⁴ See Metroplan Orlando website, *The Wekiva Parkway Project is Preparing to Move Forward*: <http://www.metroplanorlando.com/news/press-releases/wekiva-parkway-project-moves-forward/>. Last visited March 7, 2015.

⁵ See the Florida Transportation Commission's *Transportation Authority Monitoring and Oversight Fiscal Year 2013 Report*, p. 4.

⁶ Chapter 2012-128, L.O.F.

⁷ The FDOT advises that \$50 million has been received through July 1, 2014. The balance due at June 30, 2014, was \$212,995,312.00. See the FDOT email and spreadsheet, August 27, 2014. On file in the Senate Transportation Committee.

⁸ *Supra*, note 6.

These provisions superseded the previously enacted statutory requirement in s. 348.757(2), F.S., that the lease-purchase agreement provide for transfer of title to the former OOCEA System to the state upon termination of the agreement.

The OOCEA System Transfer to the Central Florida Expressway Authority

In 2014, the Legislature enacted CS/CS/SB 230, under which the former OOCEA was re-named as the Central Florida Expressway Authority (CFX). Governance and control, legal rights and powers, responsibilities, terms, and obligations of the OOCEA System were transferred to the CFX. The area served by the CFX was expanded to include, in addition to Orange County, Seminole, Lake, and Osceola Counties. The CFX governing body current consists of nine members:

- Three members are appointed, one each, by the chairs of the Seminole, Lake, and Osceola County Commissions. Each appointee may be a commission member or the commission chair;
- One member from the Orange County Commission is appointed by the Orange County Mayor;
- Three members are appointed by the Governor. Each appointee must be a citizen of either Orange, Seminole, Lake, or Osceola County; and
- Two members must be the Orange County Mayor and the City of Orlando Mayor.⁹

The executive director the Florida Turnpike Enterprise serves as a non-voting advisor. Each member appointed by the Governor serves for four years, and each county-appointed member serves for two years. Members hold office until his or her successor has been appointed and qualified.¹⁰ The CFX currently holds officer elections in the month of January.¹¹

III. Effect of Proposed Changes:

Section 1 amends s. 348.753(3)(a), F.S., to revise requirements relative to the appointments to the CFX governing body by the chairs of the County Commissions of Seminole, Lake, and Osceola Counties. Currently, as noted, each of these appointees *may* be a commission member or chair. The bill provides that each of the three appointees *must* be a commission member or chair *or a county mayor*.¹² The bill also provides that the 4-year term of each member appointed by the Governor, who currently serve four years, ends on December 31 of his or her last year of service. The CFX advises this revision is to accommodate the CFX's January officer elections.¹³ This section also makes editorial changes and repeals an obsolete date reference related to expiration of the terms of standing board members.

Section 2 amends s. 348.757(2), F.S., to remove the requirement that the lease-purchase agreement between the former OOCEA and the FDOT provide for transfer of title to the OOCEA system to the FDOT upon termination of the agreement, as the language has been

⁹ Section 348.753(3), F.S.

¹⁰ *Id.*

¹¹ See CFX email to Committee Staff, March 5, 2015. On file in the Senate Transportation Committee.

¹² The CFX advises this change is to accommodate different forms of county government structure. *Supra*, note 11.

¹³ *Supra*, note 11.

superseded by the re-payment and transfer provisions enacted by the 2012 Legislature in ch. 2012-128, Laws of Florida.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 348.753 and 348.757.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on March 12, 2015:

The CS modifies the bill by removing the repeal of s. 348.757(2), F.S., which currently prohibits the CFX from constructing any extensions, additions, or improvements to the expressway system in Lake County without the prior consent of the Secretary of Transportation, thereby preserving the Legislature's expressed intent to ensure the continued financial feasibility of the portions of the Wekiva Parkway for which the FDOT is responsible.

- B. **Amendments:**

None.

By the Committee on Transportation; and Senator Simmons

596-02195-15

20151024c1

A bill to be entitled
An act relating to the Central Florida Expressway
Authority; amending s. 348.753, F.S.; requiring the
chairs of the boards of specified county commissions
each to appoint one member from their respective
counties who is a commission member or chair or a
county mayor to serve on the governing body of the
authority; specifying that the terms of members
appointed by the Governor end on a specified date;
removing the requirement that the authority elect one
of its members as secretary; amending s. 348.757,
F.S.; removing the requirement that title in fee
simple absolute to the former Orlando-Orange County
Expressway System be transferred to the state upon the
completion of the faithful performance and termination
of a specified lease-purchase agreement; providing an
effective date.

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

Section 1. Subsection (3) and paragraph (a) of subsection
(4) of section 348.753, Florida Statutes, are amended to read:
348.753 Central Florida Expressway Authority.—

(3) The governing body of the authority shall consist of
nine members. The chairs of the boards of the county commissions
of Seminole, Lake, and Osceola Counties shall each appoint one
member from their respective counties, who must ~~may~~ be a
commission member or chair or a county mayor. The Mayor of
Orange County shall appoint a member from the Orange County

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Commission. The Governor shall appoint three citizen members, each of whom must be a citizen of either Orange County, Seminole County, Lake County, or Osceola County. The ~~eight member must be the~~ Mayor of Orange County and. The ~~ninth member must be the~~ Mayor of the City of Orlando shall also serve as members. The executive director of the Florida Turnpike Enterprise shall serve as a nonvoting advisor to the governing body of the authority. Each member appointed by the Governor shall serve for 4 years, with his or her term ending on December 31 of his or her last year of service. Each county-appointed member shall serve for 2 years. ~~The terms of standing board members expire June 20, 2014.~~ Each appointed member shall hold office until his or her successor has been appointed and has qualified. A vacancy occurring during a term must be filled only for the balance of the unexpired term. Each appointed member of the authority must ~~shall~~ be a person of outstanding reputation for integrity, responsibility, and business ability, but, except as provided in this subsection, a person who is an officer or employee of a municipality or county may not be an appointed member of the authority. Any member of the authority is eligible for reappointment.

(4)(a) The authority shall elect one of its members as chair of the authority. The authority shall also elect one of its members as vice chair, ~~one of its members as secretary,~~ and one of its members as treasurer. The chair, vice chair, ~~secretary,~~ and treasurer shall hold such offices at the will of the authority. Five members of the authority constitute a quorum, and the vote of five members is necessary for any action taken by the authority. A vacancy in the authority does not

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59 impair the right of a quorum of the authority to exercise all of
60 the rights and perform all of the duties of the authority.

61 Section 2. Subsection (2) of section 348.757, Florida
62 Statutes, is amended to read:

63 348.757 Lease-purchase agreement.—

64 (2) The lease-purchase agreement must provide for the
65 leasing of the former Orlando-Orange County Expressway System,
66 by the authority, as lessor, to the department, as lessee, and
67 must prescribe the term of such lease and the rentals to be
68 paid, ~~and must provide that upon the completion of the faithful~~
69 ~~performance and the termination of the lease purchase agreement,~~
70 ~~title in fee simple absolute to the former Orlando-Orange County~~
71 ~~Expressway System as then constituted shall be transferred in~~
72 ~~accordance with law by the authority, to the state and the~~
73 ~~authority shall deliver to the department such deeds and~~
74 ~~conveyances as shall be necessary or convenient to vest title in~~
75 ~~fee simple absolute in the state.~~

76 Section 3. This act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: PCS/CS/SB 1072 (959396)

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development;
Transportation Committee; and Senator Evers

SUBJECT: Registration of Agriculture Transport Vehicles

DATE: April 6, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	Fav/CS
2.	Wells/Miller	Miller	ATD	Recommended: Fav/CS
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1072 defines the term “melon hauling vehicle” and establishes a restricted license plate for an annual flat fee of \$87.75.

The Department of Highway Safety and Motor Vehicles (DHSMV) reports there would be an indeterminate revenue loss to both the General Revenue Fund and the State Transportation Trust Fund due to the lower vehicle license tax for melon hauling vehicles.

The bill provides for an effective date of July 1, 2015.

II. Present Situation:

Agricultural Vehicle License Taxes

Annual license taxes for the operation of motor vehicles registered in Florida are provided in s. 320.08, F.S. The owner of a truck with a net weight of less than 5,000 pounds is taxed based on the weight ranging from a \$14.50 flat tax to \$32.50. A “heavy truck” weighs over 5,000 pounds, and is taxed based on gross vehicle weight, which ranges from a \$60.75 flat tax to \$1,322.

A reduced flat tax is available for the operation of certain heavy trucks used as agricultural vehicles. Specifically, a truck tractor or heavy truck, not operated as a for-hire vehicle, engaged exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products within 150-miles of its home address, is eligible for a restricted license plate for a fee of¹:

- \$87.75 flat, if such vehicle's declared gross weight is less than 44,000 pounds; or
- \$324, flat, if such vehicle's gross weight is 44,000 pounds or more and such vehicle only transports from:
 - Point of production to point of primary manufacturer;
 - Point of production to the point of assembling the same;
 - Point of production to a shipping point by rail, water, or motor transportation company.

Similarly, a reduced flat tax is available for the operation of a "goat," which is a motor vehicle designed, constructed, and used principally for the transportation of crops on farms,² and other vehicles used in the field by a farmer, or in the woods for the purpose of harvesting crop, and which *is not principally operated* on the roads of the state has an annual license tax of \$7.50.³

III. Effect of Proposed Changes:

The bill defines "melon hauling vehicle" to mean a vehicle with a declared gross vehicle weight of less than 44,000 pounds which is used for the purpose of transporting melons from a farm or harvest place to the first point of processing, storage, or sale within 150 miles of the farmer's farm.

The bill provides that a "melon-hauling vehicle" has an \$87.75 flat annual license tax. From this fee, \$22.75 will be deposited into the General Revenue Fund. The balance of the fee will be distributed to the Capital Outlay and Debt Service Fund of the Board of Education, as required by the Florida Constitution,⁴ and to the State Transportation Trust Fund.

The bill takes effect July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹ Section 320.08(4)(n), F.S.

² Section 320.08(3)(d), F.S.

³ *Id.*

⁴ Fla. Const. art. XII, s.9.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

PCS/CS/SB 1072 will have a positive fiscal impact for owners of modified agricultural vehicles due to the decreased annual license tax.

C. Government Sector Impact:

The DHSMV reports there would be a revenue loss to both the General Revenue Fund and the State Transportation Trust Fund due to the lower vehicle registration fees created in the bill. Because it is unknown how many vehicles would register as “melon hauling vehicles”, the amount of lost revenue is indeterminate. The department estimates that programming changes for the implementation of the bill will cost \$12,240⁵.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 320.08 of the Florida Statutes..

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS/CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 2, 2015:**

The committee substitute:

- Provides for a flat fee of \$87.75 for a restricted license plate for a melon-hauling vehicle.
- Redefines “melon-hauling vehicle.”
- Removes melon-hauling drivers from the list of persons who are exempt from the requirement of obtaining a commercial driver license.

CS by Transportation on March 12, 2015:

The CS makes the following changes to the bill:

⁵ DHSMV, *2015 Agency Legislative Bill Analysis*, (March 10, 2015).

- Removes the term “modified agricultural vehicle”;
- Defines “melon hauling vehicle”; and
- Requires that drivers of melon hauling vehicles still maintain compliance with certain federal regulations.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.



281492

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/06/2015	.	
	.	
	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (o) is added to subsection (4) of
section 320.08, Florida Statutes, to read:

320.08 License taxes.—Except as otherwise provided herein,
there are hereby levied and imposed annual license taxes for the
operation of motor vehicles, mopeds, motorized bicycles as
defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,



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and mobile homes, as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

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

(o) A melon-hauling vehicle is eligible for a restricted license plate for a fee of: \$87.75 flat, of which \$22.75 shall be deposited into the General Revenue Fund.

The term "melon-hauling vehicle" means a vehicle with a declared gross vehicle weight of less than 44,000 pounds which is used for the purpose of transporting melons from a farm or harvest place to the first place of processing, storage, or sale within 150 miles of the farmer's farm.

Section 2. This act shall take effect July 1, 2015.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled
An act relating to registration of melon-hauling vehicles; amending s. 320.08, F.S.; providing that a melon-hauling vehicle is eligible for a restricted license plate for a specified fee; requiring that a specified amount of such fee be deposited into the General Revenue Fund; defining the term "melon-hauling vehicle"; providing an effective date.

By the Committee on Transportation; and Senator Evers

596-02198-15

20151072c1

A bill to be entitled
An act relating to registration of melon hauling
vehicles; amending s. 320.08, F.S.; providing a fee
for registration of a melon hauling vehicle; defining
the term "melon hauling vehicle"; amending s. 322.53,
F.S.; exempting drivers of melon hauling vehicles from
the requirement to obtain a commercial driver license;
requiring such drivers to comply with specified
regulations; providing an effective date.

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

Section 1. Paragraph (f) is added to subsection (3) of
section 320.08, Florida Statutes, to read:

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

(3) TRUCKS.—

(f) A melon hauling vehicle: \$7.50 flat. The term "melon
hauling vehicle" means a vehicle that has been altered from its
original use so that the primary purpose is to transport melons
from a farm or harvest place to the first place of processing or
storage, or from a farm or harvest place directly to market.

Section 2. Paragraph (c) of subsection (2) of section
322.53, Florida Statutes, is amended to read:

596-02198-15

20151072c1

30 322.53 License required; exemptions.—

31 (2) The following persons are exempt from the requirement
32 to obtain a commercial driver license:

33 (c)1. Farmers transporting agricultural products, farm
34 supplies, or farm machinery to or from their farms and within
35 150 miles of their farms, if the vehicle operated under this
36 exemption is not used in the operations of a common or contract
37 motor carrier.

38 2. Drivers of melon hauling vehicles registered under s.
39 320.08(3)(f). However, such drivers must comply with 49 C.F.R.
40 parts 382, 392, and 393 and 49 C.F.R. ss. 396.3(a)(1) and 396.9.

41 Section 3. This act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: CS/SB 1216

INTRODUCER: Community Affairs Committee and Senator Simpson

SUBJECT: Connected-city Corridors

DATE: April 1, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Stearns</u>	<u>Yeatman</u>	<u>CA</u>	Fav/CS
2.	<u>Gusky</u>	<u>Miller</u>	<u>ATD</u>	Favorable
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1216 names Pasco County as a pilot community for a period of 10 years related to connected-city corridor plan amendments. The bill provides requirements for connected-city corridors as well as authorized features. Plan amendments within a connected-city corridor may be based on a longer than normal planning period and need not demonstrate need on any basis. Projects within certain connected-city corridors are exempted from concurrency requirements and development of regional impact (DRI) review requirements. The bill provides that the exclusive method of establishing a community development district of less than 2,000 acres within a connected-city corridor is by adoption of an ordinance by the county commission.

The bill directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to submit a report on the pilot project to the Governor and Legislature in 10 years.

The fiscal impact of the bill is indeterminate (see Section V).

The bill provides that it becomes effective upon becoming law.

II. Present Situation:

Comprehensive Plans and the Comprehensive Plan Amendment Process

In 1985, the Florida Legislature passed the landmark Growth Management Act, which required every city and county to create and implement a comprehensive plan to guide future development. A locality's comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments. Development that does not conform to the comprehensive plan may not be approved by a local government unless the local government amends its comprehensive plan first.

State law requires a proposed comprehensive plan amendment to receive three public hearings, the first held by the local planning board.¹ The local commission (city or county) must then hold an initial public hearing regarding the proposed amendment and subsequently transmit it to several statutorily identified reviewing agencies.²

The state agencies review the proposed amendment for impacts related to their statutory purview. The regional planning council with jurisdiction reviews the amendment specifically for "extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region" as well as adverse effects on regional resources or facilities.³ Upon receipt of the reports from the various agencies, the local government holds a second public hearing at which the governing body votes to approve the amendment or not. If the amendment receives a favorable vote it is transmitted to the Department of Economic Opportunity (DEO) for final review.⁴ The DEO then has either 31 days or 45 days (depending on the review process to which the amendment is subject) to determine whether the proposed comprehensive plan amendment is in compliance with all relevant agency rules and laws.⁵

Local Government Comprehensive Planning Certification Program

In 2002, the Florida Legislature created the Local Government Comprehensive Planning Certification Program⁶ to establish a process that requires less state and regional oversight of the comprehensive plan amendment process for local governments that identify a geographic area for certification within which they commit to directing growth. Section 163.3246, F.S., allows the DEO to enter into up to eight new certification agreements each year. To be eligible, a local government must demonstrate a record of effectively adopting, implementing, and enforcing its comprehensive plan and demonstrate technical, financial, and administrative expertise. The local government must also demonstrate that it has adopted programs in the comprehensive plan and land development regulations that:

- Promote infill development and redevelopment, including prioritized and timely permitting processes;

¹ Section 163.3174(4)(a), F.S.

² Section 163.3184, F.S.

³ Section 163.3184(3)(b)3.a., F.S.

⁴ Section 163.3184, F.S.

⁵ *Id.*

⁶ Chapter 2002-296, Laws of Florida.

- Promote affordable housing for low-income and very low-income households or specialized housing to assist elderly and disabled persons;
- Achieve effective intergovernmental coordination and address extrajurisdictional effects of development;
- Promote economic diversity and growth while encouraging the protection and restoration of the environment;
- Provide and maintain public urban and rural open space and recreational opportunities;
- Manage transportation and land uses to support public transit and promote opportunities for pedestrian and non-motorized transportation;
- Use design principles to promote individual community identity;
- Redevelop blighted areas;
- Adopt a local mitigation strategy and have programs to improve disaster preparedness;
- Encourage clustered, mixed-use developments;
- Encourage urban infill and discourage urban sprawl;
- Assure protection of key natural areas and agricultural lands; and
- Ensure the cost-efficient provision of public infrastructure and services.

The DEO may revoke the local government's certification if it determines that the local government is not substantially complying with the terms of the agreement.

During the January, 2011 to December, 2012 time period, the DEO indicated that four local governments have been certified under the program – the cities of Orlando, Lakeland, Miramar, and Freeport. Very few local governments have been able to meet the stringent criteria required to participate in the program.⁷

Under current law, no connected-city corridor specific development approval process exists.

Special Districts

Special districts are local units of special purpose government, within limited geographical areas, which are used to manage, own, operate, maintain, and finance basic capital infrastructure, facilities, and services. Special districts have existed in Florida since 1845 when the Legislature authorized five commissioners to drain the “Alachua Savannah” also known as Paynes Prairie. The project was financed by special assessments made on landowners based on the number of acres owned and the benefit derived. Since that time, special districts have been used by local governments to provide a broad range of government services. All special districts must comply with the requirements of the Uniform Special District Accountability Act of 1989 which was enacted by the Legislature to reform and consolidate laws relating to special districts. Chapter 189, F.S., applies to the formation, governance, administration, supervision, merger and dissolution of special districts unless otherwise expressly provided in law.⁸ The Act includes an extensive statement of legislative intent emphasizing improved accountability to state and local

⁷ Department of Economic Opportunity, Division of Community Development, *Local Government Comprehensive Planning Certification Program – 2013 Report* (July 1, 2013).

⁸ For example, the creation of community development districts and their charters is exclusively controlled by ch. 190, F.S. Section 190.004, F.S.

governments, better communication and coordination in monitoring required reporting of special districts, and improved uniformity in special district elections and non-ad valorem assessments. The statement also specifies the elements required in the charter of each new district.⁹

Special districts serve a limited purpose, function as an administrative unit separate and apart from the county or city in which they may be located, and are often referred to as a local unit of special purpose. Special districts may be created by general law (an act of the Legislature), by special act (a law enacted by the Legislature at the request of a local government and affecting only that local government), by local ordinance, or by rule of the Governor and Cabinet.

The Special District Information Program within the DEO serves as the clearinghouse for special district information, and maintains a list of special districts categorized by function which can include community development districts (575), community redevelopment districts (213), downtown development districts (14), drainage and water control districts (86), economic development districts (11), fire control and rescue districts (65), mosquito control districts (18), and soil and water conservation districts (62).¹⁰ There are a total of 1,634 special districts in Florida.

Community Development Districts

Community Development Districts (CDDs) are a type of special district controlled by ch. 190, F.S. The purpose of a CDD is to provide an “alternative method to manage and finance basic services for community development.”¹¹ Counties and cities may create community development districts of less than 1,000 acres.¹² CDDs larger than 1,000 acres can only be created by the Governor and the Cabinet, sitting as the Florida Land and Water Adjudicatory Commission.¹³ Chapter 190, F.S., provides that CDDs must comply with many of the same requirements that apply to other special districts.

Development of Regional Impact Background

A development of regional impact (DRI) is defined in s. 380.06, F.S., as “any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.” Section 380.06, F.S., provides for both state and regional review of local land use decisions involving DRIs. Regional planning councils coordinate the review process with local, regional, state and federal agencies and recommend conditions of approval or denial to local governments. DRIs are also reviewed by the DEO for compliance with state law and to identify the regional and state impacts of large-scale developments. Local DRI development orders may be appealed by the owner, the developer, or the state land planning agency to the Governor and Cabinet, sitting as the Florida Land and

⁹ Section 189.402(2), F.S.

¹⁰ Information relating to special districts and their functions can be found in the SDIP online publication “Florida Special District Handbook Online” which can be found at <http://www.floridaspecialdistricts.org/handbook/> (last visited March 12, 2015).

¹¹ Section 190.002(3), F.S.

¹² Section 190.005(2), F.S.

¹³ Section 190.005(1), F.S.

Water Adjudicatory Commission.¹⁴ Section 380.06(24), F.S., exempts numerous types of projects from review as a DRI.

III. Effect of Proposed Changes:

Section 1 amends s. 163.3246, F.S., to provide legislative intent to:

- Encourage the creation of connected-city corridors that facilitate the growth of high-technology industry and innovation through partnerships that support research, marketing, workforce and entrepreneurship.”
- Provide for a locally controlled, comprehensive plan amendment process for such projects that are designed to:
 - Achieve a cleaner, healthier environment;
 - Limit urban sprawl by promoting diverse but interconnected communities;
 - Provide a range of intergenerational housing types;
 - Protect wildlife and natural areas;
 - Assure the efficient use of land and other resources;
 - Create quality communities of a design that promotes alternative transportation networks and travel by multiple transportation modes; and
 - Enhance the prospects for the creation of jobs.

The bill includes a legislative finding and declaration that this state’s connected-city corridors require a reduced level of state and regional oversight because of their high degree of urbanization and the planning capabilities and resources of the local government.

The bill creates a 10-year pilot project for connected-city corridor plan amendments. The bill names Pasco County as a pilot community that may adopt connected-city corridor plan amendments. Such amendments may be based on a longer than normal planning period and need not demonstrate need on any basis.

Pasco County is required to submit an annual or biennial monitoring report to the Department of Economic Opportunity. If Pasco County adopts a long-term transportation network plan and financial feasibility plan then projects within the connected-city corridor are deemed to have satisfied all concurrency and transportation mitigation requirements. Projects located within the connected-city corridor are exempt from DRI review requirements.

The Office of Program Policy Analysis and Government Accountability is directed to submit a report to the Governor and Legislature by December 1, 2024, regarding the pilot project.

Section 2 amends s. 190.005, F.S., to provide the exclusive method of establishing a community development district of 2,000 acres or less within a connected-city corridor is by adoption of an ordinance by the county commission. The bill also exempts community development districts within both a connected-city corridor and the jurisdiction of more than one city from a requirement that the petition establishing the district be filed with the Florida Land and Water Adjudicatory Commission.

¹⁴ Section 380.07(2), F.S.

Section 3 provides the bill shall become effective upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The private sector impact of CS/SB 1216 is indeterminate. Private developers may benefit from the provisions of the bill which provide that projects within the connected-city corridor are deemed to have satisfied all concurrency and transportation migration requirements and that such projects are exempt from the DRI review requirements.

C. Government Sector Impact:

The government sector impact of the bill is indeterminate. The bill authorizes a local review process for comprehensive plan amendments in the connected-city corridor rather than a state review process which could reduce the need for the DEO's resources for such reviews. The long term governmental costs associated with projects within the connected-city corridor being deemed to have satisfied all concurrency and transportation mitigation requirements and being exempt from DRI review requirements are unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 163.3246 and 190.005.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on March 17, 2015:

- Creates a 10-year pilot project and names Pasco County as a pilot community.
- Describes connected-city corridor plan amendments and provides certain requirements and optional features.
- Provides a concurrency exemption for certain connected-city corridors.
- Provides a DRI exemption.
- Directs OPPAGA to submit a report to the Governor and Legislature.
- Provides the exclusive method of establishing certain community development districts.

- B. **Amendments:**

None.

By the Committee on Community Affairs; and Senator Simpson

578-02392-15

20151216c1

A bill to be entitled
An act relating to connected-city corridors; amending
s. 163.3246, F.S.; providing legislative intent;
designating Pasco County as a pilot community;
requiring the state land planning agency to provide a
written certification to Pasco County within a certain
timeframe; providing requirements for certain plan
amendments; requiring the Office of Program Policy
Analysis and Government Accountability to submit a
report and recommendations to the Governor and the
Legislature by a certain date; providing requirements
for the report; amending s. 190.005, F.S.; requiring
community development districts up to a certain size
located within a connected-city corridor to be
established pursuant to an ordinance; providing an
effective date.

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

Section 1. Subsection (14) is added to section 163.3246,
Florida Statutes, to read:

163.3246 Local government comprehensive planning
certification program.—

(14) It is the intent of the Legislature to encourage the
creation of connected-city corridors that facilitate the growth
of high-technology industry and innovation through partnerships
that support research, marketing, workforce, and
entrepreneurship. It is the intent of the Legislature to provide
for a locally controlled, comprehensive plan amendment process

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30 for such projects that are designed to achieve a cleaner,
31 healthier environment; limit urban sprawl by promoting diverse
32 but interconnected communities; provide a range of
33 intergenerational housing types; protect wildlife and natural
34 areas; assure the efficient use of land and other resources;
35 create quality communities of a design that promotes alternative
36 transportation networks and travel by multiple transportation
37 modes; and enhance the prospects for the creation of jobs. The
38 Legislature finds and declares that this state's connected-city
39 corridors require a reduced level of state and regional
40 oversight because of their high degree of urbanization and the
41 planning capabilities and resources of the local government.

42 (a) Notwithstanding subsections (2), (4), (5), (6), and
43 (7), Pasco County is named a pilot community and shall be
44 considered certified for a period of 10 years for connected-city
45 corridor plan amendments. The state land planning agency shall
46 provide a written notice of certification to Pasco County by
47 July 15, 2015, which shall be considered a final agency action
48 subject to challenge under s. 120.569. The notice of
49 certification must include:

50 1. The boundary of the connected-city corridor
51 certification area; and

52 2. A requirement that Pasco County submit an annual or
53 biennial monitoring report to the state land planning agency
54 according to the schedule provided in the written notice. The
55 monitoring report shall, at a minimum, include the number of
56 amendments to the comprehensive plan adopted by Pasco County,
57 the number of plan amendments challenged by an affected person,
58 and the disposition of such challenges.

578-02392-15

20151216c1

59 (b) A plan amendment adopted under this subsection may be
60 based upon a planning period longer than the generally
61 applicable planning period of the Pasco County local
62 comprehensive plan, shall specify the projected population
63 within the planning area during the chosen planning period, may
64 include a phasing or staging schedule that allocates a portion
65 of Pasco County's future growth to the planning area through the
66 planning period, and may designate a priority zone or subarea
67 within the connected-city corridor for initial implementation of
68 the plan. A plan amendment adopted under this subsection is not
69 required to demonstrate need based upon projected population
70 growth or on any other basis.

71 (c) If Pasco County adopts a long-term transportation
72 network plan and financial feasibility plan, and subject to
73 compliance with the requirements of such a plan, the projects
74 within the connected-city corridor are deemed to have satisfied
75 all concurrency and other state agency or local government
76 transportation mitigation requirements except for site-specific
77 access management requirements.

78 (d) If Pasco County does not request that the state land
79 planning agency review the developments of regional impact that
80 are proposed within the certified area, an application for
81 approval of a development order within the certified area is
82 exempt from review under s. 380.06.

83 (e) The Office of Program Policy Analysis and Government
84 Accountability (OPPAGA) shall submit to the Governor, the
85 President of the Senate, and the Speaker of the House of
86 Representatives by December 1, 2024, a report and
87 recommendations for implementing a statewide program that

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addresses the legislative findings in this subsection. In consultation with the state land planning agency, OPPAGA shall develop the report and recommendations with input from other state and regional agencies, local governments, and interest groups. OPPAGA shall also solicit citizen input in the potentially affected areas and consult with the affected local government and stakeholder groups. Additionally, OPPAGA shall review local and state actions and correspondence relating to the pilot program to identify issues of process and substance in recommending changes to the pilot program. At a minimum, the report and recommendations must include:

1. Identification of local governments other than the local government participating in the pilot program which should be certified. The report may also recommend that a local government is no longer appropriate for certification; and

2. Changes to the certification pilot program.

Section 2. Subsection (2) of section 190.005, Florida Statutes, is amended to read:

190.005 Establishment of district.—

(2) The exclusive and uniform method for the establishment of a community development district of less than 1,000 acres in size or a community development district of up to 2,000 acres in size located within a connected-city corridor established pursuant to s. 163.3246(14) shall be pursuant to an ordinance adopted by the county commission of the county having jurisdiction over the majority of land in the area in which the district is to be located granting a petition for the establishment of a community development district as follows:

(a) A petition for the establishment of a community

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development district shall be filed by the petitioner with the county commission. The petition shall contain the same information as required in paragraph (1)(a).

(b) A public hearing on the petition shall be conducted by the county commission in accordance with the requirements and procedures of paragraph (1)(d).

(c) The county commission shall consider the record of the public hearing and the factors set forth in paragraph (1)(e) in making its determination to grant or deny a petition for the establishment of a community development district.

(d) The county commission shall not adopt any ordinance which would expand, modify, or delete any provision of the uniform community development district charter as set forth in ss. 190.006-190.041. An ordinance establishing a community development district shall only include the matters provided for in paragraph (1)(f) unless the commission consents to any of the optional powers under s. 190.012(2) at the request of the petitioner.

(e) If all of the land in the area for the proposed district is within the territorial jurisdiction of a municipal corporation, then the petition requesting establishment of a community development district under this act shall be filed by the petitioner with that particular municipal corporation. In such event, the duties of the county, hereinabove described, in action upon the petition shall be the duties of the municipal corporation. If any of the land area of a proposed district is within the land area of a municipality, the county commission may not create the district without municipal approval. If all of the land in the area for the proposed district, even if less

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146 than 1,000 acres, is within the territorial jurisdiction of two
147 or more municipalities, except for proposed districts within a
148 connected-city corridor established pursuant to s. 163.3246(14),
149 the petition shall be filed with the Florida Land and Water
150 Adjudicatory Commission and proceed in accordance with
151 subsection (1).

152 (f) Notwithstanding any other provision of this subsection,
153 within 90 days after a petition for the establishment of a
154 community development district has been filed pursuant to this
155 subsection, the governing body of the county or municipal
156 corporation may transfer the petition to the Florida Land and
157 Water Adjudicatory Commission, which shall make the
158 determination to grant or deny the petition as provided in
159 subsection (1). A county or municipal corporation shall have no
160 right or power to grant or deny a petition that has been
161 transferred to the Florida Land and Water Adjudicatory
162 Commission.

163 Section 3. This act shall take effect upon becoming a law.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: CS/SB 1554

INTRODUCER: Transportation Committee and Senator Brandes

SUBJECT: Transportation

DATE: April 1, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Fav/CS
2.	Sneed	Miller	ATD	Pre-meeting
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1554 reflects the Florida Department of Transportation's (FDOT) 2015 Legislative Package, as well as other transportation-related issues. More specifically, the bill:

- Increases from \$15 million to \$25 million the annual funding for the Florida Seaport Transportation and Economic Development (FSTED) program.
- Removes Port Citrus as an authorized member of the FSTED Council, as well as obsolete provisions regarding a related port feasibility study.
- Allows commercial motor vehicle operators to purchase temporary registration permits and provides for a reduced non-registration penalty under certain circumstances.
- Extends the allowable length of a trailer transporting manufactured buildings under a special permit from 54 feet to 80 feet.
- Extends the allowable length of certain semitrailers from 53 feet to 57 feet under certain conditions.
- Provides an exemption from required minimum following distance to users of driver-assistive truck platooning technology, a system that controls inter-vehicle spacing between two truck tractor-semitrailer combinations.
- Directs the Office of Economic and Demographic Research to evaluate and determine the economic benefits of the state's investment in the FDOT Work Program.
- Allows turnpike bonds to be validated at the option of the Division of Bond Finance, and limits the location of publication of bond-validation notices to Leon County.
- Substantially revises ch. 333, F.S., relating to airport zoning regulations.

- Authorizes the FDOT to assume certain review responsibilities under the National Environmental Policy Act (NEPA) with respect to highway projects, as authorized by federal law, and includes a limited waiver of the state's immunity from lawsuits in federal courts pursuant to the Eleventh Amendment to the U.S. Constitution, which are associated with the assumed responsibilities under NEPA.
- Requires consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology and revises existing statutes with regard to the definition and use of autonomous vehicle technology.
- Clarifies provisions relating to pedestrians and crosswalks in an effort to improve safety.
- Increases from three years to ten years the period after which a dormant prepaid toll account is presumed unclaimed.
- Creates the Shared-Use Nonmotorized Trail (SunTrail) Network as a component of the Florida Greenways and Trail System.
- Requires the Center for Urban Transportation Research to conduct a study, design a pilot project, and provide a report regarding the feasibility and means of implementing a vehicle-miles-traveled funding mechanism for transportation projects.
- Creates the Northwest Florida Regional Transportation Finance Authority Act, authorizing Escambia and Santa Rosa Counties, to form a regional transportation finance authority to develop transportation projects in the northwest region of the state.
- Revises the membership of a legislatively-created independent special district regulating for-hire transportation.
- Revises provisions relating to staffing and responsibilities of the Fort Meyers Urban Office of the FDOT.
- Modernizes language relating to FDOT's provision of 511 services.
- Removes obsolete language relating to the FDOT secretary's appointment of an inspector general.
- Repeals obsolete language relating to transportation corridors.
- Deletes references to toll facilities no longer owned by the FDOT.
- Repeals obsolete bond language relating to the already-repealed Broward County Expressway Authority.
- Makes other technical and conforming revisions.

The fiscal impact of the bill is indeterminate but likely insignificant. Please see Section V for specific details.

II. Present Situation:

Due to the disparate issues in the bill, the present situation for each section is discussed below in conjunction with the Effect of Proposed Changes.

III. Effect of Proposed Changes:

Florida Seaport Transportation and Economic Development Program (Sections 4 and 5)

Present Situation

Florida has 15 public seaports,¹ and Florida law reflects a number of seaport and seaport-related funding provisions. Section 311.07(2), F.S., requires a minimum of \$15 million per year from the State Transportation Trust Fund (STTF) to fund the Florida Seaport Transportation and Economic Development (FSTED) Program.² The program represents a collaborative relationship between the Florida Department of Transportation (FDOT) and the seaports. FSTED funds are to be used on approved projects on a 50-50 matching basis.³ Funding grants under the FSTED program are limited to the following port facilities or port transportation projects:

- Transportation facilities within the jurisdiction of the port.
- The dredging or deepening of channels, turning basins, or harbors.
- The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with the foregoing.
- The acquisition of vessel tracking systems, container cranes, or other mechanized equipment used in the movement of cargo or passengers in international commerce.
- The acquisition of land to be used for port purposes.
- The acquisition, improvement, enlargement, or extension of existing port facilities.
- Environmental protection projects: which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites; or which result from the funding of eligible projects.
- Transportation facilities which are not otherwise part of FDOT's adopted Work Program.⁴
- Intermodal access projects.
- Construction or rehabilitation of port facilities, excluding any park or recreational facility, in ports listed in s. 311.09(1), F.S.,⁵ with operating revenues of \$5 million or less, provided that such project creates economic development opportunities, capital improvements, and positive financial returns to such ports.
- Seaport master plan or strategic plan development updates, including the purchase of data to support such plans or other provisions of the Community Planning Act.⁶

¹ Jacksonville (JaxPort), Port Canaveral, Port Citrus, Port of Fort Pierce, Port of Palm Beach, Port Everglades, Port of Miami, Port Manatee, Port of St. Petersburg, Port of Tampa, Port St. Joe, Port Panama City, Port of Pensacola, Port of Key West, and Port of Fernandino. Listed in s. 311.09(1), F.S.

² See also s. 311.09(9), directing the FDOT to include no less than \$15 million annually in its legislative budget request for the FSTED Program.

³ S. 311.07(3)(a), F.S.

⁴ DOT's work program is adopted pursuant to s. 339.135, F.S.

⁵ Jacksonville (JaxPort), Port Canaveral, Port Citrus, Port of Fort Pierce, Port of Palm Beach, Port Everglades, Port of Miami, Port Manatee, Port of St. Petersburg, Port of Tampa, Port St. Joe, Port Panama City, Port of Pensacola, Port of Key West, and Port of Fernandino.

⁶ Part II of ch. 163, F.S.

In order for a project to be eligible for consideration by the FSTED Council, a project must be consistent with the port's comprehensive master plan, which is incorporated as part of the approved local government comprehensive plan.

The FSTED program is managed by the FSTED Council, which consists of the port director, or director's designee of the 15 public seaports, the Secretary of FDOT or his or her designee, and the Executive Director of the Department of Economic Opportunity or his or her designee.⁷

Effect of Proposed Changes

Sections 4 and 5 amend s. 311.07(2) and s. 311.09(9), F.S., respectively, to increase the annual funding from the State Transportation Trust Fund for the FSTED Program from \$15 million to \$25 million. The bill requires FDOT to include no less than the \$25 million in its annual legislative budget request to fund the program.

Port Citrus (Section 5)

Present Situation

The Florida Legislature in 2011 included a representative of Port Citrus as a member of the FSTED Council. Port Citrus was authorized to apply for a grant for a feasibility study through the FSTED Council until July 14, 2014, regarding the establishment of a port in Citrus County.

According to a recent article, by late 2011, Citrus County established a port authority and joined the Florida Ports Council and Gulf Ports Association of the Americas, with annual dues of \$15,000. Backers of Port Citrus "envisioned development of a port near a key cut in the Cross Florida Barge Canal."⁸ According to the article, the study found that the barge canal would be a good location for a marina, but not for a port, because the canal's 12-foot depth is too shallow. Efforts are underway to pursue a possible marina. However, members of the current Citrus County Commission have raised questions about whether the dues paid for membership in the groups joined are appropriate, noting that a marina does not need to be designated as a port.⁹

On January 24, 2015, the Citrus County Board of County Commissions, acting as the Citrus County Port Authority, voted to abolish Port Citrus. The Port Authority has requested statutory revision to reflect the abolishment.¹⁰

Effect of Proposed Changes

Section 5 amends s. 311.09(1) and repeals s. 311.09(12), F.S., to remove a representative of Port Citrus as an authorized member of the FSTED Council, as well as the dated provisions relating to application for a grant to conduct the feasibility study.

⁷ S. 311.09(1), F.S.

⁸ See *Port Citrus talk: Sink or stay afloat?*, January 24, 2015, Citrus County Chronicle Online: <http://www.chronicleonline.com/content/port-citrus-talk-sink-or-stay-afloat>. Last visited March 19, 2015.

⁹ *Id.*

¹⁰ See Citrus Port Authority correspondence dated January 29, 2015. On file in the Senate Transportation Committee.

Commercial Motor Vehicles/Ports of Entry/Operating Credentials (Sections 6 and 11)

Present Situation

Interstate operators of commercial motor vehicles (CMVs) are required to obtain a number of credentials. Generally, for example, interstate operators of CMVs are required to obtain an International Fuel Tax Agreement (IFTA) license and decal¹¹ and, in some cases, to obtain overweight or over-dimensional permits.¹² Some states allow the purchase of some or all necessary credentials at weigh stations located close to routes entering their borders and at other locations, and these states are known as “port of entry” or “POE” states.¹³ Because these credentials must be obtained prior to entering Florida, the state is known as a “non-POE” state.¹⁴ If a CMV enters the state without proper credentials and the operator seeks to purchase them at any weigh station, the applicable fine is assessed depending on the type of credential at issue. Only then is the operator allowed to purchase the necessary credential.¹⁵

Another credential required before entering Florida is registration under the International Registration Plan (IRP). The IRP¹⁶ is a plan for registering vehicles that are operated in two or more IRP-member jurisdictions while displaying just one registration license plate for each vehicle.

All IRP member jurisdictions have agreed to allow one jurisdiction to collect the registration fees (apportioned fees) for each jurisdiction at one time. These fees are then distributed among the other IRP jurisdictions according to:

- Percentage of mileage traveled in each jurisdiction;
- Vehicle identification information; and
- Maximum weight.

Under the IRP, interstate truck operators are required to file an application with their base jurisdiction. The base jurisdiction, in turn, issues one registration cab card and one tag for the vehicle. In member jurisdictions, the single apportioned license plate and cab

¹¹ See ss. 207.004 and 316.545(4), F.S. The International Fuel Tax Agreement (IFTA) is an agreement among the states and the Canadian provinces to simplify the reporting of interstate fuel taxes. The motor carrier’s base jurisdiction issues the IFTA license and decals, allowing the carrier to file one quarterly tax return reflecting the net tax and any refund due on fuel used in all jurisdictions.

¹² See s. 316.550, F.S.

¹³ See the *Florida Port of Entry Feasibility Study*, September 2014, prepared for the FDOT, at 3.1 and 3.2. Copy on file in the Senate Transportation Committee. According to the study, 28 states are non-POE states, and 22 states and the District of Columbia consider themselves to be POE jurisdictions. Alabama is a POE state; Georgia is not. Further, the definitions of “POE” vary greatly by state.

¹⁴ *Id.* at 1.1.

¹⁵ See the FDOT 2015 Legislative Proposal form, *Port-of-Entry*, on file in the Senate Transportation Committee.

¹⁶ Section 320.01(23), F.S., defines the IRP to mean “a registration reciprocity agreement among states of the United States and provinces of Canada providing for payment of license fees on the basis of fleet miles operated in various jurisdictions.”

card are the only registration credentials required to operate interstate and intrastate.¹⁷

A “Full Reciprocity Plan” was instituted effective January 1, 2015, under which registrants are billed only for jurisdictions in which actual miles were accrued during the reporting period. If no miles were accrued in a given jurisdiction, registrants are billed based on the average distance of all registrants in each jurisdiction. Upon registration, the cab cards will reflect all jurisdictions.¹⁸

Section 320.0715(1), F.S., requires all apportionable vehicles¹⁹ domiciled in this state to register under the International Registration Plan and to display the apportioned license plate. If a CMV domiciled elsewhere could be lawfully operated in this state because IRP registration had been obtained prior to entering Florida, but was not, a ten-day Florida trip permit may be obtained for \$30. The permit allows the vehicle to be operated in interstate or intrastate commerce for the ten-day period.

A CMV not registered under the application provisions of ch. 320, F.S., is subject to a penalty of five cents per pound on the weight that exceeds 35,000 pounds on laden truck tractor-semitrailer combinations or tandem trailer truck combinations, 10,000 pounds on laden straight trucks or straight truck-trailer combinations, or 10,000 pounds on any unladen CMV.²⁰ Operators of CMVs that fail to obtain the temporary trip permit prior to entering Florida are fined accordingly and then allowed to purchase the temporary trip permit. All such penalties and permit fees are credited to the State Transportation Trust Fund to be used for repair and maintenance of Florida’s roads and for enforcement purposes.²¹

Effect of Proposed Changes

The bill defines “port-of-entry” and reduces the existing penalty for IRP registration violations.

Section 6 creates s. 316.003(94), F.S., to define “port-of-entry” as a designated location that allows drivers of commercial motor vehicles to purchase temporary registration permits necessary to operate legally within Florida, and to direct the FDOT to determine the locations and the designated routes to such locations.

Section 11 amends s. 316.545(2)(b), F.S., to provide that if a CMV enters the state at a designated POE or is operating on an FDOT-designated route to a POE, and if the ten-day IRP trip permit is obtained at the POE, the penalty is limited to the difference between the CMV’s gross weight and the declared gross vehicle weight at five cents per pound.

¹⁷ See the Florida Department of Highway Safety and Motor Vehicles *International Registration Plan Trucking Manual*, at 5. On file in the Senate Transportation Committee.

¹⁸ *Id.*

¹⁹ Section 320.01(24), F.S., defines “apportionable vehicle” to mean “any vehicle [with certain exceptions] which is used or intended for use in two or more member jurisdictions that allocate or proportionally register vehicles and which is used for the transportation of persons for hire or is designed, used, or maintained primarily for the transportation of property and: (a) Is a power unit having a gross vehicle weight in excess of 26,000 pounds; (b) Is a power unit having three or more axles, regardless of weight; or (c) Is used in combination, when the weight of such combination exceeds 26,000 pounds gross vehicle weight.”

²⁰ See 316.545(2)(b), F.S.

²¹ See s. 316.545(6), F.S.

The penalty no longer is calculated based on five cents per pound of weight in excess of 35,000 pounds or 10,000 pounds, depending on the type of truck, combination, or whether the truck is laden, but on the difference between declared and actual weight. Existing penalties for failure to obtain other required credentials remain unchanged, including, but not limited to, IFTA violations and overweight and over-dimensional permit violations.

The FDOT advises three potential POE locations are under consideration:

- I-10 at the first eastbound weigh station entering the state;
- I-75 at the first southbound weigh station entering the state; and
- I-95 at the first southbound weigh station entering the state.

The designated route for each location would be the portion of the interstate from the state line to the weigh station.²²

Commercial Motor Vehicles/Trailer Lengths/Manufactured Building/Special Permits (Section 10)

Present Situation

The Office of Commercial Vehicle Enforcement of the Florida Department of Highway Safety and Motor Vehicles (FDHSMV) administers a Weight Enforcement program. Protection of the public's investment in the highway system is the primary purpose of the program. To prevent heavy trucks from causing unreasonable damage to roads and bridges, maximum weight and size limits are established in ch. 316, F.S.²³ Section 316.515, F.S., sets out the maximum width, height, and length limitations, and s. 316.545, F.S., addresses unlawful weight.

The FDOT or a local authority may issue a special permit to operate or move a vehicle or combination of a size or weight exceeding the maximums specified. Issuance of such a permit must not be contrary to the public interest and is at the discretion of the FDOT or the local authority.²⁴ Significant penalties can result from failure to obtain a special permit or failure to comply with the specific terms of the permit.²⁵

Generally, as to truck tractor-semitrailer combinations and length, the extreme overall outside dimension of the combination may not exceed 48 feet, measured from the front of the unit to the rear of the unit and the load carried.²⁶ However, a semitrailer that is more than 48 feet but not more than 53 feet may operate on non-restricted public roads, if the distance between the kingpin and the rear axle or axle group does not exceed a certain number of feet²⁷ and the vehicle is equipped with required rear end protection.

²² *Supra*, note 14.

²³ See the FDHSMV website: <http://www.flhsmv.gov/fhp/CVE/WeightEnforcement.htm/>. Last visited March 3, 2015.

²⁴ See s. 316.550, F.S.

²⁵ See s. 316.550(10), F.S.

²⁶ Section 316.550(3)(b)1., F.S.

²⁷ Generally, forty-one feet. For a semitrailer used exclusively or primarily to transportation vehicles in connection with motorsports competition events, 46 feet. Section 316.515(3)(b), F.S.

In addition, the FDOT is authorized to issue a special permit for a truck tractor-semitrailer combination if the total number of over-width deliveries of manufactured buildings may be reduced by permitting the use of an over-length trailer not exceeding 54 feet.²⁸ Issuance of this type of over-length special permit does not exempt the combination vehicle from existing weight limitations or special permit requirements if the weight of the combination exceeds the maximums specified in ch. 316, F.S.

Effect of Proposed Changes

Section 10 amends s. 316.515(3)(b), F.S., to increase from 53 to 57 feet the allowable extreme overall outside dimension of a semitrailer exceeding 48 feet, if specified conditions are met. The Federal Highway Administration (FHWA) has reviewed the proposed language and deems it compliant with federal regulations.²⁹

Section 10 also amends s. 316.515(14), F.S., to insert “multiple sections or single units” with reference to manufactured buildings transported on permitted, over-length trailers, and to increase the allowable over-length trailer from 54 to 80 feet.

The Federal Highway Administration has reviewed the proposed language and opined that it does not appear to conflict with federal regulations, as long as weight restrictions are not exceeded.³⁰ Transporters of manufactured buildings on truck tractor-semitrailer combinations continue to be required to obtain a permit for such combinations, even with a trailer length of 80 feet. Overweight permits also continue to be required when applicable. Issuance of such permits remains within the discretion of the FDOT.

Driver-Assistive Truck Platooning (Sections 6, 7, and 9)

Present Situation

In August of 2014, the National Highway Traffic Safety Administration (NHTSA) issued an advance notice of proposed rulemaking, following NHTSA’s earlier announcement that the agency will begin working on a regulatory proposal to require vehicle-to-vehicle (V2V) devices in passenger cars and light trucks in a future year. V2V is a crash avoidance technology, relying on communication of information between nearby vehicles to warn drivers about dangerous situations that could lead to a crash.³¹ NHTSA advises that, “Using V2V technology, vehicles ranging from cars to trucks and buses to trains could one day be able to communicate important safety and mobility information to one another that can help save lives, prevent injuries, ease traffic congestion, and improve the environment.”³²

One form of V2V technology is known as driver-assistive truck platooning (DATP), which allows trucks to communicate with each other and to travel as close as thirty feet apart with

²⁸ Section 316.515(14), F.S.

²⁹ See the FHWA email, March 17, 2015. On file in the Senate Transportation Committee.

³⁰ See the FHWA email, February 11, 2015. On file in the Senate Transportation Committee.

³¹ See the U.S. Department of Transportation Fact Sheet on Vehicle-To-Vehicle Communication Technology. On file in the Senate Transportation Committee.

³² See the NHTSA website: <http://www.safercar.gov/v2v/index.html>. Last visited March 16, 2015.

automatic acceleration and braking. A draft is created, reducing wind resistance and cutting down on fuel consumption.³³

The DATP concept is based on a system that controls inter-vehicle spacing based on information from forward-looking radars and direct vehicle-to-vehicle communications. Braking and other operational data is constantly exchanged between the trucks, enabling the control system to automatically adjust engine and brakes in real-time. This allows equipped trucks to travel closer together than manual operations would safely allow. Platooning technology is increasingly a subject of interest in the truck community, with multiple companies developing prototypes.³⁴

One such system uses integrated sensors, controls, and wireless communications for “connected” trucks. The system is cloud-based, determining in real time whether specific trucks are clear to engage in platooning operations. The system synchronizes acceleration and braking between tractor-trailers, leaving steering to the drivers, but eliminating braking distance otherwise caused by lags in the front or rear driver’s response time. The following vehicle is provided video showing the lead truck’s line of sight while the lead vehicle is provided video showing the area behind the following truck. If another vehicle enters between platooning trucks, the system will automatically increase following distance or delink the trucks and then relink once the cut-in risk has passed. If data transfer between platooning trucks ceases, the driver is immediately notified that manual acceleration and braking control is about to resume.³⁵

Section 316.0895(2), F.S., currently deems it unlawful for the driver of any motor truck, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer, when traveling upon a roadway outside of a business or residence district, to follow within 300 feet of another motor truck, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer. That subsection expressly does not prevent overtaking and passing and does not apply upon any lane specially designated for use by motor trucks or other slow-moving vehicles.

Effect of Proposed Changes

Section 6 creates s. 316.003(95), F.S., to define driver-assistive truck platooning.

Section 7 amends s. 316.0895 (2), F.S., to exclude from the 300-foot distance limitation two-truck tractor-semitrailer combinations, equipped and connected with driver-assistive truck platooning technology and operating on a multilane, limited access facility. The exclusion applies only if the owner or operator complies with the financial responsibility requirement of s. 316.86, F.S., which requires submission to the DHSMV of proof of insurance acceptable to the DHSMV in the amount of \$5 million. Tandem trailer trucks are not included in the authorized exclusion.

³³ See the GBT Global News website: <http://www.gobytrucknews.com/driver-survey-platooning/123>. Last visited March 16, 2015.

³⁴ See the American Transportation Research Institute website: <http://atri-online.org/2014/11/17/atri-seeks-input-on-driver-assistive-truck-platooning/>. Last visited March 16, 2015.

³⁵ See <http://www.peloton-tech.com/fag/>. Last visited March 16, 2015.

Section 9 amends s. 316.303(1) and (3), respectively, to allow vehicles equipped and operating with driver-assistive truck platooning technology to be equipped with video equipment visible from the driver's seat, and to authorize an electronic display used by the operator of a vehicle equipped and operating with truck platooning technology.

Return on Transportation Investment (Section 40)

Present Situation

Section 334.046, F.S., provides prevailing principles to be considered in planning and developing an integrated, balanced statewide transportation system. The principles are preserving the existing transportation infrastructure, enhancing Florida's economic competitiveness, and improving travel choices to ensure mobility.

As to economic competitiveness, the statute requires the FDOT to ensure a clear understanding of the economic consequences of transportation investments and how such investments affect the state's economic competitiveness. The FDOT is directed to develop a macroeconomic analysis of the linkages between transportation investment and economic performance and a method to quantifiably measure the economic benefits of the district-work-program investments. The FDOT must analyze the state's and districts' economic performance relative to competition, the business environment viewed from the perspective of companies evaluating the state as a place in which to do business, and the state's capacity to sustain long-term growth.³⁶

The FDOT in January 2015 completed its "Macroeconomic Analysis of Florida's Transportation Investments,"³⁷ estimating the economic effects of its Work Program for fiscal years 2013-2014 through 2017-2018. The analysis indicates that almost all Work Program spending was covered, including highway, rail, seaport, and transit modes. According to the analysis, "on average, every dollar invested in the Work Program will yield about \$4.40 in economic benefits for Florida from the beginning of the Work Program to FY 2043."³⁸

Effect of Proposed Changes

Section 40 directs the Office of Economic and Demographic Research (EDR) to evaluate and determine the economic benefits³⁹ of the state's investment in the FDOT Adopted Work Program for fiscal year 2015-2016, including the following four fiscal years. At a minimum, a separate return on investment shall be projects for roads and highways, rails, public transit, aviation, and seaports.

The analysis is limited to funding anticipated by the Adopted Work Program but may address the continuing economic impact of the transportation projects in the five years beyond the

³⁶ Section 334.046(4)(b), F.S.

³⁷ The analysis is available at: <http://www.dot.state.fl.us/planning/weeklybriefs/2015/011915.shtm>. Last visited March 16, 2015.

³⁸ *Id.* at 1.

³⁹ Defined per the bill in s. 288.005, F.S., meaning the direct, indirect, and induced gains in state revenues as a percentage of the state's investment. The state's investment includes state grants, tax exemptions, tax refunds, tax credits, and other state incentives.

conclusion of the Adopted Work Program. The number of jobs created, the increase or decrease in personal income, and the impact on gross domestic product from the direct, indirect, and induced effects on the state's investment in each area must be evaluated.

The FDOT and each of its district offices are required to provide the EDR full access to all data necessary to complete the analysis, including any confidential data, and the EDR must provide the analysis to the President of the Senate and Speaker of the House of Representatives by January 1, 2016.

Turnpike Revenue Bonds/Bond Validation (Sections 2 and 7)

Present Situation

The Division of Bond Finance (DBF) is authorized to issue bonds on behalf of the FDOT to finance or refinance the cost of legislatively approved turnpike projects. Such bonds must be validated under ch. 75, F.S., through proceedings instituted by attorneys for the DBF.⁴⁰ In any action to validate bonds issued pursuant to s. 338.227, F.S., the complaint must be filed in the circuit court of Leon County; the notice required by s. 75.06, F.S., must be published in a newspaper of general circulation *in Leon County and in two other newspapers of general circulation in the state*;⁴¹ and the complaint and order of the circuit court must be served only on the state attorney of the circuit in which the action is pending (the Second Circuit).

Section 75.06(2), F.S., requires the clerk, before the date set for hearing on a complaint to validate turnpike bonds, to publish a copy of the court's order requiring appearance at the hearing in Leon County at least once each week for two consecutive weeks, commencing with the first publication, which may not be less than 20 days before the date set for hearing, *in a newspaper in each of the counties where the proceeds of the bonds are to be expended, and in a newspaper published in Leon County*.⁴²

However, if publication pursuant to s. 215.82, F.S., would require publication in more newspapers than would publication pursuant to s. 75.06, F.S., then publication pursuant to s. 75.06, F.S., controls.⁴³ The required publication is dependent upon the geographic reach of the project(s) for which funding through bond issuance is sought.

According to the DBF:

Bond validation is a judicial procedure through which the legality of a proposed bond issue may be determined in advance of its issuance. It serves to assure bondholders that future court proceedings will not invalidate a government's pledge to repay the bonds. Validation is generally not necessary for established borrowing programs, such as Turnpike bonds, where any legal issues relating to the bonds have been resolved previously.

⁴⁰ See s. 215.82(1), F.S.

⁴¹ Emphasis added.

⁴² Emphasis added.

⁴³ See s. 215.82(2), F.S.

Validation is optional for almost all bonds issued by the Division of Bond Finance, including Public Education Capital Outlay Bonds and University Revenue Bonds. If a constitutional or statutory question arises for a proposed bond issue, a complaint for validation may be filed in circuit court even if validation is not required.⁴⁴

Effect of Proposed Changes

The bill in general leaves validation of turnpike bonds to the discretion of the DBF and limits provisions relating to publication of the required notice.

Section 2 amends s. 215.82(2), F.S., to strike the reference to s. 338.227, F.S., in favor of the language in newly created s. 338.227(5), F.S.

Section 7 creates subsection (5) of s. 338.227, F.S., to:

- Provide turnpike bonds issued pursuant to that section are not required to be validated pursuant to ch. 75, F.S., notwithstanding s. 215.82, F.S.;
- Provide for validation at the option of the DBF; and
- Require the notice under s. 75.06, F.S., to be published only in Leon County.

Airport Zoning/Chapter 333 Re-Write (Sections 12 through 26)

Chapter 333, Florida Statutes, contains airport zoning provisions relating to the management of airspace and land use at or near airports. Generally, the chapter:

- Addresses permitting for structures exceeding federal obstruction standards;
- Requires adoption of certain airport zoning regulations;
- Provides a process for seeking variances from the zoning regulations;
- Sets out a process for appeal of decisions based on the zoning regulations;
- Requires boards of adjustment to hear and decide appeals;
- Provides for judicial review of any board of adjustment decision; and
- Establishes penalties and remedies for violations.

The FDOT in 2012 created a stakeholder working group to address problems with implementing this chapter. Representatives from airports, local planning and zoning departments, the Florida Defense Alliance, the League of Cities, the Florida Airports Council, the real estate development community, and the FDOT participated in the working group. The FDOT advises the working group determined that ch. 333, F.S., “contains outdated and inconsistent provisions when compared to applicable federal regulations, contains internal inconsistencies, and requires a local government airport protection zoning process that can be cumbersome and confusing.”

As examples, the FDOT reports the need to update current definitions consistent with federal regulations, advises that zoning variances and permitting processes are mixed in the chapter, and notes that required creation of separate boards often duplicate existing local governing body

⁴⁴ See copy of email from Ben Watkins, Director, Florida Division of Bond Finance, to House staff dated January 27, 2015. On file in the Senate Transportation Committee.

structures and functions. The result is inconsistent local application of the provisions governing airspace and land use at or near airports with outcomes that may be unpredictable.⁴⁵

The FDOT advises it expects no substantive changes as a result of the bill's proposed revisions; e.g., the existing requirements for issuance of permits are substantively unchanged. The number of permits issued or denied is not expected to change. Rather, the changes are designed to facilitate more uniform permitting, appeals, and review processes applied at the local level and provide clarity and predictability for those subject to airport zoning regulations.⁴⁶

Definitions

Present Situation

Section 333.01, F.S., contains definitions related to airport zoning that need updating for internal chapter consistency and for consistency with federal regulations.

Effect of Proposed Changes

Section 12 amends s. 333.01, F.S., to provide, revise, and delete definitions to:

- Reflect terminology used in federal regulations;
- Provide for consistency with Federal Aviation Administration (FAA) advisements;
- Define terms used but undefined elsewhere in the chapter and delete terms not used elsewhere in the chapter;
- Remove antiquated terminology;
- Delete variances from definitions to reflect the streamlined permitting process effected in the bill; and
- Otherwise provide clarity through editorial and grammatical changes.

Permitting for Structures Exceeding Federal Obstruction Standards

Present Situation

The Code of Federal Regulations (CFR) sets forth standards for structures that present a hazard within an area in an airport due to obstruction of the airspace required for aircraft to take off, maneuver, or land. Section 333.025, F.S., requires a permit from the FDOT for any proposed construction or alteration of a structure that would exceed the federal standards, if the standards will be exceeded within a 10-nautical mile radius of the geographical center of a publicly owned or operated airport, a military airport, or an airport licensed by the state for public use.⁴⁷ A permit from the FDOT is not required if a political subdivision⁴⁸ has adopted adequate airspace protection regulations and filed them with the FDOT. The facilities at airports shown on the airport master plan, or on an airport layout plan submitted to the Federal Aviation Administration (FAA) or comparable military documents, are to be protected. Certain planned or proposed facilities are also protected.

⁴⁵ See the FDOT 2015 Agency Proposal, *Airspace and Land Use at Public Airports*. On file in the Senate Transportation Committee.

⁴⁶ Conversation with FDOT Legislative and Legal Staff during joint meeting with Senate and House staff, January 30, 2015.

⁴⁷ Public airports are licensed under the provisions of ch. 330, F.S.

⁴⁸ Generally, a local governmental entity. Section 333.03(9), F.S.

The FDOT must issue or deny a permit within 30 days of receipt of an application for erection, alteration, or modification of any structure that would exceed the federal obstruction standards. The FDOT is required to consider a list of factors in determining whether to issue or deny a permit. As a permit condition, the FDOT is directed to require obstruction and lighting of the permitted structure. The FDOT is prohibited from approving a permit to erect a structure unless the applicant submits both documentation showing compliance with federal notification requirements and a valid aeronautical evaluation.

Effect of Proposed Changes

Section 13 amends s. 333.025, F.S., to replace the term “geographic center” with “airport reference point,” which is located at the approximate geometric center of all usable runways and to update references to current federal regulations. Per the FDOT, the airport reference point is not the same as the geographic center of the airport.⁴⁹

When a political subdivision has adopted adequate airport protection zoning regulations which are on file with the FDOT *and* the political subdivision has established a permitting process, a permit from the FDOT is not required for a structure. To evaluate the technical consistency of a permit application submitted to a local government, the bill provides a 15-day FDOT review period concurrent with the established local permitting process. Cranes, construction equipment, and other temporary structures in use or in place for a period not exceeding 18 consecutive months are exempt from the FDOT review, unless the FDOT requests review.

The FDOT is required to review permit applications in conformity with s. 120.60, F.S., relating to licensing. The list of factors to be considered by the FDOT when granting or denying a permit is revised to remove ambiguity and duplication, and to provide clarity. The FDOT must require the owner of the permitted structure or vegetation to install, operate, and maintain marking and lighting in conformance with FAA standards, at the owner’s expense. A reference to aeronautical “evaluation” is revised to aeronautical “study” in accordance with the new definition. The denial of a permit is subjected to the administrative review provisions of the Administrative Procedures Act.

Adoption of Airport Zoning Regulations

Present Situation

Section 333.03, F.S., requires political subdivisions with an airport hazard area⁵⁰ to adopt, administer, and enforce airport zoning regulations for the area. If the airport is owned or controlled by a political subdivisions and has a hazard area outside of its territorial limits, the

⁴⁹ See the FDOT document provided to staff, *Proposed ch. 333, F.S. Amendments and Legislative Support Documentation*. On file in the Senate Transportation Committee.

⁵⁰ The bill defines “airport hazard” to mean any area of land or water upon which an airport hazard might be established. “Airport hazard area” is defined in the bill to mean any obstruction which exceeds the federal obstruction standards in the specified sections of the Code of Federal Regulations and which obstructs the airspace required for the flight of aircraft in taking off, maneuvering, or landing; or is otherwise hazardous to such activity and for which no permit has been obtained. The bill generally defines “obstruction” to mean any object of natural growth, terrain, or permanent or temporary construction or alteration thereof, existing or proposed, that exceeds the federal obstruction standards.

owning or controlling political subdivision and the political subdivision within which the hazard area is located must either adopt zoning regulations by interlocal agreement or create a joint airport zoning board with the power to do so. The airport zoning regulations must, at a minimum, require:

- A variance for erection, alteration, or modification of any structure that would exceed the federal obstruction standards;
- Obstruction marking and lighting per s. 333.07(3);
- Documentation of compliance with federal proposed construction notification and a valid aeronautical evaluation submitted by each person applying for a variance;
- Consideration of the same list of factors when determining whether to issue or deny a variance as required of the FDOT when considering permit applications; and
- That no variance be approved solely on the basis that a proposed structure will not exceed the federal obstruction standards.

The FDOT is required to issue copies of the federal obstruction standards in the CFR to each political subdivision with an airport hazard area, and issue certain airport zoning maps at no cost.

Interim land use compatibility zoning regulations must be adopted, unless the political subdivision has adopted land development regulations addressing the use of land consistent with this section. Interim land use compatibility zoning regulations must consider whether sanitary landfills are located within certain areas and whether any landfill will attract or sustain hazardous bird movements, with attendant reporting requirements and bird management considerations. If a public-use airport has conducted a specified federal noise study, residential construction and construction of certain educational facilities are prohibited within the area defined by the study to be incompatible with such construction. If no study is conducted, the same construction is prohibited within a certain distance.

Airport zoning regulations restricting new incompatible uses, activities, or construction within runway clear zones must be adopted, including uses that result in congregations of people, emissions of light or smoke, or attract birds. Certain limited exceptions for construction of educational facilities in specified areas are authorized.

Effect of Proposed Changes

Section 14 amends s. 333.03, F.S., to eliminate the duplicative requirement for obtaining a variance for structures that would exceed federal obstruction standards, in favor of a local permitting process. Every political subdivision having an airport hazard area is required to adopt, by either of the two authorized methods, airport *protection* zoning regulations. In addition to editorial and grammatical revisions, this section revises language to:

- Replace references to a “variance” with “permit.”
- Update references to the federal obstruction standards contained in the CFR;
- Replace aeronautical “evaluation” with “study” consistent with the new definition;
- Remove the FDOT’s duty to provide copies of the federal obstruction standards and issue maps and replace it with making the FDOT available to provide assistance with respect to the standards;
- Eliminate the reporting requirements related to birds at airports near landfills in favor of requiring the landfill operator to incorporate bird management techniques;

- Allow alternative noise studies approved by the FAA, and their application;
- Include substantial modification of existing incompatible uses in the required adopted regulations restricting such uses within runway *protection* zones;
- Remove the limited exceptions for construction of educational facilities
- Require all updates and amendments to local airport codes to be filed with the FDOT within 30 days after adoption.
- Delete outdated language; and
- Authorize an airport authority, local government, or other governing body operating a public-use airport to adopt more restrictive airport protection zoning regulations, per the FDOT, to allow restrictions appropriate to the local context of the airport.⁵¹

Guidelines Regarding Land Use Near Airports

Present Situation

Section 333.065, F.S., requires the FDOT, after consultation with the Department of Economic Opportunity, local governments, and other interested persons, to adopt by rule recommended guidelines regarding compatible land uses in the vicinity of airports. The guidelines must use certain acceptable and established quantitative measures.

Effect of Proposed Changes

Section 18 repeals s. 333.065, F.S. The FDOT advises the deletion reflects completion of the FDOT's Airport Compatible Land Use Guidebook.⁵²

Permits, Variances, and Appeals

Present Situation

Section 333.07, F.S., authorizes any adopted airport zoning regulations to require a permit be obtained before any new structure or use is constructed or established and before any existing use or structure may be substantially changed or repaired. All such regulations must require a permit before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted.

If a nonconforming use, structure, or tree has been abandoned or is more than 80 percent torn down or deteriorated, a permit may not be issued under certain conditions. The owner of a nonconforming structure or tree may be compelled, at the owner's expense, to under certain actions necessary to conform to the regulations. If the owner does not, the required action may be accomplished by the administrative agency and the costs may be assessed against the nonconforming object or the land on which it is located. If the assessment is not paid within 90 days, a lien at the annual rate of 6 percent interest is applied.

Any person desiring to erect any structure, increase the height of any structure, permit the growth of any tree, or otherwise use his or her property in violation of the adopted airport zoning regulations is authorized to apply to a board of adjustment for a variance from the regulations.

⁵¹ *Supra*, note 48.

⁵² *Supra*, note 48.

The FDOT has 45 days to comment or waive that right. Conditions for allowance of variations are provided. The FDOT is authorized to appeal any variance granted and to apply for judicial relief.

As a condition of any granted permit or variance, the administrative agency or board of adjustment must require the structure or tree owner to install, operate, and maintain at the owner's expense marking and lighting necessary to indicate to aircraft pilots the presence of an obstruction.

Section 333.08, F.S., authorizes any person or taxpayer affected by any decision of an administrative agency in its administration of adopted airport zoning regulations or of any governing body of a political subdivision, or the Department of Transportation, or any joint airport zoning board, may appeal to the board of adjustment authorized to hear and decide appeals from the decisions of such administrative agency.

Effect of Proposed Changes

Section 19 amends s. 333.07, F.S., to streamline the permitting process, repeal the duplicative variance process, and facilitate implementation of the permitting process by local entities. More specifically, rather than authorizing any adopted airport zoning regulations to require a permit be obtained before any new structure or use is constructed or established and before any existing use or structure may be substantially changed or repaired, the bill simply requires a permit to erect, construct, alter, increase the height of any structure, permit the growth of any vegetation, or otherwise use his or her property in violation of the adopted regulations.

The political subdivision or its administrative agency must consider virtually the same standards as must be considered by the FDOT when issuing or denying a permit for structures exceeding federal obstruction standards. All variance provisions are removed in favor of the permitting process. In addition, the provisions relating to a lien resulting from an owner's failure to take action to bring a nonconforming structure or tree into regulatory compliance are removed. The FDOT's 45-day comment period is removed in favor of the shortened 15-day period of review for technical consistency described above. Obstruction marking and lighting is required in conformance with specific standards established by the FAA. Outdated language is repealed.

Section 20 repeals s. 333.08, F.S., authorizing and providing requirements for appeals of zoning regulation decisions, in favor of relocated, modified appeals language in s. 333.09, F.S.

Section 22 repeals s. 333.10, F.S., currently requiring all adopted airport zoning regulations to provide for a board of adjustment to hear and decide appeals and variances, consistent with repeal of the variance provisions in favor of the local government permitting and appeals process established by the bill in revised s. 333.09, F.S.

Administration of Airport Zoning Regulations

Present Situation

Section 333.09, F.S., requires all adopted airport zoning regulations to provide for administration and enforcement by an administrative agency, which may be an agency created by the

regulations; or by any official, board, or other existing agency of the political subdivision adopting the regulations; or by one of the subdivisions that participated in creating a joint airport zoning board adopting the regulations. The duties of any such administrative agency include hearing and deciding all permits under s. 333.07, F.S., but not any of the powers delegated to the board of adjustment.

Effect of Proposed Changes

Section 21 amends s. 333.09, F.S., to remove the list of entities that may be an administrative agency, per the FDOT, to reflect correct community planning terminology.⁵³ Administration and enforcement is left to the affected political subdivision or its administrative agency. Also removed is the prohibition against an administrative agency exercising the powers delegated to the board of adjustment.

Political subdivisions required to adopt airport zoning regulations must establish a process to:

- Issue or deny permits consistent with s. 333.07, F.S., including requests for exceptions to airport zoning regulations;
- Notify the FDOT of receipt of a complete permit application; and
- Enforce any permit, order, requirement, decision, or determination made by the administrative agency with respect the airport zoning regulations.

If a zoning board or permitting body already exists within a political subdivision, the zoning board or permitting body may implement the permitting and appeals process. Otherwise, the political subdivision must implement the permitting and appeals process.

Any person, political subdivision or its administrative agency, or any joint airport zoning board, may use the process established for an appeal. Appeals must be taken with a reasonable time provided by the political subdivision or its administrative agency by filing a notice of appeal specifying the grounds for appeal. An appeal stays all proceedings in the underlying action, unless the entity from which the appeal is taken certifies pursuant to the rules for appeal that a stay would cause imminent peril to life or property. In such case, proceedings may be stayed only by an order from the political subdivision or its administrative agency following notice to the entity from which the appeal is taken and for good cause shown.

The political subdivision or its administrative agency must set a reasonable time for a hearing and provide notice to the public and the parties in interest. A party may appear in person, by agent, or by attorney. The subdivision or agency may reverse, affirm, or modify the underlying order, requirement, decision, or determination from which the appeal is taken in accordance with the provisions of ch. 333, F.S.

Judicial Review

Present Situation

Section 333.11, F.S., authorizes any person aggrieved or any taxpayer affected by a decision of a board of adjustment, any governing body of a political subdivision, the FDOT, any joint airport

⁵³ *Supra*, note 48.

zoning board, or any administrative agency to apply for judicial relief in the judicial circuit court where the board of adjustment is located. That section provides procedural provisions related to the board of adjustment, describes the court's authorized review of a decision by a board of adjustment, and prohibits judicial review in provisions related to a board of adjustment.

Effect of Proposed Changes

Section 23 amends s. 333.11, F.S., to remove the FDOT from authorization to apply for judicial relief and reference to the board of adjustment, but otherwise leave the authorization to apply for judicial review in place. Any person, political subdivision or its administrative agency, or any joint zoning board is authorized to apply for judicial relief. The judicial review prohibition is revised. An appellant is required to exhaust all remedies through application for local government permits, exceptions, and appeals before seeking judicial review. These revisions reflect the elimination of the requirement that adopted airport zoning regulations provide for a board of adjustment, consistent with repeal of the variance provisions in favor of the local government permitting and appeals process established by the bill in revised s. 333.09, F.S.

Transition Provisions

Section 25 of the bill creates s. 333.135, F.S., to:

- Provide that a provision of airport zoning regulation in effect on July 1, 2015, and in conflict with the revised ch. 333, F.S., must be amended to conform by July 1, 2016.
- Requires any political subdivision with an airport that has not adopted airport zoning regulations to do so by October 1, 2017, consistent with the chapter.
- Require the FDOT to administer the permitting process as provided in s. 333.025, F.S., for political subdivisions that have not yet adopted the required regulations.

Technical Revisions

The following sections of the bill primarily make grammatical and editorial revisions to existing language in ch. 333, F.S., and modify sections of the chapter for internal consistency with definitions.

Section 15 amends s. 333.04, F.S., to replace the following phrases as follows:

- “Zoning ordinance” with “plan or policy.”
- “Trees” with “vegetation.”

Section 16 amends s. 333.05, F.S., to reference amended or deleted regulations and administering and enforcing regulations, in addition to those adopted.

Section 17 amends s. 333.06, F.S., to replace references to “runway clear zones” with “runway protection zones, and “tree” to “vegetation.”

Section 24 amends s. 333.12, F.S., to provide editorial changes; replace the term “navigation easement” with “avigation easement;”⁵⁴ and replace “tree” with “vegetation.”

⁵⁴ The bill describes “avigation” easement as an easement conveying the airspace over another property for use by the airport.

Section 26 repeals s. 333.14, the short title citing of ch. 333, F.S., as the “Airport Zoning Law of 1945.”

Section 58 reenacts s. 350.81, F.S., to incorporate the amendment to s. 333.01, F.S.

National Environmental Policy Act/Delegation of Responsibilities to States (Section 28)

Present Situation

The National Environmental Policy Act (NEPA) “establishes national environmental policy for the protection, maintenance, and enhancement of the environment and provides a process for implementing the goals within the federal agencies.” Federal agencies are required to prepare detailed statements assessing the environmental impact of and alternatives to major federal actions that significantly affect the environment.⁵⁵

NEPA requirements also apply to state highway projects eligible for federal funding. According to the FDOT, when a highway project is advanced and is federally eligible, project development occurs consistent with NEPA requirements, in consultation with and subject to the oversight of the Federal Highway Administration (FHWA). The FDOT utilizes two processes to meet NEPA requirements. One process, the Efficient Transportation Decision Making process, is used during the project’s planning phase to initiate contact with agencies and other stakeholders and obtain multiple-party input and information used to inform the second process. The Project Development and Environment (PD&E) process is used to analyze, perform outreach, guide agency coordination, and meet regulatory requirements before a project may be advanced. The FDOT prepares necessary documents, analyzes alternatives, consults with agencies, and makes recommendations. This information is provided to the FHWA, which is the lead agency for review, comment, and ultimate approval.⁵⁶

Following an initial pilot project conducted in California, Congress in 2012 enacted the Moving Ahead for Progress in the 21st Century Act, which established a permanent surface transportation project delivery program.⁵⁷ Under the program, in which Texas is already participating, the U.S. Department of Transportation (USDOT) secretary may assign, and any state may assume, pursuant to a written agreement, all or part of the secretary’s responsibilities under NEPA with respect to projects or classes of projects. The written agreement must provide that the state:

- Agrees to assume all or part of the described responsibilities;
- Expressly consents, on behalf of the state, to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the secretary assumed by the state;⁵⁸

⁵⁵ See the U.S. Environmental Protection Agency website: <http://www.epa.gov/compliance/basics/nepa.html>. Last visited March 17, 2015.

⁵⁶ See the FDOT 2015 Legislative Proposal form, *Authorization to Participate in Certain Federal Transportation Programs*. On file in the Senate Transportation Committee.

⁵⁷ 23 U.S.C. s. 327 (2013).

⁵⁸ This requirement apparently exists to address the Eleventh Amendment to the U.S. Constitution, which generally prohibits suits in law or equity against one of the United States by its citizens, citizens of another state, or subjects of any foreign state.

- Certifies that state laws and regulations are in effect that authorize the state to take the actions necessary to carry out the responsibilities; and
- Agrees to maintain the financial resources necessary to carry out the responsibilities.⁵⁹

The USDOT secretary is authorized to terminate the participation of any state if the state is not adequately carrying out the responsibilities and the secretary notifies the state of the determination of noncompliance. If the state fails to take corrective action as determined by the USDOT secretary within 30 days after notice, the agreement is terminated.⁶⁰

With respect to the consent to Federal court jurisdiction, the FDOT advises:

This waiver is limited to only those actions delegated to the Department by the USDOT and related to carrying out its NEPA duties on state highway projects. Challenges to NEPA decision making are filed in federal district court pursuant to the Federal Administrative Procedures Act and are limited to a review of the underlying administrative record. The standard for review is whether the Department's action is arbitrary and capricious. To the extent that a challenger is successful, the remedy is to require additional review, analysis and documentation to support the action. The state's exposure is further limited by 23 USC 327(a)(2)(G), which provides that a state assuming the responsibilities of the Secretary [of the USDOT] under this section for a specific project may use funds apportioned to the State under section 104(b)(2) for attorneys' fees directly attributable to eligible activities associated with the project.⁶¹

Effect of Proposed Changes

Section 28 amends s. 334.044, F.S., to authorize the FDOT to assume responsibilities of the USDOT under 23 U.S.C. s. 327 with respect to highway projects, and with respect to related responsibilities for environmental review, consultation, or other action required under any federal environmental law pertaining to review or approval of a highway project, within Florida. The FDOT is authorized to enter into one or more agreements with the U.S. Secretary of Transportation related to the federal surface transportation project delivery program for the delivery of transportation projects, including highway projects. The FDOT is authorized to adopt implementing rules and to adopt relevant federal environmental standards as the standards for this state for the program. The FDOT advises the delegation allows direct consultation between the FDOT and federal regulatory agencies and maximizes efficiency by consolidating all NEPA reviews under the FDOT.

Sovereign immunity to civil suit in federal court is waived consistent with 23 U.S.C. s. 327 and limited to the compliance, discharge, or enforcement of a responsibility assumed by the FDOT. The FDOT advises its district offices would continue to conduct the PD&E process, with the

⁵⁹ *Supra*, note 56.

⁶⁰ *Id.*

⁶¹ *Supra*, note 55.

FHWA's project review, legal sufficiency, and approval authority delegated to the FDOT's Central Office and with the FHWA retaining program level oversight. The waiver of sovereign immunity is limited only to those actions delegated to the FDOT and related to carrying out its NEPA duties on state highway projects. The standard for review is whether the FDOT's action is arbitrary and capricious. The remedy for a successful challenge is to require additional review, analysis, and documentation to support the project. Further, a state assuming the NEPA responsibilities may use certain apportioned state funds for attorneys' fees directly attributable to eligible activities associated with a project.⁶²

Autonomous Vehicles (Sections 9, 10, 35, and 36)

Present Situation

Autonomous or "self-driving" vehicles are those operated "without direct driver input to control the steering, acceleration, and braking and ... designed so that the driver is not expected to constantly monitor the roadway while operating in self-driving mode."⁶³ According to the National Highway Traffic Safety Administration, autonomous vehicles have the potential to improve highway safety, increase environmental benefits, expand mobility, and create new economic opportunities for jobs and investment.⁶⁴

A review of material obtained via a simple Internet search reveals that common availability and use of such vehicles was not previously anticipated for at least a couple of decades. However, some expect increased availability and use in the relative near future, perhaps no longer than in the next five years.⁶⁵

Transportation Planning and Autonomous Vehicles

Current law requires metropolitan planning organizations (MPOs) to develop a long-range transportation plan addressing at least a 20-year planning horizon. The plans must be consistent, to the maximum extent feasible, with local government comprehensive plans of the local governments located within the jurisdiction of the MPO.

Section 339.64, F.S., requires the FDOT to develop and update every five years, in cooperation with MPOs, regional planning councils, local governments, and other transportation providers, a Strategic Intermodal System (SIS) Plan. The plan must be consistent with the Florida Transportation Plan.⁶⁶

Current law makes no specific mention of taking into consideration planning for infrastructure and technological improvements necessary to accommodate advances in vehicle technology,

⁶² *Supra*, note 56.

⁶³ See the National Highway Traffic Safety Administration's Press Release: *U.S. Department of Transportation Releases Policy on Automated Vehicle Development*. On file in the Senate Transportation Committee.

⁶⁴ See NHTSA's statement of [policy on automated vehicles](#).

⁶⁵ See, e.g.: *Autonomous Cars are Closer Than You Think*: <http://techcrunch.com/2015/01/18/autonomous-cars-are-closer-than-you-think/>. Last visited February 21, 2015.

⁶⁶ The Florida Transportation Plan is a statewide transportation plan that considers the needs of the entire state transportation system and examines the use of all modes of transportation to meet such needs. The purpose of the plan is to establish and define the state's long-range transportation goals and objectives over a period of at least 20 years. See s. 339.155, F.S.

such as autonomous vehicles, in developing MPO long-range transportation plans or when updating the SIS Plan.

Electronic Displays in Autonomous Vehicles

A motor vehicle operated on the highways of this state may not be equipped with television-type receiving equipment that is visible from the driver's seat. The prohibition does not apply to an electronic display used in conjunction with a vehicle navigation system.⁶⁷

Definitions

The definitions of the terms “autonomous vehicle” and “autonomous technology” are currently contained together in one subsection of s. 316.003, F.S.

Effect of Proposed Changes

Section 35 amends s. 339.175(3)(c)2., F.S., to include in an MPO's capital investment assessment the goal of improving safety while making the most efficient use of existing transportation facilities. In addition, MPOs are required to consider in developing long-range transportation plans infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as autonomous vehicle technology and other developments.

Similarly, section 36 amends s. 339.64, F.S., to require the FDOT to coordinate with federal, regional, and local partners, as well as industry representatives, to consider when updating the SIS Plan infrastructure and technological improvements to the SIS necessary to accommodate advances in vehicle technology. The bill also requires the same consideration to be included in the needs assessment.

Section 9 amends s. 316.303(1) and (3), F.S., respectively, to allow autonomous vehicles to be equipped with television-type receiving equipment visible from the driver's seat, and to authorize an operator of an autonomous vehicle to use an electronic display in conjunction with a vehicle navigation system, both while the vehicle is being operated in autonomous mode.

Section 10 amends s. 316.003, F.S., to separate the definitions of the terms “autonomous vehicle” and “autonomous technology,” currently contained in one subsection, to facilitate ease of reference.

Pedestrian Safety/Crosswalks (Sections 6 and 8)

Present Situation

The FDOT advises that it conducts public opinion surveys and on-the-street observation surveys to elicit feedback relating to pedestrian safety.

It is the opinion of the department's safety office that these results indicate that both the general population and law enforcement have a challenging time with the crosswalk definition as it is written.⁶⁸

⁶⁷ See s. 316.303(1) and (3), F.S.

⁶⁸ See the FDOT email to Senate and House Committee staff, February 9, 2015. On file in the Senate Transportation Committee.

Current law defines “crosswalk” to mean:

- That part of the roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.
- Any portion of a roadway at an intersection *or elsewhere* distinctly indicated for pedestrian crossing by lines or other markings on the surface.⁶⁹

This definition is quite similar, but not identical, to the definition contained in the Manual on Uniform Traffic Control Devices (MUTCD), which is a national, uniform system of traffic control devices adopted by the American Association of State Highway Officials. States must adopt the 2009 National MUTCD as their legal standard for traffic control devices within two years from the effective date.⁷⁰ The FDOT has adopted the MUTCD pursuant to direction in s. 316.0745, F.S., which in part recognizes the potential need for revisions to a uniform system “to meet local and state needs.” Further, a review of the MUTCD reveals numerous references to the need to exercise engineering judgment in applying the provisions of the MUTCD, depending upon factors such as traffic volume, terrain, and posted speed limit, etc.

According to a Federal Highway Administration (FHWA) Study:

Pedestrians have a right to cross roads safely, and planners and engineers have a professional responsibility to plan, design, and install safe and convenient crossing facilities. Pedestrians should be included as design users for all streets.

Providing marked crosswalks traditionally has been one measure used in an attempt to facilitate crossings. Such crosswalks commonly are used at uncontrolled locations (i.e., sites not controlled by a traffic signal or stop sign) and sometimes at *midblock* locations.⁷¹

While current Florida law, the MUTCD, and the FHWA recognize the existence of midblock crosswalks, the term, “midblock crosswalk,” is not currently defined in the Florida Statutes.

The FDOT also seeks to revise the current definition of “sidewalk”; i.e., “That portion of a street between the curbline, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.”⁷²

Section 316.130, F.S., generally requires a pedestrian to obey the instructions of any applicable official traffic control device, including, but not limited, to signals and signage at crosswalks. That section also contains direction to drivers with respect to stopping or yielding to pedestrians

⁶⁹ See s. 316.003(6), F.S. Emphasis added.

⁷⁰ See the FHWA website: <http://mutcd.fhwa.dot.gov/index.htm>. Last visited February 18, 2015.

⁷¹ Emphasis added. See *Safety Effects of Marked Versus Unmarked Crosswalks at Uncontrolled Locations, Final Report and Recommended Guidelines*, 2005, at 1. On file in the Senate Transportation Committee.

⁷² See s. 316.003(47), F.S.

at intersections having a traffic control signal in place,⁷³ at crosswalks where signage so indicates,⁷⁴ and at crosswalks with no traffic control signals and no signage.⁷⁵

Generally, a driver must stop and remain stopped when encountering a pedestrian at these crosswalks when the pedestrian steps in or is in the crosswalk and is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger. However, pedestrians crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided must yield to all vehicles on the roadway.⁷⁶

Effect of Proposed Changes

The current definitions of “crosswalk” and “sidewalk” are revised in an attempt to clarify the terms with more easily understood language. The provisions relating to stopping for pedestrians at crosswalks where signage so indicates; i.e., crosswalks with stop signs, and at crosswalks with no traffic control signals and no signage are edited and collapsed into one subsection for clarity and brevity.

Section 6 amends s. 316.003(6), F.S., by deleting the current two-part definition of “crosswalk” and replacing it as follows:

- “Unmarked crosswalk” is defined to mean an unmarked part of the roadway at an intersection used by pedestrians for crossing the roadway.
- “Marked crosswalk” is defined to mean pavement marking lines on the roadway surface, which may include contrasting pavement texture, style, or colored⁷⁷ portions of the roadway at an intersection used by pedestrians for crossing the roadway.
- “Midblock crosswalk” is defined to mean a location between intersections where the roadway surface is marked by pavement marking lines on the roadway surface, which may include contrasting pavement texture, style or colored portion of the roadway at a signalized or unsignalized crosswalk used for pedestrian roadway crossings and may include a pedestrian refuge island.

The bill also amends s. 316.003(47), F.S., to define “sidewalk” to mean: “That portion of a street intended for use by pedestrians, adjacent to the roadway between the curb or edge of the roadway and the property line. The current definitions of “crosswalk” and “sidewalk” are revised with “plain language.” According to the FDOT, plain language provides pedestrians with tools necessary to make safer choices, which often results in fewer crashes. In addition, law enforcement officials are assisted in enforcing compliance with relevant laws. The FDOT further advises these changes will not result in fewer crosswalks getting marked; rather, the sole purpose is to utilize plain language to assist pedestrians and law enforcement.⁷⁸

⁷³ Section 316.130(7)(a), F.S.

⁷⁴ Section 316.130(7)(b), F.S.

⁷⁵ Section 316.130(7)(c), F.S.

⁷⁶ *Id.*

⁷⁷ The current MUTCD definition of “crosswalk” also references “contrasting pavement texture, style, or color.” *Supra*, note 69. The definition is found on p. 13 of the MUTCD, available by link on the FHWA website.

⁷⁸ *Supra*, note 69.

Section 8 amends s. 316.130(7)(b), F.S., to make that paragraph applicable to crosswalk locations where the approach is not controlled by a traffic signal or by, in plain language, a stop sign. A driver continues to be required to stop and remain stopped when encountering a pedestrian at these crosswalks when the pedestrian steps in or is in the crosswalk and is upon the half of the roadway upon which the vehicle is traveling and, the bill adds, when turning, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger. Such locations may include midblock crosswalks. Paragraph (c) relating to crosswalks with no traffic control signals or signs is repealed, but a pedestrian's duty to yield to all vehicles on the roadway when crossing at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided is retained and moved to paragraph (b).

Turnpike Tolls/Dormant Prepaid Accounts (Section 34)

Present Situation

SunPass is the Florida Turnpike's electronic, prepaid tolls program. SunPass is accepted on all Florida toll roads and nearly all toll bridges. The system uses electronic devices, called transponders, which are attached to the inside of a vehicle's windshield. The transponder sends a signal when the vehicle goes through a tolling location, and the toll is deducted from the customer's pre-paid account. The pre-paid accounts may be set up and replenished with a credit card or with cash.⁷⁹

Under current law, any prepaid toll account of any kind which has been inactive for three years is presumed unclaimed. The Department of Financial Services (DFS) is required to process any such inactive account in accordance with applicable provisions of ch. 717, F.S., relating to the disposition of unclaimed property, and the FDOT is directed to close such accounts.⁸⁰

Effect of Proposed Changes

Section 34 amends s. 338.231(3)(c), F.S., to increase the period after which a dormant prepaid toll account is presumed unclaimed from three years to ten years, thereby delaying disposition by the DFS and closing of the account by the FDOT. The FDOT advises:

[T]he deletion is desired because, with multi-state toll interoperability already implemented, and national toll interoperability mandated by federal law,⁸¹ prepaid customers may live outside Florida and use their Florida prepaid toll account only when vacationing or otherwise visiting the state.

We believe that the affected citizens and businesses would react positively to the proposal as funds on a prepaid toll account continue to be managed by the Department. This provides the

⁷⁹ See SunPass website, *Frequently Asked Questions*: <https://www.sunpass.com/faq>. Last visited February 11, 2015.

⁸⁰ See s. 338.231(3)(c), F.S.

⁸¹ The Moving Ahead for Progress in the 21st Century Act (MAP-21) requires implementation of technologies or business practices that provide for the interoperability of electronic toll collection on all Federal-aid highway toll facilities by October 1, 2016. See the FHWA website, *Investment* heading, *Tolling [1512]* subheading: <http://www.fhwa.dot.gov/map21/summaryinfo.cfm>. Last visited February 13, 2015.

customers that have had no activity on a prepaid toll account for the 10 year time with continued direct access to the same agency with whom they established the account.⁸²

Shared-Use Nonmotorized Trail (SunTrail) Network (Sections 3, 30, 37, 38, and 39)

Present Situation

Trail Development

The development of Florida's bicycle and pedestrian infrastructure did not begin in earnest until the late 20th Century. With the deregulation of the American railroad industry by the Staggers Rail Act of 1980⁸³, the state was presented with an immediate abundance of abandoned rail corridors. With the assistance of organizations such as The Rails-to-Trails Conservancy and The Trust for Public Land, the Florida Department of Transportation (FDOT), and the Florida Department of Environmental Protection (FDEP) coordinated to develop numerous abandoned rail corridors as shared-use "rail-trails" for nonmotorized transportation and recreation. Many of Florida's premier nonmotorized trails, including the Pinellas Trail, Tallahassee-St. Marks Trail, and the West Orange Trail, are a result of rail-trail conversions.

The second major thrust in trail development came in 1991 when Congress shifted transportation policy. The Intermodal Surface Transportation Efficiency Act, for the first time, identified pedestrian and bicycle facilities as components of the nation's transportation infrastructure, and created a dedicated funding source for multiuse trails and paths. With local governments serving as project sponsors,⁸⁴ many of the resulting projects are community-centric, short-distance trails, initiated by local governments and other governmental entities not traditionally associated with transportation development, such as water management districts and school districts.

Trail Connectivity

Although locales throughout the state benefited from federal trail funding, an unintended consequence of trail development being initiated by numerous state entities and local governments is a collection of random trails rather than a statewide system. As a result, many trails lack connectivity with other trails and often serve no meaningful origins and destinations. Trail users are often required to use roads, sidewalks, and highways to connect trails or complete a trip. Many trail trips are "out-and-back" trips in which the origin and destination are the same. Such trips serve little to no transportation function and do not realize the full economic potential of a trail network.

A widely accepted tenet in trail development holds that the longer a given trail is, the greater its propensity for becoming a "destination trail," and the greater distance users will travel to use. Users traveling farther stay in the area longer and, consequently, increase spending in the area. Users of the Great Allegheny Passage/C&O Towpath, a 335-mile system of biking and hiking trails that connects Pittsburgh to Washington, DC, travel an average of 131 miles to a trailhead.

⁸² See the FDOT 2015 Legislative Proposal, *Dormant Accounts/Tolls/SunPass*. On file in the Senate Transportation Committee.

⁸³ Staggers Rail Act of 1980, Pub. L. 96-448, 94 Stat. 1895. Approved 1980-10-14.

⁸⁴ Resources for the Future Backgrounder "Federal Funding for Conservation and Recreation Trails" Joe Maher, February 2009 (http://www.rff.org/RFF/Documents/RFF-BCK-ORRG_DOT.pdf).

Those traveling 50 miles or more had daily expenditures approximately twice that of users that traveled less.⁸⁵

Recognizing this potential, the Florida Greenways and Trails Foundation (FGTF),⁸⁶ recently announced its priority to “close the gaps” on a 275-mile corridor between the Canaveral National Seashore near Titusville and St. Petersburg.⁸⁷ The “Coast-to-Coast Connector” will link communities along this destination trail, providing a year-round eco-tourism engine throughout the region. The Connector includes two of the state’s most popular trails, the Pinellas Trail and the West Orange Trail, each of which have served approximately one million users per year and fueled the economic transformation of trail communities, particularly Dunedin and Winter Garden. Components of the Connector will also serve other planned trails including multi-day loop trails such as the 250-mile Heart of Florida Greenway⁸⁸ and the 300-mile St. Johns River-to-Sea Loop.⁸⁹

Trail Benefits

In addition to the intrinsic values nonmotorized travel bring to community mobility, sustainable transportation, and personal health, trails provide the framework for, and access to, conservation lands and wildlife corridors. Trails also produce numerous quantifiable economic benefits:

- *Trails increase the value of nearby properties.* Based on an analysis of comparable trails from across the country, the presence of Miami-Dade County’s Ludlam Trail will increase properties values within 1/2 mile of the trail, 0.32 percent to 0.73 percent faster than other properties throughout the county. This translates into a total property value increase over a 25 year period of between \$121 million and \$282 million.⁹⁰ A survey co-sponsored by the National Association of Home Builders and the National Association of Realtors found that proximity to nonmotorized trails came in second only to highway access when recent home buyers were asked about the “importance of community amenities.”⁹¹ A study of property values near trails in Delaware found that properties within 50 meters of the bike paths sell for \$8,800 more than other similar homes.⁹²
- *Trails boost spending at local businesses.* An economic impact analysis of Orange County trails found that in 2010, average spending per trail user is \$20 per visit, representing food and beverages, transportation, books and maps, bike maintenance, rentals and more. The West Orange Trail supported 61 jobs, and represented an estimated economic impact of \$5

⁸⁵The Great Allegheny Passage Economic Impact Study (2007–2008) Detailed Report The Progress Fund/Job #07-294b 91 March 9, 2009, page 70. (<http://www.atatrail.org/docs/GAPeconomicImpactStudy200809.pdf>)

⁸⁶ The FGTF, a direct support organization, exists to support the mission and programs of the Florida Department of Environmental Protection’s Office of Greenways and Trails (OGT) as it continues toward establishing a statewide system of greenways and trails for recreation, conservation and alternative transportation.

⁸⁷ Florida Greenways and Trails Foundation Website: Coast-to-Coast Connector (<http://fgtf.org/coast-to-coast/>) (Last visited: 2/25/15)

⁸⁸ Florida Greenways and Trails Foundation Website: Heart of Florida Greenway (<http://fgtf.org/maps/hof/overview.pdf>) (Last visited 2/25/15)

⁸⁹St. Johns River-to-Sea Loop Trail Status Update, September 2011. ETM, Inc. http://www.etminc.com/SJR2C/sg_userfiles/SJR2C_Summary_Report_09-19-11.pdf

⁹⁰ Miami-Dade County Trail Benefits Study: Ludlam Trail Case Study (<http://atfiles.org/files/pdf/Miami-Dade-Ludlam-Trail-Benefits.pdf>)

⁹¹ (<http://www.americantrails.org/resources/benefits/homebuyers02.html>)

⁹² Lindsey et al, “Property Values, Recreation Values, and Urban Greenways,” Journal of Park and Recreation Administration, V22(3) pp.69-90.

million for Downtown Winter Garden. Longer, “destination trails,” increase spending and benefit hotels, bed and breakfasts, and outdoor outfitters. A study of the Great Allegheny Passage, a 132-mile corridor in Pennsylvania, found that users reporting longer average travel distances to the trail, were more likely to spend successive days on or near the trail. Those who reported an overnight stay in conjunction with their trip averaged spending \$203 per person.⁹³ A survey on the Greenbrier River Trail, an 81-mile corridor in West Virginia, found an overwhelming majority of trail users were highly educated professionals with high income levels, 2/3 were from outside of West Virginia, 93 percent were staying in the area from one to four days, 58 percent spent between \$100 and \$500 in the area, and 93 percent indicated that they were highly likely to plan a return trip.⁹⁴

- *Trails influence business location and relocations decisions.* Companies often choose to locate in communities that offer a high level of amenities to employees as a means of attracting and retaining top-level workers. Trails can make communities attractive to businesses looking to expand or relocate both because of the amenities they offer to employees and the opportunities they offer to cater to trail visitors.⁹⁵
- *Trails revitalize depressed areas.* In Dunedin, Florida, after the abandoned CSX railroad was transformed into the Pinellas Trail, the downtown went from a 30 percent storefront vacancy rate to a 95 percent storefront occupancy.⁹⁶
- *Trails provide sustainable tourism opportunities.* The Outer Banks of North Carolina generates \$60 million in economic activity through bicycle tourism. The one-time investment of \$6.7 million on bicycle infrastructure has resulted in an annual nine-to-one return. Outer Banks shows bicycle tourists tend to be affluent (half earn more than \$100,000 a year, 87 percent earn more than \$50,000) and educated (40 percent have a masters or doctoral degree). More than half of survey respondents said bicycling had a strong influence on their decision to return to the area. Two-thirds of respondents said that riding on bike facilities made them feel safer and three-fourths said that more paths, shoulders and lanes should be built.⁹⁷ A trail can be regarded as a product that is able to provide a sustainable form of tourism resting on a ‘quadruple bottom line’ of environmental, social, economic and climate responsiveness.⁹⁸
- *Trail development creates more jobs than road development.* A national comparison of the number of jobs created per \$1 million spent on various types of transportation projects found

⁹³ *The Great Allegheny Passage Economic Impact Study* (2007–2008) Detailed Report The Progress Fund/Job #07-294b 91 March 9, 2009, page 91 (<http://www.atatrail.org/docs/GAPeconomicImpactStudy200809.pdf>)

⁹⁴ *Maximizing Economic Benefits from a Rails-to-Trails Project in Southern West Virginia – A Case Study of the Greenbrier River Trail*, May 2001. Raymond Busbee, Ph.D. Marshall University.

⁹⁵ *Economic Impacts of Protecting Rivers, Trails, and Greenway Corridors: Corporate Relocation and Retention*. Rivers, Trails and Conservation Assistance Program, National Park Service 1995

⁹⁶ FDEP Presentation: “*The Impact of Trails on Communities*” Office of Greenways and Trails. (<http://www.opportunityflorida.com/pdf/Jim%20Wood%20-%20Trails%20and%20Economic%20Impact%20-%20Rural%20Summit.pdf>)

⁹⁷ Lawrie, et al, “*Pathways to Prosperity: the economic impact of investments in bicycling facilities*,” N.C. Department of Transportation Division of Bicycle and Pedestrian Transportation, Technical Report, July 2004. http://www.ncdot.org/transit/bicycle/safety/safety_economicimpact.html.

⁹⁸ Reis, A.C.; Jellum, C. (2012). Rail trails development: a conceptual model for sustainable tourism. *Tourism Planning and Development*, 9(2): 133-148

that for every \$1 million spent on the development of multi-use trails, 9.57 jobs were created while road-only development yielded 7.75 jobs.⁹⁹

Effect of Proposed Changes

Generally, the bill creates the Shared-Use Nonmotorized Trail (SunTrail) Network as a component of the Florida Greenways and Trail System. The FDOT is given primary responsibility for developing and maintaining the SunTrail network, although provisions are included to allow the FDOT to outsource maintenance and to enter into trail sponsorship agreements with public and private entities. Specific provisions of the bill follow.

Section 3 amends s. 260.0144 F.S., to remove SunTrail components from existing provisions for sponsorship of state trails by not-for-profit or private sector entities. Other greenways and trails remain eligible for sponsorship under the section. Section 11 of the bill creates a new s. 339.83, F.S., to provide for sponsorship of SunTrail components.

Section 30 amends s. 335.065, F.S., to remove the FDOT's authority to enter contracts for commercial sponsorship of multi-use trails. This authority is provided in new section 339.83, F.S., which expands sponsorship opportunities for SunTrail components.

Section 37 creates s. 339.81, F.S., to establish the Florida SunTrail Network as a component of the Florida Greenways and Trails System established in ch. 260 of the Florida Statutes. SunTrail components will provide nonmotorized travel opportunities between and within communities, conservation areas, state parks, beaches and other natural and cultural attractions.

SunTrail components will not include sidewalks, nature trails, or loop trails in a single park. Bicycle lanes on roadways may not be considered components of the SunTrail network unless the lane is used to connect two or more nonmotorized trails and is no more than one-half mile long. Exceptions are provided to include some on-road components of the Florida Keys Overseas Heritage Trail within the SunTrail Network.

The FDOT will include SunTrail projects within its five-year work program. The FDOT and other agencies and units of government are authorized to expend funds and accept gifts and grants of funds, property, and property rights for the development of the SunTrail network. The FDOT is authorized to enter into memoranda of agreement with other governmental entities and contract with private entities to provide maintenance services on individual components of the network and may adopt rules to assist in developing and maintaining the network.

Section 38 creates s. 339.82, F.S., directing the FDOT to develop the SunTrail Network Plan in coordination with FDEP, MPOs, local governments, other public agencies, and the Florida Greenways and Trails Council. The plan must include:

- A needs assessment, including a comprehensive inventory of existing facilities;
- A process that prioritizes projects that:
 - Are identified by the Florida Greenways and Trails Council as priority projects;
 - Connect components by closing gaps in the network; and

⁹⁹ Pedestrian And Bicycle Infrastructure: A National Study Of Employment Impacts Heidi Garrett-Peltier Political Economy Research Institute University of Massachusetts, Amherst June 2011

- Maximize use of federal, local, and private funds;
- A map showing existing and planned facilities;
- A finance plan in five- and ten-year cost-feasible increments;
- Performance measures focusing on trail access and connectivity;
- A timeline for completion of the base network; and
- A marketing plan prepared in conjunction with Visit Florida.

Section 39 creates s. 339.83, F.S., to provide for sponsorship of SunTrail components by not-for-profit or private sector entities. The bill provides guidance on sponsor signs, markings, and exhibits and provides for trail marketing materials to recognize sponsors.

Vehicle Miles Traveled Pilot (Section 57)

Present Situation

Concern regarding the sustainability of transportation funding sources remains as a focus of attention in the transportation arena. A number of factors have together caused a reduction in transportation revenues:

- The bulk of federal surface transportation funding comes from the federal taxes on gasoline and diesel fuel assessed on a per-gallon basis, and the tax rates are not adjusted for inflation.
- The total number of vehicle miles traveled (VMT) has declined in recent years, resulting in fewer gallons of gas and diesel sold upon which to assess federal, state, and local taxes. This number is not expected to return to previously realized growth levels.
- Vehicle fuel efficiency continues to increase, also lowering the demand for gallons of gas and diesel.¹⁰⁰

Various alternatives to the existing gas and diesel taxes have been considered. One alternative is to replace those taxes with a “vehicle-miles-traveled tax” or a “mileage-based user fee”:

Mileage-based user fees (MBUF) are an alternative way to finance the construction and maintenance of roads. Rather than the current gas tax method, which is based on the amount of fuel purchased at the pump, a VMT tax is based on how many miles are driven.¹⁰¹

According to the Mileage-based User Fee Alliance (MBUFA), use of a distance-traveled mechanism is already being successfully implemented in several European nations and in New Zealand. Domestically, “...states are taking a lead in helping to resolve many of the implementation questions by working with academia, industry partners and each other to devise mileage-based user fee pilot projects around the country.”¹⁰²

¹⁰⁰ See the Center for Urban Transportation Research, *Florida MPOAC Transportation Revenue Study*, July 2012. On file in the Senate Transportation Committee.

¹⁰¹ See Mileage-Based User Fee Alliance website: <http://mbufa.org/about.html>. Last visited February 26, 2015.

¹⁰² See MBUFA website: <http://mbufa.org/where.html>. Last visited February 26, 2015. Colorado, Minnesota, Nevada, New York City, Texas, Washington, the University of Iowa, and the I-95 Corridor Coalition have all undertaken efforts with respect to a mileage-based fee.

The State of Oregon appears to have made the most progress in the United States, having already completed two pilots and planning implementation of a voluntary program, beginning July 1, 2015, using 5,000 vehicles.¹⁰³ Interest has been expressed in developing a Florida-specific, implementable pilot project to determine the efficacy of a VMT fee as a viable alternative to per-gallon gas and diesel taxes.

Effect of Proposed Changes

Section 57 directs the Center for Urban Transportation Research at the University of South Florida (CUTR) to conduct a study on the viability of implementing a system that charges drivers based on their vehicle miles traveled (VMT), as an alternative to the present fuel tax structure, to fund transportation projects. The study is to inventory previous research and findings from pilot projects conducted in other states.

At a minimum, the study must address previous work conducted in the following broad areas.

- Assessment of technologies;
- Behavioral and privacy concerns;
- Equity impacts; and
- Policy implications of a VMT road charging system.

The study must also quantify the current costs to collect traditional highway user fees, synthesize findings of completed research and demonstrations, and analyze their applicability to Florida. CUTR must present the findings of the study phase to the Legislature by January 30, 2016.

In the course of the study, and in consultation with the Florida Transportation Commission, CUTR is directed to establish the framework for a pilot project that will evaluate the feasibility of implementing a VMT charging system. In designing the framework, CUTR is directed to address at a minimum the following elements:

- The geographic location for the pilot;
- Special fleets or classes of vehicles;
- Evaluation criteria for the demonstration;
- Consumer choice in the method of reporting miles traveled;
- Privacy options for participants in the pilot project;
- The recording of miles traveled with and without locational information;
- Records retention and destruction; and
- Cyber security.

The pilot project design must be completed by December 31, 2016, and submitted in a report to the Legislature, so that implementation can occur in 2017.

¹⁰³ See *Oregon's VMT Pilot to Begin its Third Phase – Road usage Charge Program Update*: <http://www.nlc.org/media-center/news-search/oregon%E2%80%99s-vmt-pilot-to-begin-its-third-phase-road-usage-charge-program-update>. Last visited February 26, 2015.

Northwest Florida Regional Transportation Finance Authority (Sections 42 through 56)

Present Situation

Escambia and Santa Rosa counties, are currently served by the Northwest Florida Transportation Corridor Authority and the Santa Rosa Bay Bridge Authority. According to a report by the Florida Transportation Commission (FTC), the NFTCA is not currently operating any facility and is operating under an agreement using federal funding for administration, professional services, and regional transportation planning. The Santa Rosa Bay Bridge Authority owns the Garcon Point Bridge in southwest Santa Rosa County. Florida's Turnpike Enterprise provides toll operations.¹⁰⁴

Effect of Proposed Changes

The bill creates ch. 345 of the Florida Statutes, the Northwest Florida Regional Transportation Finance Authority Act, consisting of ss. 345.0001 – 345.0014, F.S. The bill authorizes Escambia County, alone or together with a consenting Santa Rosa County, to form a regional finance authority in the northwest region of the state. The governing body of the Authority consists of two resident members from each participating county appointed by the county commission of each county, an equal number to be appointed by the Governor, and the FDOT's District Three secretary. County commission appointees must represent the business and civic interests of the relevant community, if possible.

The Authority is authorized to construct, operate, and maintain a regional system in the area served, except for an existing system for transporting people and goods owned by another non-consenting entity. Broad powers are granted to the Authority, including, but not limited to:

- The exercise of eminent domain;
- The establishment and collection of rates and fees, which power may be assigned or delegated to the FDOT;
- The power to borrow money and issue bonds¹⁰⁵ to finance the system and to secure the payment of such bonds by a pledge of system revenues, including any municipal or county funds received by the Authority under an agreement with the municipality or county.
- The power to enter into contracts, including, but not limited to, partnerships providing for participation in system ownership and revenues;
- The power to employ an executive director, attorney, staff, and consultants, with the FDOT furnishing the services of an FDOT employee to act as the executive director upon the request of the Authority.

¹⁰⁴ Florida Transportation Commission, *Transportation Authority Monitoring and Oversight Fiscal Year 2013 Report*, at 163, available at: <http://www.ftc.state.fl.us/reports/TAMO.shtml>. Last visited February 16, 2015.

¹⁰⁵ A resolution authorizing issuance of bonds on behalf of the authority under the State Bond Act and pledging system revenues must require periodic deposits of system revenues into appropriate accounts in amounts sufficient to pay the costs of O&M for the current fiscal year and to reimburse the FDOT for any unreimbursed O&M costs from prior fiscal years before revenues of the system are deposited for payment of principal and interest on such bonds.

The FDOT is deemed the Authority's agent for performing all construction, extension, and improvement phases of a project. After the issuance of bonds to finance construction, the Division of Bond Finance and the Authority are required to transfer the necessary funds to the credit of the State Transportation Trust Fund. Alternatively, with the FDOT's consent and approval, the Authority may appoint a local, FDOT-certified agency to administer federal-aid projects.

The FDOT is also deemed the Authority's agent for operating and maintaining the system, except for transit facilities, and the costs incurred by the FDOT must be reimbursed from system revenues. However, the Authority remains obligated as principal to operate and maintain the system.

At the request of the Authority and subject to appropriation by the Legislature, the FDOT may pay the cost of financial, engineering, or traffic feasibility studies or of the design, financing, acquisition, or construction of an Authority project that is included in the ten-year Strategic Intermodal System (SIS) Plan.¹⁰⁶ The FDOT is required to include funding for such payments in its legislative budget request. The request for funding may be included in the FDOT's five-year Tentative Work Program. However, the request must appear as a distinct funding item in the legislative budget request and be supported by a financial feasibility test.

The FDOT may not make a budget request unless the estimated net revenues of the proposed project will be sufficient to pay at least 50 percent of the annual debt service on the bonds associated with the project by the end of 12 years of operation, and at least 100 percent of the same by the end of 30 years of operation.¹⁰⁷ Funding for a project must appear in the General Appropriations Act as a distinct fixed capital outlay item and must clearly identify the related project.

The FDOT may participate in projects that, at a minimum, serve national, statewide, or regional functions; are identified in the capital improvements element of a comprehensive plan; comply with local government policies in such plans relative to corridor management; are consistent with the SIS; and have a local, regional, or private financial match.

Before approving a proposed project, the FDOT must determine that the project:

- Is in the public's best interest;
- Does not require the use of state funds, unless the project is on the State Highway System;
- Has adequate safeguards in place to ensure no additional imposed costs or service disruptions if the FDOT cancels or defaults on the agreement, and to ensure that the FDOT and the Authority have the opportunity to add capacity to the project and other transportation facilities serving similar origins and destinations.

¹⁰⁶ The Strategic Intermodal System (SIS) is the statewide network of high priority transportation facilities, including the state's largest and most significant airports, spaceports, deepwater seaports, freight rail terminals, interregional rail and bus terminals, rail corridors, urban fixed guideway transit corridors, waterways, and highways. The SIS is the state's highest statewide priority for transportation capacity improvements. See the FDOT SIS brochure, available at: <http://www.dot.state.fl.us/planning/sis/Strategicplan/>. Last visited February 17, 2015.

¹⁰⁷ Equivalent to the economic feasibility test for proposed Turnpike projects under s. 338.221(8)(a), F.S.

The FDOT may require any contribution to be repaid from tolls of the project, other Authority revenue, or other sources of funds. The FDOT must receive a share of the Authority's net revenues equal to the ratio of the FDOT's total contributions to the Authority to the sum of:

- The FDOT's total contributions;
- Any local government contributions to the cost of revenue-producing Authority projects; and
- The sale proceeds of Authority bonds after payment of costs of issuance.

The Authority is exempt from paying any taxes or assessments upon any Authority property, rates, fees, or income, etc., or upon bonds issued by the Authority. Issuance of bonds to finance the cost of extension or improvement of a system is authorized without compliance with any other law.

Independent Special Districts Regulating Vehicles For Hire (Section 31)

Present Situation

The Hillsborough County Public Transportation Commission (HPTC) is a legislatively-created independent special district regulating vehicles for hire. The HPTC regulates such vehicles in that county pursuant to authority granted to counties in s. 125.01(1)(n), F.S., to license and regulate taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire that operate in the unincorporated areas of the county. The Commission appears to be the only independent special district with such responsibilities.¹⁰⁸

The HPTC currently has seven members.¹⁰⁹ The Board of County Commissioners appoints three members from the board, the City Council of Tampa appoints two members, and the City Commission of Plant City and the City Council of Temple Terrace appoint one member each. Each member serves a two-year term.

Effect of Proposed Changes

Section 31 creates s. 335.21, F.S., to revise the appointment of membership to a legislatively-created independent special district regulating vehicles for hire, notwithstanding any provision of local law. The Governor appoints four members, the city council of the largest municipality in the district appoints one member, and the board of county commissioners of the county in which the district is located appoints two members. All seven members must be residents of the county they serve. Entities authorized under s. 163.567, F.S., or under chapters 343, 348, or 349, F.S.; e.g., generally, regional transportation authorities and expressway and bridge authorities, are excluded from the revised appointment provisions.

Fort Myers Urban Office/Staffing and Responsibilities (Section 1)

Present Situation

Current law organizes the operations of the FDOT into seven districts, each headed by a district secretary, as well as a turnpike enterprise and a rail enterprise. Section 20.23(4)(b), F.S., authorizes each district secretary to appoint up to three district directors. Section 20.23(4)(d),

¹⁰⁸ The HPTC is an independent special district first created in 1983. See ch. 83-423, Laws of Florida.

¹⁰⁹ See ch. 2001-299, Laws of Florida.

F.S., makes the district director for the Fort Myers Urban Office of the FDOT responsible for developing the five-year Transportation Plan for Charlotte, Collier, DeSoto, Glades, Hendry, and Lee Counties, and makes the Urban Office responsible for providing policy, direction, local government coordination, and planning for those counties. The office and the counties are contained within FDOT's District One, which currently provides policy, direction, and planning for all counties in District One, not just those listed above.

The FDOT also has Urban Area offices located in Jacksonville and Orlando. The FDOT advises all urban offices are satellite offices for their main District Office, and all are under the direction of the respective District Secretary. However, only the Fort Myer's Urban Office is referenced in statute with express direction as to staffing and responsibilities.

The FDOT advises that insertion of the specific staffing and responsibility assignment was in the nature of a precursor to what might have, but did not, become an FDOT District Eight. No district director is currently physically housed in the Fort Myers Urban Office. Responsibility for providing policy, direction, and planning for the listed counties occurs at the District One level, leaving the Fort Myers Urban Office largely responsible for local government coordination in support of those activities, as well as coordination of joint participation and local funding agreements for transportation projects, in the listed counties.¹¹⁰

Effect of Proposed Changes

Section 1 repeals s. 20.23(4)(d), F.S., to remove the Fort Myers Urban Office District Director responsibility for developing the five-year Transportation Plan for the specified counties and remove the specified Urban Office responsibilities. The FDOT advises the existence of the Fort Myers Urban Office is in no way affected, and the office will continue to provide local government coordination in the specified counties. The FDOT advises the revisions provide flexibility to make efficient best-practices human resource decisions, while it continues to provide service in the specified counties.¹¹¹

511 Traveler Information Services (Sections 27, 28, and 29)

Present Situation

511 is a national abbreviated dialing code assigned by the Federal Communications Commission (FCC) to be used exclusively for access to travel information services.¹¹² The code enables a caller to connect to a location in a network without using a seven or ten-digit telephone number. The network is pre-programmed to translate a three-digit code into the appropriate seven or ten-digit code and route the call accordingly.¹¹³

All of Florida's interstates, toll roads, and other major metropolitan roadways are covered by the 511 system. Currently, in addition to provision of services via the toll-free 511 telephone system, motorists may also receive travel information by:

¹¹⁰ Conversation with FDOT Legislative and Legal Staff during joint meeting with Senate and House staff, January 30, 2015.

¹¹¹ See the FDOT 2015 Legislative Proposal form, *Fort Myers Urban Office*. On file in the Senate Transportation Committee.

¹¹² See Federal Communications Commission Order No. 00-256, *Third Report and Order and Order on Reconsideration*, July 21, 2000. Copy on file in the Senate Transportation Committee.

¹¹³ *Id.*, at 4.

- Visiting FL511.com for interactive roadway maps showing traffic congestion and crashes, travel times, and traffic camera views;
- Downloading a free mobile app available on Google Play or Apple App Store; or
- Following one of the 12 statewide, regional, or roadway specific Twitter feeds (#FL511).¹¹⁴

The FDOT, as the state's lead agency for implementing 511 services and the point of contact for coordinating 511 services with *telecommunications*¹¹⁵ service providers, is statutorily tasked with the following duties:

- Implementation and administration of 511 services in the state;
- Coordination with other transportation authorities in the state to provide multimodal traveler information through 511 services and other means;
- Development of uniform standards and criteria for the collection and dissemination of traveler information using the 511 number or other interactive voice response systems; and
- Entrance into joint participation agreements or contracts with highway authorities and public transit districts to share the costs of implementation and administration.¹¹⁶

“511” or “511 services” are currently defined as three-digit *telecommunications dialing to access interactive voice response telephone*¹¹⁷ traveler information services as defined by the FCC Order No. 00-256, July 1, 2000.¹¹⁸ “Interactive voice response” is defined as a software application that accepts a combination of voice *telephone* input and touch-tone keypad selection and provides appropriate responses in the form of voice, fax, callback, e-mail, and other media.¹¹⁹ The FDOT's existing rulemaking authority is similarly limited to coordination of 511 traveler information *phone* services.¹²⁰ And the FDOT's existing powers and duties likewise limit the FDOT's provision of services to *interactive voice response telephone systems access*.¹²¹

The referenced duties and definitions are essentially limited to *telephonic* access to traveler information and do not recognize the additional methods by which travelers may obtain the information using more recent technology, such as a web site, mobile apps, Twitter accounts, and text alerts.

Effect of Proposed Changes

The bill in general revises 511 traveler information services statutes to remove language limiting the provision of services through only telephonic access. These revisions recognize newer technologies and methods for providing traveler information.

¹¹⁴ See 511News.com January 20, 2015, press release <http://www.511news.com/news-releases/fdots-511-on-the-lookout-to-help-birdwatchers-travel-to-space-coast/> for additional information on Florida 511 features. Last visited February 4, 2015.

¹¹⁵ Emphasis added.

¹¹⁶ See s. 334.60, F.S.

¹¹⁷ Emphasis added.

¹¹⁸ See s. 334.03(36), F.S.

¹¹⁹ See s. 334.03(37), F.S.

¹²⁰ See s. 334.60, F.S.

¹²¹ See s. 334.044(31), F.S.

Section 27 amends s. 334.03(36), F.S., to remove from the definition reference to *three-digit telecommunications dialing to access interactive voice response telephone* traveler information in favor of *all* traveler information services. That section also amends s. 334.03(37), F.S., to repeal the definition of “interactive voice response,” as the phrase is no longer to be used.

Section 28 amends s. 334.044(31), F.S., to revise the FDOT’s 511 oversight duty by deleting reference to *the provision of interactive voice response telephone systems* and a reference to the 511 *number*, leaving the FDOT responsible for oversight via the 511 *services* as assigned by the FCC.

Section 29 amends s. 334.60, F.S., striking reference to the FDOT’s coordination *with telecommunications service providers*, to allow the FDOT’s continued coordination of *all* traveler information services with providers using newer technologies and methods. A reference to the 511 *number or other interactive voice response systems* is removed, in favor of 511 *services*, and a reference to *phone* services is deleted.

The FDOT advises that the effectiveness of disseminating traveler information through interactive voice response is becoming less advantageous. While the FDOT may decide to discontinue providing an interactive voice response system, traveler information will be provided via the most advanced technologies, thereby ensuring distribution of information to the largest possible audience. Armed with the information, users are able to make informed travel decisions, which improves safety and mobility on Florida roadways.¹²²

Inspector General Appointment (Section 1)

Present Situation

Prior to 2014, agency inspectors general were appointed by and reported to agency heads. The Legislature in 2014 revised the law with respect to agency inspector general appointment to provide, for agencies such as the FDOT under the jurisdiction of the Governor, agency inspectors general are to be appointed by and report to the Chief Inspector General.¹²³ Section 20.23(3)(d), F.S., continues to require the FDOT Secretary to appoint an inspector general directly responsible to and serving at the pleasure of the Secretary, in direct conflict with the revisions made in 2014 to s. 20.55, F.S.

Effect of Proposed Changes

Section 1 repeals s. 20.23(3)(d), F.S., to remove the directly conflicting and obsolete direction to the FDOT Secretary regarding inspector general appointment, thereby conforming to the revisions to s. 20.55, F.S., made by the 2014 Legislature.

¹²² See the FDOT 2015 Legislative Proposal form, *Modify definition/responsibilities of 511*, on file in the Senate Transportation Committee.

¹²³ See Enrolled HB 1385 (2014).

Transportation Corridors (Section 41)

Present Situation

Section 341.0532, F.S., enacted in 2003, currently defines “statewide transportation corridor” as a system of transportation infrastructure that collectively provides for the efficient movement of significant volumes of intrastate, interstate, and international commerce by seamlessly linking multiple modes of transport. That section also lists eight corridors deemed “Florida’s statewide transportation corridors.”

In the same year, the Legislature enacted the Strategic Intermodal System (SIS).¹²⁴ SIS facilities collectively serve 56 percent of State Highway System traffic, 70 percent of State Highway System truck traffic, 89 percent of interregional bus and rail passengers, 99 percent of commercial air passengers and cargo, and 100 percent of rail and waterborne freight tonnage and cruise ship passengers.¹²⁵ SIS facilities are designated by the FDOT based on criteria provided in ss. 339.61 through 339.64, F.S. The corridors currently listed in s. 341.0532, F.S., with limited exception,¹²⁶ are also part of the SIS. Section 341.0532, F.S., is not referenced elsewhere in the Florida Statutes, and the FDOT advises that section is not used in performing any of its duties and responsibilities. The statute appears to be obsolete.

Effect of Proposed Changes

Section 41 repeals s. 341.0532, F.S., which created Florida’s statewide transportation corridors. The corridors continue to be managed through their inclusion in the SIS.

Obsolete References/Beeline-East Expressway and Navarre Bridge (Section 32)

Present Situation

Section 338.165(4), F.S., authorizes the FDOT to request the DBF to issue bonds secured by toll revenues collected on the Alligator Alley, the Sunshine Skyway Bridge, the Beeline-East Expressway, the Navarre Bridge, and the Pinellas Bayway to fund transportation projects located within the county or counties in which the project is located and contained in the FDOT’s adopted work program. The Beeline-East Expressway (re-named the Beachline East Expressway) became part of the Turnpike Enterprise on July 1, 2012, pursuant to ch. 2012-128, L.O.F.¹²⁷ The Navarre Bridge is now county-owned and no longer used for toll revenue. The references to each facility in s. 338.165(4), F.S., are now obsolete.

Effect of Proposed Changes

Section 32 s. 338.165(4), F.S., to remove obsolete references to the Beeline-East Expressway and the Navarre Bridge within the FDOT’s authority to request issuance of bonds secured by toll revenues from certain toll facilities, as the expressway and bridge are no longer owned by the FDOT.

¹²⁴ See the web link, *supra*, note 105, for additional information on the SIS.

¹²⁵ See the 2014 FDOT *Strategic Intermodal System Briefing*. On file in the Senate Transportation Committee.

¹²⁶ See the FDOT email, March 2, 2015. On file in the Senate Transportation Committee.

¹²⁷ See s. 338.165(10), F.S.

Broward County Expressway Authority/Obsolete Bond Language (Section 34)***Present Situation***

The Broward County Expressway Authority built the Sawgrass Expressway, a 23-mile facility in Broward County. The expressway opened to traffic in 1986 and extends from I-75 in Weston to its interchange with the Florida Turnpike and Southwest 10th Street in Deerfield Beach. In 1990, the FDOT acquired the expressway, and it became a part of Florida's Turnpike System.¹²⁸ The Expressway Authority was abolished in 2011.¹²⁹ Section 338.221(5), F.S., generally authorizes the FDOT, in each fiscal year during which any of the Broward County Expressway Authority bond series 1984 and series 1986-A remain outstanding, to pledge revenues from the turnpike system to the payment of such bonds and the operation and maintenance of the Sawgrass Expressway. No such bonds are currently outstanding, and the language is obsolete.

Effect of Proposed Changes

Section 34 repeals the obsolete language in s. 338.231(5), F.S., relating to bonds of the abolished Broward County Expressway Authority.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The following sections of CS/SB 1554 will have the indicated impact on the private sector:

Sections 3, 30, 37, 38, and 39: Significant positive economic development is expected from development of the SunTrail Network.

¹²⁸ See the FDOT website: http://www.floridasturnpike.com/about_system.cfm#7. Last visited February 23, 2015.

¹²⁹ See s. 18, ch. 2011-64, Laws of Florida.

Section 4 and 5: Increased FSTED funding may generate a positive economic impact for the private sector.

Sections 6 and 11: The trucking industry is expected to experience a positive fiscal impact due to the decreased fines assessed for IRP violations.

Sections 6 and 8: To the extent that the bill reduces the number and severity of bicycle and pedestrian deaths and injuries, a positive but indeterminate fiscal impact to bicyclists and pedestrians is expected.

C. Government Sector Impact:

The following sections of the bill will have the indicated impacts:

Sections 3, 30, 37, 38, and 39: Funding for the SunTrail Network in the amount of \$50 million is authorized for Fiscal Year 2015-2016 in SB 2500 (the Senate's General Appropriation Bill for Fiscal Year 2015-2016).

Sections 4 and 5: The additional \$10 million in FSTED funding will assist seaports with various projects and is expected to generate a positive economic impact by helping to increase the competitiveness of Florida's seaports. Projects planned for various ports include dredging, berth rehabilitation, and the expansion of facilities. The additional FSTED funding will require the FDOT to reallocate budget authority within the state's \$9.3 billion transportation work program.

Sections 6 and 11: The FDOT advises it expects a negative annual fiscal impact of approximately \$1.6 million due to a decrease in the fines assessed for IRP violations.¹³⁰ A portion of the decrease, approximately \$500,000, is attributed to the revised IRP Full Reciprocity Plan.

Section 10: The FDOT may experience an indeterminate positive fiscal impact if the increased allowable trailer length used to transport manufactured buildings results in issuance of more special permits.

Section 40: According to the Office of Economic and Demographic Research (EDR), the additional workload and resources associated with the evaluation and determination of the economic benefits of the state's investment in the FDOT Adopted Work Program annually can be absorbed by existing staff. The FDOT and its district offices may experience additional workload to provide the necessary data to EDR; however, the workload is currently indeterminate.

Sections 35 and 36: MPOs may experience minimal expenses in considering autonomous vehicle technology when developing long-range transportation plans. Likewise for the FDOT when updating the SIS Plan.

¹³⁰ See the FDOT's response to House committee staff's *DOT Package Questions from Committee Staff*, on file in the Senate Transportation Committee.

Section 57: The bill authorizes the Center for Urban Transportation Research at the University of South Florida to expend up to \$400,000 for the vehicle miles traveled study and pilot project design, contingent upon legislative appropriation. There is no funding in SB 2500 for this study.

Sections 42 through 56: The fiscal impact of authorizing creation of the Northwest Florida Regional Transportation Finance Authority is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.23, 215.82, 260.0144, 311.07, 311.09, 316.003, 316.0895, 316.130, 316.303, 316.515, 316.545, 333.01, 333.025, 333.03, 333.04, 333.05, 333.06, 333.07, 333.09, 333.11, 333.12, 334.03, 334.044, 334.60, 335.065, 338.165, 338.227, 338.231, 339.175, and 339.64.

This bill creates the following sections of the Florida Statutes: 333.135, 335.21, 339.81, 339.82, 339.83, 345.0001, 345.0002, 345.0003, 345.0004, 345.0005, 345.0006, 345.0007, 345.0008, 345.0009, 345.001, 345.0011, 345.0012, 345.0013, and 345.0014.

This bill repeals the following sections of the Florida Statutes: 333.065, 333.08, 333.10, 333.14, and 341.0532.

This bill reenacts section 350.81 of the Florida Statutes.

The bill creates three undesignated sections of Florida law.

IX. Additional Information:

- A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on March 29, 2015:

The CS modifies the bill by:

- Revising several sections of the bill dealing with ch. 333, F.S., relating to airport zoning regulations, to make final glitch corrections and provide uniformity in the language;
- Authorizing the FDOT to assume responsibilities under the National Environmental Policy Act with respect to highway projects, as authorized by federal law;

- Providing that the provisions revising the membership of a legislatively-created independent special district do not apply to certain entities;
- Adding provisions of SB 1186 requiring a vehicle-miles-traveled study, requiring consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, creating the Northwest Florida Regional Transportation Authority Act, extending the allowable length of certain trailers, and repealing obsolete language;
- Defining “driver-assistive truck platooning,” excluding certain vehicles equipped with such technology from provisions relating to vehicles following too closely, and including such vehicles in the provisions relating to television-type or other electronic displays visible to a driver.
- Removing Port Citrus from membership on the FSTED Council and repealing related provisions;
- Removing authorization of a public transit provider to contract with a transportation network company to provide public transit services;
- Removing direction to the Commission for the Transportation Disadvantaged and the Center for Urban Transportation Research to develop and implement a pilot program with a public transit provider to provide paratransit services; and
- Extending from 53 to 57 feet the allowable length of certain semitrailers authorized to operate on public roads.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Clemens) recommended the following:

Senate Amendment (with title amendment)

Between lines 454 and 455
insert:

Section 4. Section 288.365, Florida Statutes, is created to
read:

288.365 Notwithstanding chapter 74-570, Laws of Florida,
the Port of Palm Beach is deemed eligible and granted authority
to apply to the Federal Government to seek approval from the
Foreign-Trade Zones Board through an alternative site framework



546402

to include all of Palm Beach, Martin, and St. Lucie Counties in
the proposed service area without requirement to obtain
approvals from incorporated municipalities within the service
area. However, the designation of any area as a foreign-trade
zone does not authorize an exemption from any law, any local
zoning or land use designation or ordinance of any municipality
or county, or any tax imposed by the state or by any political
subdivision, agency, or instrumentality thereof.

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

And the title is amended as follows:

Delete line 17

and insert:

property; creating s. 288.365, F.S.; providing that
the Port of Palm Beach is deemed eligible and granted
authority to apply to the federal government to seek
approval from the Foreign-Trade Zones Board through an
alternative site framework to include specified
counties in the proposed service area without
obtaining approvals from certain municipalities;
providing applicability; amending s. 311.07, F.S.;
increasing the



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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Clemens) recommended the following:

Senate Amendment to Amendment (546402)

Delete line 7

and insert:

288.365 Notwithstanding chapter 74-570, Laws of Florida, as
amended by chapter 90-462, Laws of Florida,



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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Sachs) recommended the following:

Senate Amendment (with title amendment)

Between lines 654 and 655
insert:

Section 10. Paragraph (d) of subsection (2) of section
316.305, Florida Statutes, is amended to read:

316.305 Wireless communications devices; prohibition.—

(2) It is the intent of the Legislature to:

(d) Authorize law enforcement officers to stop motor
vehicles and issue citations as a primary ~~secondary~~ offense to



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persons who are texting while driving.

Section 11. Subsection (5) of section 316.305, Florida Statutes, is repealed.

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

And the title is amended as follows:

Delete line 39

and insert:

electronic displays in vehicles; amending s. 316.305,
F.S.; revising legislative intent to authorize law
enforcement officers to issue citations to persons who
are texting while driving as a primary offense;
repealing s. 316.305(5), F.S., relating to the
enforcement of the Florida Ban on Texting While
Driving Law act as a secondary action; amending s.
316.515,



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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Thompson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 1761 - 1779.

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

And the title is amended as follows:

Delete lines 189 - 194

and insert:

trails; amending s. 338.165,



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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 1917 - 1964

and insert:

Section 37. Section 339.81, Florida Statutes, is
created to read:

339.81 Florida Shared-Use Nonmotorized Trail Network.—

(1) The Legislature finds that increasing demands continue
to be placed on the state's transportation system by a growing
economy, continued population growth, and increasing tourism.



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The Legislature also finds that significant challenges exist in providing additional capacity to the conventional transportation system and will require enhanced accommodation of alternative travel modes to meet the needs of residents and visitors. The Legislature further finds that improving bicyclist and pedestrian safety for both residents and visitors remains a high priority. Therefore, the Legislature declares that the development of a nonmotorized trail network will increase mobility and recreational alternatives for residents and visitors of this state, enhance economic prosperity, enrich quality of life, enhance safety, and reflect responsible environmental stewardship. To that end, it is the intent of the Legislature that the department make use of its expertise in efficiently providing transportation projects to develop the Florida Shared-Use Nonmotorized Trail Network, consisting of a statewide network of nonmotorized trails which allows nonmotorized vehicles and pedestrians to access a variety of origins and destinations with limited exposure to motorized vehicles.

(2) The Florida Shared-Use Nonmotorized Trail Network is created as a component of the Florida Greenways and Trails System established in chapter 260. The statewide network consists of multiuse trails or shared-use paths physically separated from motor vehicle traffic and constructed with asphalt, concrete, or another hard surface which, by virtue of design, location, extent of connectivity or potential connectivity, and allowable uses, provides nonmotorized transportation opportunities for bicyclists and pedestrians statewide between and within a wide range of points of origin



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40 and destinations, including, but not limited to, communities,
41 conservation areas, state parks, beaches, and other natural or
42 cultural attractions for a variety of trip purposes, including
43 work, school, shopping, and other personal business, as well as
44 social, recreational, and personal fitness purposes.

45 (3) Network components do not include sidewalks, nature
46 trails, loop trails wholly within a single park or natural area,
47 or on-road facilities, such as bicycle lanes or routes other
48 than:

49 (a) On-road facilities that are no longer than one-half
50 mile connecting two or more nonmotorized trails, if the
51 provision of a non-motorized trail without the use of the on-
52 road facility is not feasible, and if such on-road facilities
53 are signed and marked for nonmotorized use; or

54 (b) On-road components of the Florida Keys Overseas
55 Heritage Trail.

56 (4) The planning, development, operation, and maintenance
57 of the Florida Shared-Use Nonmotorized Trail Network is declared
58 to be a public purpose, and the department, together with other
59 agencies of this state and all counties, municipalities, and
60 special districts of this state, may spend public funds for such
61 purposes and accept gifts and grants of funds, property, or
62 property rights from public or private sources to be used for
63 such purposes.

64 (5) The department shall include the Florida Shared-Use
65 Nonmotorized Trail Network in its work program developed
66 pursuant to s. 339.135. For purposes of funding and maintaining
67 projects within the network, the department shall allocate in
68 its program and resource plan a minimum of \$50 million annually,



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beginning in the 2015-2016 fiscal year.

(6) The department may enter into a memorandum of agreement with a local government or other agency of the state to transfer maintenance responsibilities of an individual network component. The department may contract with a not-for-profit entity or private sector business or entity to provide maintenance services on an individual network component.

(7) The department may adopt rules to aid in the development and maintenance of components of the network.

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

And the title is amended as follows:

Delete lines 226 - 231

and insert:

creating the Florida Shared-Use Nonmotorized Trail Network; specifying the composition of the network; requiring the network to be included in the Department of Transportation's work program; declaring the planning, development, operation, and maintenance of the network to be a public purpose; authorizing the department to transfer maintenance responsibilities to local governments or other state agencies and contract with not-for-profit or private sector entities to provide maintenance services; requiring funding to be allocated to the Florida Shared-Use Nonmotorized Trail Network in the program and resource plan of the department; authorizing the department to adopt rules; creating s. 339.82, F.S.; directing



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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Diaz de la Portilla) recommended the
following:

Senate Amendment (with title amendment)

Between lines 2743 and 2744
insert:

Section 57. Subsection (4) is added to section 526.304,
Florida Statutes, to read:

526.304 Predatory practices unlawful; exceptions.—
(4) After October 1, 2015, no producer, refiner, or
subsidiary of any producer or refiner may operate with company



398410

personnel any retail outlet selling petroleum products under its
own brand or a secondary brand. A violation of this subsection
is subject to injunctive relief under ss. 526.311 and 526.312.

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

And the title is amended as follows:

 Delete line 299

and insert:

 345.0014, F.S.; providing applicability; amending s.
 526.304, F.S.; prohibiting producers or refiners or
 their subsidiaries from operating petroleum retail
 outlets under certain circumstances; providing for
 injunctive relief; providing



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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Diaz de la Portilla) recommended the
following:

**Senate Amendment to Amendment (398410) (with directory and
title amendments)**

Between lines 12 and 13
insert:

(5) A wholesaler or dealer may terminate, without cause and
upon a 30-day written notice, a franchise relationship with a
refiner who, including through an affiliate or agent, engages in
the sale of motor fuel at any retail outlet in the same county



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in which the wholesaler or dealer resells. Termination of the franchise relationship shall also result in, without limitation, termination of any restriction on the wholesaler's or dealer's motor fuel sales arising from the franchise relationship.

Section 58. Subsection (10) of section 526.303, Florida Statutes, is amended to read:

526.303 Definitions.—As used in this act:

(10) "Refiner" means any person engaged in the refining of crude oil to produce motor fuel, and includes any affiliate of such person ~~who stores or exchanges motor fuel at a terminal facility in this state and who sells or transfers motor fuel through the loading rack at such terminal facility, and includes an affiliate of such refiner with respect to such affiliate's sale of motor fuel.~~

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D I R E C T O R Y C L A U S E A M E N D M E N T
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And the directory clause is amended as follows:

Delete line 5

and insert:

Section 57. Subsections (4) and (5) are added to section 526.304,

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T I T L E A M E N D M E N T
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And the title is amended as follows:

Delete line 22

and insert:

injunctive relief; authorizing a wholesaler or dealer to terminate a franchise relationship with a certain refiner subject to certain requirements; providing



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39 that termination of the franchise relationship shall
40 also result in termination of any restriction on the
41 wholesaler's or dealer's motor fuel sales from the
42 franchise relationship; amending s. 526.303, F.S.;
43 redefining the term "refiner"; providing
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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Diaz de la Portilla) recommended the
following:

Senate Amendment (with title amendment)

Between lines 2743 and 2744
insert:

Section 57. Subsection (10) of section 526.303, Florida
Statutes, is amended to read:

526.303 Definitions.—As used in this act:

(10) "Refiner" means any person engaged in the refining of
crude oil to produce motor fuel, and includes any affiliate of



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~~such person who stores or exchanges motor fuel at a terminal facility in this state and who sells or transfers motor fuel through the loading rack at such terminal facility, and includes an affiliate of such refiner with respect to such affiliate's sale of motor fuel.~~

Section 58. Subsection (4) is added to section 526.304, Florida Statutes, to read:

526.304 Predatory practices unlawful; exceptions.—

(4) A wholesaler or dealer may terminate, without cause and upon a 30-day written notice, a franchise relationship with a refiner who, including through an affiliate or agent, engages in the sale of motor fuel at any retail outlet in the same county in which the wholesaler or dealer resells. Termination of the franchise relationship shall also result in, without limitation, termination of any restriction on the wholesaler's or dealer's motor fuel sales arising from the franchise relationship.

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

And the title is amended as follows:

Delete line 299

and insert:

345.0014, F.S.; providing applicability; amending s. 526.303, F.S.; redefining the term "refiner"; amending s. 526.304, F.S.; authorizing a wholesaler or dealer to terminate a franchise relationship with a certain refiner subject to certain requirements; providing that termination of the franchise relationship shall also result in termination of any restriction on the wholesaler's or dealer's motor fuel sales arising from



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39

the franchise relationship; providing



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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/01/2015	.	
	.	
	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 2814 and 2815
insert:

Section 58. If a municipality or county applies
transportation concurrency, it may not require a developer to
pay a fee for the removal of vegetation within the right-of-way
limits of road improvements for which the developer completed or
contributed funding as required for transportation concurrency
for a development project.



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(2) This section does not affect the ability of a municipality or county to require any tree removal permits or tree removal plans.

(3) As used in this section, the term "fee" does not include any costs associated with applying for a tree removal permit or preparing a tree removal plan.

(4) This section does not affect a municipality's or a county's ability to establish and enforce landscaping requirements.

(5) A municipality or a county may, by majority vote of its governing body, exempt itself from this section.

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

And the title is amended as follows:

Delete line 320

and insert:

Legislature; providing that a municipality or county that applies transportation concurrency may not require a developer to pay a fee for the removal of vegetation within the right-of-way limits of road improvements; defining the term "fee"; providing for a municipality or a county to exempt itself from such provisions; reenacting s. 350.81(6), F.S., relating

By the Committee on Transportation; and Senator Brandes

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A bill to be entitled

An act relating to transportation; amending s. 20.23, F.S.; deleting the requirement that the Secretary of Transportation appoint an inspector general pursuant to s. 20.055, F.S.; deleting the requirement that the district director for the Fort Myers Urban Office of the Department of Transportation be responsible for developing the 5-year Transportation Plan and other duties for specified counties; amending s. 215.82, F.S.; deleting a cross-reference; amending s. 260.0144, F.S.; providing that certain commercial sponsorship may be displayed on state greenway and trail facilities not included within the Florida Shared-Use Nonmotorized Trail Network; deleting provisions relating to the authorization of sponsored state greenways and trails at specified facilities or property; amending s. 311.07, F.S.; increasing the minimum amount that shall be made available annually from the State Transportation Fund to fund the Florida Seaport Transportation and Economic Development Program; amending s. 311.09, F.S.; reducing the number of members of the Florida Seaport Transportation and Economic Development Council; removing Port Citrus from the council membership; increasing the amount per year the department must include in its annual legislative budget request for the Florida Seaport Transportation and Economic Development Program; deleting obsolete language; amending s. 316.003, F.S.; defining and redefining terms; amending s. 316.0895,

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F.S.; providing that provisions prohibiting a driver from following certain vehicles within a certain distance do not apply to truck tractor-semitrailer combinations under certain conditions; providing for financial responsibility; amending s. 316.130, F.S.; revising traffic regulations relating to pedestrians crossing roadways; amending s. 316.303, F.S.; providing exceptions to the prohibition of certain television-type receiving equipment and certain electronic displays in vehicles; amending s. 316.515, F.S.; extending the allowable length of certain semitrailers authorized to operate on public roads under certain conditions; authorizing the Department of Transportation to permit truck tractor-semitrailer combinations where the total number of overwidth deliveries of manufactured buildings may be reduced by the transport of multiple sections or single units on an overlength trailer of no more than a specified length under certain circumstances; amending s. 316.545, F.S.; providing a specified penalty for commercial motor vehicles that obtain temporary registration permits entering the state at, or operating on designated routes to, a port-of-entry location; amending s. 333.01, F.S.; defining and redefining terms; amending s. 333.025, F.S.; revising requirements relating to securing a permit for the proposed construction or alteration of structures that would exceed specified federal obstruction standards; requiring such permits only within an airport hazard

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area if the proposed construction is within a set radius of a certain airport reference point; providing that existing, planned, and proposed facilities at public-use airports contained in certain plans or documents will be protected from structures that exceed federal obstruction standards; providing that a permit is not required when political subdivisions have adopted adequate airport protection zoning regulations and have established a permitting process, subject to certain requirements; providing for a review period by the department to run concurrent with such permitting process, subject to certain requirements and exemptions; specifying certain factors the department shall consider in determining whether to issue or deny a permit; directing the department to require an owner of a permitted obstruction or vegetation to install, operate, and maintain marking and lighting subject to certain requirements; prohibiting a permit from being approved solely on the basis that a proposed structure will not exceed specified federal obstruction standards; providing certain administrative review for the denial of a permit; amending s. 333.03, F.S.; revising the requirements relating to the adoption of airport protection zoning regulations by certain political subdivisions; revising the requirements of such adopted airport protection zoning regulations; providing that the department is available to assist political subdivisions with regard to federal

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obstruction standards; revising requirements relating to airport land use compatibility zoning regulations that address, at a minimum, landfill locations and noise contours; requiring adoption of airport zoning regulations that restrict substantial modifications to existing incompatible uses within runway protection zones; requiring that updates and amendments to local airport zoning codes, rules, and regulations be filed with the department within a certain time after adoption; revising requirements relating to educational structures or sites; providing that a governing body operating a public-use airport may establish more restrictive airport protection zoning regulations for certain purposes; amending s. 333.04, F.S.; revising provisions relating to comprehensive plan or policy regulations, including airport protection zoning regulations under certain circumstances; amending s. 333.05, F.S.; revising provisions relating to the procedure for adoption, amendment, or deletion of airport zoning regulations; revising provisions relating to airport zoning commissions; amending s. 333.06, F.S.; revising provisions relating to airport zoning requirements, and airport master plans that are prepared by certain public-use airports; repealing s. 333.065, F.S., relating to guidelines regarding land use near airports; amending s. 333.07, F.S.; revising provisions relating to permits for use of structures or vegetation in violation of airport protection

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117 zoning regulations; specifying factors a political
118 subdivision or its administrative agency must consider
119 when determining whether to issue or deny a permit;
120 deleting provisions relating to applying for a
121 variance from zoning regulations; revising provisions
122 relating to obstruction marking and lighting
123 requirements when a political subdivision or its
124 administrative agency issues a permit; repealing s.
125 333.08, F.S., relating to appeals in regard to airport
126 zoning regulations; amending s. 333.09, F.S.;
127 requiring all airport zoning regulations to provide
128 for the administration and enforcement of such
129 regulations by the affected political subdivisions or
130 an administrative agency created by the subdivisions;
131 requiring a political subdivision that must adopt
132 airport zoning regulations to provide a permitting
133 process subject to certain requirements and
134 exceptions; providing for an appeals process for
135 decisions in the administration of airport zoning
136 regulations, subject to certain requirements;
137 repealing s. 333.10, F.S., relating to boards of
138 adjustment provided for by all airport zoning
139 regulations; amending s. 333.11, F.S.; revising
140 provisions relating to judicial review for decisions
141 made by any governing body of a political subdivision,
142 joint airport zoning board, or administrative agency;
143 requiring the appellant to exhaust all its remedies
144 through application for local government permits,
145 exceptions, and appeals before judicial appeal is

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permitted; amending s. 333.12, F.S.; revising provisions relating to the acquisition of air rights; providing that a certain political subdivision may acquire air right, avigation easement, other estate, or interest in a nonconforming structure or use that presents an air hazard and cannot be removed, lowered, or otherwise terminated, subject to certain requirements; creating s. 333.135, F.S.; requiring that certain airport zoning regulations be amended to conform by a certain date; requiring certain political subdivisions to adopt airport zoning regulations by a certain date; directing the department to administer the permitting process for local governments that have not adopted airport protection zoning regulations; repealing s. 333.14, F.S., relating to a short title; amending s. 334.03, F.S.; redefining the term "511" or "511 services"; deleting the term "interactive voice response"; amending s. 334.044, F.S.; removing the provision of interactive voice response telephone systems accessible via the 511 number that may be included in traveler information systems; removing a requirement that applied uniform standards and criteria for collection and dissemination of traveler information using interactive voice response systems; authorizing the department to assume certain responsibilities under the National Environmental Policy Act with respect to highway projects within the state and certain related responsibilities relating to review or approval of a highway project; authorizing

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the department to enter into certain agreements related to the federal surface transportation project delivery program under certain federal law; authorizing the department to adopt implementing rules; authorizing the department to adopt certain relevant federal environmental standards; providing a limited waiver of sovereign immunity to civil suit in federal court consistent with certain federal law; amending s. 334.60, F.S.; revising provisions relating to the 511 traveler information system; amending s. 335.065, F.S.; deleting provisions relating to certain commercial sponsorship displays on multiuse trails and related facilities; deleting provisions relating to funding a statewide system of interconnected multiuse trails; creating s. 335.21, F.S.; requiring the governing body of any independent special district created to regulate the operation of public vehicles on public highways to consist of a certain number of members; providing appointment requirements for such members; providing exceptions; amending s. 338.165, F.S.; removing an option to issue certain bonds secured by toll revenues collected on the Beeline-East Expressway and the Navarre Bridge; amending s. 338.227, F.S.; providing that bonds issued are not required to be validated pursuant to ch. 75, F.S., but may be validated at the option of the Division of Bond Finance; providing filing, notice, and service requirements relating to complaints for such validation; amending s. 338.231, F.S.; increasing the

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number of years before an inactive prepaid toll account shall be presumed unclaimed; deleting provisions relating to using the revenues from the turnpike system to pay the principal and interest of a specified series of bonds and certain expenses of the Sawgrass Expressway; amending s. 339.175, F.S.; requiring certain long-range transportation plans to include assessment of capital investment and other measures necessary to make the most efficient use of existing transportation facilities to improve safety; requiring the assessments to include consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology; amending s. 339.64, F.S.; requiring the Department of Transportation to coordinate with certain partners and industry representatives to consider infrastructure and technological improvements necessary to accommodate advances in vehicle technology in Strategic Intermodal System facilities; requiring the Strategic Intermodal System Plan to include a needs assessment regarding such infrastructure and technological improvements; creating s. 339.81, F.S.; creating the Florida Shared-Use Nonmotorized Trail Network; specifying the composition, purpose, and requirements of the network; authorizing the department certain powers related to the planning, development, operation, and maintenance of the network; creating s. 339.82, F.S.; directing the department to develop a Shared-Use Nonmotorized

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Trail Network Plan, subject to certain requirements;
creating s. 339.83, F.S.; creating a trail sponsorship
program, subject to certain requirements and
restrictions; directing the Office of Economic and
Demographic Research to evaluate and determine the
economic benefits of the state's investment in the
Department of Transportation's adopted work program
for a certain timeframe, subject to certain
requirements; directing the Department of
Transportation and each of its district offices to
provide the Office of Economic and Demographic
Research full access to certain data; requiring the
Office of Economic and Demographic Research to submit
the analysis to the Legislature by a certain date;
repealing s. 341.0532, F.S., relating to statewide
transportation corridors; providing a directive to the
Division of Law Revision and Information; creating s.
345.0001, F.S.; providing a short title; creating s.
345.0002, F.S.; defining terms; creating s. 345.0003,
F.S.; authorizing certain counties to form the
Northwest Florida Regional Transportation Finance
Authority to construct, maintain, or operate
transportation projects in a given region of the
state; specifying procedural requirements; creating s.
345.0004, F.S.; specifying the powers and duties of
the authority, subject to certain restrictions;
requiring that the authority comply with certain
reporting and documentation requirements; creating s.
345.0005, F.S.; authorizing the issuing of bonds on

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behalf of the authority under the State Bond Act and
by the authority itself; specifying requirements and
restrictions for such bonds under certain
circumstances; creating s. 345.0006, F.S.; providing
rights and remedies of bondholders; creating s.
345.0007, F.S.; designating the Department of
Transportation as the agent of the authority for
specified purposes; authorizing the administration and
management of projects by the department; limiting the
powers of the department as an agent; establishing the
fiscal responsibilities of the authority; creating s.
345.0008, F.S.; authorizing the department to provide
for or commit its resources for the authority project
or system, if approved by the Legislature, subject to
legislative budget request procedures and prohibitions
and appropriation procedures; authorizing the payment
of expenses incurred by the department on behalf of
the authority; requiring the department to receive a
share of the revenue from the authority; providing
calculations for disbursement of revenues; creating s.
345.0009, F.S.; authorizing the authority to acquire
private or public property and property rights for a
project or plan; establishing the rights and
liabilities and remedial actions relating to property
acquired for a transportation project or corridor;
creating s. 345.001, F.S.; authorizing contracts
between governmental entities and the authority;
creating s. 345.0011, F.S.; pledging that the state
will not limit or alter the vested rights of the

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291 authority or the department with regard to any issued
292 bonds or other rights relating to the bonds if such
293 vested rights affect the rights of bondholders;
294 creating s. 345.0012, F.S.; exempting the authority
295 from certain taxes and assessments; providing
296 exceptions; creating s. 345.0013, F.S.; providing that
297 bonds or obligations issued under this chapter are
298 legal investments for specified entities; creating s.
299 345.0014, F.S.; providing applicability; providing
300 legislative findings and intent relating to
301 transportation funding; directing the Center for Urban
302 Transportation Research to conduct a study on
303 implementing a system in this state which charges
304 drivers based on their vehicle miles traveled as an
305 alternative to the present fuel tax structure to fund
306 transportation projects; specifying requirements of
307 the study; requiring that the findings of the study be
308 presented to the Legislature by a certain date;
309 directing the center, in consultation with the Florida
310 Transportation Commission, to establish the framework
311 for a pilot project that will evaluate the feasibility
312 of implementing a system that charges drivers based on
313 their vehicle miles traveled; specifying requirements
314 for the design of the pilot project framework;
315 authorizing the center to expend up to a certain
316 amount for the study and pilot project design
317 contingent upon legislative appropriation; requiring
318 that the pilot project design be completed by a
319 certain date and submitted in a report to the

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Legislature; reenacting s. 350.81(6), F.S., relating to the definition of the term "airport layout plan," to incorporate the amendment made to s. 333.01, F.S., in a reference thereto; providing an effective date.

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

Section 1. Paragraph (d) of subsection (3) and paragraph (d) of subsection (4) of section 20.23, Florida Statutes, are amended to read:

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

(3)

~~(d) The secretary shall appoint an inspector general pursuant to s. 20.055 who shall be directly responsible to the secretary and shall serve at the pleasure of the secretary.~~

(4)

~~(d) The district director for the Fort Myers Urban Office of the Department of Transportation is responsible for developing the 5-year Transportation Plan for Charlotte, Collier, DeSoto, Glades, Hendry, and Lee Counties. The Fort Myers Urban Office also is responsible for providing policy, direction, local government coordination, and planning for those counties.~~

Section 2. Subsection (2) of section 215.82, Florida Statutes, is amended to read:

215.82 Validation; when required.—

(2) Any bonds issued pursuant to this act which are

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349 validated shall be validated in the manner provided by chapter
350 75. In actions to validate bonds to be issued in the name of the
351 State Board of Education under s. 9(a) and (d), Art. XII of the
352 State Constitution and bonds to be issued pursuant to chapter
353 259, the Land Conservation Act of 1972, the complaint shall be
354 filed in the circuit court of the county where the seat of state
355 government is situated, the notice required to be published by
356 s. 75.06 shall be published only in the county where the
357 complaint is filed, and the complaint and order of the circuit
358 court shall be served only on the state attorney of the circuit
359 in which the action is pending. In any action to validate bonds
360 issued pursuant to s. 1010.62 or issued pursuant to s. 9(a)(1),
361 Art. XII of the State Constitution or issued pursuant to s.
362 215.605 ~~or s. 338.227~~, the complaint shall be filed in the
363 circuit court of the county where the seat of state government
364 is situated, the notice required to be published by s. 75.06
365 shall be published in a newspaper of general circulation in the
366 county where the complaint is filed and in two other newspapers
367 of general circulation in the state, and the complaint and order
368 of the circuit court shall be served only on the state attorney
369 of the circuit in which the action is pending; provided,
370 however, that if publication of notice pursuant to this section
371 would require publication in more newspapers than would
372 publication pursuant to s. 75.06, such publication shall be made
373 pursuant to s. 75.06.

374 Section 3. Section 260.0144, Florida Statutes, is amended
375 to read:

376 260.0144 Sponsorship of state greenways and trails.—The
377 department may enter into a concession agreement with a not-for-

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profit entity or private sector business or entity for commercial sponsorship to be displayed on state greenway and trail facilities not included within the Florida Shared-Use Nonmotorized Trail Network established in chapter 339 ~~or property specified in this section~~. The department may establish the cost for entering into a concession agreement.

(1) A concession agreement shall be administered by the department and must include the requirements found in this section.

(2)(a) Space for a commercial sponsorship display may be provided through a concession agreement on certain state-owned greenway or trail facilities or property.

(b) Signage or displays erected under this section shall comply with the provisions of s. 337.407 and chapter 479, and shall be limited as follows:

1. One large sign or display, not to exceed 16 square feet in area, may be located at each trailhead or parking area.

2. One small sign or display, not to exceed 4 square feet in area, may be located at each designated trail public access point.

(c) Before installation, each name or sponsorship display must be approved by the department.

(d) The department shall ensure that the size, color, materials, construction, and location of all signs are consistent with the management plan for the property and the standards of the department, do not intrude on natural and historic settings, and contain only a logo selected by the sponsor and the following sponsorship wording:

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... (Name of the sponsor) ... proudly sponsors the costs of maintaining the ... (Name of the greenway or trail)

~~(e) Sponsored state greenways and trails are authorized at the following facilities or property:~~

- ~~1. Florida Keys Overseas Heritage Trail.~~
- ~~2. Blackwater Heritage Trail.~~
- ~~3. Tallahassee St. Marks Historic Railroad State Trail.~~
- ~~4. Nature Coast State Trail.~~
- ~~5. Withlacoochee State Trail.~~
- ~~6. General James A. Van Fleet State Trail.~~
- ~~7. Palatka-Lake Butler State Trail.~~

(e)~~(f)~~ The department may enter into commercial sponsorship agreements for other state greenways or trails as authorized in this section. A qualified entity that desires to enter into a commercial sponsorship agreement shall apply to the department on forms adopted by department rule.

(f)~~(g)~~ All costs of a display, including development, construction, installation, operation, maintenance, and removal costs, shall be paid by the concessionaire.

(3) A concession agreement shall be for a minimum of 1 year, but may be for a longer period under a multiyear agreement, and may be terminated for just cause by the department upon 60 days' advance notice. Just cause for termination of a concession agreement includes, but is not limited to, violation of the terms of the concession agreement or any provision of this section.

(4) Commercial sponsorship pursuant to a concession

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436 agreement is for public relations or advertising purposes of the
437 not-for-profit entity or private sector business or entity, and
438 may not be construed by that not-for-profit entity or private
439 sector business or entity as having a relationship to any other
440 actions of the department.

441 (5) This section does not create a proprietary or
442 compensable interest in any sign, display site, or location.

443 (6) Proceeds from concession agreements shall be
444 distributed as follows:

445 (a) Eighty-five percent shall be deposited into the
446 appropriate department trust fund that is the source of funding
447 for management and operation of state greenway and trail
448 facilities and properties.

449 (b) Fifteen percent shall be deposited into the State
450 Transportation Trust Fund for use in the Traffic and Bicycle
451 Safety Education Program and the Safe Paths to School Program
452 administered by the Department of Transportation.

453 (7) The department may adopt rules to administer this
454 section.

455 Section 4. Subsection (2) of section 311.07, Florida
456 Statutes, is amended to read:

457 311.07 Florida seaport transportation and economic
458 development funding.—

459 (2) A minimum of \$25 ~~\$15~~ million per year shall be made
460 available from the State Transportation Trust Fund to fund the
461 Florida Seaport Transportation and Economic Development Program.
462 The Florida Seaport Transportation and Economic Development
463 Council created in s. 311.09 shall develop guidelines for
464 project funding. Council staff, the Department of

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Transportation, and the Department of Economic Opportunity shall work in cooperation to review projects and allocate funds in accordance with the schedule required for the Department of Transportation to include these projects in the tentative work program developed pursuant to s. 339.135(4).

Section 5. Subsections (1), (9), and (12) of section 311.09, Florida Statutes, are amended to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(1) The Florida Seaport Transportation and Economic Development Council is created within the Department of Transportation. The council consists of the following 16 ~~17~~ members: the port director, or the port director's designee, of each of the ports of Jacksonville, Port Canaveral, ~~Port Citrus,~~ Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina; the secretary of the Department of Transportation or his or her designee; and the director of the Department of Economic Opportunity or his or her designee.

(9) The Department of Transportation shall include at least \$25 ~~no less than \$15~~ million per year in its annual legislative budget request for the Florida Seaport Transportation and Economic Development Program funded under s. 311.07. Such budget shall include funding for projects approved by the council which have been determined by each agency to be consistent. The department shall include the specific approved Florida Seaport Transportation and Economic Development Program projects to be funded under s. 311.07 during the ensuing fiscal year in the tentative work program developed pursuant to s. 339.135(4). The

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total amount of funding to be allocated to Florida Seaport Transportation and Economic Development Program projects under s. 311.07 during the successive 4 fiscal years shall also be included in the tentative work program developed pursuant to s. 339.135(4). The council may submit to the department a list of approved projects that could be made production-ready within the next 2 years. The list shall be submitted by the department as part of the needs and project list prepared pursuant to s. 339.135(2)(b). However, the department shall, upon written request of the Florida Seaport Transportation and Economic Development Council, submit work program amendments pursuant to s. 339.135(7) to the Governor within 10 days after the later of the date the request is received by the department or the effective date of the amendment, termination, or closure of the applicable funding agreement between the department and the affected seaport, as required to release the funds from the existing commitment. Notwithstanding s. 339.135(7)(c), any work program amendment to transfer prior year funds from one approved seaport project to another seaport project is subject to the procedures in s. 339.135(7)(d). Notwithstanding any provision of law to the contrary, the department may transfer unexpended budget between the seaport projects as identified in the approved work program amendments.

~~(12) Until July 1, 2014, Citrus County may apply for a grant through the Florida Seaport Transportation and Economic Development Council to perform a feasibility study regarding the establishment of a port in Citrus County. The council shall evaluate such application pursuant to subsections (5)-(8) and, if approved, the Department of Transportation shall include the~~

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~~feasibility study in its budget request pursuant to subsection (9). If the study determines that a port in Citrus County is not feasible, the membership of Port Citrus on the council shall terminate.~~

Section 6. Subsections (6), (47), and present subsection (90) of section 316.003, Florida Statutes, are amended, present subsections (91), (92), and (93) of that section are redesignated as subsections (93), (95), and (96), respectively, and new subsections (90), (92), and (94) are added to that section, 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:

(6) CROSSWALK.—

(a) Unmarked crosswalk.—An unmarked part of the roadway at an intersection used by pedestrians for crossing the roadway
~~That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.~~

(b) Marked crosswalk.—Pavement marking lines on the roadway surface, which may include contrasting pavement texture, style, or colored portions of the roadway at an intersection used by pedestrians for crossing the roadway
~~Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.~~

(c) Midblock crosswalk.—A location between intersections where the roadway surface is marked by pavement marking lines,

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552 which may include contrasting pavement texture, style or colored
553 portion of the roadway at a signalized or unsignalized crosswalk
554 used for pedestrian roadway crossings and may include a
555 pedestrian refuge island.

556 (47) SIDEWALK.—That portion of a street ~~between the~~
557 ~~curbline, or the lateral line, of a roadway and the adjacent~~
558 ~~property lines,~~ intended for use by pedestrians, adjacent to the
559 roadway between the curb or edge of the roadway and the property
560 line.

561 (90) AUTONOMOUS TECHNOLOGY.—Technology installed on a motor
562 vehicle which has the capability to drive the vehicle on which
563 the technology is installed without the active control of or
564 monitoring by a human operator.

565 ~~(91)(90)~~ AUTONOMOUS VEHICLE.—Any vehicle equipped with
566 autonomous technology. ~~The term "autonomous technology" means~~
567 ~~technology installed on a motor vehicle that has the capability~~
568 ~~to drive the vehicle on which the technology is installed~~
569 ~~without the active control or monitoring by a human operator.~~
570 The term excludes a motor vehicle enabled with active safety
571 systems or driver assistance systems, including, without
572 limitation, a system to provide electronic blind spot
573 assistance, crash avoidance, emergency braking, parking
574 assistance, adaptive cruise control, lane keep assistance, lane
575 departure warning, or traffic jam and queuing assistant, unless
576 any such system alone or in combination with other systems
577 enables the vehicle on which the technology is installed to
578 drive without the active control or monitoring by a human
579 operator.

580 (92) DRIVER-ASSISTIVE TRUCK PLATOONING TECHNOLOGY.—Vehicle

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581 automation technology that integrates sensor array, wireless
582 communications, vehicle controls, and specialized software to
583 synchronize acceleration and braking between up to two truck
584 tractor-semitrailer combinations, while leaving each vehicle's
585 steering control and systems command in the control of the
586 vehicle's driver.

587 (94) PORT-OF-ENTRY.—A designated location that allows
588 drivers of commercial motor vehicles to purchase temporary
589 registration permits necessary to operate legally within the
590 state. The locations and the designated routes to such locations
591 shall be determined by the Department of Transportation.

592 Section 7. Subsection (2) of section 316.0895, Florida
593 Statutes, is amended to read:

594 316.0895 Following too closely.—

595 (2) It is unlawful for the driver of any motor truck, motor
596 truck drawing another vehicle, or vehicle towing another vehicle
597 or trailer, when traveling upon a roadway outside of a business
598 or residence district, to follow within 300 feet of another
599 motor truck, motor truck drawing another vehicle, or vehicle
600 towing another vehicle or trailer. The provisions of this
601 subsection shall not be construed to prevent overtaking and
602 passing nor shall the same apply upon any lane specially
603 designated for use by motor trucks or other slow-moving
604 vehicles. This subsection does not apply to two truck tractor-
605 semitrailer combinations equipped and connected with driver-
606 assistive truck-platooning technology, as defined in s. 316.003,
607 and operating on a multilane limited access facility, if the
608 owner or operator complies with the financial responsibility
609 requirement of s. 316.86.

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610 Section 8. Paragraphs (b) and (c) of subsection (7) of
611 section 316.130, Florida Statutes, are amended to read:

612 316.130 Pedestrians; traffic regulations.—

613 (7)

614 (b) The driver of a vehicle at any crosswalk location where
615 the approach is not controlled by a traffic signal or stop sign
616 must ~~signage so indicates shall~~ stop and remain stopped to allow
617 a pedestrian to cross a roadway when the pedestrian is in the
618 crosswalk or steps into the crosswalk and is upon the half of
619 the roadway upon which the vehicle is traveling or turning, or
620 when the pedestrian is approaching so closely from the opposite
621 half of the roadway as to be in danger. Any pedestrian crossing
622 a roadway at a point where a pedestrian tunnel or overhead
623 pedestrian crossing has been provided must yield the right-of-
624 way to all vehicles upon the roadway.

625 ~~(c) When traffic control signals are not in place or in~~
626 ~~operation and there is no signage indicating otherwise, the~~
627 ~~driver of a vehicle shall yield the right-of-way, slowing down~~
628 ~~or stopping if need be to so yield, to a pedestrian crossing the~~
629 ~~roadway within a crosswalk when the pedestrian is upon the half~~
630 ~~of the roadway upon which the vehicle is traveling or when the~~
631 ~~pedestrian is approaching so closely from the opposite half of~~
632 ~~the roadway as to be in danger. Any pedestrian crossing a~~
633 ~~roadway at a point where a pedestrian tunnel or overhead~~
634 ~~pedestrian crossing has been provided shall yield the right-of-~~
635 ~~way to all vehicles upon the roadway.~~

636 Section 9. Subsections (1) and (3) of section 316.303,
637 Florida Statutes, are amended to read:

638 316.303 Television receivers.—

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(1) No motor vehicle operated on the highways of this state shall be equipped with television-type receiving equipment so located that the viewer or screen is visible from the driver's seat, unless the vehicle is equipped with autonomous technology, as defined in s. 316.003(90), and is being operated in autonomous mode, as provided in s. 316.85(2); or unless the vehicle is equipped and operating with driver-assistive truck-platooning technology, as defined in s. 316.003(92).

(3) This section does not prohibit the use of an electronic display used in conjunction with a vehicle navigation system; or an electronic display used by an operator of a vehicle equipped with autonomous technology, as defined in s. 316.003(90), while the vehicle is being operated in autonomous mode, as provided in s. 316.85(2); or an electronic display used by the operator of a vehicle equipped and operating with driver-assistive truck platooning technology, as defined in s. 316.003(92).

Section 10. Paragraph (b) of subsection (3) and subsection (14) of section 316.515, Florida Statutes, are amended to read:
316.515 Maximum width, height, length.—

(3) LENGTH LIMITATION.—Except as otherwise provided in this section, length limitations apply solely to a semitrailer or trailer, and not to a truck tractor or to the overall length of a combination of vehicles. No combination of commercial motor vehicles coupled together and operating on the public roads may consist of more than one truck tractor and two trailing units. Unless otherwise specifically provided for in this section, a combination of vehicles not qualifying as commercial motor vehicles may consist of no more than two units coupled together; such nonqualifying combination of vehicles may not exceed a

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total length of 65 feet, inclusive of the load carried thereon,
but exclusive of safety and energy conservation devices approved
by the department for use on vehicles using public roads.

Notwithstanding any other provision of this section, a truck
tractor-semitrailer combination engaged in the transportation of
automobiles or boats may transport motor vehicles or boats on
part of the power unit; and, except as may otherwise be mandated
under federal law, an automobile or boat transporter semitrailer
may not exceed 50 feet in length, exclusive of the load;

however, the load may extend up to an additional 6 feet beyond
the rear of the trailer. The 50-foot length limitation does not
apply to non-stinger-steered automobile or boat transporters
that are 65 feet or less in overall length, exclusive of the
load carried thereon, or to stinger-steered automobile or boat
transporters that are 75 feet or less in overall length,
exclusive of the load carried thereon. For purposes of this
subsection, a "stinger-steered automobile or boat transporter"
is an automobile or boat transporter configured as a semitrailer
combination wherein the fifth wheel is located on a drop frame
located behind and below the rearmost axle of the power unit.

Notwithstanding paragraphs (a) and (b), any straight truck or
truck tractor-semitrailer combination engaged in the
transportation of horticultural trees may allow the load to
extend up to an additional 10 feet beyond the rear of the
vehicle, provided said trees are resting against a retaining bar
mounted above the truck bed so that the root balls of the trees
rest on the floor and to the front of the truck bed and the tops
of the trees extend up over and to the rear of the truck bed,
and provided the overhanging portion of the load is covered with

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protective fabric.

(b) *Semitrailers.*—

1. A semitrailer operating in a truck tractor-semitrailer combination may not exceed 48 feet in extreme overall outside dimension, measured from the front of the unit to the rear of the unit and the load carried thereon, exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads, unless it complies with subparagraph 2. A semitrailer which exceeds 48 feet in length and is used to transport divisible loads may operate in this state only if issued a permit under s. 316.550 and if such trailer meets the requirements of this chapter relating to vehicle equipment and safety. Except for highways on the tandem trailer truck highway network, public roads deemed unsafe for longer semitrailer vehicles or those roads on which such longer vehicles are determined not to be in the interest of public convenience shall, in conformance with s. 316.006, be restricted by the Department of Transportation or by the local authority to use by semitrailers not exceeding a length of 48 feet, inclusive of the load carried thereon but exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. Truck tractor-semitrailer combinations shall be afforded reasonable access to terminals; facilities for food, fuel, repairs, and rest; and points of loading and unloading.

2. A semitrailer which is more than 48 feet but not more than 57 ~~53~~ feet in extreme overall outside dimension, as measured pursuant to subparagraph 1., may operate on public roads, except roads on the State Highway System which are

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restricted by the Department of Transportation or other roads
restricted by local authorities, if:

a. The distance between the kingpin or other peg that locks
into the fifth wheel of a truck tractor and the center of the
rear axle or rear group of axles does not exceed 41 feet, or, in
the case of a semitrailer used exclusively or primarily to
transport vehicles in connection with motorsports competition
events, the distance does not exceed 46 feet from the kingpin to
the center of the rear axles; and

b. It is equipped with a substantial rear-end underride
protection device meeting the requirements of 49 C.F.R. s.
393.86, "Rear End Protection."

(14) MANUFACTURED BUILDINGS.—The Department of
Transportation may, in its discretion and upon application and
good cause shown therefor that the same is not contrary to the
public interest, issue a special permit for truck tractor-
semitrailer combinations where the total number of overwidth
deliveries of manufactured buildings, as defined in s.
553.36(13), may be reduced by permitting the use of multiple
sections or single units on an overlength trailer of no more
than 80 ~~54~~ feet.

Section 11. Paragraph (b) of subsection (2) of section
316.545, Florida Statutes, is amended to read:

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

(2)

(b) The officer or inspector shall inspect the license
plate or registration certificate of the commercial vehicle, as
defined in s. 316.003(66), to determine if its gross weight is

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in compliance with the declared gross vehicle weight. If its gross weight exceeds the declared weight, the penalty shall be 5 cents per pound on the difference between such weights. In those cases when the commercial vehicle, as defined in s. 316.003(66), is being operated over the highways of the state with an expired registration or with no registration from this or any other jurisdiction or is not registered under the applicable provisions of chapter 320, the penalty herein shall apply on the basis of 5 cents per pound on that scaled weight which exceeds 35,000 pounds on laden truck tractor-semitrailer combinations or tandem trailer truck combinations, 10,000 pounds on laden straight trucks or straight truck-trailer combinations, or 10,000 pounds on any unladen commercial motor vehicle. A commercial motor vehicle entering the state at a designated port-of-entry location, as defined in s. 316.003(94), or operating on designated routes to a port-of-entry location, which obtains a temporary registration permit shall be assessed a penalty limited to the difference between its gross weight and the declared gross vehicle weight at 5 cents per pound. If the license plate or registration has not been expired for more than 90 days, the penalty imposed under this paragraph may not exceed \$1,000. In the case of special mobile equipment as defined in s. 316.003(48), which qualifies for the license tax provided for in s. 320.08(5)(b), being operated on the highways of the state with an expired registration or otherwise not properly registered under the applicable provisions of chapter 320, a penalty of \$75 shall apply in addition to any other penalty which may apply in accordance with this chapter. A vehicle found in violation of this section may be detained until the owner or

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operator produces evidence that the vehicle has been properly registered. Any costs incurred by the retention of the vehicle shall be the sole responsibility of the owner. A person who has been assessed a penalty pursuant to this paragraph for failure to have a valid vehicle registration certificate pursuant to the provisions of chapter 320 is not subject to the delinquent fee authorized in s. 320.07 if such person obtains a valid registration certificate within 10 working days after such penalty was assessed.

Section 12. Section 333.01, Florida Statutes, is amended to read:

333.01 Definitions.—For the purpose of this chapter, the following words, terms, and phrases shall have the following meanings ~~herein given, unless otherwise specifically defined, or unless another intention clearly appears, or the context otherwise requires:~~

(1) "Aeronautical study" means a Federal Aviation Administration review conducted pursuant to 14 C.F.R. part 77, concerning the effect of proposed construction or alteration on the use of air navigation facilities or navigable airspace by aircraft. ~~"Aeronautics" means transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports, restricted landing areas, or other air navigation facilities, and air instruction.~~

(2) "Airport" means any area of land or water designed and set aside for the landing and taking off of aircraft and

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utilized or to be utilized in the interest of the public for such purpose.

(3) "Airport hazard" means any obstruction that exceeds ~~structure or tree or use of land which would exceed~~ the federal obstruction standards as contained in 14 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and 77.23 ~~77.21, 77.23, 77.25, 77.28, and 77.29~~ and which obstructs the airspace required for the flight of aircraft in taking off, maneuvering, or landing, or that is otherwise hazardous to such taking off, maneuvering, or landing of aircraft and for which no person has ~~previously~~ obtained a permit ~~or variance~~ pursuant to s. 333.025 or s. 333.07.

(4) "Airport hazard area" means any area of land or water upon which an airport hazard might be established ~~if not prevented as provided in this chapter.~~

(5) "Airport land use compatibility zoning" means airport zoning regulations governing ~~restricting~~ the use of land adjacent to or in the immediate vicinity of airports in the manner provided ~~enumerated~~ in ss. 333.03(2) ~~s. 333.03(2) to~~ activities and (3) purposes compatible with the continuation of ~~normal airport operations including landing and takeoff of~~ aircraft in order to promote public health, safety, and general welfare.

(6) "Airport layout plan" means a scaled ~~detailed, scale~~ ~~engineering~~ drawing or set of drawings in either paper or ~~electronic form of the existing, including pertinent dimensions,~~ of an airport's current and planned airport facilities which ~~provides a graphic representation of the existing and long-term~~ development plan for the airport and demonstrates the preservation and continuity of safety, utility, and efficiency

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of the airport, ~~their locations, and runway usage.~~

(7) "Airport master plan" means a comprehensive plan for an airport that describes the immediate and long-term development plans to meet future aviation demand.

(8) "Airport protection zoning" means airport zoning regulations governing airport hazards in the manner provided in s. 333.03.

(9) "Department" means the Department of Transportation as created by s. 20.23.

(10) "Educational facility" means any structure, land, or use thereof that includes a public or private kindergarten through grade 12 school, charter school, magnet school, college campus, or university campus. Space used for educational purposes within a multitenant building may not be treated as an educational facility for the purpose of this chapter.

(11) "Landfill" has the same meaning as in s. 403.703.

(12) ~~(7)~~ "Obstruction" means any object of natural growth, terrain, or permanent or temporary construction or alteration, including equipment or materials used and any permanent or temporary apparatus, or alteration of any permanent or temporary existing structure by a change in its height, including existing or proposed appurtenances, or lateral dimensions, including equipment or material used therein, which exceeds existing or
~~proposed manmade object or object of natural growth or terrain that violates the standards contained in 14 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and 77.23 77.21, 77.23, 77.25, 77.28, and 77.29.~~

(13) ~~(8)~~ "Person" means any individual, firm, copartnership, corporation, company, association, joint-stock association, or

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body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

(14)~~(9)~~ "Political subdivision" means the local government of any county, city, town, village, or other subdivision or agency thereof, or any district or special district, port commission, port authority, or other such agency authorized to establish or operate airports in the state.

(15) "Public-use airport" means an airport, publicly or privately owned and licensed by the state, which is open for use by the public.

(16)~~(10)~~ "Runway protection clear zone" or "RPZ" means an area at ground level beyond the a runway end which is intended to enhance the safety and protection of people and property on the ground clear zone as defined in 14 C.F.R. s. 151.9(b).

(17)~~(11)~~ "Structure" means any object, constructed, erected, altered, or installed ~~by humans~~, including, but without limitation ~~thereof~~, buildings, towers, smokestacks, utility poles, power generation equipment, and overhead transmission lines.

(18) "Substantial modification" means any repair, reconstruction, rehabilitation, or improvement of a structure when the actual cost of the repair, reconstruction, rehabilitation, or improvement of the structure equals or exceeds 50 percent of the market value of the structure.

~~(12) "Tree" includes any plant of the vegetable kingdom.~~

Section 13. Section 333.025, Florida Statutes, is amended to read:

333.025 Permit required for structures exceeding federal obstruction standards.—

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900 (1) A person proposing the construction or alteration ~~In~~
901 ~~order to prevent the erection of structures~~ hazardous ~~dangerous~~
902 to air navigation, subject to the provisions of subsections (2),
903 (3), and (4), must ~~each person shall~~ secure from the department
904 ~~of Transportation~~ a permit for the proposed construction or
905 ~~erection, alteration, or modification~~ of any structure the
906 result of which would exceed the federal obstruction standards
907 as contained in 14 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and
908 77.23 ~~77.21, 77.23, 77.25, 77.28, and 77.29~~. However, permits
909 from the department ~~of Transportation~~ will be required only
910 within an airport hazard area where federal obstruction
911 standards are exceeded and if the proposed construction is
912 within a 10-nautical-mile radius of the airport reference point,
913 located at the approximate geometric ~~geographical~~ center of all
914 useable runways of public-use airports or ~~a publicly owned or~~
915 ~~operated airport, a military airport, or an airport licensed by~~
916 ~~the state for public use.~~

917 (2) Existing, planned, and proposed ~~Affected airports will~~
918 ~~be considered as having those facilities~~ at public-use airports
919 contained in an ~~which are shown on the~~ airport master plan, on
920 ~~or~~ an airport layout plan submitted to the Federal Aviation
921 Administration Airport District Office, or in comparable
922 military documents, ~~and will be so protected~~ from structures
923 that exceed federal obstruction standards. ~~Planned or proposed~~
924 ~~public-use airports which are the subject of a notice or~~
925 ~~proposal submitted to the Federal Aviation Administration or to~~
926 ~~the Department of Transportation shall also be protected.~~

927 (3) Permit requirements of subsection (1) do ~~shall~~ not
928 apply to structures ~~projects~~ which received construction permits

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929 from the Federal Communications Commission for structures
930 exceeding federal obstruction standards prior to May 20, 1975,
931 ~~provided such structures now exist;~~ nor does subsection (1)
932 ~~shall it~~ apply to previously approved structures now existing,
933 or any necessary replacement or repairs to such existing
934 structures, so long as the height and location is unchanged.

935 (4) When political subdivisions have adopted adequate
936 airport airspace protection zoning regulations in compliance
937 with s. 333.03, and such regulations are on file with the
938 department ~~of Transportation~~, and have established a permitting
939 process in compliance with s. 333.09(2), a permit for such
940 structure shall not be required from the department of
941 Transportation. To evaluate technical consistency with this
942 section, there is a 15-day department review period concurrent
943 with the permitting process prescribed by s. 333.09. Upon
944 receipt of a complete permit application, the local government
945 shall forward to the department's Aviation Office by certified
946 mail, return receipt requested, or by delivery service that
947 provides a receipt evidencing delivery, a copy of the
948 application. Cranes, construction equipment, and other temporary
949 structures, in use or in place for a period not to exceed 18
950 consecutive months, are exempt from this requirement, unless
951 requested by the department's Aviation Office.

952 (5) The department ~~of Transportation~~ shall, within 30 days
953 of the receipt of an application for a permit, issue or deny a
954 permit for the construction or erection, alteration, ~~or~~
955 ~~modification~~ of any structure ~~the result of~~ which would exceed
956 federal obstruction standards as contained in 14 C.F.R. ss.
957 77.15, 77.17, 77.19, 77.21, and 77.23 ~~77.21, 77.23, 77.25,~~

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958 ~~77.28, and 77.29. The department shall review permit~~
959 ~~applications in conformity with s. 120.60.~~

960 (6) In determining whether to issue or deny a permit, the
961 department shall consider:

962 (a) The safety of persons on the ground and in the air ~~The~~
963 ~~nature of the terrain and height of existing structures.~~

964 (b) The safe and efficient use of navigable airspace ~~Public~~
965 ~~and private interests and investments.~~

966 (c) The nature of the terrain and height of existing
967 structures ~~The character of flying operations and planned~~
968 ~~developments of airports.~~

969 (d) Whether the construction of the proposed structure
970 would impact the state licensing standards for a public-use
971 airport, contained in chapter 330 and chapter 14-60, Florida
972 Administrative Code ~~Federal airways as designated by the Federal~~
973 ~~Aviation Administration.~~

974 (e) The character of existing and planned flight operations
975 and developments at public-use airports ~~Whether the construction~~
976 ~~of the proposed structure would cause an increase in the minimum~~
977 ~~descent altitude or the decision height at the affected airport.~~

978 (f) Federal airways; visual flight rules, flyways and
979 corridors; and instrument approaches as designated by the
980 Federal Aviation Administration ~~Technological advances.~~

981 (g) Whether the construction of the proposed structure
982 would cause an increase in the minimum descent altitude or the
983 decision height at the affected airport ~~The safety of persons on~~
984 ~~the ground and in the air.~~

985 (h) The cumulative effects on navigable airspace of all
986 existing structures and all other known and proposed structures

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in the area ~~Land use density~~.

~~(i) The safe and efficient use of navigable airspace.~~

~~(j) The cumulative effects on navigable airspace of all existing structures, proposed structures identified in the applicable jurisdictions' comprehensive plans, and all other known proposed structures in the area.~~

(7) When issuing a permit under this section, the department ~~of Transportation shall, as a specific condition of such permit,~~ require the owner ~~obstruction marking and lighting~~ of the permitted structure or vegetation to install, operate, and maintain thereon, at his or her own expense, marking and lighting in conformance with the specific standards established by the Federal Aviation Administration ~~structure as provided in s. 333.07(3)(b).~~

(8) The department ~~may of Transportation shall~~ not approve a permit for the construction or alteration ~~erection~~ of a structure unless the applicant submits both documentation showing compliance with the federal requirement for notification of proposed construction or alteration and a valid aeronautical study ~~evaluation~~, and no permit shall be approved solely on the basis that such proposed structure will not exceed federal obstruction standards as contained in 14 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, or 77.23 ~~77.21, 77.23, 77.25, 77.28, or 77.29~~, or any other federal aviation regulation.

(9) The denial of a permit under this section is subject to the administrative review provisions of chapter 120.

Section 14. Section 333.03, Florida Statutes, is amended to read:

333.03 Requirement ~~Power~~ to adopt airport zoning

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1016 regulations.—

1017 (1) (a) ~~Every In order to prevent the creation or~~
1018 ~~establishment of airport hazards, every~~ political subdivision
1019 having an airport hazard area within its territorial limits
1020 shall, ~~by October 1, 1977,~~ adopt, administer, and enforce, ~~under~~
1021 ~~the police power and~~ in the manner and upon the conditions
1022 hereinafter prescribed in this section, airport protection
1023 zoning regulations for ~~such~~ airport hazards ~~hazard area~~.

1024 (b) Where an airport is owned or controlled by a political
1025 subdivision and an ~~any~~ airport hazard area ~~appertaining to such~~
1026 ~~airport~~ is located wholly or partly outside the territorial
1027 limits of the ~~said~~ political subdivision, the political
1028 subdivision owning or controlling the airport and any ~~the~~
1029 political subdivision within which the airport hazard area is
1030 located, must ~~shall~~ either:

1031 1. By interlocal agreement, ~~in accordance with the~~
1032 ~~provisions of chapter 163,~~ adopt, administer, and enforce a set
1033 of airport protection zoning regulations applicable to the
1034 airport hazard area ~~in question~~; or

1035 2. By ordinance, regulation, or resolution duly adopted,
1036 create a joint airport zoning board, which must ~~board shall have~~
1037 ~~the same power to~~ adopt, administer, and enforce a set of
1038 airport protection zoning regulations applicable to the airport
1039 hazard area in each ~~question as that vested in paragraph (a) in~~
1040 ~~the~~ political subdivision in ~~within~~ which the airport hazard
1041 ~~such~~ area is located. Each such joint airport zoning board shall
1042 have as members two representatives appointed by each
1043 participating political subdivision ~~participating in its~~
1044 ~~creation~~ and, in addition, a chair elected by a majority of the

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members so appointed. ~~The However, the~~ airport manager or
representative of each airport in ~~managers of the affected~~
participating political subdivisions shall serve on the board in
a nonvoting capacity.

(c) Airport protection zoning regulations adopted under
paragraph (a) must ~~shall~~, at ~~as a~~ minimum, require:

1. A permit ~~variance~~ for the ~~erection, construction or~~
alteration, ~~or modification~~ of any structure that ~~which~~ would
cause the structure to exceed the federal obstruction standards
as contained in 14 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and
77.23. ~~77.21, 77.23, 77.25, 77.28, and 77.29;~~

2. Obstruction marking and lighting for structures
exceeding the federal obstruction standards as contained in 14
C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and 77.23, as specified
in s. 333.07(3). ~~†~~

3. Documentation showing compliance with the federal
requirement for notification of proposed construction or
alteration and a valid aeronautical study ~~evaluation~~ submitted
by each person applying for a permit. ~~variance;~~

4. Consideration of the criteria in s. 333.025(6), when
determining whether to issue or deny a permit. ~~variance; and~~

5. That a permit may not ~~no variance shall~~ be approved
solely on the basis that the ~~such~~ proposed structure will not
exceed federal obstruction standards as contained in 14 C.F.R.
ss. 77.15, 77.17, 77.19, 77.21, or 77.23 ~~77.21, 77.23, 77.25,~~
~~77.28, or 77.29,~~ or any other federal aviation regulation.

(d) The department is available to provide assistance to
political subdivisions with regard to federal obstruction
standards ~~shall issue copies of the federal obstruction~~

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standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29 to each political subdivision having airport hazard areas and, in cooperation with political subdivisions, shall issue appropriate airport zoning maps depicting within each county the maximum allowable height of any structure or tree. Material distributed pursuant to this subsection shall be at no cost to authorized recipients.

(2) In the manner provided in subsection (1), interim airport land use compatibility zoning regulations must ~~shall~~ be adopted, administered, and enforced. Airport land-use compatibility zoning ~~When political subdivisions have adopted land development~~ regulations must, at a minimum, ~~in accordance with the provisions of chapter 163 which address the use of land in the manner consistent with the provisions herein, adoption of airport land use compatibility regulations pursuant to this subsection shall not be required.~~ Interim airport land use compatibility zoning regulations shall consider the following:

(a) Prohibiting any new and restricting any existing ~~Whether sanitary~~ landfills are located within the following areas:

1. Within 10,000 feet from the nearest point of any runway used or planned to be used by turbine ~~turbojet or turboprop~~ aircraft.

2. Within 5,000 feet from the nearest point of any runway used only by nonturbine ~~piston-type~~ aircraft.

3. Outside the perimeters defined in subparagraphs 1. and 2., but still within the lateral limits of the civil airport imaginary surfaces defined in 14 C.F.R. part 77.19 ~~77.25~~. Case-by-case review of such landfills is advised.

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1103 (b) Where ~~Whether~~ any landfill is located and constructed
1104 so that it attracts or sustains hazardous bird movements from
1105 feeding, water, or roosting areas into, or across, the runways
1106 or approach and departure patterns of aircraft, ~~the political~~
1107 ~~subdivision shall request from the airport authority or other~~
1108 ~~governing body operating the airport a report on such bird~~
1109 ~~feeding or roosting areas that at the time of the request are~~
1110 ~~known to the airport. In preparing its report, the authority, or~~
1111 ~~other governing body, shall consider whether the landfill~~
1112 operator will be required to incorporate bird management
1113 techniques or other practices to minimize bird hazards to
1114 airborne aircraft. The airport authority or other governing body
1115 shall respond to the political subdivision no later than 30 days
1116 after receipt of such request.

1117 (c) Where an airport authority or other governing body
1118 operating a ~~publicly owned~~, public-use airport has conducted a
1119 noise study in accordance with the provisions of 14 C.F.R. part
1120 150, or where the public-use airport owner has established noise
1121 contours pursuant to another public study approved by the
1122 Federal Aviation Administration, incompatible uses, as
1123 established in 14 C.F.R. part 150, appendix A noise study, or as
1124 a part of an alternative FAA-approved public study, may not be
1125 permitted within the noise contours established by that study,
1126 except where such use is specifically contemplated by such study
1127 with appropriate mitigation or similar techniques described in
1128 the study ~~neither residential construction nor any educational~~
1129 ~~facility as defined in chapter 1013, with the exception of~~
1130 ~~aviation school facilities, shall be permitted within the area~~
1131 ~~contiguous to the airport defined by an outer noise contour that~~

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1132 ~~is considered incompatible with that type of construction by 14~~
1133 ~~C.F.R. part 150, Appendix A or an equivalent noise level as~~
1134 ~~established by other types of noise studies.~~

1135 (d) Where an airport authority or other governing body
1136 operating a ~~publicly owned~~, public-use airport has not conducted
1137 a noise study, neither residential construction nor any
1138 educational facility ~~as defined in chapter 1013~~, with the
1139 exception of aviation school facilities, shall be permitted
1140 within an area contiguous to the airport measuring one-half the
1141 length of the longest runway on either side of and at the end of
1142 each runway centerline.

1143 (3) In the manner provided in subsection (1), airport
1144 zoning regulations ~~shall be adopted~~ which restrict new
1145 incompatible uses, ~~activities~~, or substantial modifications to
1146 existing incompatible uses ~~construction~~ within runway protection
1147 clear zones shall be adopted ~~, including uses, activities, or~~
1148 ~~construction in runway clear zones which are incompatible with~~
1149 ~~normal airport operations or endanger public health, safety, and~~
1150 ~~welfare by resulting in congregations of people, emissions of~~
1151 ~~light or smoke, or attraction of birds. Such regulations shall~~
1152 ~~prohibit the construction of an educational facility of a public~~
1153 ~~or private school at either end of a runway of a publicly owned,~~
1154 ~~public-use airport within an area which extends 5 miles in a~~
1155 ~~direct line along the centerline of the runway, and which has a~~
1156 ~~width measuring one-half the length of the runway. Exceptions~~
1157 ~~approving construction of an educational facility within the~~
1158 ~~delineated area shall only be granted when the political~~
1159 ~~subdivision administering the zoning regulations makes specific~~
1160 ~~findings detailing how the public policy reasons for allowing~~

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the construction outweigh health and safety concerns prohibiting such a location.

~~(4) The procedures outlined in subsections (1), (2), and (3) for the adoption of such regulations are supplemental to any existing procedures utilized by political subdivisions in the adoption of such regulations.~~

(4)(5) The department of Transportation shall provide technical assistance to any political subdivision requesting assistance in the preparation of an airport zoning regulation code. A copy of all local airport zoning codes, rules, and regulations, and amendments and proposed and granted permits variances thereto, shall be filed with the department. All updates and amendments to local airport zoning codes, rules, and regulations must be filed with the department within 30 days after adoption.

~~(5)(6) Nothing in Subsection (2) and or subsection (3) may not shall be construed to require the removal, alteration, sound conditioning, or other change, or to interfere with the continued use or adjacent expansion of any educational structure or site in existence on July 1, 1993, or be construed to prohibit the construction of any new structure for which a site has been determined as provided in former s. 235.19, as of July 1, 1993.~~

(6) This section may not preclude an airport authority, local government, or other governing body operating a public-use airport from establishing airport protection zoning regulations more restrictive than herein prescribed in order to protect the safety and welfare of the public in the air and on the ground.

Section 15. Section 333.04, Florida Statutes, is amended to

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1190 read:

1191 333.04 Comprehensive zoning regulations; most stringent to
1192 prevail where conflicts occur.—

1193 (1) INCORPORATION.—In the event that a political
1194 subdivision has adopted, or hereafter adopts, a comprehensive
1195 plan or policy ~~zoning ordinance~~ regulating, among other things,
1196 the height of buildings, structures, and natural objects, and
1197 uses of property, any airport zoning regulations applicable to
1198 the same area or portion thereof may be incorporated in and made
1199 a part of such comprehensive plans or policies ~~zoning~~
1200 ~~regulations~~, and be administered and enforced in connection
1201 therewith.

1202 (2) CONFLICT.—In the event of conflict between any airport
1203 zoning regulations adopted under this chapter and any other
1204 regulations applicable to the same area, whether the conflict be
1205 with respect to the height of structures or vegetation ~~trees~~,
1206 the use of land, or any other matter, and whether such
1207 regulations were adopted by the political subdivision which
1208 adopted the airport zoning regulations or by some other
1209 political subdivision, the more stringent limitation or
1210 requirement shall govern and prevail.

1211 Section 16. Section 333.05, Florida Statutes, is amended to
1212 read:

1213 333.05 Procedure for adoption of zoning regulations.—

1214 (1) NOTICE AND HEARING.—~~No~~ Airport zoning regulations may
1215 not ~~shall~~ be adopted, amended, or deleted ~~changed~~ under this
1216 chapter except by action of the legislative body of the
1217 political subdivision ~~in question~~, or the joint board provided
1218 in s. 333.03(1)(b) by the political subdivisions ~~bodies~~ therein

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provided and set forth, after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the hearing shall be published at least once a week for 2 consecutive weeks in an official paper, or a paper of general circulation, in the political subdivision or subdivisions where ~~in which are located~~ the airport zoning regulations are ~~areas~~ to be adopted, amended, or deleted ~~zoned~~.

(2) AIRPORT ZONING COMMISSION.—Prior to the initial zoning of any airport area under this chapter the political subdivision or joint airport zoning board which is to adopt, administer, and enforce the regulations shall appoint a commission, to be known as the airport zoning commission, to recommend the boundaries of the various zones to be established and the regulations to be adopted therefor. Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the legislative body of the political subdivision or the joint airport zoning board shall not hold its public hearings or take any action until it has received the final report of such commission, and at least 15 days shall elapse between the receipt of the final report of the commission and the hearing to be held by the latter board. Where a planning city plan ~~city plan~~ commission, airport commission, or comprehensive zoning commission already exists, it may be appointed as the airport zoning commission.

Section 17. Section 333.06, Florida Statutes, is amended to read:

333.06 Airport zoning requirements.—

(1) REASONABLENESS.—All airport zoning regulations adopted

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1248 under this chapter shall be reasonable and ~~none~~ shall not impose
1249 any requirement or restriction which is not reasonably necessary
1250 to effectuate the purposes of this chapter. In determining what
1251 regulations it may adopt, each political subdivision and joint
1252 airport zoning board shall consider, among other things, the
1253 character of the flying operations expected to be conducted at
1254 the airport, the nature of the terrain within the airport hazard
1255 area and runway protection ~~clear~~ zones, the character of the
1256 neighborhood, the uses to which the property to be zoned is put
1257 and adaptable, and the impact of any new use, activity, or
1258 construction on the airport's operating capability and capacity.

1259 (2) INDEPENDENT JUSTIFICATION.—The purpose of all airport
1260 zoning regulations adopted under this chapter is to provide both
1261 airspace protection and land uses ~~use~~ compatible with airport
1262 operations. Each aspect of this purpose requires independent
1263 justification in order to promote the public interest in safety,
1264 health, and general welfare. Specifically, construction in a
1265 runway protection ~~clear~~ zone which does not exceed airspace
1266 height restrictions is not conclusive ~~evidence per se~~ that such
1267 use, activity, or construction is compatible with airport
1268 operations.

1269 (3) NONCONFORMING USES.—No airport protection zoning
1270 regulations adopted under this chapter shall require the
1271 removal, lowering, or other change or alteration of any
1272 structure or vegetation ~~tree~~ not conforming to the regulations
1273 when adopted or amended, or otherwise interfere with the
1274 continuance of any nonconforming use, except as provided in s.
1275 333.07(1) and (3).

1276 (4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO AFFECTED

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1277 LOCAL GOVERNMENTS.—An airport master plan shall be prepared by
1278 each public-use ~~publicly owned and operated~~ airport licensed by
1279 the department ~~of Transportation~~ under chapter 330. The
1280 authorized entity having responsibility for governing the
1281 operation of the airport, when either requesting from or
1282 submitting to a state or federal governmental agency with
1283 funding or approval jurisdiction a "finding of no significant
1284 impact," an environmental assessment, a site-selection study, an
1285 airport master plan, or any amendment to an airport master plan,
1286 shall submit simultaneously a copy of said request, submittal,
1287 assessment, study, plan, or amendments by certified mail to all
1288 affected local governments. For the purposes of this subsection,
1289 "affected local government" is defined as any city or county
1290 having jurisdiction over the airport and any city or county
1291 located within 2 miles of the boundaries of the land subject to
1292 the airport master plan.

1293 Section 18. Section 333.065, Florida Statutes, is repealed.

1294 Section 19. Section 333.07, Florida Statutes, is amended to
1295 read:

1296 333.07 Local government permitting of airspace obstructions
1297 ~~Permits and variances.—~~

1298 (1) PERMITS.—

1299 (a) Any person proposing to erect, construct, or alter any
1300 structure, increase the height of any structure, permit the
1301 growth of any vegetation, or otherwise use his or her property
1302 in violation of the airport protection zoning regulations
1303 adopted under this chapter shall apply for a permit. A ~~Any~~
1304 ~~airport zoning regulations adopted under this chapter may~~
1305 ~~require that a permit be obtained before any new structure or~~

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1306 ~~use may be constructed or established and before any existing~~
1307 ~~use or structure may be substantially changed or substantially~~
1308 ~~altered or repaired. In any event, however, all such regulations~~
1309 ~~shall provide that before any nonconforming structure or tree~~
1310 ~~may be replaced, substantially altered or repaired, rebuilt,~~
1311 ~~allowed to grow higher, or replanted, a permit must be secured~~
1312 ~~from the administrative agency authorized to administer and~~
1313 ~~enforce the regulations, authorizing such replacement, change,~~
1314 ~~or repair. No permit may not shall be issued granted that would~~
1315 ~~allow the establishment or creation of an airport hazard or~~
1316 ~~would permit a nonconforming structure or vegetation ~~tree~~ or~~
1317 ~~nonconforming use to be made or become higher or to become a~~
1318 ~~greater hazard to air navigation than it was when the applicable~~
1319 ~~regulation was adopted or than it is when the application for a~~
1320 ~~permit is made.~~

1321 (b) Whenever the political subdivision or its
1322 administrative agency determines that a nonconforming use or
1323 nonconforming structure or vegetation ~~tree~~ has been abandoned or
1324 is more than 80 percent torn down, destroyed, deteriorated, or
1325 decayed, ~~a no~~ permit may not ~~shall~~ be granted that would allow
1326 ~~the said~~ structure or vegetation ~~tree~~ to exceed the applicable
1327 height limit or otherwise deviate from the zoning regulations. ~~+~~
1328 ~~and,~~ Whether an application is made for a permit under this
1329 subsection or not, the ~~said agency may by appropriate action,~~
1330 ~~compel the~~ owner of the nonconforming structure or vegetation
1331 may be required ~~tree~~, at his or her own expense, to lower,
1332 remove, reconstruct, alter, or equip such object as may be
1333 necessary to conform to the regulations. If the owner of the
1334 nonconforming structure or vegetation neglects or refuses ~~tree~~

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1335 ~~shall neglect or refuse to comply with the such order for 10~~
1336 ~~days after notice thereof, the said agency may report the~~
1337 ~~violation to the political subdivision involved therein. The,~~
1338 ~~which~~ subdivision, through its appropriate agency, may proceed
1339 to have the object so lowered, removed, reconstructed, altered,
1340 or equipped, and assess the cost and expense thereof upon the
1341 object or the land where ~~whereon~~ it is or was located, ~~and,~~
1342 ~~unless such an assessment is paid within 90 days from the~~
1343 ~~service of notice thereof on the owner or the owner's agent, of~~
1344 ~~such object or land, the sum shall be a lien on said land, and~~
1345 ~~shall bear interest thereafter at the rate of 6 percent per~~
1346 ~~annum until paid, and shall be collected in the same manner as~~
1347 ~~taxes on real property are collected by said political~~
1348 ~~subdivision, or, at the option of said political subdivision,~~
1349 ~~said lien may be enforced in the manner provided for enforcement~~
1350 ~~of liens by chapter 85.~~

1351 ~~(c) Except as provided herein, applications for permits~~
1352 ~~shall be granted, provided the matter applied for meets the~~
1353 ~~provisions of this chapter and the regulations adopted and in~~
1354 ~~force hereunder.~~

1355 (2) CONSIDERATIONS WHEN ISSUING OR DENYING PERMITS.-In
1356 determining whether to issue or deny a permit, the political
1357 subdivision or its administrative agency must consider the
1358 following, as applicable:

1359 (a) The safety of persons on the ground and in the air.

1360 (b) The safe and efficient use of navigable airspace.

1361 (c) The nature of the terrain and height of existing
1362 structures.

1363 (d) The construction or alteration of the proposed

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1364 structure on the state licensing standards for a public-use
1365 airport, contained in chapter 330 and chapter 14-60 of the
1366 Florida Administrative Code.

1367 (e) The character of existing and planned flight operations
1368 and developments at public-use airports.

1369 (f) Federal airways; visual flight rules, flyways and
1370 corridors; and instrument approaches as designated by the
1371 Federal Aviation Administration.

1372 (g) The construction or alteration of the proposed
1373 structure on the minimum descent altitude or the decision height
1374 at the affected airport.

1375 (h) The cumulative effects on navigable airspace of all
1376 existing structures, and all other known proposed structures in
1377 the area.

1378 (i) Requirements contained in s. 333.03(2) and (3).

1379 (j) Additional requirements adopted by the local
1380 jurisdiction pertinent to evaluation and protection of airspace
1381 and airport operations.

1382 ~~(2) VARIANCES.—~~

1383 ~~(a) Any person desiring to erect any structure, increase~~
1384 ~~the height of any structure, permit the growth of any tree, or~~
1385 ~~otherwise use his or her property in violation of the airport~~
1386 ~~zoning regulations adopted under this chapter or any land~~
1387 ~~development regulation adopted pursuant to the provisions of~~
1388 ~~chapter 163 pertaining to airport land use compatibility, may~~
1389 ~~apply to the board of adjustment for a variance from the zoning~~
1390 ~~regulations in question. At the time of filing the application,~~
1391 ~~the applicant shall forward to the department by certified mail,~~
1392 ~~return receipt requested, a copy of the application. The~~

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department shall have 45 days from receipt of the application to comment and to provide its comments or waiver of that right to the applicant and the board of adjustment. The department shall include its explanation for any objections stated in its comments. If the department fails to provide its comments within 45 days of receipt of the application, its right to comment is waived. The board of adjustment may proceed with its consideration of the application only upon the receipt of the department's comments or waiver of that right as demonstrated by the filing of a copy of the return receipt with the board. Noncompliance with this section shall be grounds to appeal pursuant to s. 333.08 and to apply for judicial relief pursuant to s. 333.11. Such variances may only be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and where the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of the regulations and this chapter. However, any variance may be allowed subject to any reasonable conditions that the board of adjustment may deem necessary to effectuate the purposes of this chapter.

(b) The Department of Transportation shall have the authority to appeal any variance granted under this chapter pursuant to s. 333.08, and to apply for judicial relief pursuant to s. 333.11.

(3) OBSTRUCTION MARKING AND LIGHTING.—

(a) In issuing a ~~granting any~~ permit ~~or variance~~ under this section, the political subdivision or its administrative agency ~~or board of adjustment~~ shall require the owner of the structure

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or vegetation ~~tree in question~~ to install, operate, and maintain thereon, at his or her own expense, ~~such~~ marking and lighting in conformance with the specific standards established by the Federal Aviation Administration ~~as may be necessary to indicate to aircraft pilots the presence of an obstruction.~~

(b) Such marking and lighting shall conform to the specific standards established by rule by the department ~~of~~ Transportation.

~~(c) Existing structures not in compliance on October 1, 1988, shall be required to comply whenever the existing marking requires refurbishment, whenever the existing lighting requires replacement, or within 5 years of October 1, 1988, whichever occurs first.~~

Section 20. Section 333.08, Florida Statutes, is repealed.

Section 21. Section 333.09, Florida Statutes, is amended to read:

333.09 Administration of airport zoning regulations.—

(1) ADMINISTRATION AND ENFORCEMENT.—All airport zoning regulations adopted under this chapter shall provide for the administration and enforcement of such regulations by the political subdivisions or their ~~by an administrative agency which may be an agency created by such regulations or any official, board, or other existing agency of the political subdivision adopting the regulations or of one of the political subdivisions which participated in the creation of the joint airport zoning board adopting the regulations, if satisfactory to that political subdivision, but in no case shall such administrative agency be or include any member of the board of adjustment.~~ The duties of any administrative agency designated

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pursuant to this chapter shall include that of hearing and deciding all permits under s. 333.07 ~~s. 333.07(1)~~, ~~deciding all matters under s. 333.07(3)~~, as they pertain to such agency, and all other matters under this chapter applying to said agency, ~~but such agency shall not have or exercise any of the powers herein delegated to the board of adjustment.~~

(2) LOCAL GOVERNMENT PROCESS.—

(a) Any political subdivision required to adopt airport zoning regulations under this chapter must provide a process to:

1. Issue or deny permits consistent with s. 333.07, including requests for exceptions to airport zoning regulations.

2. Notify the department of receipt of a complete permit application consistent with s. 333.025(4).

3. Enforce any permit, order, requirement, decision, or determination made by the administrative agency with respect to the airport zoning regulations.

(b) Where a zoning board or permitting body already exists within a political subdivision, the zoning board or permitting body may implement the permitting and appeals process.

Otherwise, the political subdivision shall implement the permitting and appeals process in a manner consistent with its constitutional powers and areas of jurisdiction.

(3) APPEALS.—

(a) Any person, political subdivision or its administrative agency, or any joint airport zoning board, which contends that the decision made by a political subdivision or its administrative agency is an improper application of airport zoning regulations may use the process established for an appeal.

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(b) All appeals taken under this section must be taken within a reasonable time, as provided by the political subdivision or its administrative agency, by filing with the entity from which appeal is taken a notice of appeal specifying the grounds for appeal.

(c) An appeal stays all proceedings in the underlying action, unless the entity from which the appeal is taken certifies pursuant to the rules for appeal that by reason of the facts stated in the certificate, a stay would, in its opinion, cause imminent peril to life or property. In that case, proceedings may not be stayed except by an order of the political subdivision or its administrative agency following notice to the entity from which the appeal is taken and on good cause shown.

(d) The political subdivision or its administrative agency must set a reasonable time for the hearing of appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, a party may appear in person, by agent, or by attorney.

(e) The political subdivision or its administrative agency may, in conformity with the provisions of this chapter, reverse, affirm, or modify the underlying order, requirement, decision, or determination from which the appeal is taken.

Section 22. Section 333.10, Florida Statutes, is repealed.

Section 23. Section 333.11, Florida Statutes, is amended to read:

333.11 Judicial review.—

(1) ~~Any person, aggrieved, or taxpayer affected, by any decision of a board of adjustment, or any governing body of a~~

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1509 political subdivision or its administrative agency, or ~~the~~
1510 ~~Department of Transportation or any joint airport zoning board~~
1511 affected by a decision of a political subdivision, or its ~~of any~~
1512 administrative agency ~~hereunder~~, may apply for judicial relief
1513 to the circuit court in the judicial circuit where the political
1514 subdivision ~~board of adjustment~~ is located within 30 days after
1515 rendition of the decision ~~by the board of adjustment~~. Review
1516 shall be by petition for writ of certiorari, which shall be
1517 governed by the Florida Rules of Appellate Procedure.

1518 ~~(2) Upon presentation of such petition to the court, it may~~
1519 ~~allow a writ of certiorari, directed to the board of adjustment,~~
1520 ~~to review such decision of the board. The allowance of the writ~~
1521 ~~shall not stay the proceedings upon the decision appealed from,~~
1522 ~~but the court may, on application, on notice to the board, on~~
1523 ~~due hearing and due cause shown, grant a restraining order.~~

1524 ~~(3) The board of adjustment shall not be required to return~~
1525 ~~the original papers acted upon by it, but it shall be sufficient~~
1526 ~~to return certified or sworn copies thereof or of such portions~~
1527 ~~thereof as may be called for by the writ. The return shall~~
1528 ~~concisely set forth such other facts as may be pertinent and~~
1529 ~~material to show the grounds of the decision appealed from and~~
1530 ~~shall be verified.~~

1531 (2) ~~(4)~~ The court shall have exclusive jurisdiction to
1532 affirm, modify, or set aside the decision brought up for review,
1533 ~~in whole or in part~~, and if need be, to order further
1534 proceedings by the political subdivision or its administrative
1535 agency ~~board of adjustment~~. The findings of fact by the
1536 political subdivision or its administrative agency ~~board~~, if
1537 supported by substantial evidence, shall be accepted by the

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1538 court as conclusive. ~~An, and no~~ objection to a decision of the
1539 political subdivision or its administrative agency may not board
1540 ~~shall~~ be considered by the court unless such objection was
1541 raised in the underlying proceeding ~~shall have been urged before~~
1542 ~~the board, or, if it was not so urged, unless there were~~
1543 ~~reasonable grounds for failure to do so.~~

1544 ~~(3)-(5) If~~ In any case in which airport zoning regulations
1545 adopted under this chapter, ~~although generally reasonable,~~ are
1546 held by a court to interfere with the use and enjoyment of a
1547 particular structure or parcel of land to such an extent, or to
1548 be so onerous in their application to such a structure or parcel
1549 of land, as to constitute a taking or deprivation of that
1550 property in violation of the State Constitution or the
1551 Constitution of the United States, such holding shall not affect
1552 the application of such regulations to other structures and
1553 parcels of land, or such regulations as are not involved in the
1554 particular decision.

1555 ~~(4)-(6) No~~ Judicial appeal ~~shall be or~~ is not permitted
1556 under this section, ~~to any courts~~ until the appellant has
1557 exhausted all its remedies through application for local
1558 government permits, exceptions, and appeals, ~~as herein provided,~~
1559 ~~save and except an appeal from a decision of the board of~~
1560 ~~adjustment, the appeal herein provided being from such final~~
1561 ~~decision of such board only, the appellant being hereby required~~
1562 ~~to exhaust his or her remedies hereunder of application for~~
1563 ~~permits, exceptions and variances, and appeal to the board of~~
1564 ~~adjustment, and gaining a determination by said board, before~~
1565 ~~being permitted to appeal to the court hereunder.~~

1566 Section 24. Section 333.12, Florida Statutes, is amended to

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read:

333.12 Acquisition of air rights. ~~When In any case which:~~
~~it is desired to remove, lower or otherwise terminate a~~
nonconforming structure or use presents an air hazard and the
structure cannot be removed, lowered, or otherwise terminated;
or the approach protection necessary cannot, because of
constitutional limitations, be provided by airport regulations
under this chapter; or it appears advisable that the necessary
approach protection be provided by acquisition of property
rights rather than by airport zoning regulations, the political
subdivision within which the property or nonconforming use is
located, or the political subdivision owning or operating the
airport or being served by it, may acquire, by purchase, grant,
or condemnation in the manner provided by chapter 73, such air
right, avigation ~~navigation~~ easement conveying the airspace over
another property for use by the airport, or other estate,
portion or interest in the property or nonconforming structure
or use or such interest in the air above such property,
vegetation ~~tree~~, structure, or use, in question, as may be
necessary to effectuate the purposes of this chapter, and in so
doing, if by condemnation, to have the right to take immediate
possession of the property, interest in property, air right, or
other right sought to be condemned, at the time, and in the
manner and form, and as authorized by chapter 74. In the case of
the purchase of any property, ~~or any~~ easement, or estate or
interest therein or the acquisition of the same by the power of
eminent domain, the political subdivision making such purchase
or exercising such power shall in addition to the damages for
the taking, injury, or destruction of property also pay the cost

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of the removal and relocation of any structure or any public utility which is required to be moved to a new location.

Section 25. Section 333.135, Florida Statutes, is created to read:

333.135 Transition provisions.—

(1) A provision of an airport zoning regulation in effect on July 1, 2015, that conflicts with this chapter must be amended to conform to the requirements of this chapter by July 1, 2016.

(2) By October 1, 2017, a political subdivision having an airport within its territorial limits, which has not adopted airport zoning regulations, must adopt airport zoning regulations which are consistent with this chapter.

(3) For those political subdivisions that have not yet adopted airport zoning regulations pursuant to this chapter, the department shall administer the permitting process as provided in s. 333.025.

Section 26. Section 333.14, Florida Statutes, is repealed.

Section 27. Subsections (36) and (37) of section 334.03, Florida Statutes, are amended to read:

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

(36) "511" or "511 services" means all three-digit telecommunications dialing to access interactive voice response telephone traveler information services provided in the state to include, but not be limited to, the terms as defined by the Federal Communications Commission in FCC Order No. 00-256, July 31, 2000.

~~(37) "Interactive voice response" means a software~~

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~~application that accepts a combination of voice telephone input and touch-tone keypad selection and provides appropriate responses in the form of voice, fax, callback, e-mail, and other media.~~

Section 28. Subsection (31) of section 334.044, Florida Statutes, is amended, and subsection (34) of that section is created, to read:

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

(31) To provide oversight of traveler information systems ~~that may include the provision of interactive voice response telephone systems accessible via the 511 services number~~ as assigned by the Federal Communications Commission for traveler information services. The department shall ensure that uniform standards and criteria for the collection and dissemination of traveler information are applied ~~using interactive voice response systems.~~

(34) The department may assume responsibilities of the United States Department of Transportation with respect to highway projects within the state under the National Environmental Policy Act of 1969 (42 U.S.C. s. 4321 et seq.) and with respect to related responsibilities for environmental review, consultation, or other action required under any federal environmental law pertaining to review or approval of a highway project within the state. The department may assume responsibilities under 23 U.S.C. s. 327 and enter into one or more agreements, including memoranda of understanding, with the United States Secretary of Transportation related to the federal surface transportation project delivery program for the delivery

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of highway projects, as provided by 23 U.S.C. s. 327. The department may adopt rules to implement this subsection and may adopt relevant federal environmental standards as the standards for this state for a program described in this subsection. Sovereign immunity to civil suit in federal court is waived consistent with 23 U.S.C. s. 327 and limited to the compliance, discharge, or enforcement of a responsibility assumed by the department under this subsection.

Section 29. Section 334.60, Florida Statutes, is amended to read:

334.60 511 traveler information system.—The department is the state's lead agency for implementing 511 services and is the state's point of contact for coordinating all 511 services ~~with telecommunications service providers.~~

(1) The department shall:

(a) ~~(1)~~ Implement and administer 511 services in the state;

(b) ~~(2)~~ Coordinate with other transportation authorities in the state to provide multimodal traveler information through 511 services and other means;

(c) ~~(3)~~ Develop uniform standards and criteria for the collection and dissemination of traveler information using ~~the 511 services number or other interactive voice response systems;~~ and

(d) ~~(4)~~ Enter into joint participation agreements or contracts with highway authorities and public transit districts to share the costs of implementing and administering 511 services in the state. The department may also enter into other agreements or contracts with private firms relating to the 511 services to offset the costs of implementing and administering

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511 services in the state.

(2) The department shall adopt rules to administer the coordination of 511 traveler information ~~phone~~ services in the state.

Section 30. Subsections (3) and (4) of section 335.065, Florida Statutes, are amended to read:

335.065 Bicycle and pedestrian ways along state roads and transportation facilities.—

(3) The department, in cooperation with the Department of Environmental Protection, shall establish a statewide integrated system of bicycle and pedestrian ways in such a manner as to take full advantage of any such ways which are maintained by any governmental entity. ~~The department may enter into a concession agreement with a not for profit entity or private sector business or entity for commercial sponsorship displays on multiuse trails and related facilities and use any concession agreement revenues for the maintenance of the multiuse trails and related facilities. Commercial sponsorship displays are subject to the requirements of the Highway Beautification Act of 1965 and all federal laws and agreements, when applicable. For the purposes of this section, bicycle facilities may be established as part of or separate from the actual roadway and may utilize existing road rights of way or other rights of way or easements acquired for public use.~~

~~(a) A concession agreement shall be administered by the department and must include the requirements of this section.~~

~~(b)1. Signage or displays erected under this section shall comply with s. 337.407 and chapter 479 and shall be limited as follows:~~

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~~a. One large sign or display, not to exceed 16 square feet in area, may be located at each trailhead or parking area.~~

~~b. One small sign or display, not to exceed 4 square feet in area, may be located at each designated trail public access point.~~

~~2. Before installation, each name or sponsorship display must be approved by the department.~~

~~3. The department shall ensure that the size, color, materials, construction, and location of all signs are consistent with the management plan for the property and the standards of the department, do not intrude on natural and historic settings, and contain only a logo selected by the sponsor and the following sponsorship wording:~~

~~... (Name of the sponsor) ... proudly sponsors the costs of maintaining the ... (Name of the greenway or trail)~~

~~4. All costs of a display, including development, construction, installation, operation, maintenance, and removal costs, shall be paid by the concessionaire.~~

~~(c) A concession agreement shall be for a minimum of 1 year, but may be for a longer period under a multiyear agreement, and may be terminated for just cause by the department upon 60 days' advance notice. Just cause for termination of a concession agreement includes, but is not limited to, violation of the terms of the concession agreement or this section.~~

~~(4)(a) The department may use appropriated funds to support~~

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~~the establishment of a statewide system of interconnected multiuse trails and to pay the costs of planning, land acquisition, design, and construction of such trails and related facilities. The department shall give funding priority to projects that:~~

~~1. Are identified by the Florida Greenways and Trails Council as a priority within the Florida Greenways and Trails System under chapter 260.~~

~~2. Support the transportation needs of bicyclists and pedestrians.~~

~~3. Have national, statewide, or regional importance.~~

~~4. Facilitate an interconnected system of trails by completing gaps between existing trails.~~

~~(b) A project funded under this subsection shall:~~

~~1. Be included in the department's work program developed in accordance with s. 339.135.~~

~~2. Be operated and maintained by an entity other than the department upon completion of construction. The department is not obligated to provide funds for the operation and maintenance of the project.~~

Section 31. Section 335.21, Florida Statutes, is created to read:

335.21 Governing bodies of independent special districts regulating the operation of public vehicles on public highways.—
Notwithstanding any provision of local law, the membership of the governing body of any independent special district created for the purpose of regulating the operation of public vehicles upon the public highways under the jurisdiction of any such independent special district shall consist of seven members.

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Four members shall be appointed by the Governor, one member shall be appointed by the governing body of the largest municipality situated within the jurisdiction of the independent special district, and two members shall be appointed by the governing body of the county in which the independent special district has jurisdiction. All appointees must be residents of the county in which the independent special district has jurisdiction. This section does not apply to any entity authorized under s. 163.567 or under chapter 343, chapter 348, or chapter 349.

Section 32. Subsection (4) of section 338.165, Florida Statutes, is amended to read:

338.165 Continuation of tolls.—

(4) Notwithstanding any other law to the contrary, pursuant to s. 11, Art. VII of the State Constitution, and subject to the requirements of subsection (2), the Department of Transportation may request the Division of Bond Finance to issue bonds secured by toll revenues collected on the Alligator Alley, the Sunshine Skyway Bridge, ~~the Beeline-East Expressway, the Navarre Bridge,~~ and the Pinellas Bayway to fund transportation projects located within the county or counties in which the project is located and contained in the adopted work program of the department.

Section 33. Subsection (5) is added to section 338.227, Florida Statutes, to read:

338.227 Turnpike revenue bonds.—

(5) Notwithstanding s. 215.82, bonds issued pursuant to this section are not required to be validated pursuant to chapter 75, but may be validated at the option of the Division of Bond Finance. Any complaint for such validation must be filed

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1799 in the circuit court of the county where the seat of state
1800 government is situated. The notice required to be published by
1801 s. 75.06 must be published only in the county where the
1802 complaint is filed. The complaint and order of the circuit court
1803 shall be served only on the state attorney of the circuit in
1804 which the action is pending.

1805 Section 34. Paragraph (c) of subsection (3) of section
1806 338.231, Florida Statutes, and subsections (5) and (6) of that
1807 section, are amended to read:

1808 338.231 Turnpike tolls, fixing; pledge of tolls and other
1809 revenues.—The department shall at all times fix, adjust, charge,
1810 and collect such tolls and amounts for the use of the turnpike
1811 system as are required in order to provide a fund sufficient
1812 with other revenues of the turnpike system to pay the cost of
1813 maintaining, improving, repairing, and operating such turnpike
1814 system; to pay the principal of and interest on all bonds issued
1815 to finance or refinance any portion of the turnpike system as
1816 the same become due and payable; and to create reserves for all
1817 such purposes.

1818 (3)

1819 (c) Notwithstanding any other provision of law to the
1820 contrary, any prepaid toll account of any kind which has
1821 remained inactive for 10 ~~3~~ years shall be presumed unclaimed and
1822 its disposition shall be handled by the Department of Financial
1823 Services in accordance with all applicable provisions of chapter
1824 717 relating to the disposition of unclaimed property, and the
1825 prepaid toll account shall be closed by the department.

1826 ~~(5) In each fiscal year while any of the bonds of the~~
1827 ~~Broward County Expressway Authority series 1984 and series 1986~~

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~~A remain outstanding, the department is authorized to pledge revenues from the turnpike system to the payment of principal and interest of such series of bonds and the operation and maintenance expenses of the Sawgrass Expressway, to the extent gross toll revenues of the Sawgrass Expressway are insufficient to make such payments. The terms of an agreement relative to the pledge of turnpike system revenue will be negotiated with the parties of the 1984 and 1986 Broward County Expressway Authority lease purchase agreements, and subject to the covenants of those agreements. The agreement must establish that the Sawgrass Expressway is subject to the planning, management, and operating control of the department limited only by the terms of the lease purchase agreements. The department shall provide for the payment of operation and maintenance expenses of the Sawgrass Expressway until such agreement is in effect. This pledge of turnpike system revenues is subordinate to the debt service requirements of any future issue of turnpike bonds, the payment of turnpike system operation and maintenance expenses, and subject to any subsequent resolution or trust indenture relating to the issuance of such turnpike bonds.~~

~~(5)(6)~~ The use and disposition of revenues pledged to bonds are subject to ss. 338.22-338.241 and such regulations as the resolution authorizing the issuance of the bonds or such trust agreement may provide.

Section 35. Paragraph (c) of subsection (7) of section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—

(7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must develop a long-range transportation plan that addresses at least

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a 20-year planning horizon. The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements. The prevailing principles to be considered in the long-range transportation plan are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. Each M.P.O. is encouraged to consider strategies that integrate transportation and land use planning to provide for sustainable development and reduce greenhouse gas emissions. The approved long-range transportation plan must be considered by local governments in the development of the transportation elements in local government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

(c) Assess capital investment and other measures necessary to:

1. Ensure the preservation of the existing metropolitan transportation system including requirements for the operation, resurfacing, restoration, and rehabilitation of major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and

2. Make the most efficient use of existing transportation facilities to relieve vehicular congestion, improve safety, and maximize the mobility of people and goods. Such efforts shall include, but not be limited to, consideration of infrastructure

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1886 and technological improvements necessary to accommodate advances
1887 in vehicle technology, such as autonomous vehicle technology and
1888 other developments.

1889
1890 In the development of its long-range transportation plan, each
1891 M.P.O. must provide the public, affected public agencies,
1892 representatives of transportation agency employees, freight
1893 shippers, providers of freight transportation services, private
1894 providers of transportation, representatives of users of public
1895 transit, and other interested parties with a reasonable
1896 opportunity to comment on the long-range transportation plan.
1897 The long-range transportation plan must be approved by the
1898 M.P.O.

1899 Section 36. Paragraph (c) is added to subsection (3) of
1900 section 339.64, Florida Statutes, and paragraph (a) of
1901 subsection (4) of that section is amended, to read:

1902 339.64 Strategic Intermodal System Plan.—

1903 (3)

1904 (c) The department also shall coordinate with federal,
1905 regional, and local partners, as well as industry
1906 representatives, to consider infrastructure and technological
1907 improvements necessary to accommodate advances in vehicle
1908 technology, such as autonomous vehicle technology and other
1909 developments, in Strategic Intermodal System facilities.

1910 (4) The Strategic Intermodal System Plan shall include the
1911 following:

1912 (a) A needs assessment. Such assessment shall include, but
1913 not be limited to, consideration of infrastructure and
1914 technological improvements necessary to accommodate advances in

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vehicle technology, such as autonomous vehicle technology and other developments.

Section 37. Section 339.81, Florida Statutes, is created to read:

339.81 Florida Shared-Use Nonmotorized Trail Network.—

(1) The Florida Shared-Use Nonmotorized Trail Network is created as a component of the Florida Greenways and Trails System established in chapter 260. The network consists of multiuse trails or shared-use paths physically separated from motor vehicle traffic and constructed with asphalt, concrete, or another hard surface which, by virtue of design, location, extent of connectivity or potential connectivity, and allowable uses, provide nonmotorized transportation opportunities for bicyclists and pedestrians between and within a wide range of points of origin and destinations, including, but not limited to, communities, conservation areas, state parks, beaches, and other natural or cultural attractions for a variety of trip purposes, including work, school, shopping, and other personal business, as well as social, recreational, and personal fitness purposes.

(2) Network components do not include sidewalks, nature trails, loop trails wholly within a single park or natural area, or on-road facilities, such as bicycle lanes or routes other than:

(a) On-road facilities that are no greater than one-half mile in length connecting two or more nonmotorized trails, if the provision of non-road facilities is unfeasible and if such on-road facilities are signed and marked for nonmotorized use; or

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1944 (b) On-road components of the Florida Keys Overseas
1945 Heritage Trail.

1946 (3) The department shall include a project to be
1947 constructed as part of the Shared-Use Nonmotorized Trail Network
1948 in its work program developed pursuant to s. 339.135.

1949 (4) The planning, development, operation, and maintenance
1950 of the Shared-Use Nonmotorized Trail Network is declared to be a
1951 public purpose, and the department, together with other agencies
1952 of this state and all counties, municipalities, and special
1953 districts of this state, may spend public funds for such
1954 purposes and may accept gifts and grants of funds, property, or
1955 property rights from public or private sources to be used for
1956 such purposes.

1957 (5) The department may enter into a memorandum of agreement
1958 with a local government or other agency of the state to transfer
1959 maintenance responsibilities of an individual network component.
1960 The department may contract with a not-for-profit entity or
1961 private sector business or entity to provide maintenance
1962 services on an individual network component.

1963 (6) The department may adopt rules to aid in the
1964 development and maintenance of components of the network.

1965 Section 38. Section 339.82, Florida Statutes, is created to
1966 read:

1967 339.82 Shared-Use Nonmotorized Trail Network Plan.—

1968 (1) The department shall develop a Shared-Use Nonmotorized
1969 Trail Network Plan in coordination with the Department of
1970 Environmental Protection, metropolitan planning organizations,
1971 affected local governments and public agencies, and the Florida
1972 Greenways and Trails Council. The plan must be consistent with

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the Florida Greenways and Trails Plan developed under s. 260.014
and must be updated at least once every 5 years.

(2) The Shared-Use Nonmotorized Trail Network Plan must
include all of the following:

(a) A needs assessment, including, but not limited to, a
comprehensive inventory and analysis of existing trails that may
be considered for inclusion in the Shared-Use Nonmotorized Trail
Network.

(b) A project prioritization process that includes
assigning funding priority to projects that:

1. Are identified by the Florida Greenways and Trails
Council as a priority within the Florida Greenways and Trails
System under chapter 260;

2. Facilitate an interconnected network of trails by
completing gaps between existing facilities; and

3. Maximize use of federal, local, and private funding and
support mechanisms, including, but not limited to, donation of
funds, real property, and maintenance responsibilities.

(c) A map illustrating existing and planned facilities and
identifying critical gaps between facilities.

(d) A finance plan based on reasonable projections of
anticipated revenues, including both 5-year and 10-year cost-
feasible components.

(e) Performance measures that include quantifiable
increases in trail network access and connectivity.

(f) A timeline for the completion of the base network using
new and existing data from the department, the Department of
Environmental Protection, and other sources.

(g) A marketing plan prepared in consultation with the

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Florida Tourism Industry Marketing Corporation.

Section 39. Section 339.83, Florida Statutes, is created to read:

339.83 Sponsorship of Shared-Use Nonmotorized Trails.—

(1) The department may enter into a concession agreement with a not-for-profit entity or private sector business or entity for commercial sponsorship signs, pavement markings, and exhibits on nonmotorized trails and related facilities constructed as part of the Shared-Use Nonmotorized Trail Network. The concession agreement may also provide for recognition of trail sponsors in any brochure, map, or website providing trail information. Trail websites may provide links to sponsors. Revenue from such agreements may be used for the maintenance of the nonmotorized trails and related facilities.

(a) A concession agreement shall be administered by the department.

(b)1. Signage, pavement markings, or exhibits erected pursuant to this section must comply with s. 337.407 and chapter 479 and are limited as follows:

a. One large sign, pavement marking, or exhibit, not to exceed 16 square feet in area, may be located at each trailhead or parking area.

b. One small sign, pavement marking, or exhibit, not to exceed 4 square feet in area, may be located at each designated trail public access point where parking is not provided.

c. Pavement markings denoting specified distances must be located at least 1 mile apart.

2. Before installation, each sign, pavement marking, or exhibit must be approved by the department.

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2031 3. The department shall ensure that the size, color,
2032 materials, construction, and location of all signs, pavement
2033 markings, and exhibits are consistent with the management plan
2034 for the property and the standards of the department, do not
2035 intrude on natural and historic settings, and contain a logo
2036 selected by the sponsor and the following sponsorship wording:

2037
2038 ...(Name of the sponsor)... proudly sponsors the costs
2039 of maintaining the ...(Name of the greenway or
2040 trail)....

2041
2042 4. Exhibits may provide additional information and
2043 materials including, but not limited to, maps and brochures for
2044 trail user services related or proximate to the trail. Pavement
2045 markings may display mile marker information.

2046 5. The costs of a sign, pavement marking, or exhibit,
2047 including development, construction, installation, operation,
2048 maintenance, and removal costs, shall be paid by the
2049 concessionaire.

2050 (c) A concession agreement shall be for a minimum of 1
2051 year, but may be for a longer period under a multiyear
2052 agreement, and may be terminated for just cause by the
2053 department upon 60 days' advance notice. Just cause for
2054 termination of a concession agreement includes, but is not
2055 limited to, violation of the terms of the concession agreement
2056 or this section.

2057 (2) Pursuant to s. 287.057, the department may contract for
2058 the provision of services related to the trail sponsorship
2059 program, including recruitment and qualification of businesses,

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review of applications, permit issuance, and fabrication, installation, and maintenance of signs, pavement markings, and exhibits. The department may reject all proposals and seek another request for proposals or otherwise perform the work. The contract may allow the contractor to retain a portion of the annual fees as compensation for its services.

(3) This section does not create a proprietary or compensable interest in any sponsorship site or location for any permittee, and the department may terminate permits or change locations of sponsorship sites as it determines necessary for construction or improvement of facilities.

(4) The department may adopt rules to establish requirements for qualification of businesses, qualification and location of sponsorship sites, and permit applications and processing. The department may adopt rules to establish other criteria necessary to implement this section and to provide for variances when necessary to serve the interest of the public or when required to ensure equitable treatment of program participants.

Section 40. (1) The Office of Economic and Demographic Research shall evaluate and determine the economic benefits, as defined in s. 288.005(1), Florida Statutes, of the state's investment in the Department of Transportation's adopted work program developed in accordance with s. 339.135(5), Florida Statutes, for fiscal year 2015-2016, including the following 4 fiscal years. At a minimum, a separate return on investment shall be projected for each of the following areas:

(a) Roads and highways;

(b) Rails;

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- (c) Public transit;
(d) Aviation; and
(e) Seaports.

The analysis is limited to the funding anticipated by the adopted work program, but may address the continuing economic impact for those transportation projects in the 5 years beyond the conclusion of the adopted work program. The analysis must also evaluate the number of jobs created, the increase or decrease in personal income, and the impact on gross domestic product from the direct, indirect, and induced effects on the state's investment in each area.

(2) The Department of Transportation and each of its district offices shall provide the Office of Economic and Demographic Research full access to all data necessary to complete the analysis, including any confidential data.

(3) The Office of Economic and Demographic Research shall submit the analysis to the President of the Senate and the Speaker of the House of Representatives by January 1, 2016.

Section 41. Section 341.0532, Florida Statutes, is repealed.

Section 42. The Division of Law Revision and Information is directed to create chapter 345, Florida Statutes, consisting of ss. 345.0001-345.0014, Florida Statutes, to be entitled the "Northwest Florida Regional Transportation Finance Authority."

Section 43. Section 345.0001, Florida Statutes, is created to read:

345.0001 Short title.—This act may be cited as the "Northwest Florida Regional Transportation Finance Authority

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2118 Act."

2119 Section 44. Section 345.0002, Florida Statutes, is created
2120 to read:

2121 345.0002 Definitions.—As used in this chapter, the term:

2122 (1) "Agency of the state" means the state and any
2123 department of, or any corporation, agency, or instrumentality
2124 created, designated, or established by, the state.

2125 (2) "Area served" means Escambia County. However, upon a
2126 contiguous county's consent to inclusion within the area served
2127 by the authority and with the agreement of the authority, the
2128 term shall also include the geographical area of such county
2129 contiguous to Escambia County.

2130 (3) "Authority" means the Northwest Florida Regional
2131 Transportation Finance Authority, a body politic and corporate,
2132 and an agency of the state, established under this chapter.

2133 (4) "Bonds" means the notes, bonds, refunding bonds, or
2134 other evidences of indebtedness or obligations, in temporary or
2135 definitive form, which the authority may issue under this
2136 chapter.

2137 (5) "Department" means the Department of Transportation.

2138 (6) "Division" means the Division of Bond Finance of the
2139 State Board of Administration.

2140 (7) "Federal agency" means the United States, the President
2141 of the United States, and any department of, or any bureau,
2142 corporation, agency, or instrumentality created, designated, or
2143 established by, the United States Government.

2144 (8) "Members" means the governing body of the authority,
2145 and the term "member" means one of the individuals constituting
2146 such governing body.

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(9) "Regional system" or "system" means, generally, a modern system of roads, bridges, causeways, tunnels, and mass transit services within the area of the authority, with access limited or unlimited as the authority may determine, and the buildings and structures and appurtenances and facilities related to the system, including all approaches, streets, roads, bridges, and avenues of access for the system.

(10) "Revenues" means the tolls, revenues, rates, fees, charges, receipts, rentals, contributions, and other income derived from or in connection with the operation or ownership of a regional system, including the proceeds of any use and occupancy insurance on any portion of the system, but excluding state funds available to the authority and any other municipal or county funds available to the authority under an agreement with a municipality or county.

Section 45. Section 18. Section 345.0003, Florida Statutes, is created to read:

345.0003 Regional transportation finance authority formation and membership.—

(1) Escambia County, alone or together with any consenting contiguous county, may form a regional finance authority for the purposes of constructing, maintaining, and operating transportation projects in the northwest region of this state. The authority shall be governed in accordance with this chapter. The area served by the authority may not be expanded beyond Escambia County without the approval of the county commission of each contiguous county that will be a part of the authority.

(2) The governing body of the authority shall consist of a board of voting members as follows:

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2176 (a) The county commission of each county in the area served
2177 by the authority shall appoint two members. Each member must be
2178 a resident of the county from which he or she is appointed and,
2179 if possible, must represent the business and civic interests of
2180 the community.

2181 (b) The Governor shall appoint an equal number of members
2182 to the board as those appointed by the county commissions. The
2183 members appointed by the Governor must be residents of the area
2184 served by the authority.

2185 (c) The district secretary of the department serving in the
2186 district that includes Escambia County.

2187 (3) The term of office of each member shall be for 4 years
2188 or until his or her successor is appointed and qualified.

2189 (4) A member may not hold an elected office during the term
2190 of his or her membership.

2191 (5) A vacancy occurring in the governing body before the
2192 expiration of the member's term shall be filled for the
2193 remainder of the unexpired term by the respective appointing
2194 authority in the same manner as the original appointment.

2195 (6) Before entering upon his or her official duties, each
2196 member must take and subscribe to an oath before an official
2197 authorized by law to administer oaths that he or she will
2198 honestly, faithfully, and impartially perform the duties of his
2199 or her office as a member of the governing body of the authority
2200 and that he or she will not neglect any duties imposed on him or
2201 her by this chapter.

2202 (7) The Governor may remove from office a member of the
2203 authority for misconduct, malfeasance, misfeasance, or
2204 nonfeasance in office.

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2205 (8) Members of the authority shall designate a chair from
2206 among the membership.

2207 (9) Members of the authority shall serve without
2208 compensation, but are entitled to reimbursement for per diem and
2209 other expenses in accordance with s. 112.061 while in
2210 performance of their official duties.

2211 (10) A majority of the members of the authority shall
2212 constitute a quorum, and resolutions enacted or adopted by a
2213 vote of a majority of the members present and voting at any
2214 meeting are effective without publication, posting, or any
2215 further action of the authority.

2216 Section 46. Section 345.0004, Florida Statutes, is created
2217 to read:

2218 345.0004 Powers and duties.—

2219 (1) The authority shall plan, develop, finance, construct,
2220 reconstruct, improve, own, operate, and maintain a regional
2221 system in the area served by the authority. The authority may
2222 not exercise these powers with respect to an existing system for
2223 transporting people and goods by any means that is owned by
2224 another entity without the consent of that entity. If the
2225 authority acquires, purchases, or inherits an existing entity,
2226 the authority shall inherit and assume all rights, assets,
2227 appropriations, privileges, and obligations of the existing
2228 entity.

2229 (2) The authority may exercise all powers necessary,
2230 appurtenant, convenient, or incidental to the carrying out of
2231 the purposes of this section, including, but not limited to, the
2232 following rights and powers:

2233 (a) To sue and be sued, implead and be impleaded, and

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2234 complain and defend in all courts in its own name.

2235 (b) To adopt and use a corporate seal.

2236 (c) To have the power of eminent domain, including the
2237 procedural powers granted under chapters 73 and 74.

2238 (d) To acquire, purchase, hold, lease as a lessee, and use
2239 any property, real, personal, or mixed, tangible or intangible,
2240 or any interest therein, necessary or desirable for carrying out
2241 the purposes of the authority.

2242 (e) To sell, convey, exchange, lease, or otherwise dispose
2243 of any real or personal property acquired by the authority,
2244 including air rights, which the authority and the department
2245 have determined is not needed for the construction, operation,
2246 and maintenance of the system.

2247 (f) To fix, alter, charge, establish, and collect rates,
2248 fees, rentals, and other charges for the use of any system owned
2249 or operated by the authority, which rates, fees, rentals, and
2250 other charges must be sufficient to comply with any covenants
2251 made with the holders of any bonds issued under this act. This
2252 right and power may be assigned or delegated by the authority to
2253 the department.

2254 (g) To borrow money; to make and issue negotiable notes,
2255 bonds, refunding bonds, and other evidences of indebtedness or
2256 obligations, in temporary or definitive form, to finance all or
2257 part of the improvement of the authority's system and
2258 appurtenant facilities, including the approaches, streets,
2259 roads, bridges, and avenues of access for the system and for any
2260 other purpose authorized by this chapter, the bonds to mature no
2261 more than 30 years after the date of the issuance; to secure the
2262 payment of such bonds or any part thereof by a pledge of its

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2263 revenues, rates, fees, rentals, or other charges, including
2264 municipal or county funds received by the authority under an
2265 agreement between the authority and a municipality or county;
2266 and, in general, to provide for the security of the bonds and
2267 the rights and remedies of the holders of the bonds. However,
2268 municipal or county funds may not be pledged for the
2269 construction of a project for which a toll is to be charged
2270 unless the anticipated tolls are reasonably estimated by the
2271 governing board of the municipality or county, on the date of
2272 its resolution pledging the funds, to be sufficient to cover the
2273 principal and interest of such obligations during the period
2274 when the pledge of funds is in effect.

2275 1. The authority shall reimburse a municipality or county
2276 for sums spent from municipal or county funds used for the
2277 payment of the bond obligations.

2278 2. If the authority elects to fund or refund bonds issued
2279 by the authority before the maturity of the bonds, the proceeds
2280 of the funding or refunding bonds, pending the prior redemption
2281 of the bonds to be funded or refunded, shall be invested in
2282 direct obligations of the United States, and the outstanding
2283 bonds may be funded or refunded by the issuance of bonds under
2284 this chapter.

2285 (h) To make contracts of every name and nature, including,
2286 but not limited to, partnerships providing for participation in
2287 ownership and revenues, and to execute each instrument necessary
2288 or convenient for the conduct of its business.

2289 (i) Without limitation of the foregoing, to cooperate with,
2290 to accept grants from, and to enter into contracts or other
2291 transactions with any federal agency, the state, or any agency

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or any other public body of the state.

(j) To employ an executive director, attorney, staff, and consultants. Upon the request of the authority, the department shall furnish the services of a department employee to act as the executive director of the authority.

(k) To accept funds or other property from private donations.

(l) To act and do things necessary or convenient for the conduct of its business and the general welfare of the authority, in order to carry out the powers granted to it by this act or any other law.

(3) The authority may not pledge the credit or taxing power of the state or a political subdivision or agency of the state. Obligations of the authority may not be considered to be obligations of the state or of any other political subdivision or agency of the state. Except for the authority, the state or any political subdivision or agency of the state is not liable for the payment of the principal of or interest on such obligations.

(4) The authority may not, other than by consent of the affected county or an affected municipality, enter into an agreement that would legally prohibit the construction of a road by the county or the municipality.

(5) The authority shall comply with the statutory requirements of general application which relate to the filing of a report or documentation required by law, including the requirements of ss. 189.015, 189.016, 189.051, and 189.08.

Section 47. Section 345.0005, Florida Statutes, is created to read:

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2321 345.0005 Bonds.—

2322 (1) Bonds may be issued on behalf of the authority pursuant
2323 to the State Bond Act in such principal amount as the authority
2324 determines is necessary to achieve its corporate purposes,
2325 including construction, reconstruction, improvement, extension,
2326 and repair of the regional system; the acquisition cost of real
2327 property; interest on bonds during construction and for a
2328 reasonable period thereafter; and establishment of reserves to
2329 secure bonds.

2330 (2) Bonds issued on behalf of the authority under
2331 subsection (1) must:

2332 (a) Be authorized by resolution of the members of the
2333 authority and bear such date or dates; mature at such time or
2334 times not exceeding 30 years after their respective dates; bear
2335 interest at a rate or rates not exceeding the maximum rate fixed
2336 by general law for authorities; be in such denominations; be in
2337 such form, either coupon or fully registered; carry such
2338 registration, exchangeability, and interchangeability
2339 privileges; be payable in such medium of payment and at such
2340 place or places; be subject to such terms of redemption; and be
2341 entitled to such priorities of lien on the revenues and other
2342 available moneys as such resolution or any resolution after the
2343 bonds' issuance provides.

2344 (b) Be sold at public sale in the manner provided in the
2345 State Bond Act. Temporary bonds or interim certificates may be
2346 issued to the purchaser or purchasers of such bonds pending the
2347 preparation of definitive bonds and may contain such terms and
2348 conditions as determined by the authority.

2349 (3) A resolution that authorizes bonds may specify

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provisions that must be part of the contract with the holders of the bonds as to:

(a) The pledging of all or any part of the revenues, available municipal or county funds, or other charges or receipts of the authority derived from the regional system.

(b) The construction, reconstruction, improvement, extension, repair, maintenance, and operation of the system, or any part or parts of the system, and the duties and obligations of the authority with reference thereto.

(c) Limitations on the purposes to which the proceeds of the bonds, then or thereafter issued, or of any loan or grant by any federal agency or the state or any political subdivision of the state may be applied.

(d) The fixing, charging, establishing, revising, increasing, reducing, and collecting of tolls, rates, fees, rentals, or other charges for use of the services and facilities of the system or any part of the system.

(e) The setting aside of reserves or sinking funds and the regulation and disposition of such reserves or sinking funds.

(f) Limitations on the issuance of additional bonds.

(g) The terms of any deed of trust or indenture securing the bonds, or under which the bonds may be issued.

(h) Any other or additional matters, of like or different character, which in any way affect the security or protection of the bonds.

(4) The authority may enter into deeds of trust, indentures, or other agreements with banks or trust companies within or without the state, as security for such bonds, and may, under such agreements, assign and pledge any of the

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2379 revenues and other available moneys, including any available
2380 municipal or county funds, under the terms of this chapter. The
2381 deed of trust, indenture, or other agreement may contain
2382 provisions that are customary in such instruments or that the
2383 authority may authorize, including, but without limitation,
2384 provisions that:

2385 (a) Pledge any part of the revenues or other moneys
2386 lawfully available.

2387 (b) Apply funds and safeguard funds on hand or on deposit.

2388 (c) Provide for the rights and remedies of the trustee and
2389 the holders of the bonds.

2390 (d) Provide for the terms of the bonds or for resolutions
2391 authorizing the issuance of the bonds.

2392 (e) Provide for any additional matters, of like or
2393 different character, which affect the security or protection of
2394 the bonds.

2395 (5) Bonds issued under this act are negotiable instruments
2396 and have the qualities and incidents of negotiable instruments
2397 under the law merchant and the negotiable instruments law of the
2398 state.

2399 (6) A resolution that authorizes the issuance of authority
2400 bonds and pledges the revenues of the system must require that
2401 revenues of the system be periodically deposited into
2402 appropriate accounts in sufficient sums to pay the costs of
2403 operation and maintenance of the system for the current fiscal
2404 year as set forth in the annual budget of the authority and to
2405 reimburse the department for any unreimbursed costs of operation
2406 and maintenance of the system from prior fiscal years before
2407 revenues of the system are deposited into accounts for the

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2408 payment of interest or principal owing or that may become owing
2409 on such bonds.

2410 (7) State funds may not be used or pledged to pay the
2411 principal of or interest on any authority bonds, and all such
2412 bonds must contain a statement on their face to this effect.

2413 Section 48. Section 345.0006, Florida Statutes, is created
2414 to read:

2415 345.0006 Remedies of bondholders.—

2416 (1) The rights and the remedies granted to authority
2417 bondholders under this chapter are in addition to and not in
2418 limitation of any rights and remedies lawfully granted to such
2419 bondholders by the resolution or indenture providing for the
2420 issuance of bonds, or by any deed of trust, indenture, or other
2421 agreement under which the bonds may be issued or secured. If the
2422 authority defaults in the payment of the principal or interest
2423 on the bonds issued under this chapter after such principal or
2424 interest becomes due, whether at maturity or upon call for
2425 redemption, as provided in the resolution or indenture, and such
2426 default continues for 30 days, or if the authority fails or
2427 refuses to comply with this chapter or any agreement made with,
2428 or for the benefit of, the holders of the bonds, the holders of
2429 25 percent in aggregate principal amount of the bonds then
2430 outstanding are entitled as of right to the appointment of a
2431 trustee to represent such bondholders for the purposes of the
2432 default if the holders of 25 percent in aggregate principal
2433 amount of the bonds then outstanding first give written notice
2434 to the authority and to the department of their intention to
2435 appoint a trustee.

2436 (2) The trustee and a trustee under a deed of trust,

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indenture, or other agreement may, or upon the written request of the holders of 25 percent or such other percentages specified in any deed of trust, indenture, or other agreement, in principal amount of the bonds then outstanding, shall, in any court of competent jurisdiction, in its own name:

(a) By mandamus or other suit, action, or proceeding at law, or in equity, enforce all rights of the bondholders, including the right to require the authority to fix, establish, maintain, collect, and charge rates, fees, rentals, and other charges, adequate to carry out any agreement as to, or pledge of, the revenues, and to require the authority to carry out any other covenants and agreements with or for the benefit of the bondholders, and to perform its and their duties under this chapter.

(b) Bring suit upon the bonds.

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

(d) By action or suit in equity, enjoin any acts or things that may be unlawful or in violation of the rights of the bondholders.

(3) A trustee, if appointed under this section or acting under a deed of trust, indenture, or other agreement, and regardless of whether all bonds have been declared due and payable, is entitled to the appointment of a receiver. The receiver may enter upon and take possession of the system or the facilities or any part or parts of the system, the revenues, and other pledged moneys, for and on behalf of and in the name of, the authority and the bondholders. The receiver may collect and

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2466 receive revenues and other pledged moneys in the same manner as
2467 the authority. The receiver shall deposit such revenues and
2468 moneys in a separate account and apply all such revenues and
2469 moneys remaining after allowance for payment of all costs of
2470 operation and maintenance of the system in such manner as the
2471 court directs. In a suit, action, or proceeding by the trustee,
2472 the fees, counsel fees, and expenses of the trustee, and the
2473 receiver, if any, and all costs and disbursements allowed by the
2474 court must be a first charge on any revenues after payment of
2475 the costs of operation and maintenance of the system. The
2476 trustee also has all other powers necessary or appropriate for
2477 the exercise of any functions specifically described in this
2478 section or incident to the representation of the bondholders in
2479 the enforcement and protection of their rights.

2480 (4) A receiver appointed pursuant to this section to
2481 operate and maintain the system or a facility or a part of a
2482 facility may not sell, assign, mortgage, or otherwise dispose of
2483 any of the assets belonging to the authority. The powers of the
2484 receiver are limited to the operation and maintenance of the
2485 system or any facility or part of a facility and to the
2486 collection and application of revenues and other moneys due the
2487 authority, in the name and for and on behalf of the authority
2488 and the bondholders. A holder of bonds or a trustee does not
2489 have the right in any suit, action, or proceeding, at law or in
2490 equity, to compel a receiver, or a receiver may not be
2491 authorized or a court may not direct a receiver, to sell,
2492 assign, mortgage, or otherwise dispose of any assets of whatever
2493 kind or character belonging to the authority.

2494 Section 49. Section 345.0007, Florida Statutes, is created

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to read:

345.0007 Department to construct, operate, and maintain facilities.—

(1) The department is the agent of the authority for the purpose of performing all phases of a project, including, but not limited to, constructing improvements and extensions to the system, with the exception of the transit facilities. The division and the authority shall provide to the department complete copies of the documents, agreements, resolutions, contracts, and instruments that relate to the project and shall request that the department perform the construction work, including the planning, surveying, design, and actual construction of the completion of, extensions of, and improvements to the system. After the issuance of bonds to finance construction of an improvement or addition to the system, the division and the authority shall transfer to the credit of an account of the department in the State Treasury the necessary funds for construction. The department shall proceed with construction and use the funds for the purpose authorized by law for construction of roads and bridges. The authority may alternatively, with the consent and approval of the department, elect to appoint a local agency certified by the department to administer federal aid projects in accordance with federal law as the authority's agent for the purpose of performing each phase of a project.

(2) Notwithstanding subsection (1), the department is the agent of the authority for the purpose of operating and maintaining the system, with the exception of transit facilities. The costs incurred by the department for operation

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and maintenance shall be reimbursed from revenues of the system.
The appointment of the department as agent for the authority
does not create an independent obligation on the part of the
department to operate and maintain a system. The authority shall
remain obligated as principal to operate and maintain its
system, and the authority's bondholders do not have an
independent right to compel the department to operate or
maintain the authority's system.

(3) The authority shall fix, alter, charge, establish, and
collect tolls, rates, fees, rentals, and other charges for the
authority's facilities, as otherwise provided in this chapter.

Section 50. Section 345.0008, Florida Statutes, is created
to read:

345.0008 Department contributions to authority projects.-

(1) Subject to appropriation by the Legislature, the
department may, at the request of the authority, pay all or part
of the cost of financial, engineering, or traffic feasibility
studies or of the design, financing, acquisition, or
construction of an authority project or portion of the system
that is included in the 10-year Strategic Intermodal Plan.

(a) Pursuant to chapter 216, the department shall include
funding for such payments in its legislative budget request. The
request for funding may be included in the 5-year Tentative Work
Program developed under s. 339.135; however, it must appear as a
distinct funding item in the legislative budget request and must
be supported by a financial feasibility test provided by the
department.

(b) Funding provided for authority projects shall appear in
the General Appropriations Act as a distinct fixed capital

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outlay item and must clearly identify the related authority project.

(c) The department may not make a budget request to fund the acquisition or construction of a proposed authority project unless the estimated net revenues of the proposed project will be sufficient to pay at least 50 percent of the annual debt service on the bonds associated with the project by the end of 12 years of operation and at least 100 percent of the debt service on the bonds by the end of 30 years of operation.

(2) The department may use its engineers and other personnel, including consulting engineers and traffic engineers, to conduct the feasibility studies authorized under subsection (1).

(3) The department may participate in authority-funded projects that, at a minimum:

(a) Serve national, statewide, or regional functions and function as part of an integrated regional transportation system.

(b) Are identified in the capital improvements element of a comprehensive plan that has been determined to be in compliance with part II of chapter 163. Further, the project shall be in compliance with local government comprehensive plan policies relative to corridor management.

(c) Are consistent with the Strategic Intermodal System Plan developed under s. 339.64.

(d) Have a commitment for local, regional, or private financial matching funds as a percentage of the overall project cost.

(4) Before approval, the department must determine that the

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2582 proposed project:

2583 (a) Is in the public's best interest;

2584 (b) Does not require state funding, unless the project is
2585 on the State Highway System;

2586 (c) Has adequate safeguards in place to ensure that no
2587 additional costs will be imposed on or service disruptions will
2588 affect the traveling public and residents of this state if the
2589 department cancels or defaults on the agreement; and

2590 (d) Has adequate safeguards in place to ensure that the
2591 department and the authority have the opportunity to add
2592 capacity to the proposed project and other transportation
2593 facilities serving similar origins and destinations.

2594 (5) An obligation or expense incurred by the department
2595 under this section is a part of the cost of the authority
2596 project for which the obligation or expense was incurred. The
2597 department may require that money contributed by the department
2598 under this section be repaid from tolls of the project on which
2599 the money was spent, other revenue of the authority, or other
2600 sources of funds.

2601 (6) The department shall receive from the authority a share
2602 of the authority's net revenues equal to the ratio of the
2603 department's total contributions to the authority under this
2604 section to the sum of: the department's total contributions
2605 under this section; contributions by any local government to the
2606 cost of revenue-producing authority projects; and the sale
2607 proceeds of authority bonds after payment of costs of issuance.
2608 For the purpose of this subsection, the net revenues of the
2609 authority are determined by deducting from gross revenues the
2610 payment of debt service, administrative expenses, operations and

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2611 maintenance expenses, and all reserves required to be
2612 established under any resolution under which authority bonds are
2613 issued.

2614 Section 51. Section 345.0009, Florida Statutes, is created
2615 to read:

2616 345.0009 Acquisition of lands and property.—

2617 (1) For the purposes of this chapter, the authority may
2618 acquire private or public property and property rights,
2619 including rights of access, air, view, and light, by gift,
2620 devise, purchase, condemnation by eminent domain proceedings, or
2621 transfer from another political subdivision of the state, as the
2622 authority may find necessary for any of the purposes of this
2623 chapter, including, but not limited to, any lands reasonably
2624 necessary for securing applicable permits, areas necessary for
2625 management of access, borrow pits, drainage ditches, water
2626 retention areas, rest areas, replacement access for landowners
2627 whose access is impaired due to the construction of a facility,
2628 and replacement rights-of-way for relocated rail and utility
2629 facilities; for existing, proposed, or anticipated
2630 transportation facilities on the system or in a transportation
2631 corridor designated by the authority; or for the purposes of
2632 screening, relocation, removal, or disposal of junkyards and
2633 scrap metal processing facilities. Each authority shall also
2634 have the power to condemn any material and property necessary
2635 for such purposes.

2636 (2) The authority shall exercise the right of eminent
2637 domain conferred under this section in the manner provided by
2638 law.

2639 (3) An authority that acquires property for a

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2640 transportation facility or in a transportation corridor is not
2641 liable under chapter 376 or chapter 403 for preexisting soil or
2642 groundwater contamination due solely to its ownership. This
2643 section does not affect the rights or liabilities of any past or
2644 future owners of the acquired property or the liability of any
2645 governmental entity for the results of its actions which create
2646 or exacerbate a pollution source. The authority and the
2647 Department of Environmental Protection may enter into
2648 interagency agreements for the performance, funding, and
2649 reimbursement of the investigative and remedial acts necessary
2650 for property acquired by the authority.

2651 Section 52. Section 345.001, Florida Statutes, is created
2652 to read:

2653 345.001 Cooperation with other units, boards, agencies, and
2654 individuals.—A county, municipality, drainage district, road and
2655 bridge district, school district, or any other political
2656 subdivision, board, commission, or individual in, or of, the
2657 state may make and enter into a contract, lease, conveyance,
2658 partnership, or other agreement with the authority which
2659 complies with this chapter. The authority may make and enter
2660 into contracts, leases, conveyances, partnerships, and other
2661 agreements with any political subdivision, agency, or
2662 instrumentality of the state and any federal agency,
2663 corporation, or individual to carry out the purposes of this
2664 chapter.

2665 Section 53. Section 345.0011, Florida Statutes, is created
2666 to read:

2667 345.0011 Covenant of the state.—The state pledges to, and
2668 agrees with, any person, firm, or corporation, or federal or

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state agency subscribing to or acquiring the bonds to be issued by the authority for the purposes of this chapter that the state will not limit or alter the rights vested by this chapter in the authority and the department until all bonds at any time issued, together with the interest thereon, are fully paid and discharged insofar as the rights vested in the authority and the department affect the rights of the holders of bonds issued under this chapter. The state further pledges to, and agrees with, the United States that if a federal agency constructs or contributes any funds for the completion, extension, or improvement of the system, or any parts of the system, the state will not alter or limit the rights and powers of the authority and the department in any manner that is inconsistent with the continued maintenance and operation of the system or the completion, extension, or improvement of the system, or that would be inconsistent with the due performance of any agreements between the authority and any such federal agency, and the authority and the department shall continue to have and may exercise all powers granted in this section, so long as the powers are necessary or desirable to carry out the purposes of this chapter and the purposes of the United States in the completion, extension, or improvement of the system, or any part of the system.

Section 54. Section 345.0012, Florida Statutes, is created to read:

345.0012 Exemption from taxation.—The authority created under this chapter is for the benefit of the people of the state, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions. The

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authority performs essential governmental functions under this chapter, therefore, the authority is not required to pay any taxes or assessments of any kind or nature upon any property acquired or used by it for such purposes, or upon any rates, fees, rentals, receipts, income, or charges received by it. Also, the bonds issued by the authority, their transfer and the income from their issuance, including any profits made on the sale of the bonds, shall be free from taxation by the state or by any political subdivision, taxing agency, or instrumentality of the state. The exemption granted by this section does not apply to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

Section 55. Section 345.0013, Florida Statutes, is created to read:

345.0013 Eligibility for investments and security.—Bonds or other obligations issued under this chapter are legal investments for banks, savings banks, trustees, executors, administrators, and all other fiduciaries, and for all state, municipal, and other public funds, and are also securities eligible for deposit as security for all state, municipal, or other public funds, notwithstanding any other law to the contrary.

Section 56. Section 345.0014, Florida Statutes, is created to read:

345.0014 Applicability.—

(1) The powers conferred by this chapter are in addition to the powers conferred by other laws and do not repeal any other general or special law or local ordinance, but supplement them, and provide a complete method for the exercise of the powers

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2727 granted in this chapter. The extension and improvement of a
2728 system, and the issuance of bonds under this chapter to finance
2729 all or part of the cost of such extension or improvement, may be
2730 accomplished through compliance with this chapter without regard
2731 to or necessity for compliance with the limitations or
2732 restrictions contained in any other general, special, or local
2733 law, including, but not limited to, s. 215.821. Approval of any
2734 bonds issued under this act by the qualified electors or
2735 qualified electors who are freeholders in the state or in any
2736 political subdivision of the state is not required for the
2737 issuance of such bonds under this chapter.

2738 (2) This act does not repeal, rescind, or modify any other
2739 law relating to the State Board of Administration, the
2740 Department of Transportation, or the Division of Bond Finance of
2741 the State Board of Administration; however, this chapter
2742 supersedes any other law that is inconsistent with its
2743 provisions, including, but not limited to, s. 215.821.

2744 Section 57. (1) LEGISLATIVE FINDINGS AND INTENT.—The
2745 Legislature recognizes that the existing fuel tax structure used
2746 to derive revenues for the funding of transportation projects in
2747 this state will soon be inadequate to meet the state's needs. To
2748 address this emerging need, the Legislature directs the Center
2749 for Urban Transportation Research to establish an extensive
2750 study on the impact of implementing a system that charges
2751 drivers based on the vehicle miles traveled as an alternative,
2752 sustainable source of transportation funding and to establish
2753 the framework for implementation of a pilot demonstration
2754 project. The Legislature recognizes that, over time, the current
2755 fuel tax structure has become less viable as the primary funding

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2756 source for transportation projects. While the fuel tax has
2757 functioned as a true user fee for decades, significant increases
2758 in mandated vehicle fuel efficiency and the introduction of
2759 electric and hybrid vehicles have significantly eroded the
2760 revenues derived from this tax. The Legislature also recognizes
2761 that there are legitimate privacy concerns related to a tax
2762 mechanism that would charge users of the highway system on the
2763 basis of miles traveled. Other concerns include the cost of
2764 implementing such a system and institutional issues associated
2765 with revenue sharing. Therefore, it is the intent of the
2766 Legislature that this study and demonstration design will, at a
2767 minimum, address these issues. To accomplish this task, the
2768 Center for Urban Transportation Research in consultation with
2769 the Florida Transportation Commission shall establish a project
2770 advisory board to assist the center in analyzing this
2771 alternative funding concept and in developing specific elements
2772 of the pilot project that will demonstrate the feasibility of
2773 transitioning Florida to a transportation funding system based
2774 on vehicle miles traveled.

2775 (2) VEHICLE-MILES-TRAVELED STUDY.—The Center for Urban
2776 Transportation Research shall conduct a study on the viability
2777 of implementing a system in this state which charges drivers
2778 based on their vehicle miles traveled as an alternative to the
2779 present fuel tax structure to fund transportation projects. The
2780 study will inventory previous research and findings from pilot
2781 projects being conducted in other states. The study will address
2782 at a minimum previous work conducted in these broad areas:
2783 assessment of technologies; behavioral and privacy concerns;
2784 equity impacts; and policy implications of a vehicle miles

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2785 traveled road charging system. The effort will also quantify the
2786 current costs to collect traditional highway user fees. This
2787 study will synthesize findings of completed research and
2788 demonstrations in the area of vehicle-miles-traveled charges and
2789 analyze their applicability to Florida. The Center for Urban
2790 Transportation Research shall present the findings of this study
2791 phase to the Legislature no later than January 30, 2016.

2792 (3) VEHICLE-MILES-TRAVELED PILOT PROJECT DESIGN.—

2793 (a) In the course of the study, the Center for Urban
2794 Transportation Research in consultation with the Florida
2795 Transportation Commission shall establish the framework for a
2796 pilot project that will evaluate the feasibility of implementing
2797 a system that charges drivers based on their vehicle miles
2798 traveled.

2799 (b) In the design of the pilot project framework, the
2800 Center for Urban Transportation Research shall address at a
2801 minimum these elements: the geographic location for the pilot;
2802 special fleets or classes of vehicles; evaluation criteria for
2803 the demonstration; consumer choice in the method of reporting
2804 miles traveled; privacy options for participants in the pilot
2805 project; the recording of miles traveled with and without
2806 locational information; records retention and destruction; and
2807 cyber security.

2808 (c) Contingent upon legislative appropriation, the Center
2809 for Urban Transportation Research may expend up to \$400,000 for
2810 the study and pilot project design.

2811 (d) The pilot project design shall be completed no later
2812 than December 31, 2016, and submitted in a report to the
2813 Legislature so that implementation of a pilot project can occur

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2814 in 2017.

2815 Section 58. For the purpose of incorporating the amendment
2816 made by this act to section 333.01, Florida Statutes, in a
2817 reference thereto, subsection (6) of section 350.81, Florida
2818 Statutes, is reenacted to read:

2819 350.81 Communications services offered by governmental
2820 entities.—

2821 (6) To ensure the safe and secure transportation of
2822 passengers and freight through an airport facility, as defined
2823 in s. 159.27(17), an airport authority or other governmental
2824 entity that provides or is proposing to provide communications
2825 services only within the boundaries of its airport layout plan,
2826 as defined in s. 333.01(6), to subscribers which are integral
2827 and essential to the safe and secure transportation of
2828 passengers and freight through the airport facility, is exempt
2829 from this section. An airport authority or other governmental
2830 entity that provides or is proposing to provide shared-tenant
2831 service under s. 364.339, but not dial tone enabling subscribers
2832 to complete calls outside the airport layout plan, to one or
2833 more subscribers within its airport layout plan which are not
2834 integral and essential to the safe and secure transportation of
2835 passengers and freight through the airport facility is exempt
2836 from this section. An airport authority or other governmental
2837 entity that provides or is proposing to provide communications
2838 services to one or more subscribers within its airport layout
2839 plan which are not integral and essential to the safe and secure
2840 transportation of passengers and freight through the airport
2841 facility, or to one or more subscribers outside its airport
2842 layout plan, is not exempt from this section. By way of example

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2843 and not limitation, the integral, essential subscribers may
2844 include airlines and emergency service entities, and the
2845 nonintegral, nonessential subscribers may include retail shops,
2846 restaurants, hotels, or rental car companies.

2847 Section 59. This act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: PCS/CS/SB 1048 (654822)

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development;
Transportation Committee; and Senator Garcia

SUBJECT: Motor Vehicle Manufacturer Licenses

DATE: April 6, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	Fav/CS
2.	Gusky	Miller	ATD	Recommended: Fav/CS
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1048 addresses numerous issues related to contractual agreements between motor vehicle licensees (manufacturers, distributors, and importers) and motor vehicle dealers. The bill provides additional grounds to deny, suspend, or revoke a license held by a manufacturer, factory branch, distributor, or importer. It also prohibits manufacturers from taking certain actions against dealers, and requires certain procedures be followed by the manufacturer when dealing with dealers.

The bill provides that its provisions apply to all franchise agreements entered into, renewed, or amended after October 1, 1988, unless such application impairs valid contractual agreements in violation of the State Constitution or United States Constitution.

The fiscal impact of the bill is indeterminate (see Section V).

The bill provides that it becomes effective upon becoming law.

II. Present Situation:

Florida has substantially regulated the relationship between motor vehicle manufacturers and motor vehicle dealers since 1970. Manufacturers, distributors, and importers (collectively referred to as licensees) enter into contractual agreements with dealers to sell particular vehicles

that the licensee manufactures, distributes, or imports. Chapter 320, F.S., provides, in part, for the regulation of the relationship between manufacturers and dealers. Existing law requires the licensing of manufacturers, and regulates numerous aspects of the contracts between manufacturers and dealers.

A manufacturer, factory branch, distributor, or importer must be licensed under ss. 320.60-320.70, F.S., to engage in business in this state.¹ A person desiring to be licensed under ss. 320.60-320.70, F.S., must submit an application to the DHSMV along with required documents to determine the fitness of the applicant or licensee to engage in the business for which the applicant or licensee desires to be licensed.² The DHSMV may prescribe an abbreviated application for renewal of a license if the licensee has previously filed an initial application, and shall include necessary information to bring current the information required in the initial application.³

The requirements regulating the contractual business relationship between a dealer and a manufacturer are primarily found in ss. 320.60-320.071, F.S., (the Florida Automobile Dealers Act).⁴ These sections of law specify, in part:

- The conditions and situations under which the DHSMV may grant, deny, suspend, or revoke a license;
- The process, timing, and notice requirements for manufacturers to discontinue, cancel, modify, or otherwise replace a franchise agreement with a dealer, and the conditions under which the DHSMV may deny such a change;
- The procedures a manufacturer must follow if it wants to add a dealership in an area already served by a dealer, the protest process, and the DHSMV's role in these circumstances;
- The amounts of damages that can be assessed against a manufacturer in violation of Florida statutes; and
- The DHSMV's authority to adopt rules to implement these sections of law.

In 2009, the DHSMV held, in an administrative proceeding, amendments to the Florida Automobile Dealers Act do not apply to dealers having franchise agreements which were signed prior to the effective date of various amendments to that Act.⁵

¹ Section 320.61(1), F.S.

² Section 320.63, F.S.

³ Section 320.61(2), F.S.

⁴Walter E. Forehand and John W. Forehand, *Motor Vehicle Dealer and Motor Vehicle Manufacturers: Florida Reacts to Pressures in the Marketplace*, 29 Fla. St. Univ. Law Rev. 1058 (2002) (No section of the statute provides a short title; however, many courts have referred to the provisions as such.), <http://www.law.fsu.edu/journals/lawreview/downloads/293/Forehand.pdf>.

⁵ See *Motorsports of Delray, LLC v. Yamaha Motor Corp., U.S.A.*, Case No. 09-0935 (Fla. DOAH Dec. 9, 2009). In this holding, the DHSMV ruled that a 2006 amendment to the Florida Automobile Dealers Act, does not apply to a dealer terminated in 2008 because the dealer's franchise agreement was entered into prior to the effective date of the amendment. This Final Order was initially appealed but was later voluntarily dismissed. See also, *In re Am. Suzuki Motor Corp.*, 494 B.R. 466, 480 (Bankr. C.D. Cal. 2013) (The DHSMV has indicated it will be applying this holding to every amendment to the Florida Automobile Dealers Act. That means dealers have different protections under the law depending on when they signed their franchise agreement.).

Currently, s. 320.64, F.S., provides 38 grounds for the DHSMV's denial, suspension, or revocation of the license of a manufacturer. A violation of any of these provisions entitles a dealer to rights and remedies contained within the Florida Automobile Dealers Act.

III. Effect of Proposed Changes:

The bill addresses several issues related to the contractual agreements between motor vehicle licensees and dealers.

Section 1 of the bill amends and adds several subsections in s. 320.64, F.S., to modify and add acts an applicant or licensee (further referred to as the licensee) is prohibited from committing. The bill:

Adds a new paragraph to subsection (10) to provide:

- A dealer who has received approval of its facility from the licensee within ten years prior to an incentive program offered by the licensee premised, wholly or in part, on dealer facility improvements is deemed to be in full compliance with facility-related requirements under the offer for the duration of the ten-year period; and
- A dealer who has completed a prior approved facility incentive program, standard, or policy during the ten year period but does not comply with the provisions related to facility, sign, or image under a new incentive program still remains entitled to the benefits under the older program plus any increase in benefits between the old and new programs for the remainder of the ten-year period.

Amends subsection (25) to provide that an audit of service-related payments, and incentive payments can be performed by a licensee only during the 12-month period immediately following the date the claim or incentive was paid.

- An "incentive" is defined as including any bonus, incentive, or other monetary or nonmonetary thing of value.
- The subsection is further amended to provide that a licensee may deny a service-related claim or incentive claim, or subject a dealer to a charge-back *only* for the portion of a claim proven to be false or fraudulent by the licensee.

Amends subsection (26) to add the following prohibited act:

- A licensee cannot take adverse action against a dealer because a motor vehicle sold or leased to a customer was resold or exported after it was delivered to the customer unless the licensee provides written notification to the motor vehicle dealer of such resale or export within 12 months after the date the dealer sold or leased the vehicle to the customer.

Adds subsection (39) to provide that the license of a licensee may be denied, suspended, or revoked if a licensee fails to make any payment due to a dealer for temporary replacement vehicles loaned, rented, or provided by the dealer to or for its service or repair customers, provided the dealer complied with the terms of the franchise agreement or other contract with the licensee, even if the motor vehicle has been leased, rented, titled, or registered to an entity owned or controlled by the dealer.

Adds subsection (40) to provide that the license of a licensee may be denied, suspended, or revoked if a licensee requires or coerces, or attempts to require or coerce, a dealer to purchase goods from a vendor selected, identified, or designated by the licensee or one of its parents, subsidiaries, divisions, or affiliates, without making available to the dealer the option to obtain the goods or services of substantially similar design and quality from a vendor chosen by the dealer.

- A dealer who desires to use goods or services of substantially similar design and quality from a chosen vendor must provide written notice to the licensee along with samples or clear descriptions of the goods or services. The licensee has up to 30 days to respond and may not unreasonably withhold approval. If the dealer receives no response within 30 days, approval to use the alternative goods or services is deemed granted.
- The term “goods or services” used in this bill refers to goods and services used to construct or renovate dealership facilities, and does not include:
 - Intellectual property of the licensee including signage, facility, or building materials that incorporate the licensee’s trademark or copyright;
 - Any special tool or training required by the licensee;
 - Any part to be used in repairs under warranty obligations of a licensee;
 - Any good or service paid for entirely by the licensee; or
 - Any licensee’s design or architectural review service.

Adds subsection (41) to provide that the license of a licensee may be denied, suspended, or revoked if a licensee:

- Requires a dealer, directly or indirectly, to advance, pay for, or reimburse the licensee for any costs related to advertisement for a motor vehicle, but may offer advertising or promotional materials to a dealer for a fee as long as the use of such materials is voluntary to the dealer;
- Requires a dealer to participate in, contribute to, affiliate with, or join, or preclude a portion of its dealers in a designated market from establishing, a dealer advertising or marketing entity; or
- Takes or threatens to take adverse action against a dealer that refuses to participate in a dealer advertising or marketing entity.

Section 2 provides that this act applies to all franchise agreements entered into, renewed, or amended after October 1, 1988, unless such application impairs valid contractual agreements in violation of the Florida Constitution or the United States Constitution.

Section 3 provides that this act takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

The Contracts Clause of the United States Constitution provides that no state shall pass any law impairing the obligation of contracts.⁶ However, the Contracts Clause prohibition must be weighed against the State's inherent power to safeguard its people's interests. Three factors are considered when evaluating a claim that the Contracts Clause has been violated: (1) whether the law substantially impairs a contractual relationship; (2) whether there is a significant and legitimate public purpose for the law; and (3) whether the adjustments of rights and responsibilities of the contracting parties are based upon reasonable conditions and are of an appropriate nature.⁷

Some state laws regulating contracts between automobile manufacturers and dealers have been found to have violated the constitution while other laws have been upheld as constitutional.⁸

The bill provides an exception to the act if such application violates the State Constitution or United States Constitution.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The impact of PCS/CS/SB 1048 on the private sector is indeterminate. To the extent the agreements between dealers and manufacturers, distributors, and importers change due to compliance with existing laws, the parties could be positively or negatively impacted. Dealers may experience increased revenue from new limitations and procedures governing the incentives, bonuses, and other benefit programs.

C. Government Sector Impact:

The impact of the bill on the government sector is indeterminate. The DHSMV may experience an increase in the number of administrative hearings as a result of the bill.

⁶ U.S. CONST. art. I, s. 10.

⁷ *Vesta Fire Ins. Corp. v. State of Fla.*, 141 F.3d 1427, 1433 (11th Cir. 1998).

⁸ See *Alliance of Auto. Mfrs., Inc. v. Currey*, 984 F. Supp. 2d 32 (D. Conn. 2013) (Upholding state law that revised statutory method for calculating reasonable compensation for vehicle warranty work and prohibited manufacturers from recovering any additional cost of the new method from the dealers.); *Arapahoe Motors, Inc. v. Gen. Motors Corp.*, No. CIV.A. 99 N 1985, 2001 WL 36400171, at *13 (D. Colo. Mar. 28, 2001) (the retroactive application of state law would be unconstitutional as it would create a new obligation or impose a new duty upon General Motors.).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 320.64 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 2, 2015:

The CS deleted a provision which provided that:

- A licensee cannot terminate, cancel, discontinue, or not renew a dealer's franchise agreement on the basis of any act related to a customer's export or resell of a motor vehicle, *unless* the licensee proves by clear and convincing evidence before a trier of fact that the majority owner or dealer-principal had actual knowledge at the time the vehicle was being sold that the customer intended to export or resell the vehicle.

CS by Transportation on March 26, 2015:

The CS added:

- A licensee may not refuse to pay a dealer who participated in an incentive program related to facility improvements or signs "any increase in benefits" between the older program and new program offered within a ten-year period;
- A dealer has the option to obtain like kind, design, and quality goods or services from a vendor chosen by the dealer, and includes the process for obtaining approval by the licensee, defines "good and services," and provides exceptions; and
- A licensee may not require a dealer, directly or indirectly, to advance, pay for, or reimburse the licensee for any costs related to advertisement for a motor vehicle

The CS removed:

- The amendments to ss. 320.641, 320.642, and 320.643, F.S., which added that a dealer could file a protest or petition against a manufacturer with a "court of competent jurisdiction";
- The language to be used to determine if a complainant dealer has substantially prevailed when petitioning a notice of intent to discontinue, cancel, not renew, or replace a franchise agreement;
- The creation of an alternative cause of civil action procedure for a dealer directly and adversely affected by the action or conduct of the licensee; and
- The provision that required a manufacture to provide a written statement or notice disclosing whether the manufacturer has an ownership interest in a prescribed vendor.

The CS changed the timeframe a licensee can audit incentive payments from six months to 12 months. Additionally, a licensee may not take adverse action against a dealer because a motor vehicle sold, leased, or delivered to a customer was resold or exported more than 120 days after it was delivered to the customer, instead of 90 days.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/06/2015	.	
	.	
	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Diaz de la Portilla) recommended the
following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present paragraph (h) of subsection (10) of
section 320.64, Florida Statutes, is redesignated as paragraph
(i), a new paragraph (h) is added to that subsection, present
paragraph (h) of subsection (10) and subsections (25) and (26)
of that section are amended, and subsections (39), (40), and



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(41) are added to that section, to read:

320.64 Denial, suspension, or revocation of license;
grounds.—A license of a licensee under s. 320.61 may be denied,
suspended, or revoked within the entire state or at any specific
location or locations within the state at which the applicant or
licensee engages or proposes to engage in business, upon proof
that the section was violated with sufficient frequency to
establish a pattern of wrongdoing, and a licensee or applicant
shall be liable for claims and remedies provided in ss. 320.695
and 320.697 for any violation of any of the following
provisions. A licensee is prohibited from committing the
following acts:

(10)

(h) If an applicant or licensee offers any bonus,
incentive, rebate, or other program, standard, or policy that is
available to a motor vehicle dealer in this state and that is
premised, wholly or in part, on dealer facility improvements,
renovations, expansion, remodeling, alterations, or installation
of signs or other image elements, a motor vehicle dealer who
completes an approved facility in reliance upon such offer shall
be deemed to be in full compliance with all of the applicant's
or licensee's requirements related to facility, sign, and image
for the duration of a 10-year period following such completion.
If, during the 10-year period, the applicant or licensee
establishes a program, standard, or policy that offers a new
bonus, incentive, rebate, or other benefit, a motor vehicle
dealer that completed an approved facility in reliance upon the
prior program, standard, or policy but does not comply with the
provisions related to facility, sign, or image under the new



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39 program, standard, or policy, except as hereinafter provided,
40 may not be eligible for benefits under the provisions related to
41 facility, sign, or image of the new program, standard, or
42 policy, but shall remain entitled to all the benefits under the
43 older program, standard, or policy, plus any increase in the
44 benefits between the old and new programs, standards, or
45 policies during the remainder of the 10-year period. Nothing
46 contained in this subsection shall in any way obviate, affect,
47 or alter the provisions of subsection (38).

48 (i)~~(h)~~ A violation of paragraphs (b)-(h) ~~(b) through (g)~~ is
49 not a violation of s. 320.70 and does not subject any licensee
50 to any criminal penalty under s. 320.70.

51 (25) The applicant or licensee has undertaken or engaged in
52 an audit of warranty, maintenance, and other service-related
53 payments or incentive payments, including payments to a motor
54 vehicle dealer under any licensee-issued program, policy, or
55 other benefit, which previously have been paid to a motor
56 vehicle dealer in violation of this section or has failed to
57 comply with any of its obligations under s. 320.696. An
58 applicant or licensee may reasonably and periodically audit a
59 motor vehicle dealer to determine the validity of paid claims as
60 provided in s. 320.696. Audits of warranty, maintenance, and
61 other service-related payments shall be performed by an
62 applicant or licensee only during the 12-month ~~1-year~~ period
63 immediately following the date the claim was paid. Audits ~~Audit~~
64 of incentive payments shall ~~only~~ be performed only during the
65 12-month ~~for an 18-month~~ period immediately following the date
66 the incentive was paid. As used in this section, the term
67 "incentive" includes any bonus, incentive, or other monetary or



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68 nonmonetary thing of value. After such time periods have
69 elapsed, all warranty, maintenance, and other service-related
70 payments and incentive payments shall be deemed final and
71 incontrovertible for any reason notwithstanding any otherwise
72 applicable law, and the motor vehicle dealer shall not be
73 subject to any charge-back or repayment. An applicant or
74 licensee may deny a claim or, as a result of a timely conducted
75 audit, impose a charge-back against a motor vehicle dealer for
76 warranty, maintenance, or other service-related payments or
77 incentive payments only if the applicant or licensee can show
78 that the warranty, maintenance, or other service-related claim
79 or incentive claim was false or fraudulent or that the motor
80 vehicle dealer failed to substantially comply with the
81 reasonable written and uniformly applied procedures of the
82 applicant or licensee for such repairs or incentives, but only
83 for that portion of the claim so shown. Notwithstanding the
84 terms of any franchise agreement, guideline, program, policy, or
85 procedure, an applicant or licensee may deny or charge back only
86 that portion of a warranty, maintenance, or other service-
87 related claim or incentive claim which the applicant or licensee
88 has proven to be false or fraudulent or for which the dealer
89 failed to substantially comply with the reasonable written and
90 uniformly applied procedures of the applicant or licensee for
91 such repairs or incentives, as set forth in this subsection. An
92 applicant or licensee may not charge back a motor vehicle dealer
93 ~~back~~ subsequent to the payment of a warranty, maintenance, or
94 service-related claim or incentive claim unless, within 30 days
95 after a timely conducted audit, a representative of the
96 applicant or licensee first meets in person, by telephone, or by



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97 video teleconference with an officer or employee of the dealer
98 designated by the motor vehicle dealer. At such meeting the
99 applicant or licensee must provide a detailed explanation, with
100 supporting documentation, as to the basis for each of the claims
101 for which the applicant or licensee proposed a charge-back to
102 the dealer and a written statement containing the basis upon
103 which the motor vehicle dealer was selected for audit or review.
104 Thereafter, the applicant or licensee must provide the motor
105 vehicle dealer's representative a reasonable period after the
106 meeting within which to respond to the proposed charge-backs,
107 with such period to be commensurate with the volume of claims
108 under consideration, but in no case less than 45 days after the
109 meeting. The applicant or licensee is prohibited from changing
110 or altering the basis for each of the proposed charge-backs as
111 presented to the motor vehicle dealer's representative following
112 the conclusion of the audit unless the applicant or licensee
113 receives new information affecting the basis for one or more
114 charge-backs and that new information is received within 30 days
115 after the conclusion of the timely conducted audit. If the
116 applicant or licensee claims the existence of new information,
117 the dealer must be given the same right to a meeting and right
118 to respond as when the charge-back was originally presented.
119 After all internal dispute resolution processes provided through
120 the applicant or licensee have been completed, the applicant or
121 licensee shall give written notice to the motor vehicle dealer
122 of the final amount of its proposed charge-back. If the dealer
123 disputes that amount, the dealer may file a protest with the
124 department within 30 days after receipt of the notice. If a
125 protest is timely filed, the department shall notify the



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applicant or licensee of the filing of the protest, and the applicant or licensee may not take any action to recover the amount of the proposed charge-back until the department renders a final determination, which is not subject to further appeal, that the charge-back is in compliance with the provisions of this section. In any hearing pursuant to this subsection, the applicant or licensee has the burden of proof that its audit and resulting charge-back are in compliance with this subsection.

(26) Notwithstanding the terms of any franchise agreement, including any licensee's program, policy, or procedure, the applicant or licensee has refused to allocate, sell, or deliver motor vehicles; charged back or withheld payments or other things of value for which the dealer is otherwise eligible under a sales promotion, program, or contest; prevented a motor vehicle dealer from participating in any promotion, program, or contest; or has taken or threatened to take any adverse action against a dealer, including charge-backs, reducing vehicle allocations, or terminating or threatening to terminate a franchise because the dealer sold or leased a motor vehicle to a customer who exported the vehicle to a foreign country or who resold the vehicle, unless the licensee proves that the dealer knew or reasonably should have known that the customer intended to export or resell the motor vehicle. There is a rebuttable presumption that the dealer neither knew nor reasonably should have known of its customer's intent to export or resell the vehicle if the vehicle is titled or registered in any state in this country. A licensee may not take any action against a motor vehicle dealer, including reducing its allocations or supply of motor vehicles to the dealer, or charging back a dealer for an



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incentive payment previously paid, unless the licensee first meets in person, by telephone, or video conference with an officer or other designated employee of the dealer. At such meeting, the licensee must provide a detailed explanation, with supporting documentation, as to the basis for its claim that the dealer knew or reasonably should have known of the customer's intent to export or resell the motor vehicle. Thereafter, the motor vehicle dealer shall have a reasonable period, commensurate with the number of motor vehicles at issue, but not less than 15 days, to respond to the licensee's claims. If, following the dealer's response and completion of all internal dispute resolution processes provided through the applicant or licensee, the dispute remains unresolved, the dealer may file a protest with the department within 30 days after receipt of a written notice from the licensee that it still intends to take adverse action against the dealer with respect to the motor vehicles still at issue. If a protest is timely filed, the department shall notify the applicant or licensee of the filing of the protest, and the applicant or licensee may not take any action adverse to the dealer until the department renders a final determination, which is not subject to further appeal, that the licensee's proposed action is in compliance with the provisions of this subsection. In any hearing pursuant to this subsection, the applicant or licensee has the burden of proof on all issues raised by this subsection. An applicant or licensee may not take any adverse action against a motor vehicle dealer because the dealer sold or leased a motor vehicle to a customer who exported the vehicle to a foreign country or who resold the vehicle unless the applicant or licensee provides written



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notification to the motor vehicle dealer of such resale or
export within 12 months after the date the dealer sold or leased
the vehicle to the customer.

(39) Notwithstanding the terms of any agreement, program,
incentive, bonus, policy, or rule, an applicant or licensee
fails to make any payment pursuant to any of the foregoing for
any temporary replacement motor vehicle loaned, rented, or
provided by a motor vehicle dealer to or for its service or
repair customers, even if the temporary replacement motor
vehicle has been leased, rented, titled, or registered to the
motor vehicle dealer's rental or leasing division or an entity
that is owned or controlled by the motor vehicle dealer,
provided that the motor vehicle dealer or its rental or leasing
division or entity complies with the written and uniformly
enforced vehicle eligibility, use, and reporting requirements
specified by the applicant or licensee in its agreement,
program, policy, bonus, incentive or rule relating to loaner
vehicles.

(40) Notwithstanding the terms of any franchise agreement,
the applicant or licensee has required or coerced, or attempted
to require or coerce, a motor vehicle dealer to purchase goods
or services from a vendor selected, identified, or designated by
the applicant or licensee, or one of its parents, subsidiaries,
divisions, or affiliates, by agreement, standard, policy,
program, incentive provision, or otherwise, without making
available to the motor vehicle dealer the option to obtain the
goods or services of substantially similar design and quality
from a vendor chosen by the motor vehicle dealer. If the motor
vehicle dealer exercises such option, the dealer must provide



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written notice of its desire to use the alternative goods or
services to the applicant or licensee, along with samples or
clear descriptions of the alternative goods or services that the
dealer desires to use. The licensee or applicant shall have the
opportunity to evaluate the alternative goods or services for up
to 30 days to determine whether it will provide a written
approval to the motor vehicle dealer to use said alternative
goods or services. Approval may not be unreasonably withheld by
the applicant or licensee. If the motor vehicle dealer does not
receive a response from the applicant or licensee within 30
days, approval to use the alternative goods or services shall be
deemed granted. If a dealer using alternative goods or services
complies with the terms of this subsection and has received
approval from the licensee or applicant, the dealer shall not be
ineligible for all benefits described in the agreement,
standard, policy, program, incentive provision, or otherwise
solely for having used such alternative goods or services. As
used in this subsection, the term "goods or services" is limited
to such goods and services used to construct or renovate
dealership facilities, or furniture and fixtures at the
dealership facilities. The term does not include:

(a) Any intellectual property of the applicant or licensee,
including signage incorporating the applicant's or licensee's
trademark or copyright, or facility or building materials, to
the extent that the applicant's or licensee's trademark is
displayed thereon;

(b) Any special tool and training as required by the
licensee or applicant;

(c) Any part to be used in repairs under warranty



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obligations of an applicant or licensee;

(d) Any good or service paid for entirely by the applicant
or licensee; or

(e) Any applicant's or licensee's design or architectural
review service.

(41) (a) The applicant or licensee, by agreement, policy,
program, standard, or otherwise, requires a motor vehicle
dealer, directly or indirectly, to advance or pay for, or to
reimburse the applicant or licensee for, any costs related to
the creation, development, showing, placement, or publication in
any media of any advertisement for a motor vehicle; requires a
motor vehicle dealer to participate in, contribute to, affiliate
with, or join a dealer advertising or marketing group, fund,
pool, association, or other entity; or takes or threatens to
take any adverse action against a motor vehicle dealer that
refuses to join or participate in such group, fund, pool,
association, or other entity. As used in this subsection, the
term "adverse action" includes, but is not limited to, reducing
allocations, charging fees for a licensee's or dealer's
advertising or a marketing group's advertising or marketing,
terminating or threatening to terminate the motor vehicle
dealer's franchise agreement, reducing any incentive for which
the motor vehicle dealer is eligible, or engaging in any action
that fails to take into account the equities of the motor
vehicle dealer.

(b) An applicant or licensee requires a dealer to
participate in, or precludes a number of its motor vehicle
dealers in a designated market area from establishing, a
voluntary motor vehicle dealer advertising or marketing group,



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fund, pool, association, or other entity. Except as provided in
an agreement, if a motor vehicle dealer chooses to form an
independent advertising or marketing group, the applicant or
licensee is not required to fund such group.

(c) This subsection may not prohibit an applicant or
licensee from offering advertising or promotional materials to a
motor vehicle dealer for a fee or charge, as long as the use of
such advertising or promotional materials is voluntary for the
motor vehicle dealer.

A motor vehicle dealer who can demonstrate that a violation of,
or failure to comply with, any of the preceding provisions by an
applicant or licensee will or can adversely and pecuniarily
affect the complaining dealer, shall be entitled to pursue all
of the remedies, procedures, and rights of recovery available
under ss. 320.695 and 320.697.

Section 2. This act applies to all franchise agreements
entered into, renewed, or amended after October 1, 1988, except
and to the extent that such application impairs valid
contractual agreements in violation of the State Constitution or
the United States Constitution.

Section 3. This act shall take effect upon becoming a law.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to motor vehicle manufacturer



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licenses; amending s. 320.64, F.S.; providing that a motor vehicle dealer who received approval of a facility from an applicant or licensee within a specified timeframe is deemed to be in full compliance with facility-related requirements; providing that such motor vehicle dealer are entitled to certain benefits under certain circumstances; providing applicability; conforming a cross-reference; revising provisions related to an applicant or licensee who has undertaken or engaged in an audit of service-related payments or incentive payments; limiting the timeframe for the performance of such audits; defining the term "incentive"; authorizing an applicant or licensee to deny or charge back only the portion of a service-related claim or incentive claim which the applicant or licensee has proven to be false or fraudulent or for which the dealer failed to substantially comply with certain procedures; prohibiting an applicant or licensee from taking adverse action against a motor vehicle dealer under certain circumstances; prohibiting an applicant or licensee from failing to make any payment due a motor vehicle dealer that substantially complies with the terms of a certain contract between the two parties regarding reimbursement for temporary replacement vehicles under certain circumstances; authorizing a motor vehicle dealer to purchase goods or services from a vendor chosen by the motor vehicle dealer, subject to certain requirements; defining the term "goods or services";



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prohibiting an applicant or licensee from requiring a motor vehicle dealer to pay for certain advertising or marketing, or to participate in or affiliate with a dealer advertising or marketing entity; prohibiting an applicant or licensee from taking or threatening to take any adverse action against a motor vehicle dealer who refuses to join or participate in such entity; defining the term "adverse action"; providing that an applicant or licensee may not require a dealer to participate in, or may not preclude only a number of its motor vehicle dealers in a designated market area from establishing, a voluntary motor vehicle dealer advertising or marketing entity; providing that an applicant or licensee is not required to fund such an entity under certain circumstances; providing for retroactive applicability under certain circumstances; providing an effective date.

By the Committee on Transportation; and Senator Garcia

596-02921-15

20151048c1

A bill to be entitled

An act relating to motor vehicle manufacturer licenses; amending s. 320.64, F.S.; providing that a motor vehicle dealer who receives approval of a facility from an applicant or licensee within a specified timeframe is deemed to be in full compliance with facility-related requirements; providing that such motor vehicle dealer are entitled to certain benefits under certain circumstances; providing applicability; conforming a cross-reference; revising provisions related to an applicant or licensee who has undertaken or engaged in an audit of service-related payments or incentive payments; limiting the timeframe for the performance of such audits; defining the term "incentive"; providing that an applicant or licensee may deny or charge back only the portion of a service-related claim or incentive claim which the applicant or licensee has proven to be false or fraudulent or for which the dealer failed to substantially comply with certain procedures; prohibiting an applicant or licensee from taking adverse action against a motor vehicle dealer under certain circumstances; prohibiting an applicant or licensee from failing to make any payment due a motor vehicle dealer that substantially complies with the terms of a certain contract between the two parties regarding reimbursement for temporary replacement vehicles under certain circumstances; authorizing a motor vehicle dealer to purchase goods or services from a vendor

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chosen by the motor vehicle dealer, subject to certain requirements; defining the term "goods or services"; prohibiting an applicant or licensee from requiring a motor vehicle dealer to pay for certain advertising or marketing, or to participate in or affiliate with a dealer advertising or marketing entity; providing that an applicant or licensee may not take or threaten to take any adverse action against a motor vehicle dealer who refuses to join or participate in such entity; defining the term "adverse action"; providing that an applicant or licensee may not require a dealer to participate in, or may not preclude only a number of its motor vehicle dealers in a designated market area from establishing, a voluntary motor vehicle dealer advertising or marketing entity; providing that an applicant or licensee is not required to fund such an entity under certain circumstances; providing for retroactive applicability under certain circumstances; providing an effective date.

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

Section 1. Present paragraph (h) of subsection (10) of section 320.64, Florida Statutes, is redesignated as paragraph (i), a new paragraph (h) is added to that subsection, present paragraph (h) of subsection (10) and subsections (25) and (26) of that section are amended, and subsections (39), (40), and (41) are added to that section, to read:

320.64 Denial, suspension, or revocation of license;

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59 grounds.—A license of a licensee under s. 320.61 may be denied,
60 suspended, or revoked within the entire state or at any specific
61 location or locations within the state at which the applicant or
62 licensee engages or proposes to engage in business, upon proof
63 that the section was violated with sufficient frequency to
64 establish a pattern of wrongdoing, and a licensee or applicant
65 shall be liable for claims and remedies provided in ss. 320.695
66 and 320.697 for any violation of any of the following
67 provisions. A licensee is prohibited from committing the
68 following acts:

69 (10)

70 (h) If the applicant or licensee offers any bonus,
71 incentive, rebate, or other program, standard, or policy that is
72 available to a motor vehicle dealer in this state and that is
73 premised, wholly or in part, on dealer facility improvements,
74 renovations, expansion, remodeling, alterations, or installation
75 of signs or other image elements, and if the motor vehicle
76 dealer completes an approved facility in reliance upon such
77 offer, the motor vehicle dealer shall be deemed to be in full
78 compliance with all of the applicant's or licensee's
79 requirements related to facility, sign, and image for the
80 duration of a 10-year period following such completion. If,
81 during the 10-year period, the applicant or licensee establishes
82 a program, standard, or policy that offers a new bonus,
83 incentive, rebate, or other benefit, and if a motor vehicle
84 dealer has completed an approved facility in reliance upon the
85 prior program, standard, or policy but does not comply with the
86 provisions related to facility, sign, or image under the new
87 program, standard, or policy, except as hereinafter provided,

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the motor vehicle dealer may not be eligible for benefits under the provisions related to facility, sign, or image of the new program, standard, or policy, but shall remain entitled to all the benefits under the older program, standard, or policy, plus any increase in the benefits between the old and new programs, standards, or policies during the remainder of the 10-year period. Nothing contained in this subsection shall in any way obviate, affect, or alter the provisions of subsection (38).

(i)~~(h)~~ A violation of paragraphs (b)-(h) ~~(b) through (g)~~ is not a violation of s. 320.70 and does not subject any licensee to any criminal penalty under s. 320.70.

(25) The applicant or licensee has undertaken or engaged in an audit of warranty, maintenance, and other service-related payments or incentive payments, including payments to a motor vehicle dealer under any licensee-issued program, policy, or other benefit, which previously have been paid to a motor vehicle dealer in violation of this section or has failed to comply with any of its obligations under s. 320.696. An applicant or licensee may reasonably and periodically audit a motor vehicle dealer to determine the validity of paid claims as provided in s. 320.696. Audits of warranty, maintenance, and other service-related payments shall be performed by an applicant or licensee only during the 12-month ~~1-year~~ period immediately following the date the claim was paid. Audits ~~Audit~~ of incentive payments shall ~~only~~ be performed only during the 12-month ~~for an 18-month~~ period immediately following the date the incentive was paid. As used in this section, the term "incentive" includes any bonus, incentive, or other monetary or nonmonetary thing of value. After such time periods have

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117 elapsed, all warranty, maintenance, and other service-related
118 payments and incentive payments shall be deemed final and
119 incontrovertible for any reason notwithstanding any otherwise
120 applicable law, and the motor vehicle dealer shall not be
121 subject to any charge-back or repayment. An applicant or
122 licensee may deny a claim or, as a result of a timely conducted
123 audit, impose a charge-back against a motor vehicle dealer for
124 warranty, maintenance, or other service-related payments or
125 incentive payments only if the applicant or licensee can show
126 that the warranty, maintenance, or other service-related claim
127 or incentive claim was false or fraudulent or that the motor
128 vehicle dealer failed to substantially comply with the
129 reasonable written and uniformly applied procedures of the
130 applicant or licensee for such repairs or incentives, but only
131 for that portion of the claim so shown. Notwithstanding the
132 terms of any franchise agreement, guideline, program, policy, or
133 procedure, an applicant or licensee may deny or charge back only
134 that portion of a warranty, maintenance, or other service-
135 related claim or incentive claim which the applicant or licensee
136 has proven to be false or fraudulent or for which the dealer
137 failed to substantially comply with the reasonable, written, and
138 uniformly applied procedures of the applicant or licensee for
139 such repairs or incentives, as set forth in this subsection. An
140 applicant or licensee may not charge back a motor vehicle dealer
141 ~~back~~ subsequent to the payment of a warranty, maintenance, or
142 service-related claim or incentive claim unless, within 30 days
143 after a timely conducted audit, a representative of the
144 applicant or licensee first meets in person, by telephone, or by
145 video teleconference with an officer or employee of the dealer

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designated by the motor vehicle dealer. At such meeting the applicant or licensee must provide a detailed explanation, with supporting documentation, as to the basis for each of the claims for which the applicant or licensee proposed a charge-back to the dealer and a written statement containing the basis upon which the motor vehicle dealer was selected for audit or review. Thereafter, the applicant or licensee must provide the motor vehicle dealer's representative a reasonable period after the meeting within which to respond to the proposed charge-backs, with such period to be commensurate with the volume of claims under consideration, but in no case less than 45 days after the meeting. The applicant or licensee is prohibited from changing or altering the basis for each of the proposed charge-backs as presented to the motor vehicle dealer's representative following the conclusion of the audit unless the applicant or licensee receives new information affecting the basis for one or more charge-backs and that new information is received within 30 days after the conclusion of the timely conducted audit. If the applicant or licensee claims the existence of new information, the dealer must be given the same right to a meeting and right to respond as when the charge-back was originally presented. After all internal dispute resolution processes provided through the applicant or licensee have been completed, the applicant or licensee shall give written notice to the motor vehicle dealer of the final amount of its proposed charge-back. If the dealer disputes that amount, the dealer may file a protest with the department within 30 days after receipt of the notice. If a protest is timely filed, the department shall notify the applicant or licensee of the filing of the protest, and the

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175 applicant or licensee may not take any action to recover the
176 amount of the proposed charge-back until the department renders
177 a final determination, which is not subject to further appeal,
178 that the charge-back is in compliance with the provisions of
179 this section. In any hearing pursuant to this subsection, the
180 applicant or licensee has the burden of proof that its audit and
181 resulting charge-back are in compliance with this subsection.

182 (26) Notwithstanding the terms of any franchise agreement,
183 including any licensee's program, policy, or procedure, the
184 applicant or licensee has refused to allocate, sell, or deliver
185 motor vehicles; charged back or withheld payments or other
186 things of value for which the dealer is otherwise eligible under
187 a sales promotion, program, or contest; prevented a motor
188 vehicle dealer from participating in any promotion, program, or
189 contest; or has taken or threatened to take any adverse action
190 against a dealer, including charge-backs, reducing vehicle
191 allocations, or terminating or threatening to terminate a
192 franchise because the dealer sold or leased a motor vehicle to a
193 customer who exported the vehicle to a foreign country or who
194 resold the vehicle, unless the licensee proves that the dealer
195 knew or reasonably should have known that the customer intended
196 to export or resell the motor vehicle. There is a rebuttable
197 presumption that the dealer neither knew nor reasonably should
198 have known of its customer's intent to export or resell the
199 vehicle if the vehicle is titled or registered in any state in
200 this country. A licensee may not take any action against a motor
201 vehicle dealer, including reducing its allocations or supply of
202 motor vehicles to the dealer, or charging back a dealer for an
203 incentive payment previously paid, unless the licensee first

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meets in person, by telephone, or video conference with an officer or other designated employee of the dealer. At such meeting, the licensee must provide a detailed explanation, with supporting documentation, as to the basis for its claim that the dealer knew or reasonably should have known of the customer's intent to export or resell the motor vehicle. Thereafter, the motor vehicle dealer shall have a reasonable period, commensurate with the number of motor vehicles at issue, but not less than 15 days, to respond to the licensee's claims. If, following the dealer's response and completion of all internal dispute resolution processes provided through the applicant or licensee, the dispute remains unresolved, the dealer may file a protest with the department within 30 days after receipt of a written notice from the licensee that it still intends to take adverse action against the dealer with respect to the motor vehicles still at issue. If a protest is timely filed, the department shall notify the applicant or licensee of the filing of the protest, and the applicant or licensee may not take any action adverse to the dealer until the department renders a final determination, which is not subject to further appeal, that the licensee's proposed action is in compliance with the provisions of this subsection. In any hearing pursuant to this subsection, the applicant or licensee has the burden of proof on all issues raised by this subsection. In addition to the requirements, protections, and procedures set forth in this subsection, an applicant or licensee, by agreement, program, rule, policy, standard, or otherwise, may not take adverse action against a motor vehicle dealer, including, but not limited to, reducing allocations, product deliveries, or

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233 planning volumes, or imposing any penalty or charge-back,
234 because a motor vehicle that was sold, leased, or delivered to a
235 customer was resold or exported more than 120 days after it was
236 delivered to the customer. If the applicant or licensee does not
237 provide written notification to the motor vehicle dealer of such
238 resale or export within 12 months after the date of the motor
239 vehicle dealer's delivery of the vehicle to the customer, the
240 motor vehicle dealer may not be subject to any adverse action.
241 Notwithstanding the provisions of any franchise agreement,
242 program, policy, or procedure, a motor vehicle dealer's
243 franchise agreement may not be terminated, canceled,
244 discontinued, or nonrenewed by an applicant or licensee on the
245 basis of any act related to a customer's exporting or reselling
246 of a motor vehicle, unless the applicant or licensee proves by
247 clear and convincing evidence before a trier of fact that the
248 motor vehicle dealer knowingly engaged in a pattern of conduct
249 of selling to known exporters and that the majority owner, or if
250 there is no majority owner, the person designated as the dealer-
251 principal in the franchise agreement, had actual knowledge, at
252 the time the motor vehicle was sold, leased, or delivered, that
253 the customer intended to export or resell the motor vehicle.
254 However, nothing herein shall prohibit a licensee from
255 terminating or nonrenewing a motor vehicle dealer's franchise
256 agreement for a pattern of conduct that includes fraud, or
257 intentionally making false statements or documentation in
258 connection with retail sales of motor vehicles that are
259 exported.

260 (39) Notwithstanding the terms of any agreement, program,
261 incentive, bonus, policy, or rule, the applicant or licensee

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262 fails to make any payment pursuant to any of the foregoing for
263 any temporary replacement motor vehicle loaned, rented, or
264 provided by a motor vehicle dealer to or for its service or
265 repair customers, even if the temporary replacement motor
266 vehicle has been leased, rented, titled, or registered to the
267 motor vehicle dealer's rental or leasing division or an entity
268 that is owned or controlled by the motor vehicle dealer,
269 provided that the motor vehicle dealer or its rental or leasing
270 division or entity complies with the written and uniformly
271 enforced vehicle eligibility and use requirements specified by
272 the applicant or licensee in its agreement, program, policy,
273 bonus, incentive or rule relating to loaner vehicles.

274 (40) Notwithstanding the terms of any franchise agreement,
275 the applicant or licensee has required or coerced, or attempted
276 to require or coerce, a motor vehicle dealer to purchase goods
277 or services from a vendor selected, identified, or designated by
278 the applicant or licensee, or one of its parents, subsidiaries,
279 divisions, or affiliates, by agreement, standard, policy,
280 program, incentive provision, or otherwise, without making
281 available to the motor vehicle dealer the option to obtain the
282 goods or services of like kind, design, and quality from a
283 vendor chosen by the motor vehicle dealer. If the motor vehicle
284 dealer exercises such option, the dealer must provide written
285 notice of its desire to use the alternative goods or services to
286 the applicant or licensee, along with samples or clear
287 descriptions of the alternative goods or services that the
288 dealer desires to use. The licensee or applicant shall have the
289 opportunity to evaluate the alternative good or service for up
290 to 30 days and to provide its written consent to use said good

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or service; such consent may not be unreasonably withheld by the applicant or licensee. If the motor vehicle dealer does not receive a response from the applicant or licensee within 30 days, consent to use the alternative goods or services shall be deemed granted. If a dealer using alternative goods or services complies with the terms of this subsection, the dealer shall qualify and be eligible for all benefits described in the agreement, standard, policy, program, incentive provision, or otherwise. As used in this subsection, the term "goods or services" is limited to such goods and services used to construct or renovate dealership facilities, or furniture and fixtures at the dealership facilities. The term does not include:

(a) Any intellectual property of the applicant or licensee relating to signage incorporating the applicant's or licensee's trademark or copyright, any facility or building materials bearing the applicant's or licensee's trademark;

(b) Any special tool and training as required by the licensee or applicant;

(c) Any part to be used in repairs under warranty obligations of an applicant or licensee;

(d) Any good or service paid for entirely by the applicant or licensee; or

(e) Any applicant's or licensee's design or architectural review service.

(41)(a) The applicant or licensee, by agreement, policy, program, standard, or otherwise, requires a motor vehicle dealer, directly or indirectly, to advance or pay for, or to reimburse the applicant or licensee for, any costs related to

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the creation, development, showing, or publication in any media
of any advertisement for a motor vehicle; requires a motor
vehicle dealer to participate in, contribute to, affiliate with,
or join a dealer advertising or marketing group, fund, pool,
association, or other entity; or takes or threatens to take any
adverse action against a motor vehicle dealer that refuses to
join or participate in such group, fund, pool, association, or
other entity. As used in this subsection, the term "adverse
action" includes, but is not limited to, reduction of
allocations, charging fees for a licensee's or dealer's
advertising or a marketing group's advertising or marketing,
termination of or threatening to terminate the motor vehicle
dealer's franchise, or reducing any incentive for which the
motor vehicle dealer is eligible.

(b) An applicant or licensee requires a dealer to
participate in, or precludes a number of its motor vehicle
dealers in a designated market area from establishing, a
voluntary motor vehicle dealer advertising or marketing group,
fund, pool, association, or other entity. Except as provided in
an agreement, if a motor vehicle dealer chooses to form an
independent advertising or marketing group, the applicant or
licensee is not required to fund such group.

(c) This subsection may not prohibit an applicant or
licensee from offering advertising or promotional materials to a
motor vehicle dealer for a fee or charge, as long as the use of
such advertising or promotional materials is voluntary for the
motor vehicle dealer.

A motor vehicle dealer who can demonstrate that a violation of,

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or failure to comply with, any of the preceding provisions by an applicant or licensee will or can adversely and pecuniarily affect the complaining dealer, shall be entitled to pursue all of the remedies, procedures, and rights of recovery available under ss. 320.695 and 320.697.

Section 2. This act applies to all franchise agreements entered into, renewed, or amended after October 1, 1988, except and to the extent that such application impairs valid contractual agreements in violation of the Florida Constitution or the United States Constitution.

Section 3. This act shall take effect upon becoming a law.

WS

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/2015

Meeting Date

SB1048

Bill Number (if applicable)

Topic RELATIONS BETWEEN MOTOR VEHICLE DEALERS ^{MANUFACTURERS} Amendment Barcode (if applicable)

Name DAVID LEIBOWITZ

Job Title CORPORATE COUNSEL, BRAMAN MANAGEMENT ASSOC.

Address 2060 BISCAYNE BLVD. Phone _____

Street

MIAMI

FL

33137

City

State

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing BRAMAN AUTOMOTIVE GROUP

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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(#3)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-2-15

Meeting Date

1048
SB 1084

Bill Number (if applicable)

Topic Franchise

Amendment Barcode (if applicable)

Name Misti Rice

Job Title SENIOR MANAGER STATE AFFAIRS

Address 1000 Chrysler Dr

Phone _____

Street

Auburn Hills

MI

City

State

Zip

Email misti.rice@FCAGroup.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Fiat Chrysler Automobiles

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(27) 5

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

April 2, 2015
Meeting Date

SB 1048
Bill Number (if applicable)

Topic Motor Vehicle Franchise Agreements Amendment Barcode (if applicable)
Name Diane Carr

Job Title Attorney

Address 119 S Monroe
Street
Tall FL 32303
City State Zip

Phone 222-7500
Email dccarr@hgsiaa.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Alliance of Automobile Manufacturers

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

APPEARANCE RECORD

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(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/15

Meeting Date

1048

Bill Number (if applicable)

Topic Dealer Manufacturer Franchise Agreements Amendment Barcode (if applicable)Name Martene WilliamsJob Title Gov. Relations ManagerAddress 907 N Ride

Street

Phone 850-491-7638Tallahassee

City

FL

State

32303

Zip

Email martene.williams@gm.comSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)Representing General MotorsAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

#2

THE FLORIDA SENATE

5

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/12

Meeting Date

SB 1048

Bill Number (if applicable)

Topic Franchise

Amendment Barcode (if applicable)

Name Matthew Erwin

Job Title Manager, State Affairs

Address 1025 Connecticut Ave. NW #910

Phone 202 467 5094

Street Washington DC Zip 20036

Email merwin@mazdausa.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Mazda North American Operations

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

#1

THE FLORIDA SENATE
APPEARANCE RECORD

5

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/15

Meeting Date

SB 1048

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Laura Dodey

Job Title Director, State Affairs

Address 803 7th St, NW #300

Street

Phone 202-326-5543

Washington, DC 20001

City

State

Zip

Email ~~l~~ldodey@autoalliance.org

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Alliance of Automobile Manufacturers

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

SB 1048
Bill Number (if applicable) _____

Topic _____

Amendment Barcode (if applicable) _____

Name TED SMITHJob Title PresidentAddress 400 N. MERIDIAN ST
Street

Phone _____

City

TALLA FL

State

32301

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)Representing FI AUTOMOBILE DEALERS ASSOCAppearing at request of Chair: ☐ Yes ☐ NoLobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/15

Meeting Date

SB 1048

Bill Number (if applicable)

Topic Auto Dealers

Amendment Barcode (if applicable)

Name Ron Book

Job Title

Address 104 West Jefferson

Phone 850-224-3477

Street

TLH

33301

Email Ron@RLBookAA.com

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Auto NATION

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

4/2/15

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 112

Bill Number (if applicable)

Topic Special License Plates

Amendment Barcode (if applicable)

Name Col. Mike Prendergast

Job Title Executive Director

Address Suite 2105, The Capitol

Phone (850) 487-1533

Street

Tallahassee

FL

32399

City

State

Zip

Email exdir@fdva.state.fl

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing The FL Dept. of Veterans' Affairs

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/21/15

Meeting Date

484

Bill Number (if applicable)

Topic Regional Planning Councils

Amendment Barcode (if applicable)

Name Ron Book

Job Title _____

Address 104 W. Jefferson

Phone 850-224-3427

Street

TLH

32301

Email Ron@RLBookPA.com

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Regional Council Assoc.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/15
Meeting Date

5
1072
Bill Number (if applicable)

281492
Amendment Barcode (if applicable)

Topic Melon Harvesting

Name Adam Bassford

Job Title Legislative Affairs Dir

Address 375 S Calhoun St #850

Street

Tallahassee

City

FL

State

32301

Zip

Phone 722 2557

Email _____

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL Farm Bureau

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/15

Meeting Date

W
1072

Bill Number (if applicable)

Topic MELON HAULING VEHICLES

Amendment Barcode (if applicable)

Name LANCE PIERCE

Job Title ASST. DIRECTOR OF STATE LEG AFFAIRS

Address 315 S. CAYDON ST

Phone 232-2557

Street

TALLAHASSEE

City

FL

State

32301

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FLORIDA FARM BUREAU

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

APPEARANCE RECORD

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4/2/15
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

988

Bill Number (if applicable)

Topic Donate Life Florida / Donation Registry Amendment Barcode (if applicable)Name Kathleen GieryJob Title Director of Donor Program DevelopmentAddress 720 SW 2nd Ave. Phone 352 733 0350

Street

Gainesville FL

State

32606

Zip

Email gieryke@lifequest.ufl.eduSpeaking: ☒ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)Representing Donate Life FloridaAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/2015
Meeting Date

SB988
Bill Number (if applicable)

Topic SB988

Amendment Barcode (if applicable)

Name Jennifer Langston

Job Title Legislative Affairs Director

Address 2900 Apachee Pkwy
Street
Tallahassee FL
City State Zip

Phone 917-3195

Email jlangston@flhsmv.gov

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing DHSMV

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/15

Meeting Date

SB 1046

Bill Number (if applicable)

Topic Entertainment Industry

Amendment Barcode (if applicable)

Name Skylar Zander

Job Title Deputy State Director

Address 200 W College Ave.
Street

Phone 850-728-4522

Tallahassee FL 32301
City State Zip

Email zander@alpha.org

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Americans for Prosperity

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/15

Meeting Date

1046

Bill Number (if applicable)

Topic Film Bill

Amendment Barcode (if applicable)

Name Leticia M Adams

Job Title Govt Relations Manager

Address _____
Street

Phone 850 528 6133

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Walt Disney Company

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/15

Meeting Date

SB 1046

Bill Number (if applicable)

Topic Entertainment Industry

Amendment Barcode (if applicable)

Name Rebecca De La Rosa

Job Title _____

Address P.O. Box 10184

Phone _____

Street

Tallahassee, FL 32302

City

State

Zip

Email rebecca@dlrandassociates.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing EA Entertainment

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9-2-15

Meeting Date

1046

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name JESS MCCARTY

Job Title ASST COUNTY ATTY

Address 111 NW 1ST ST 2810

Phone 305-979-7110

MIAMI 33128

Email JMM2@MIAMIADDE

City State Zip

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing MIAMI-DADE COUNTY

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/15
Meeting Date

1046
Bill Number (if applicable)

Topic Film

Amendment Barcode (if applicable)

Name Kelly Paige

Job Title Owner / President

Address 3214 W Kennedy Blvd
Street
Tampa FL 33609
City State Zip

Phone 727-254-0625

Email KPaige@leveltalentgroup.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Level Talent Group

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-2-15

Meeting Date

1046

Bill Number (if applicable)

Topic FILM/Entertainment

Amendment Barcode (if applicable)

Name DAVID CASERTA

Job Title _____

Address 7855 NW 12th St #202

Phone 305-401-3006

Street

Doral

City

FL

State

33126

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Film Florida

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-2-2015

Meeting Date

SB 1046

Bill Number (if applicable)

Topic FILM/ENT. INCENTIVES

Amendment Barcode (if applicable)

Name JACK HEBERT

Job Title _____

Address 2801 EXEC. DR.

Street

Phone 727-560-3323

CLEARWATER FL 33762

City

State

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing AMERICAN ADVERTISING FEDERATION

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 1046

Meeting Date _____

Bill Number (if applicable) _____

Topic SB1046 Entertainment Industry

Amendment Barcode (if applicable) _____

Name Jonathan Kilman

Job Title Attorney

Address 111 N. Orange Ave #1800

Phone 407-244-3256

Street

Orlando
City

FL
State

32801
Zip

Email jkilman@foley.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Palm Beach County

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/15
Meeting Date

1046
Bill Number (if applicable)

Topic Entertainment Incentives

Amendment Barcode (if applicable)

Name CHRIS RANNEY

Job Title Chair

Address 403 Shamrock Road
Street

Phone 904/806-6369

St. Augustine, Florida
City State Zip

Email chriscranney@aol.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing COMPASS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-2-15

Meeting Date

1046

Bill Number (if applicable)

Topic Film & Entertainment

Amendment Barcode (if applicable)

Name DAVIN SUGGS

Job Title Fiscal Policy Director

Address 100 S. MONROE ST.

Phone 850.320.2635

Street

Tallahassee

City

FL

State

32308

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL. Association of Counties

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/15

Meeting Date

1046

Bill Number (if applicable)

Topic Entertainment Industry

Amendment Barcode (if applicable)

Name Carolyn Johnson

Job Title Policy Director

Address 136 S Bronough St

Phone 850-521-1235

Street

Tallahassee

FL

32301

Email cjohnson@flchamber.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/15

Meeting Date

1046

Bill Number (if applicable)

Topic Entertainment Industry

Amendment Barcode (if applicable)

Name Ron Pierce

Job Title _____

Address 235 W. Brandon Blvd., Suite 640

Phone 813-777-5578

Street

Brandon

FL

33511

City

State

Zip

Email ron@rsaconsultingllc.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Tampa Hillsborough Film and Digital Media Commission / Straz Center

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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4/2/15

Meeting Date

1046.

Bill Number (if applicable)

Topic Entertainment Industry

Amendment Barcode (if applicable)

Name Sara Gross

Job Title

Address 235 W. Brandon Blvd. Se 640

Phone 850 228 3506

Street

Brandon

FL

33511

City

State

Zip

Email Sara@sacconsultingllc.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Tampa Bay Partnership

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4.2.15

Meeting Date

1046

Bill Number (if applicable)

Topic Film & Entertainment Industry

Amendment Barcode (if applicable)

Name Melanie Becker

Job Title Director Govt Affairs

Address 1000 Universal Studios Plaza

Street

Orlando FL 32819

City

State

Zip

Phone 407 310 2561

Email Melanie.becker@universalorlando.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Universal Studios

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-2-15

Meeting Date

1046

Bill Number (if applicable)

Topic Film & Entertainment Industry

Amendment Barcode (if applicable)

Name Will McKinley

Job Title Partner

Address 106 East College Ave Suite 1100

Phone 850-681-1980

Street

Tallahassee

City

FL

State

32301

Zip

Email willmckinley.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Motion Picture Association of America

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/15

Meeting Date

1046

Bill Number (if applicable)

Topic Entertainment Industry

Amendment Barcode (if applicable)

Name Brian Musselwhite

Job Title Vice President State Gov't Affairs

Address 300 West Pensacola Street
Street

Phone 850-528-0561

Tallahassee
City

FL
State

32301
Zip

Email brian_musselwhite@cable.comcast.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Comcast

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/15

Meeting Date

SB 1046

Bill Number (if applicable)

Topic Entertainment Industry

Amendment Barcode (if applicable)

Name Brewster Bevis

Job Title Senior Vice President

Address 516 W Adams St

Phone 224-7173

Street

Tallahassee

City

FL

State

32301

Zip

Email bbevis@airtel.net

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Associated Industries of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

April 2, 2015
Meeting Date

1046
Bill Number (if applicable)

Topic Film & Entertainment Industry

Amendment Barcode (if applicable)

Name Edward G. LABRADOR

Job Title Director, Intergovernmental Affairs

Address 115 S. Andrews Avenue, Room 426
Street
Fort Lauderdale FL 33301
City State Zip

Phone 954-357-7575

Email elabrador@broward.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Broward County

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/15

Meeting Date

1046

Bill Number (if applicable)

Topic Entertainment Industry

Amendment Barcode (if applicable)

Name Nelson Diaz

Job Title Lobbyist

Address 123 South Adams St
Street

Phone _____

Tallahassee FL
City State Zip

Email Diaz@sostrategyp.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Recording Industry Association of America

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/15
Meeting Date

228
Bill Number (if applicable)

Topic Online Voter Registration

Amendment Barcode (if applicable)

Name Debbi Hannah Rumsberger

Job Title Legislator Liaison

Address 540 Beverly Court
Street

Phone 850-274-2545

Tallahassee, FL 32301
City State Zip

Email LWVFlorida@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida League of Women Voters

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/2013

Meeting Date

228

Bill Number (if applicable)

Topic Online Voter Application

Amendment Barcode (if applicable)

Name Dana Farmer

Job Title Director of Public Policy

Address 2728 Centerview Dr, Ste 102

Phone (850) 488-9071

Street

Tallahassee

City

FL

State

32301

Zip

Email dana.f@disabilityrightsflorida.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Disability Rights Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/15

Meeting Date

228

Bill Number (if applicable)

Topic Online Voter Application

Amendment Barcode (if applicable)

Name Zayne Smith

Job Title ASD

Address 200 W. College Ave.
Street

Phone 850 - 577-5163

Tally
City

FL
State

32301
Zip

Email zsmith@aarfp.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing AARF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/15
Meeting Date

228
Bill Number (if applicable)

Topic ONLINE VOTER REGISTRATION

Amendment Barcode (if applicable)

Name REN LABASKY

Job Title _____

Address 225 S. ADAMS ST.
Street

Phone 222-7718

TALL FL 32301
City State Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL. STATE ASSOC. OF SUPERVISORS OF ELECTIONS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

CourtSmart Tag Report

Room: SB 301

Case:

Type:

Caption: Appropriations Subcommittee on Transportation, Tourism, and Economic Development **Judge:**

Started: 4/2/2015 9:00:12 AM

Ends: 4/2/2015 10:59:21 AM

Length: 01:59:10

9:00:17 AM Sen. Latvala (Chair)
9:00:29 AM Roll Call
9:01:23 AM SB 1048
9:01:26 AM Sen. Garcia
9:01:41 AM Am. 485814
9:01:58 AM Sen. Garcia
9:03:19 AM Sen. Latvala - without objection the amendment is adopted
9:04:02 AM Ron Book, Auto Nation, (waives in support)
9:04:19 AM David Leibowitz, Corporate Counsel, Braman Management Association, Braman Automobile Group (waives in support)
9:04:36 AM Misti Rice, Senior Manager State Affairs, Fiat Chrysler Automobiles
9:06:55 AM Diane Carr, Attorney, Alliance of Automobile Manufacturers
9:09:31 AM Sen. Latvala - retroactively changing manufacturers franchises with dealers?
9:09:56 AM D. Carr - language may impair existing contracts
9:10:53 AM Sen. Latvala - it does say in the bill to the extent it does not impair an existing contract
9:11:01 AM D. Carr - it does say that
9:11:06 AM Sen. Sachs - that is a very important issue; we can address it later
9:11:16 AM D. Carr
9:12:00 AM Marlene Williams, Gov. Relations Manager, General Motors
9:12:47 AM Matthew Erwin, Manager State Affairs, Mazda North American Operations
9:14:58 AM Sen. Latvala - where in Florida do you have manufacturing operations
9:15:02 AM M. Erwin - a regional office in the Miami area
9:15:36 AM Laura Dooley, Director, State Affairs, Alliance of Auto Manufacturers
9:16:23 AM Sen. Latvala - 'prevailed upon the State Legislature'; or won 8 out of 9 years
9:16:32 AM L. Dooley - 7 of the 9 years
9:18:57 AM Sen. Latvala - lists of manufacturing facilities in Florida
9:19:09 AM L. Dooley - dealers are our extension
9:19:52 AM Sen. Latvala - any state where manufacturers sell directly to consumers?
9:19:54 AM L. Dooley - no
9:20:07 AM Sen. Sachs - you represent an alliance of auto dealers and manufacturers; there are auto dealers in Florida, no manufacturers?
9:20:29 AM L. Dooley - we represent manufacturers
9:21:13 AM Sen. Latvala - examples
9:21:16 AM L. Dooley - Chrysler
9:21:19 AM M. Graham
9:22:41 AM Sen. Detert - have you worked with the bill sponsor?
9:23:02 AM L. Dooley - talk with the Senator on the progress we have made with the dealers
9:24:16 AM Ted Smith, President, Florida Automobile Dealers Association (waives in support)
9:26:19 AM David Leibowitz, Corporate Counsel, Braman Management Association, Braman Automotive Group
9:35:36 AM Sen. Clemens (Chair)
9:35:39 AM L. Dooley
9:36:41 AM Sen. Clemens
9:36:54 AM Sen. Garcia - closes on the bill
9:38:55 AM Sen. Clemens - Sen. Diaz de la Portilla motions to allow staff to make technical changes to the CS
9:38:59 AM roll call on SB 1048
9:39:23 AM Sen. Clemens
9:39:39 AM CS/CS/SB 112
9:39:48 AM Jessica Crawford, Senator's Hays' Legislative Assistant
9:40:23 AM Sen. Sachs - glad we recognize the women veterans and especially the submariners
9:40:53 AM Col. Mike Prendergast, Executive Director, The Florida Department of Veterans' Affairs (waives in support)
9:41:20 AM roll call
9:41:38 AM Sen. Latvala - reported favorably

9:41:52 AM CS/SB 484
 9:42:00 AM Sen. Simpson
 9:42:44 AM Sen. Latvala - who was left out
 9:42:46 AM Sen. Simpson
 9:43:03 AM Sen. Gibson - are they being left out
 9:43:13 AM Sen. Simpson - they are being absorbed into other councils
 9:43:24 AM Am. 204092
 9:43:33 AM Sen. Simpson
 9:43:53 AM Sen. Latvala
 9:43:57 AM Sen. Clemens - keeps it as the Governor's responsibility
 9:44:14 AM Sen. Latvala - without objections it is adopted
 9:44:18 AM Am. 161486
 9:44:23 AM Sen. Simpson
 9:45:03 AM Sen. Latvala
 9:45:11 AM Ron Book, Florida Regional Council Association
 9:48:31 AM Sen. Gibson - clarification of Governor's role
 9:49:02 AM R. Book
 9:49:46 AM Sen. Latvala
 9:50:04 AM Sen. Simpson - waive close
 9:50:26 AM roll call on CS/SB 484
 9:50:46 AM Sen. Latvala - recommended favorably
 9:50:49 AM CS/SB 1216
 9:50:54 AM Sen. Simpson
 9:51:47 AM Sen. Latvala - permitting, DRI, impact fees; what is waived
 9:52:04 AM Sen. Simpson
 9:52:34 AM Sen. Latvala - the governing body is waiving their own permitting
 9:52:45 AM Sen. Simpson
 9:52:53 AM Sen. Latvala
 9:53:11 AM roll call on CS/SB 1216
 9:53:30 AM Sen. Latvala - reported favorably
 9:53:39 AM CS/SB 1072
 9:53:46 AM Sen. Evers
 9:54:43 AM Sen. Latvala - what do they have to pay for now, a regular truck tag?
 9:54:51 AM Sen. Evers - a specialty tag
 9:55:01 AM Sen. Latvala - so this is a special fee
 9:55:14 AM Sen. Detert - what if you are hauling tomatoes
 9:55:26 AM Sen. Evers - any modified vehicle used off road
 9:56:15 AM Sen. Detert - modified vehicle one area might be different in another
 9:56:45 AM Sen. Thompson - if they are limited to 150 miles, what happens to the produce
 9:57:01 AM Sen. Evers - they do not haul it that far, only limited to 150 miles from their farm
 9:57:29 AM Sen. Latvala - they have to transfer the produce
 9:57:43 AM Sen. Evers - they use those vehicles to bring the produce from the field, load it on 18 wheelers
 9:58:06 AM Sen. Sachs - this would also affect to large nurseries
 9:58:50 AM Sen. Evers - this includes anything under 44 thousand pounds
 10:01:09 AM Sen. Clemens - why do we need this
 10:01:46 AM Sen. Evers - cost the farmers about \$405 a vehicle, this would lower the cost to \$87.75, and they have multiple vehicles
 10:02:06 AM Sen. Hukill - drivers do not need a commercial driver's license
 10:02:55 AM Am. 281492
 10:03:16 AM Sen. Evers - on a farm, if it is the producer or any of his employees, they are not required to have a commercial driver's license
 10:03:34 AM Sen. Hukill - if it is not required why do we
 10:03:36 AM Sen. Evers - we are just being sure
 10:04:14 AM Sen. Gibson - how does Motor Vehicle people know to give the fee to the melon hauling vehicle
 10:04:44 AM Sen. Evers - take in the title, then take in the vehicle so they can see it
 10:04:54 AM Sen. Gibson - does it have a sign on it that says melon hauling
 10:05:06 AM Sen. Evers - this is virtually a poor man's truck
 10:05:29 AM Sen. Gibson - I have seen people haul watermelon in a truck
 10:06:02 AM Sen. Evers - this is a specialty truck
 10:06:23 AM Sen. Latvala - we are not requiring people to use this type of truck
 10:06:43 AM Adam Basford, Legislative Affairs Director, Florida Farm Bureau
 10:07:47 AM Lance Pierce, Assistant Director Of State Leg. Affairs, Florida Farm Bureau (waives in support)

10:07:48 AM Sen. Latvala - amendment is adopted
10:08:02 AM Sen. Clemens - largest agriculture county east of the Mississippi is Palm Beach County
10:08:41 AM Sen. Evers - waive close
10:08:48 AM Sen. Latvala
10:09:02 AM roll call on CS/SB 1072
10:09:23 AM Sen. Latvala - by your vote CS/SB 1072 is voted favorable
10:09:28 AM CS/SB 988
10:09:32 AM Daniel Bruno, Sen. Margolis' Legislative Assistant
10:09:49 AM Am. 34112
10:09:56 AM D. Bruno
10:10:25 AM Sen. Latvala
10:10:51 AM Kathleen Gery, Director of Donor Program Development, Donate Life Florida
10:11:40 AM Sen. Sachs - additional cost to Division of Driver's License? Floridians have a priority or is it a national list
10:12:50 AM K. Gery - no additional cost; national list
10:13:06 AM Sen. Sachs - what do we have to do to opt in; in your organ registry, is there any priority for statewide people who need organs
10:13:11 AM K. Gery - enrollment on a donor registry, does not give preferential treatment
10:13:55 AM Sen. Sachs - do other states have this provision for people to ask to be on this through the division of driver license
10:13:56 AM K. Gery - most states do
10:14:34 AM Sen. Latvala - without objection the Am. is adopted
10:15:12 AM Sen. Gibson - when giving information, will there will be verification they do want to be donors; is this information public record
10:16:53 AM Jennifer Langston, Department of Highway Safety and Motor Vehicles
10:17:54 AM Sen. Gibson - public record
10:17:54 AM J. Langston - will follow up with you
10:18:16 AM Sen. Hukill - are the people gathering the information at the offices going to be trained to verify what being a donor means
10:18:49 AM J. Langston
10:19:20 AM Sen. Latvala
10:19:40 AM Sen. Clemens - allow staff to make technical changes to the CS
10:19:45 AM roll call CS/SB 988
10:20:01 AM Sen. Latvala - CS/SB 988 is recommended favorable
10:20:11 AM CS/SB 1024
10:20:20 AM Jean Van Smith, Sen. Simmons' Legislative Assistant
10:20:56 AM Sen. Latvala
10:21:06 AM roll call on CS/SB 1024
10:21:24 AM Sen. Latvala - CS/SB 1024 is recommended favorable
10:21:45 AM CS/SB 256
10:21:57 AM Nicole Graham, Sen. Sobel's Legislative Assistant
10:22:49 AM Sen. Clemens - this is optional
10:22:53 AM N. Graham - yes
10:22:57 AM Sen. Deter - what is the charge for the D
10:23:15 AM N. Graham - \$10: it goes to APD Trust Fund
10:23:28 AM Sen. Thompson - are there benefits
10:23:46 AM N. Graham - to alert law enforcement, we can look into it
10:23:52 AM Sen. Sachs - is there a trust fund already set up
10:23:58 AM N. Graham - there is
10:24:34 AM roll call on CS/SB 256
10:24:44 AM Sen. Latvala - CS/SB 256 is recommended favorable
10:24:53 AM CS/SB 240
10:25:01 AM Sen. Brandes
10:25:20 AM Sen. Thompson - are these active military personnel, or could veterans participate
10:25:34 AM Sen. Brandes - any military identification card
10:26:01 AM Sen. Sachs - why do we need it
10:26:19 AM Sen. Brandes - Military ID includes all the other requisite things
10:26:43 AM Sen. Sachs - isn't this more government interference
10:26:57 AM Sen. Brandes - I think it is the exact opposite
10:27:19 AM Sen. Latvala - they may show, we are not making them show it
10:27:30 AM Sen. Sachs - what is the need
10:28:01 AM Sen. Latvala - in his closing Sen. Brandes will answer that question
10:28:06 AM Sen. Brandes - closes

10:28:40 AM Sen. Latvala
10:28:47 AM roll call on CS/SB 240
10:29:07 AM Sen. Latvala - CS/SB 240 is recommended favorable (gives Chair to Sen. Clemens)
10:29:11 AM SB 1046
10:29:20 AM Sen. Detert
10:35:22 AM Sen. Clemens (Chair)
10:35:36 AM Sen. Brandes - specific appropriations or just deal with structure
10:35:47 AM Sen. Detert - framework and structure
10:36:31 AM Sen. Gibson - set aside 20% for underutilized counties for 4 months, can you explain the 4 months
10:36:45 AM Sen. Detert
10:37:31 AM Am. 212236
10:37:40 AM Sen. Diaz de la Portilla
10:38:51 AM Sen. Clemens
10:39:06 AM Sen. Detert - purpose of main bill is to employee many people at high wages
10:39:31 AM Sen. Diaz de la Portilla - waive close on the amendment
10:39:34 AM Sen. Clemens - show amendment as adopted
10:40:04 AM Sen. Latvala - I vote time certain 10:55 on this bill
10:40:19 AM Skylar Zander, Deputy State Director, Americans for Prosperity (waive in opposition)
10:40:28 AM Sen. Latvala - I would like to hear what their objections are
10:40:38 AM S. Zander - oppose this incident program as a whole and we oppose the entertainment action fund
10:41:02 AM Sen. Detert
10:42:01 AM S. Zander
10:42:34 AM Leticia M. Adams, Government Manager, Walt Disney Company
10:43:03 AM Rebecca DeLaRosa, EA Entertainment (waives in support)
10:43:07 AM Jess McCarty, Assistant County Attorney, Miami- Dade County (waives in support)
10:43:12 AM Kelly Paige, Owner-President, Level Talent Group (waives is support)
10:43:20 AM David Caserta, Film Florida (waives in support)
10:43:32 AM Jack Hebert, American Advertising Federation (waives in support)
10:43:37 AM Jonathan Kilman, Attorney, Palm Beach County (waives in support)
10:43:52 AM Chris Ranung, Chair, Compass
10:45:03 AM Sen. Latvala - what have other states around us done and the effect it has had
10:45:27 AM C. Ranung
10:46:28 AM Sen. Latvala - what did Georgia and Louisiana do
10:46:31 AM C. Ranung
10:47:32 AM Sen. Diaz de la Portilla - Florida is losing out to foreign competition
10:48:23 AM C. Ranung
10:50:03 AM Sen. Gibson - return on investment for Floridians
10:50:31 AM C. Ranung
10:52:36 AM Sen. Clemens
10:52:38 AM Davin Suggs, Fiscal Policy Director, Florida Association of Counties (waives in support)
10:52:41 AM Carolyn Johnson, Policy Director, Florida Chamber of Commerce (waives in support)
10:52:47 AM Ron Pierce, Tampa Hillsborough Film and Digital Media Commission/Straz Center (waives in support)
10:52:54 AM Sara Gross, Tampa Bay Partnership (waives in support)
10:52:59 AM Melanie Becker, Director Government Affairs, Universal Studios (waives in support)
10:53:05 AM Will McKinley, Partner, Motion Picture Association of America (waives in support)
10:53:12 AM Brian Musselwhite, Vice President, State Government of Affairs, Comcast (waives in support)
10:53:19 AM Brewster Bevis, Senior Vice President, Associated Industries of Florida (waives in support)
10:53:26 AM Edward G. Labrador, Director, Intergovernmental Affairs, Broward County (waives in support)
10:53:32 AM Nelson Diaz, Lobbyist, Recording Industry Association of America (waives in support)
10:53:40 AM Sen. Clemens - back to the committee on the strike-all amendment
10:54:01 AM Sen. Detert - closes on strike-all amendment
10:54:57 AM Sen. Clemens - adopt the amendment without objection: allow staff to make technical changes to the CS
10:55:30 AM roll call on SB 1046
10:55:43 AM Sen. Clemens - SB1046 is reported favorable
10:55:45 AM Sen. Latvala (Chair)
10:55:48 AM CS/SB 228
10:55:54 AM Sen. Clemens
10:56:41 AM Sen. Latvala
10:57:01 AM Debbie Harris Rumberger, Legislator Liaison, Florida League Women Voters (waives in support)
10:57:11 AM Dana Farmer, Director of Public Policy, Disability Rights Florida (waives in support)
10:57:21 AM Zayne Smith, ASD, AARP (waives in support)
10:57:29 AM Ron Labasky, Florida State Association of Supervisors of Elections (waives in support)

10:57:49 AM Sen. Hukill - It is a great bill
10:57:57 AM Sen. Detert
10:58:14 AM Sen. Clemens - waive close
10:58:19 AM roll call SB 228
10:58:34 AM Sen. Latvala - by your vote SB 228 is favorable
10:59:11 AM Meeting adjourned