

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 70 by JU, Flores; (Similar to H 3541) Relief/Amie Draiemann O'Brien, Hailey Morgan Stephenson, and Christian Darby Stephenson, II/Department of Transportation

CS/SB 84 by JU, Soto; (Similar to CS/H 3531) Relief of Sharon Robinson by the Central Florida Regional Transportation Authority

CS/SB 1184 by TR, Brandes; (Compare to H 7055) Department of Highway Safety and Motor Vehicles

199952	A	S		ATD, Brandes	btw L.104 - 105:	04/07 09:18 AM
921764	A	S		ATD, Brandes	Delete L.301 - 303:	04/07 09:18 AM
102252	A	S		ATD, Brandes	btw L.312 - 313:	04/06 05:20 PM
363562	A	S		ATD, Brandes	btw L.312 - 313:	04/06 05:20 PM
886644	A	S		ATD, Brandes	btw L.312 - 313:	04/07 09:04 AM
227534	A	S		ATD, Clemens	Delete L.105 - 279.	04/06 05:23 PM
322918	A	S	WD	ATD, Diaz de la Portill	btw L.355 - 356:	04/07 01:30 PM
964772	A	S		ATD, Brandes	btw L.355 - 356:	04/07 10:09 AM
808288	A	S		ATD, Sachs	btw L.300 - 301:	04/08 06:07 PM

SB 7064 by EE; (Compare to H 0135) Elections

840620	A	S	RCS	ATD, Clemens	Delete L.196 - 207:	04/10 03:45 PM
611658	A	S	RCS	ATD, Clemens	Delete L.293 - 305:	04/10 03:45 PM

SB 894 by Thompson (CO-INTRODUCERS) Soto; (Identical to H 0971) Absentee Voting

CS/SB 1296 by MS, Bean; (Similar to CS/H 1091) Military and Veterans Affairs

CS/SB 1388 by CA, Stargel; (Similar to CS/CS/H 1155) Special Districts

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

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

Senator Latvala, Chair
Senator Clemens, Vice Chair

MEETING DATE: Wednesday, April 8, 2015

TIME: 10:00 a.m.—12:00 noon

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	CS/SB 1554 Transportation / Brandes (Compare H 7039, CS/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 ATD 04/08/2015 Temporarily Postponed AP	Temporarily Postponed
2	CS/SB 70 Judiciary / Flores (Similar H 3541)	Relief/Amie Draiemann O'Brien, Hailey Morgan Stephenson, and Christian Darby Stephenson, II/Department of Transportation; Providing for the relief of Amie Draiemann O'Brien, individually and as personal representative of the Estate of Christian Darby Stephenson, deceased, and for the relief of Hailey Morgan Stephenson and Christian Darby Stephenson II as surviving minor children of the decedent; providing an appropriation to compensate them for the wrongful death of Christian Darby Stephenson, which was due in part to the negligence of the Department of Transportation; providing a limitation on the payment of fees and costs, etc. SM 03/12/2015 Recommendation: Fav/1 Amendment JU 03/17/2015 JU 03/24/2015 Fav/CS ATD 04/08/2015 Favorable AP	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Transportation, Tourism, and Economic Development
 Wednesday, April 8, 2015, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	CS/SB 84 Judiciary / Soto (Similar H 3531)	Relief of Sharon Robinson by the Central Florida Regional Transportation Authority; Providing for the relief of Sharon Robinson, individually, as guardian of Mark Robinson, and as personal representative of the Estate of Matthew Robinson; authorizing the Central Florida Regional Transportation Authority to make an appropriation from funds of the authority not otherwise appropriated to compensate her and her son for the death of Matthew Robinson and for injuries and damages they sustained as a result of the negligence of the Central Florida Regional Transportation Authority as operator of Lynx buses, etc. SM 03/12/2015 Recommendation: Favorable JU 03/17/2015 JU 03/24/2015 Fav/CS ATD 04/08/2015 Favorable AP	Favorable Yeas 7 Nays 0
4	CS/SB 1184 Transportation / Brandes (Compare H 7055, CS/CS/H 7075, CS/S 1186)	Department of Highway Safety and Motor Vehicles; Providing that an employer may pay up to a certain amount directly toward the venue expenses associated with the funeral and burial services of a law enforcement, correctional, or correctional probation officer killed in the line of duty; requiring a vehicle with a load that extends beyond its sides or a certain amount beyond its rear to display red flags not less than 18 inches square under certain circumstances; authorizing the department to disclose certain confidential and exempt information to another governmental entity under certain circumstances, etc. TR 03/05/2015 Fav/CS ATD 04/08/2015 Temporarily Postponed FP	Temporarily Postponed
5	SB 7064 Ethics and Elections (Compare H 135, H 227, H 1161, CS/S 228)	Elections; Requiring the Division of Elections of the Department of State to develop an online voter registration system; revising forms of acceptable identification for certain voter registration applicants; authorizing additional forms of acceptable voter identification at a polling place or early voting site; modifying timing requirements for designating early voting sites in special elections, etc. ATD 04/08/2015 Fav/CS AP	Fav/CS Yeas 8 Nays 0
6	SB 894 Thompson (Identical H 971)	Absentee Voting; Revising references of "absentee ballot" to "vote-by-mail ballot"; conforming terminology to changes made by the act, etc. EE 03/31/2015 Favorable ATD 04/08/2015 Favorable RC	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Transportation, Tourism, and Economic Development
 Wednesday, April 8, 2015, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	CS/SB 1296 Military and Veterans Affairs, Space, and Domestic Security / Bean (Similar CS/H 1091, Compare H 7055)	Military and Veterans Affairs; Creating the Military and Overseas Voting Assistance Task Force within the Department of State; providing legislative intent for the State Board of Education and the Board of Governors of the State University System to work collaboratively to align existing degree programs at state universities and Florida College System institutions, train faculty, incorporate outreach services into existing disability services, facilitate statewide meetings for personnel, and provide sufficient courses and priority registration to veterans, etc. MS 03/10/2015 Temporarily Postponed MS 03/17/2015 Fav/CS EE 03/31/2015 Favorable ATD 04/08/2015 Favorable AP	Favorable Yeas 8 Nays 0

8	CS/SB 1388 Community Affairs / Stargel (Similar CS/CS/H 1155)	Special Districts; Revising legislative intent with respect to the Uniform Special District Accountability Act to include independent and dependent special districts; specifying the Legislature's authority to create dependent special districts by special act; requiring a newly created dependent special district, and authorizing an existing dependent special district, to identify the district as dependent in its charter; specifying that local general-purpose governments may review certain special districts, etc. CA 03/31/2015 Fav/CS ATD 04/08/2015 Favorable FP	Favorable Yeas 8 Nays 0
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TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
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Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.

Executive Director, Department of Economic Opportunity

9	Panuccio, Jesse (Tallahassee)	Pleasure of Governor	Recommend Confirm Yeas 6 Nays 1
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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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: 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 to 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 curblines, 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.etm-inc.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.shtm>. 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.



546402

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

11 to include all of Palm Beach, Martin, and St. Lucie Counties in
12 the proposed service area without requirement to obtain
13 approvals from incorporated municipalities within the service
14 area. However, the designation of any area as a foreign-trade
15 zone does not authorize an exemption from any law, any local
16 zoning or land use designation or ordinance of any municipality
17 or county, or any tax imposed by the state or by any political
18 subdivision, agency, or instrumentality thereof.

19
20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 Delete line 17

23 and insert:

24 property; creating s. 288.365, F.S.; providing that
25 the Port of Palm Beach is deemed eligible and granted
26 authority to apply to the federal government to seek
27 approval from the Foreign-Trade Zones Board through an
28 alternative site framework to include specified
29 counties in the proposed service area without
30 obtaining approvals from certain municipalities;
31 providing applicability; amending s. 311.07, F.S.;

32 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



318744

11 persons who are texting while driving.

12 Section 11. Subsection (5) of section 316.305, Florida
13 Statutes, is repealed.

14

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

16 And the title is amended as follows:

17 Delete line 39

18 and insert:

19 electronic displays in vehicles; amending s. 316.305,
20 F.S.; revising legislative intent to authorize law
21 enforcement officers to issue citations to persons who
22 are texting while driving as a primary offense;
23 repealing s. 316.305(5), F.S., relating to the
24 enforcement of the Florida Ban on Texting While
25 Driving Law act as a secondary action; amending s.
26 316.515,



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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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11 The Legislature also finds that significant challenges exist in
12 providing additional capacity to the conventional transportation
13 system and will require enhanced accommodation of alternative
14 travel modes to meet the needs of residents and visitors. The
15 Legislature further finds that improving bicyclist and
16 pedestrian safety for both residents and visitors remains a high
17 priority. Therefore, the Legislature declares that the
18 development of a nonmotorized trail network will increase
19 mobility and recreational alternatives for residents and
20 visitors of this state, enhance economic prosperity, enrich
21 quality of life, enhance safety, and reflect responsible
22 environmental stewardship. To that end, it is the intent of the
23 Legislature that the department make use of its expertise in
24 efficiently providing transportation projects to develop the
25 Florida Shared-Use Nonmotorized Trail Network, consisting of a
26 statewide network of nonmotorized trails which allows
27 nonmotorized vehicles and pedestrians to access a variety of
28 origins and destinations with limited exposure to motorized
29 vehicles.

30 (2) The Florida Shared-Use Nonmotorized Trail Network is
31 created as a component of the Florida Greenways and Trails
32 System established in chapter 260. The statewide network
33 consists of multiuse trails or shared-use paths physically
34 separated from motor vehicle traffic and constructed with
35 asphalt, concrete, or another hard surface which, by virtue of
36 design, location, extent of connectivity or potential
37 connectivity, and allowable uses, provides nonmotorized
38 transportation opportunities for bicyclists and pedestrians
39 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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69 beginning in the 2015-2016 fiscal year.

70 (6) The department may enter into a memorandum of agreement
71 with a local government or other agency of the state to transfer
72 maintenance responsibilities of an individual network component.

73 The department may contract with a not-for-profit entity or
74 private sector business or entity to provide maintenance
75 services on an individual network component.

76 (7) The department may adopt rules to aid in the
77 development and maintenance of components of the network.

78
79 ===== T I T L E A M E N D M E N T =====

80 And the title is amended as follows:

81 Delete lines 226 - 231

82 and insert:

83 creating the Florida Shared-Use Nonmotorized
84 Trail Network; specifying the composition of the
85 network; requiring the network to be included in the
86 Department of Transportation's work program; declaring
87 the planning, development, operation, and maintenance
88 of the network to be a public purpose; authorizing the
89 department to transfer maintenance responsibilities to
90 local governments or other state agencies and contract
91 with not-for-profit or private sector entities to
92 provide maintenance services; requiring funding to be
93 allocated to the Florida Shared-Use Nonmotorized Trail
94 Network in the program and resource plan of the
95 department; authorizing the department to adopt rules;
96 creating s. 339.82, F.S.; directing

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98



398410

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

10 personnel any retail outlet selling petroleum products under its
11 own brand or a secondary brand. A violation of this subsection
12 is subject to injunctive relief under ss. 526.311 and 526.312.
13

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

15 And the title is amended as follows:

16 Delete line 299

17 and insert:

18 345.0014, F.S.; providing applicability; amending s.
19 526.304, F.S.; prohibiting producers or refiners or
20 their subsidiaries from operating petroleum retail
21 outlets under certain circumstances; providing for
22 injunctive relief; providing
23



938556

LEGISLATIVE ACTION

Senate

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House

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

1 **Senate Amendment to Amendment (398410) (with directory and**
2 **title amendments)**

3
4 Between lines 12 and 13
5 insert:

6 (5) A wholesaler or dealer may terminate, without cause and
7 upon a 30-day written notice, a franchise relationship with a
8 refiner who, including through an affiliate or agent, engages in
9 the sale of motor fuel at any retail outlet in the same county



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10 in which the wholesaler or dealer resells. Termination of the
11 franchise relationship shall also result in, without limitation,
12 termination of any restriction on the wholesaler's or dealer's
13 motor fuel sales arising from the franchise relationship.

14 Section 58. Subsection (10) of section 526.303, Florida
15 Statutes, is amended to read:

16 526.303 Definitions.—As used in this act:

17 (10) "Refiner" means any person engaged in the refining of
18 crude oil to produce motor fuel, and includes any affiliate of
19 such person ~~who stores or exchanges motor fuel at a terminal~~
20 ~~facility in this state and who sells or transfers motor fuel~~
21 ~~through the loading rack at such terminal facility, and includes~~
22 ~~an affiliate of such refiner with respect to such affiliate's~~
23 ~~sale of motor fuel.~~

24
25 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

26 And the directory clause is amended as follows:

27 Delete line 5

28 and insert:

29 Section 57. Subsections (4) and (5) are added to section
30 526.304,

31
32 ===== T I T L E A M E N D M E N T =====

33 And the title is amended as follows:

34 Delete line 22

35 and insert:

36 injunctive relief; authorizing a wholesaler or dealer
37 to terminate a franchise relationship with a certain
38 refiner subject to certain requirements; providing



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that termination of the franchise relationship shall
also result in termination of any restriction on the
wholesaler's or dealer's motor fuel sales from the
franchise relationship; amending s. 526.303, F.S.;
redefining the term "refiner"; providing



585792

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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10 ~~such person who stores or exchanges motor fuel at a terminal~~
11 ~~facility in this state and who sells or transfers motor fuel~~
12 ~~through the loading rack at such terminal facility, and includes~~
13 ~~an affiliate of such refiner with respect to such affiliate's~~
14 ~~sale of motor fuel.~~

15 Section 58. Subsection (4) is added to section 526.304,
16 Florida Statutes, to read:

17 526.304 Predatory practices unlawful; exceptions.—

18 (4) A wholesaler or dealer may terminate, without cause and
19 upon a 30-day written notice, a franchise relationship with a
20 refiner who, including through an affiliate or agent, engages in
21 the sale of motor fuel at any retail outlet in the same county
22 in which the wholesaler or dealer resells. Termination of the
23 franchise relationship shall also result in, without limitation,
24 termination of any restriction on the wholesaler's or dealer's
25 motor fuel sales arising from the franchise relationship.

26
27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Delete line 299

30 and insert:

31 345.0014, F.S.; providing applicability; amending s.
32 526.303, F.S.; redefining the term "refiner"; amending
33 s. 526.304, F.S.; authorizing a wholesaler or dealer
34 to terminate a franchise relationship with a certain
35 refiner subject to certain requirements; providing
36 that termination of the franchise relationship shall
37 also result in termination of any restriction on the
38 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	.	
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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.



245794

11 (2) This section does not affect the ability of a
12 municipality or county to require any tree removal permits or
13 tree removal plans.

14 (3) As used in this section, the term "fee" does not
15 include any costs associated with applying for a tree removal
16 permit or preparing a tree removal plan.

17 (4) This section does not affect a municipality's or a
18 county's ability to establish and enforce landscaping
19 requirements.

20 (5) A municipality or a county may, by majority vote of its
21 governing body, exempt itself from this section.

22

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

24 And the title is amended as follows:

25 Delete line 320

26 and insert:

27 Legislature; providing that a municipality or county
28 that applies transportation concurrency may not
29 require a developer to pay a fee for the removal of
30 vegetation within the right-of-way limits of road
31 improvements; defining the term "fee"; providing for a
32 municipality or a county to exempt itself from such
33 provisions; reenacting s. 350.81(6), F.S., relating

By the Committee on Transportation; and Senator Brandes

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1 A bill to be entitled
2 An act relating to transportation; amending s. 20.23,
3 F.S.; deleting the requirement that the Secretary of
4 Transportation appoint an inspector general pursuant
5 to s. 20.055, F.S.; deleting the requirement that the
6 district director for the Fort Myers Urban Office of
7 the Department of Transportation be responsible for
8 developing the 5-year Transportation Plan and other
9 duties for specified counties; amending s. 215.82,
10 F.S.; deleting a cross-reference; amending s.
11 260.0144, F.S.; providing that certain commercial
12 sponsorship may be displayed on state greenway and
13 trail facilities not included within the Florida
14 Shared-Use Nonmotorized Trail Network; deleting
15 provisions relating to the authorization of sponsored
16 state greenways and trails at specified facilities or
17 property; amending s. 311.07, F.S.; increasing the
18 minimum amount that shall be made available annually
19 from the State Transportation Fund to fund the Florida
20 Seaport Transportation and Economic Development
21 Program; amending s. 311.09, F.S.; reducing the number
22 of members of the Florida Seaport Transportation and
23 Economic Development Council; removing Port Citrus
24 from the council membership; increasing the amount per
25 year the department must include in its annual
26 legislative budget request for the Florida Seaport
27 Transportation and Economic Development Program;
28 deleting obsolete language; amending s. 316.003, F.S.;
29 defining and redefining terms; amending s. 316.0895,

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30 F.S.; providing that provisions prohibiting a driver
31 from following certain vehicles within a certain
32 distance do not apply to truck tractor-semitrailer
33 combinations under certain conditions; providing for
34 financial responsibility; amending s. 316.130, F.S.;
35 revising traffic regulations relating to pedestrians
36 crossing roadways; amending s. 316.303, F.S.;
37 providing exceptions to the prohibition of certain
38 television-type receiving equipment and certain
39 electronic displays in vehicles; amending s. 316.515,
40 F.S.; extending the allowable length of certain
41 semitrailers authorized to operate on public roads
42 under certain conditions; authorizing the Department
43 of Transportation to permit truck tractor-semitrailer
44 combinations where the total number of overwidth
45 deliveries of manufactured buildings may be reduced by
46 the transport of multiple sections or single units on
47 an overlength trailer of no more than a specified
48 length under certain circumstances; amending s.
49 316.545, F.S.; providing a specified penalty for
50 commercial motor vehicles that obtain temporary
51 registration permits entering the state at, or
52 operating on designated routes to, a port-of-entry
53 location; amending s. 333.01, F.S.; defining and
54 redefining terms; amending s. 333.025, F.S.; revising
55 requirements relating to securing a permit for the
56 proposed construction or alteration of structures that
57 would exceed specified federal obstruction standards;
58 requiring such permits only within an airport hazard

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59 area if the proposed construction is within a set
60 radius of a certain airport reference point; providing
61 that existing, planned, and proposed facilities at
62 public-use airports contained in certain plans or
63 documents will be protected from structures that
64 exceed federal obstruction standards; providing that a
65 permit is not required when political subdivisions
66 have adopted adequate airport protection zoning
67 regulations and have established a permitting process,
68 subject to certain requirements; providing for a
69 review period by the department to run concurrent with
70 such permitting process, subject to certain
71 requirements and exemptions; specifying certain
72 factors the department shall consider in determining
73 whether to issue or deny a permit; directing the
74 department to require an owner of a permitted
75 obstruction or vegetation to install, operate, and
76 maintain marking and lighting subject to certain
77 requirements; prohibiting a permit from being approved
78 solely on the basis that a proposed structure will not
79 exceed specified federal obstruction standards;
80 providing certain administrative review for the denial
81 of a permit; amending s. 333.03, F.S.; revising the
82 requirements relating to the adoption of airport
83 protection zoning regulations by certain political
84 subdivisions; revising the requirements of such
85 adopted airport protection zoning regulations;
86 providing that the department is available to assist
87 political subdivisions with regard to federal

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88 obstruction standards; revising requirements relating
89 to airport land use compatibility zoning regulations
90 that address, at a minimum, landfill locations and
91 noise contours; requiring adoption of airport zoning
92 regulations that restrict substantial modifications to
93 existing incompatible uses within runway protection
94 zones; requiring that updates and amendments to local
95 airport zoning codes, rules, and regulations be filed
96 with the department within a certain time after
97 adoption; revising requirements relating to
98 educational structures or sites; providing that a
99 governing body operating a public-use airport may
100 establish more restrictive airport protection zoning
101 regulations for certain purposes; amending s. 333.04,
102 F.S.; revising provisions relating to comprehensive
103 plan or policy regulations, including airport
104 protection zoning regulations under certain
105 circumstances; amending s. 333.05, F.S.; revising
106 provisions relating to the procedure for adoption,
107 amendment, or deletion of airport zoning regulations;
108 revising provisions relating to airport zoning
109 commissions; amending s. 333.06, F.S.; revising
110 provisions relating to airport zoning requirements,
111 and airport master plans that are prepared by certain
112 public-use airports; repealing s. 333.065, F.S.,
113 relating to guidelines regarding land use near
114 airports; amending s. 333.07, F.S.; revising
115 provisions relating to permits for use of structures
116 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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146 permitted; amending s. 333.12, F.S.; revising
147 provisions relating to the acquisition of air rights;
148 providing that a certain political subdivision may
149 acquire air right, avigation easement, other estate,
150 or interest in a nonconforming structure or use that
151 presents an air hazard and cannot be removed, lowered,
152 or otherwise terminated, subject to certain
153 requirements; creating s. 333.135, F.S.; requiring
154 that certain airport zoning regulations be amended to
155 conform by a certain date; requiring certain political
156 subdivisions to adopt airport zoning regulations by a
157 certain date; directing the department to administer
158 the permitting process for local governments that have
159 not adopted airport protection zoning regulations;
160 repealing s. 333.14, F.S., relating to a short title;
161 amending s. 334.03, F.S.; redefining the term "511" or
162 "511 services"; deleting the term "interactive voice
163 response"; amending s. 334.044, F.S.; removing the
164 provision of interactive voice response telephone
165 systems accessible via the 511 number that may be
166 included in traveler information systems; removing a
167 requirement that applied uniform standards and
168 criteria for collection and dissemination of traveler
169 information using interactive voice response systems;
170 authorizing the department to assume certain
171 responsibilities under the National Environmental
172 Policy Act with respect to highway projects within the
173 state and certain related responsibilities relating to
174 review or approval of a highway project; authorizing

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175 the department to enter into certain agreements
176 related to the federal surface transportation project
177 delivery program under certain federal law;
178 authorizing the department to adopt implementing
179 rules; authorizing the department to adopt certain
180 relevant federal environmental standards; providing a
181 limited waiver of sovereign immunity to civil suit in
182 federal court consistent with certain federal law;
183 amending s. 334.60, F.S.; revising provisions relating
184 to the 511 traveler information system; amending s.
185 335.065, F.S.; deleting provisions relating to certain
186 commercial sponsorship displays on multiuse trails and
187 related facilities; deleting provisions relating to
188 funding a statewide system of interconnected multiuse
189 trails; creating s. 335.21, F.S.; requiring the
190 governing body of any independent special district
191 created to regulate the operation of public vehicles
192 on public highways to consist of a certain number of
193 members; providing appointment requirements for such
194 members; providing exceptions; amending s. 338.165,
195 F.S.; removing an option to issue certain bonds
196 secured by toll revenues collected on the Beeline-East
197 Expressway and the Navarre Bridge; amending s.
198 338.227, F.S.; providing that bonds issued are not
199 required to be validated pursuant to ch. 75, F.S., but
200 may be validated at the option of the Division of Bond
201 Finance; providing filing, notice, and service
202 requirements relating to complaints for such
203 validation; amending s. 338.231, F.S.; increasing the

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204 number of years before an inactive prepaid toll
205 account shall be presumed unclaimed; deleting
206 provisions relating to using the revenues from the
207 turnpike system to pay the principal and interest of a
208 specified series of bonds and certain expenses of the
209 Sawgrass Expressway; amending s. 339.175, F.S.;

210 requiring certain long-range transportation plans to
211 include assessment of capital investment and other
212 measures necessary to make the most efficient use of
213 existing transportation facilities to improve safety;
214 requiring the assessments to include consideration of
215 infrastructure and technological improvements
216 necessary to accommodate advances in vehicle
217 technology; amending s. 339.64, F.S.; requiring the
218 Department of Transportation to coordinate with
219 certain partners and industry representatives to
220 consider infrastructure and technological improvements
221 necessary to accommodate advances in vehicle
222 technology in Strategic Intermodal System facilities;
223 requiring the Strategic Intermodal System Plan to
224 include a needs assessment regarding such
225 infrastructure and technological improvements;

226 creating s. 339.81, F.S.; creating the Florida Shared-
227 Use Nonmotorized Trail Network; specifying the
228 composition, purpose, and requirements of the network;
229 authorizing the department certain powers related to
230 the planning, development, operation, and maintenance
231 of the network; creating s. 339.82, F.S.; directing
232 the department to develop a Shared-Use Nonmotorized

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233 Trail Network Plan, subject to certain requirements;
234 creating s. 339.83, F.S.; creating a trail sponsorship
235 program, subject to certain requirements and
236 restrictions; directing the Office of Economic and
237 Demographic Research to evaluate and determine the
238 economic benefits of the state's investment in the
239 Department of Transportation's adopted work program
240 for a certain timeframe, subject to certain
241 requirements; directing the Department of
242 Transportation and each of its district offices to
243 provide the Office of Economic and Demographic
244 Research full access to certain data; requiring the
245 Office of Economic and Demographic Research to submit
246 the analysis to the Legislature by a certain date;
247 repealing s. 341.0532, F.S., relating to statewide
248 transportation corridors; providing a directive to the
249 Division of Law Revision and Information; creating s.
250 345.0001, F.S.; providing a short title; creating s.
251 345.0002, F.S.; defining terms; creating s. 345.0003,
252 F.S.; authorizing certain counties to form the
253 Northwest Florida Regional Transportation Finance
254 Authority to construct, maintain, or operate
255 transportation projects in a given region of the
256 state; specifying procedural requirements; creating s.
257 345.0004, F.S.; specifying the powers and duties of
258 the authority, subject to certain restrictions;
259 requiring that the authority comply with certain
260 reporting and documentation requirements; creating s.
261 345.0005, F.S.; authorizing the issuing of bonds on

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262 behalf of the authority under the State Bond Act and
263 by the authority itself; specifying requirements and
264 restrictions for such bonds under certain
265 circumstances; creating s. 345.0006, F.S.; providing
266 rights and remedies of bondholders; creating s.
267 345.0007, F.S.; designating the Department of
268 Transportation as the agent of the authority for
269 specified purposes; authorizing the administration and
270 management of projects by the department; limiting the
271 powers of the department as an agent; establishing the
272 fiscal responsibilities of the authority; creating s.
273 345.0008, F.S.; authorizing the department to provide
274 for or commit its resources for the authority project
275 or system, if approved by the Legislature, subject to
276 legislative budget request procedures and prohibitions
277 and appropriation procedures; authorizing the payment
278 of expenses incurred by the department on behalf of
279 the authority; requiring the department to receive a
280 share of the revenue from the authority; providing
281 calculations for disbursement of revenues; creating s.
282 345.0009, F.S.; authorizing the authority to acquire
283 private or public property and property rights for a
284 project or plan; establishing the rights and
285 liabilities and remedial actions relating to property
286 acquired for a transportation project or corridor;
287 creating s. 345.001, F.S.; authorizing contracts
288 between governmental entities and the authority;
289 creating s. 345.0011, F.S.; pledging that the state
290 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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320 Legislature; reenacting s. 350.81(6), F.S., relating
321 to the definition of the term "airport layout plan,"
322 to incorporate the amendment made to s. 333.01, F.S.,
323 in a reference thereto; providing an effective date.
324

325 Be It Enacted by the Legislature of the State of Florida:
326

327 Section 1. Paragraph (d) of subsection (3) and paragraph
328 (d) of subsection (4) of section 20.23, Florida Statutes, are
329 amended to read:

330 20.23 Department of Transportation.—There is created a
331 Department of Transportation which shall be a decentralized
332 agency.

333 (3)

334 ~~(d) The secretary shall appoint an inspector general~~
335 ~~pursuant to s. 20.055 who shall be directly responsible to the~~
336 ~~secretary and shall serve at the pleasure of the secretary.~~

337 (4)

338 ~~(d) The district director for the Fort Myers Urban Office~~
339 ~~of the Department of Transportation is responsible for~~
340 ~~developing the 5-year Transportation Plan for Charlotte,~~
341 ~~Collier, DeSoto, Glades, Hendry, and Lee Counties. The Fort~~
342 ~~Myers Urban Office also is responsible for providing policy,~~
343 ~~direction, local government coordination, and planning for those~~
344 ~~counties.~~

345 Section 2. Subsection (2) of section 215.82, Florida
346 Statutes, is amended to read:

347 215.82 Validation; when required.—

348 (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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378 profit entity or private sector business or entity for
379 commercial sponsorship to be displayed on state greenway and
380 trail facilities not included within the Florida Shared-Use
381 Nonmotorized Trail Network established in chapter 339 ~~or~~
382 ~~property specified in this section~~. The department may establish
383 the cost for entering into a concession agreement.

384 (1) A concession agreement shall be administered by the
385 department and must include the requirements found in this
386 section.

387 (2) (a) Space for a commercial sponsorship display may be
388 provided through a concession agreement on certain state-owned
389 greenway or trail facilities or property.

390 (b) Signage or displays erected under this section shall
391 comply with the provisions of s. 337.407 and chapter 479, and
392 shall be limited as follows:

393 1. One large sign or display, not to exceed 16 square feet
394 in area, may be located at each trailhead or parking area.

395 2. One small sign or display, not to exceed 4 square feet
396 in area, may be located at each designated trail public access
397 point.

398 (c) Before installation, each name or sponsorship display
399 must be approved by the department.

400 (d) The department shall ensure that the size, color,
401 materials, construction, and location of all signs are
402 consistent with the management plan for the property and the
403 standards of the department, do not intrude on natural and
404 historic settings, and contain only a logo selected by the
405 sponsor and the following sponsorship wording:
406

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407 ...(Name of the sponsor)... proudly sponsors the costs
 408 of maintaining the ...(Name of the greenway or
 409 trail)....

410
 411 ~~(e) Sponsored state greenways and trails are authorized at~~
 412 ~~the following facilities or property:~~

- 413 ~~1. Florida Keys Overseas Heritage Trail.~~
- 414 ~~2. Blackwater Heritage Trail.~~
- 415 ~~3. Tallahassee St. Marks Historic Railroad State Trail.~~
- 416 ~~4. Nature Coast State Trail.~~
- 417 ~~5. Withlacoochee State Trail.~~
- 418 ~~6. General James A. Van Fleet State Trail.~~
- 419 ~~7. Palatka-Lake Butler State Trail.~~

420 (e)~~(f)~~ The department may enter into commercial sponsorship
 421 agreements for other state greenways or trails as authorized in
 422 this section. A qualified entity that desires to enter into a
 423 commercial sponsorship agreement shall apply to the department
 424 on forms adopted by department rule.

425 (f)~~(g)~~ All costs of a display, including development,
 426 construction, installation, operation, maintenance, and removal
 427 costs, shall be paid by the concessionaire.

428 (3) A concession agreement shall be for a minimum of 1
 429 year, but may be for a longer period under a multiyear
 430 agreement, and may be terminated for just cause by the
 431 department upon 60 days' advance notice. Just cause for
 432 termination of a concession agreement includes, but is not
 433 limited to, violation of the terms of the concession agreement
 434 or any provision of this section.

435 (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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465 Transportation, and the Department of Economic Opportunity shall
466 work in cooperation to review projects and allocate funds in
467 accordance with the schedule required for the Department of
468 Transportation to include these projects in the tentative work
469 program developed pursuant to s. 339.135(4).

470 Section 5. Subsections (1), (9), and (12) of section
471 311.09, Florida Statutes, are amended to read:

472 311.09 Florida Seaport Transportation and Economic
473 Development Council.—

474 (1) The Florida Seaport Transportation and Economic
475 Development Council is created within the Department of
476 Transportation. The council consists of the following 16 ~~17~~
477 members: the port director, or the port director's designee, of
478 each of the ports of Jacksonville, Port Canaveral, ~~Port Citrus,~~
479 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,
480 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
481 West, and Fernandina; the secretary of the Department of
482 Transportation or his or her designee; and the director of the
483 Department of Economic Opportunity or his or her designee.

484 (9) The Department of Transportation shall include at least
485 \$25 ~~no less than \$15~~ million per year in its annual legislative
486 budget request for the Florida Seaport Transportation and
487 Economic Development Program funded under s. 311.07. Such budget
488 shall include funding for projects approved by the council which
489 have been determined by each agency to be consistent. The
490 department shall include the specific approved Florida Seaport
491 Transportation and Economic Development Program projects to be
492 funded under s. 311.07 during the ensuing fiscal year in the
493 tentative work program developed pursuant to s. 339.135(4). The

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494 total amount of funding to be allocated to Florida Seaport
495 Transportation and Economic Development Program projects under
496 s. 311.07 during the successive 4 fiscal years shall also be
497 included in the tentative work program developed pursuant to s.
498 339.135(4). The council may submit to the department a list of
499 approved projects that could be made production-ready within the
500 next 2 years. The list shall be submitted by the department as
501 part of the needs and project list prepared pursuant to s.
502 339.135(2)(b). However, the department shall, upon written
503 request of the Florida Seaport Transportation and Economic
504 Development Council, submit work program amendments pursuant to
505 s. 339.135(7) to the Governor within 10 days after the later of
506 the date the request is received by the department or the
507 effective date of the amendment, termination, or closure of the
508 applicable funding agreement between the department and the
509 affected seaport, as required to release the funds from the
510 existing commitment. Notwithstanding s. 339.135(7)(c), any work
511 program amendment to transfer prior year funds from one approved
512 seaport project to another seaport project is subject to the
513 procedures in s. 339.135(7)(d). Notwithstanding any provision of
514 law to the contrary, the department may transfer unexpended
515 budget between the seaport projects as identified in the
516 approved work program amendments.

517 ~~(12) Until July 1, 2014, Citrus County may apply for a~~
518 ~~grant through the Florida Seaport Transportation and Economic~~
519 ~~Development Council to perform a feasibility study regarding the~~
520 ~~establishment of a port in Citrus County. The council shall~~
521 ~~evaluate such application pursuant to subsections (5)-(8) and,~~
522 ~~if approved, the Department of Transportation shall include the~~

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523 ~~feasibility study in its budget request pursuant to subsection~~
524 ~~(9). If the study determines that a port in Citrus County is not~~
525 ~~feasible, the membership of Port Citrus on the council shall~~
526 ~~terminate.~~

527 Section 6. Subsections (6), (47), and present subsection
528 (90) of section 316.003, Florida Statutes, are amended, present
529 subsections (91), (92), and (93) of that section are
530 redesignated as subsections (93), (95), and (96), respectively,
531 and new subsections (90), (92), and (94) are added to that
532 section, to read:

533 316.003 Definitions.—The following words and phrases, when
534 used in this chapter, shall have the meanings respectively
535 ascribed to them in this section, except where the context
536 otherwise requires:

537 (6) CROSSWALK.—

538 (a) Unmarked crosswalk.—An unmarked part of the roadway at
539 an intersection used by pedestrians for crossing the roadway
540 ~~That part of a roadway at an intersection included within the~~
541 ~~connections of the lateral lines of the sidewalks on opposite~~
542 ~~sides of the highway, measured from the curbs or, in the absence~~
543 ~~of curbs, from the edges of the traversable roadway.~~

544 (b) Marked crosswalk.—Pavement marking lines on the roadway
545 surface, which may include contrasting pavement texture, style,
546 or colored portions of the roadway at an intersection used by
547 pedestrians for crossing the roadway ~~Any portion of a roadway at~~
548 ~~an intersection or elsewhere distinctly indicated for pedestrian~~
549 ~~crossing by lines or other markings on the surface.~~

550 (c) Midblock crosswalk.—A location between intersections
551 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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639 (1) No motor vehicle operated on the highways of this state
640 shall be equipped with television-type receiving equipment so
641 located that the viewer or screen is visible from the driver's
642 seat, unless the vehicle is equipped with autonomous technology,
643 as defined in s. 316.003(90), and is being operated in
644 autonomous mode, as provided in s. 316.85(2); or unless the
645 vehicle is equipped and operating with driver-assistive truck-
646 platooning technology, as defined in s. 316.003(92).

647 (3) This section does not prohibit the use of an electronic
648 display used in conjunction with a vehicle navigation system; or
649 an electronic display used by an operator of a vehicle equipped
650 with autonomous technology, as defined in s. 316.003(90), while
651 the vehicle is being operated in autonomous mode, as provided in
652 s. 316.85(2); or an electronic display used by the operator of a
653 vehicle equipped and operating with driver-assistive truck
654 platooning technology, as defined in s. 316.003(92).

655 Section 10. Paragraph (b) of subsection (3) and subsection
656 (14) of section 316.515, Florida Statutes, are amended to read:

657 316.515 Maximum width, height, length.—

658 (3) LENGTH LIMITATION.—Except as otherwise provided in this
659 section, length limitations apply solely to a semitrailer or
660 trailer, and not to a truck tractor or to the overall length of
661 a combination of vehicles. No combination of commercial motor
662 vehicles coupled together and operating on the public roads may
663 consist of more than one truck tractor and two trailing units.
664 Unless otherwise specifically provided for in this section, a
665 combination of vehicles not qualifying as commercial motor
666 vehicles may consist of no more than two units coupled together;
667 such nonqualifying combination of vehicles may not exceed a

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668 total length of 65 feet, inclusive of the load carried thereon,
669 but exclusive of safety and energy conservation devices approved
670 by the department for use on vehicles using public roads.
671 Notwithstanding any other provision of this section, a truck
672 tractor-semitrailer combination engaged in the transportation of
673 automobiles or boats may transport motor vehicles or boats on
674 part of the power unit; and, except as may otherwise be mandated
675 under federal law, an automobile or boat transporter semitrailer
676 may not exceed 50 feet in length, exclusive of the load;
677 however, the load may extend up to an additional 6 feet beyond
678 the rear of the trailer. The 50-foot length limitation does not
679 apply to non-stinger-steered automobile or boat transporters
680 that are 65 feet or less in overall length, exclusive of the
681 load carried thereon, or to stinger-steered automobile or boat
682 transporters that are 75 feet or less in overall length,
683 exclusive of the load carried thereon. For purposes of this
684 subsection, a "stinger-steered automobile or boat transporter"
685 is an automobile or boat transporter configured as a semitrailer
686 combination wherein the fifth wheel is located on a drop frame
687 located behind and below the rearmost axle of the power unit.
688 Notwithstanding paragraphs (a) and (b), any straight truck or
689 truck tractor-semitrailer combination engaged in the
690 transportation of horticultural trees may allow the load to
691 extend up to an additional 10 feet beyond the rear of the
692 vehicle, provided said trees are resting against a retaining bar
693 mounted above the truck bed so that the root balls of the trees
694 rest on the floor and to the front of the truck bed and the tops
695 of the trees extend up over and to the rear of the truck bed,
696 and provided the overhanging portion of the load is covered with

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697 protective fabric.

698 (b) *Semitrailers.*—

699 1. A semitrailer operating in a truck tractor-semitrailer
700 combination may not exceed 48 feet in extreme overall outside
701 dimension, measured from the front of the unit to the rear of
702 the unit and the load carried thereon, exclusive of safety and
703 energy conservation devices approved by the department for use
704 on vehicles using public roads, unless it complies with
705 subparagraph 2. A semitrailer which exceeds 48 feet in length
706 and is used to transport divisible loads may operate in this
707 state only if issued a permit under s. 316.550 and if such
708 trailer meets the requirements of this chapter relating to
709 vehicle equipment and safety. Except for highways on the tandem
710 trailer truck highway network, public roads deemed unsafe for
711 longer semitrailer vehicles or those roads on which such longer
712 vehicles are determined not to be in the interest of public
713 convenience shall, in conformance with s. 316.006, be restricted
714 by the Department of Transportation or by the local authority to
715 use by semitrailers not exceeding a length of 48 feet, inclusive
716 of the load carried thereon but exclusive of safety and energy
717 conservation devices approved by the department for use on
718 vehicles using public roads. Truck tractor-semitrailer
719 combinations shall be afforded reasonable access to terminals;
720 facilities for food, fuel, repairs, and rest; and points of
721 loading and unloading.

722 2. A semitrailer which is more than 48 feet but not more
723 than 57 ~~53~~ feet in extreme overall outside dimension, as
724 measured pursuant to subparagraph 1., may operate on public
725 roads, except roads on the State Highway System which are

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726 restricted by the Department of Transportation or other roads
727 restricted by local authorities, if:

728 a. The distance between the kingpin or other peg that locks
729 into the fifth wheel of a truck tractor and the center of the
730 rear axle or rear group of axles does not exceed 41 feet, or, in
731 the case of a semitrailer used exclusively or primarily to
732 transport vehicles in connection with motorsports competition
733 events, the distance does not exceed 46 feet from the kingpin to
734 the center of the rear axles; and

735 b. It is equipped with a substantial rear-end underride
736 protection device meeting the requirements of 49 C.F.R. s.
737 393.86, "Rear End Protection."

738 (14) MANUFACTURED BUILDINGS.—The Department of
739 Transportation may, in its discretion and upon application and
740 good cause shown therefor that the same is not contrary to the
741 public interest, issue a special permit for truck tractor-
742 semitrailer combinations where the total number of overwidth
743 deliveries of manufactured buildings, as defined in s.
744 553.36(13), may be reduced by permitting the use of multiple
745 sections or single units on an overlength trailer of no more
746 than 80 ~~54~~ feet.

747 Section 11. Paragraph (b) of subsection (2) of section
748 316.545, Florida Statutes, is amended to read:

749 316.545 Weight and load unlawful; special fuel and motor
750 fuel tax enforcement; inspection; penalty; review.—

751 (2)

752 (b) The officer or inspector shall inspect the license
753 plate or registration certificate of the commercial vehicle, as
754 defined in s. 316.003(66), to determine if its gross weight is

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755 in compliance with the declared gross vehicle weight. If its
756 gross weight exceeds the declared weight, the penalty shall be 5
757 cents per pound on the difference between such weights. In those
758 cases when the commercial vehicle, as defined in s. 316.003(66),
759 is being operated over the highways of the state with an expired
760 registration or with no registration from this or any other
761 jurisdiction or is not registered under the applicable
762 provisions of chapter 320, the penalty herein shall apply on the
763 basis of 5 cents per pound on that scaled weight which exceeds
764 35,000 pounds on laden truck tractor-semitrailer combinations or
765 tandem trailer truck combinations, 10,000 pounds on laden
766 straight trucks or straight truck-trailer combinations, or
767 10,000 pounds on any unladen commercial motor vehicle. A
768 commercial motor vehicle entering the state at a designated
769 port-of-entry location, as defined in s. 316.003(94), or
770 operating on designated routes to a port-of-entry location,
771 which obtains a temporary registration permit shall be assessed
772 a penalty limited to the difference between its gross weight and
773 the declared gross vehicle weight at 5 cents per pound. If the
774 license plate or registration has not been expired for more than
775 90 days, the penalty imposed under this paragraph may not exceed
776 \$1,000. In the case of special mobile equipment as defined in s.
777 316.003(48), which qualifies for the license tax provided for in
778 s. 320.08(5)(b), being operated on the highways of the state
779 with an expired registration or otherwise not properly
780 registered under the applicable provisions of chapter 320, a
781 penalty of \$75 shall apply in addition to any other penalty
782 which may apply in accordance with this chapter. A vehicle found
783 in violation of this section may be detained until the owner or

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784 operator produces evidence that the vehicle has been properly
785 registered. Any costs incurred by the retention of the vehicle
786 shall be the sole responsibility of the owner. A person who has
787 been assessed a penalty pursuant to this paragraph for failure
788 to have a valid vehicle registration certificate pursuant to the
789 provisions of chapter 320 is not subject to the delinquent fee
790 authorized in s. 320.07 if such person obtains a valid
791 registration certificate within 10 working days after such
792 penalty was assessed.

793 Section 12. Section 333.01, Florida Statutes, is amended to
794 read:

795 333.01 Definitions.—For the purpose of this chapter, the
796 following words, terms, and phrases shall have the following
797 meanings ~~herein given, unless otherwise specifically defined, or~~
798 ~~unless another intention clearly appears, or the context~~
799 ~~otherwise requires:~~

800 (1) "Aeronautical study" means a Federal Aviation
801 Administration review conducted pursuant to 14 C.F.R. part 77,
802 concerning the effect of proposed construction or alteration on
803 the use of air navigation facilities or navigable airspace by
804 aircraft. ~~"Aeronautics" means transportation by aircraft; the~~
805 ~~operation, construction, repair, or maintenance of aircraft,~~
806 ~~aircraft power plants and accessories, including the repair,~~
807 ~~packing, and maintenance of parachutes; the design,~~
808 ~~establishment, construction, extension, operation, improvement,~~
809 ~~repair, or maintenance of airports, restricted landing areas, or~~
810 ~~other air navigation facilities, and air instruction.~~

811 (2) "Airport" means any area of land or water designed and
812 set aside for the landing and taking off of aircraft and

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813 utilized or to be utilized in the interest of the public for
814 such purpose.

815 (3) "Airport hazard" means any obstruction that exceeds
816 ~~structure or tree or use of land which would exceed~~ the federal
817 obstruction standards as contained in 14 C.F.R. ss. 77.15,
818 77.17, 77.19, 77.21, and 77.23 ~~77.21, 77.23, 77.25, 77.28, and~~
819 ~~77.29~~ and which obstructs the airspace required for the flight
820 of aircraft in taking off, maneuvering, or landing, or that is
821 otherwise hazardous to such taking off, maneuvering, or landing
822 of aircraft and for which no person has ~~previously~~ obtained a
823 permit ~~or variance~~ pursuant to s. 333.025 or s. 333.07.

824 (4) "Airport hazard area" means any area of land or water
825 upon which an airport hazard might be established ~~if not~~
826 ~~prevented as provided in this chapter.~~

827 (5) "Airport land use compatibility zoning" means airport
828 zoning regulations governing ~~restricting~~ the use of land
829 adjacent to or in the immediate vicinity of airports in the
830 manner provided ~~enumerated~~ in ss. 333.03(2) ~~s. 333.03(2)~~ to
831 ~~activities and (3) purposes compatible with the continuation of~~
832 ~~normal airport operations including landing and takeoff of~~
833 ~~aircraft in order to promote public health, safety, and general~~
834 ~~welfare.~~

835 (6) "Airport layout plan" means a scaled detailed, scale
836 ~~engineering~~ drawing or set of drawings in either paper or
837 electronic form of the existing, including pertinent dimensions,
838 ~~of an airport's current and planned~~ airport facilities which
839 provides a graphic representation of the existing and long-term
840 development plan for the airport and demonstrates the
841 preservation and continuity of safety, utility, and efficiency

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842 ~~of the airport, their locations, and runway usage.~~

843 (7) "Airport master plan" means a comprehensive plan for an
844 airport that describes the immediate and long-term development
845 plans to meet future aviation demand.

846 (8) "Airport protection zoning" means airport zoning
847 regulations governing airport hazards in the manner provided in
848 s. 333.03.

849 (9) "Department" means the Department of Transportation as
850 created by s. 20.23.

851 (10) "Educational facility" means any structure, land, or
852 use thereof that includes a public or private kindergarten
853 through grade 12 school, charter school, magnet school, college
854 campus, or university campus. Space used for educational
855 purposes within a multitenant building may not be treated as an
856 educational facility for the purpose of this chapter.

857 (11) "Landfill" has the same meaning as in s. 403.703.

858 (12) ~~(7)~~ "Obstruction" means any object of natural growth,
859 terrain, or permanent or temporary construction or alteration,
860 including equipment or materials used and any permanent or
861 temporary apparatus, or alteration of any permanent or temporary
862 existing structure by a change in its height, including existing
863 or proposed appurtenances, or lateral dimensions, including
864 equipment or material used therein, which exceeds ~~existing or~~
865 ~~proposed manmade object or object of natural growth or terrain~~
866 that violates the standards contained in 14 C.F.R. ss. 77.15,
867 77.17, 77.19, 77.21, and 77.23 ~~77.21, 77.23, 77.25, 77.28, and~~
868 77.29.

869 (13) ~~(8)~~ "Person" means any individual, firm, copartnership,
870 corporation, company, association, joint-stock association, or

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871 body politic, and includes any trustee, receiver, assignee, or
872 other similar representative thereof.

873 (14)~~(9)~~ "Political subdivision" means the local government
874 of any county, city, town, village, or other subdivision or
875 agency thereof, or any district or special district, port
876 commission, port authority, or other such agency authorized to
877 establish or operate airports in the state.

878 (15) "Public-use airport" means an airport, publicly or
879 privately owned and licensed by the state, which is open for use
880 by the public.

881 (16)~~(10)~~ "Runway protection clear zone" or "RPZ" means an
882 area at ground level beyond the a runway end which is intended
883 to enhance the safety and protection of people and property on
884 the ground clear zone as defined in 14 C.F.R. s. 151.9(b).

885 (17)~~(11)~~ "Structure" means any object, constructed,
886 erected, altered, or installed by humans, including, but without
887 limitation thereof, buildings, towers, smokestacks, utility
888 poles, power generation equipment, and overhead transmission
889 lines.

890 (18) "Substantial modification" means any repair,
891 reconstruction, rehabilitation, or improvement of a structure
892 when the actual cost of the repair, reconstruction,
893 rehabilitation, or improvement of the structure equals or
894 exceeds 50 percent of the market value of the structure.

895 ~~(12) "Tree" includes any plant of the vegetable kingdom.~~

896 Section 13. Section 333.025, Florida Statutes, is amended
897 to read:

898 333.025 Permit required for structures exceeding federal
899 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~~7~~, 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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987 in the area ~~Land use density.~~

988 ~~(i) The safe and efficient use of navigable airspace.~~

989 ~~(j) The cumulative effects on navigable airspace of all~~
990 ~~existing structures, proposed structures identified in the~~
991 ~~applicable jurisdictions' comprehensive plans, and all other~~
992 ~~known proposed structures in the area.~~

993 (7) When issuing a permit under this section, the
994 department ~~of Transportation~~ shall, ~~as a specific condition of~~
995 ~~such permit,~~ require the owner ~~obstruction marking and lighting~~
996 ~~of the permitted~~ structure or vegetation to install, operate,
997 and maintain thereon, at his or her own expense, marking and
998 lighting in conformance with the specific standards established
999 by the Federal Aviation Administration ~~structure as provided in~~
1000 ~~s. 333.07(3)(b).~~

1001 (8) The department may ~~of Transportation~~ shall not approve
1002 a permit for the construction or alteration ~~erection~~ of a
1003 structure unless the applicant submits both documentation
1004 showing compliance with the federal requirement for notification
1005 of proposed construction or alteration and a valid aeronautical
1006 study evaluation, and no permit shall be approved solely on the
1007 basis that such proposed structure will not exceed federal
1008 obstruction standards as contained in 14 C.F.R. ss. 77.15,
1009 77.17, 77.19, 77.21, or 77.23 ~~77.21, 77.23, 77.25, 77.28, or~~
1010 ~~77.29,~~ or any other federal aviation regulation.

1011 (9) The denial of a permit under this section is subject to
1012 the administrative review provisions of chapter 120.

1013 Section 14. Section 333.03, Florida Statutes, is amended to
1014 read:

1015 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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1045 members so appointed. ~~The~~ ~~However,~~ the airport manager or
 1046 representative of each airport in ~~managers of the affected~~
 1047 participating political subdivisions shall serve on the board in
 1048 a nonvoting capacity.

1049 (c) Airport protection zoning regulations adopted under
 1050 paragraph (a) must ~~shall~~, at ~~as~~ a minimum, require:

1051 1. A permit ~~variance~~ for the ~~erection,~~ construction or
 1052 ~~alteration, or modification~~ of any structure that ~~which~~ would
 1053 cause the structure to exceed the federal obstruction standards
 1054 as contained in 14 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and
 1055 77.23. ~~77.21, 77.23, 77.25, 77.28, and 77.29;~~

1056 2. Obstruction marking and lighting for structures
 1057 exceeding the federal obstruction standards as contained in 14
 1058 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and 77.23, as specified
 1059 in s. 333.07(3). ~~†~~

1060 3. Documentation showing compliance with the federal
 1061 requirement for notification of proposed construction or
 1062 alteration and a valid aeronautical study ~~evaluation~~ submitted
 1063 by each person applying for a permit. ~~variance;~~

1064 4. Consideration of the criteria in s. 333.025(6), when
 1065 determining whether to issue or deny a permit. ~~variance;~~ and

1066 5. That a permit may not ~~no variance shall~~ be approved
 1067 solely on the basis that the ~~such~~ proposed structure will not
 1068 exceed federal obstruction standards as contained in 14 C.F.R.
 1069 ss. 77.15, 77.17, 77.19, 77.21, or 77.23 ~~77.21, 77.23, 77.25,~~
 1070 ~~77.28, or 77.29,~~ or any other federal aviation regulation.

1071 (d) The department is available to provide assistance to
 1072 political subdivisions with regard to federal obstruction
 1073 standards ~~shall issue copies of the federal obstruction~~

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1074 ~~standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25,~~
1075 ~~77.28, and 77.29 to each political subdivision having airport~~
1076 ~~hazard areas and, in cooperation with political subdivisions,~~
1077 ~~shall issue appropriate airport zoning maps depicting within~~
1078 ~~each county the maximum allowable height of any structure or~~
1079 ~~tree. Material distributed pursuant to this subsection shall be~~
1080 ~~at no cost to authorized recipients.~~

1081 (2) In the manner provided in subsection (1), ~~interim~~
1082 ~~airport land use compatibility zoning regulations~~ must ~~shall~~ be
1083 ~~adopted, administered, and enforced.~~ Airport land-use
1084 compatibility zoning ~~When political subdivisions have adopted~~
1085 ~~land development~~ regulations must, at a minimum, in accordance
1086 ~~with the provisions of chapter 163 which address the use of land~~
1087 ~~in the manner consistent with the provisions herein, adoption of~~
1088 ~~airport land use compatibility regulations pursuant to this~~
1089 ~~subsection shall not be required. Interim airport land use~~
1090 ~~compatibility zoning regulations shall consider the following:~~

1091 (a) Prohibiting any new and restricting any existing
1092 ~~Whether sanitary~~ landfills are located within the following
1093 areas:

1094 1. Within 10,000 feet from the nearest point of any runway
1095 used or planned to be used by turbine ~~turbojet or turboprop~~
1096 aircraft.

1097 2. Within 5,000 feet from the nearest point of any runway
1098 used only by nonturbine ~~piston-type~~ aircraft.

1099 3. Outside the perimeters defined in subparagraphs 1. and
1100 2., but still within the lateral limits of the civil airport
1101 imaginary surfaces defined in 14 C.F.R. part 77.19 ~~77.25~~. Case-
1102 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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1161 ~~the construction outweigh health and safety concerns prohibiting~~
1162 ~~such a location.~~

1163 ~~(4) The procedures outlined in subsections (1), (2), and~~
1164 ~~(3) for the adoption of such regulations are supplemental to any~~
1165 ~~existing procedures utilized by political subdivisions in the~~
1166 ~~adoption of such regulations.~~

1167 (4)~~(5)~~ The department of Transportation shall provide
1168 technical assistance to any political subdivision requesting
1169 assistance in the preparation of an airport zoning regulation
1170 ~~code~~. A copy of all local airport zoning codes, rules, and
1171 regulations, and amendments and proposed and granted permits
1172 ~~variances thereto~~, shall be filed with the department. All
1173 updates and amendments to local airport zoning codes, rules, and
1174 regulations must be filed with the department within 30 days
1175 after adoption.

1176 (5)~~(6)~~ ~~Nothing in~~ Subsection (2) and ~~or~~ subsection (3) may
1177 not shall be construed to require the removal, alteration, sound
1178 conditioning, or other change, or to interfere with the
1179 continued use or adjacent expansion of any educational structure
1180 or site in existence on July 1, 1993, ~~or be construed to~~
1181 ~~prohibit the construction of any new structure for which a site~~
1182 ~~has been determined as provided in former s. 235.19, as of July~~
1183 ~~1, 1993.~~

1184 (6) This section may not preclude an airport authority,
1185 local government, or other governing body operating a public-use
1186 airport from establishing airport protection zoning regulations
1187 more restrictive than herein prescribed in order to protect the
1188 safety and welfare of the public in the air and on the ground.

1189 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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1219 provided and set forth, after a public hearing in relation
1220 thereto, at which parties in interest and citizens shall have an
1221 opportunity to be heard. Notice of the hearing shall be
1222 published at least once a week for 2 consecutive weeks in an
1223 official paper, or a paper of general circulation, in the
1224 political subdivision or subdivisions where ~~in which are located~~
1225 the airport zoning regulations are ~~areas~~ to be adopted, amended,
1226 or deleted ~~zoned~~.

1227 (2) AIRPORT ZONING COMMISSION.—Prior to the initial zoning
1228 of any airport area under this chapter the political subdivision
1229 or joint airport zoning board which is to adopt, administer, and
1230 enforce the regulations shall appoint a commission, to be known
1231 as the airport zoning commission, to recommend the boundaries of
1232 the various zones to be established and the regulations to be
1233 adopted therefor. Such commission shall make a preliminary
1234 report and hold public hearings thereon before submitting its
1235 final report, and the legislative body of the political
1236 subdivision or the joint airport zoning board shall not hold its
1237 public hearings or take any action until it has received the
1238 final report of such commission, and at least 15 days shall
1239 elapse between the receipt of the final report of the commission
1240 and the hearing to be held by the latter board. Where a planning
1241 ~~city plan~~ commission, airport commission, or comprehensive
1242 zoning commission already exists, it may be appointed as the
1243 airport zoning commission.

1244 Section 17. Section 333.06, Florida Statutes, is amended to
1245 read:

1246 333.06 Airport zoning requirements.—

1247 (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. ~~and,~~
 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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1393 ~~department shall have 45 days from receipt of the application to~~
1394 ~~comment and to provide its comments or waiver of that right to~~
1395 ~~the applicant and the board of adjustment. The department shall~~
1396 ~~include its explanation for any objections stated in its~~
1397 ~~comments. If the department fails to provide its comments within~~
1398 ~~45 days of receipt of the application, its right to comment is~~
1399 ~~waived. The board of adjustment may proceed with its~~
1400 ~~consideration of the application only upon the receipt of the~~
1401 ~~department's comments or waiver of that right as demonstrated by~~
1402 ~~the filing of a copy of the return receipt with the board.~~
1403 ~~Noncompliance with this section shall be grounds to appeal~~
1404 ~~pursuant to s. 333.08 and to apply for judicial relief pursuant~~
1405 ~~to s. 333.11. Such variances may only be allowed where a literal~~
1406 ~~application or enforcement of the regulations would result in~~
1407 ~~practical difficulty or unnecessary hardship and where the~~
1408 ~~relief granted would not be contrary to the public interest but~~
1409 ~~would do substantial justice and be in accordance with the~~
1410 ~~spirit of the regulations and this chapter. However, any~~
1411 ~~variance may be allowed subject to any reasonable conditions~~
1412 ~~that the board of adjustment may deem necessary to effectuate~~
1413 ~~the purposes of this chapter.~~

1414 ~~(b) The Department of Transportation shall have the~~
1415 ~~authority to appeal any variance granted under this chapter~~
1416 ~~pursuant to s. 333.08, and to apply for judicial relief pursuant~~
1417 ~~to s. 333.11.~~

1418 (3) OBSTRUCTION MARKING AND LIGHTING.—

1419 (a) In issuing a granting ~~any permit or variance~~ under this
1420 section, the political subdivision or its administrative agency
1421 ~~or board of adjustment~~ shall require the owner of the structure

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1422 or vegetation ~~tree in question~~ to install, operate, and maintain
1423 thereon, at his or her own expense, ~~such~~ marking and lighting in
1424 conformance with the specific standards established by the
1425 Federal Aviation Administration ~~as may be necessary to indicate~~
1426 ~~to aircraft pilots the presence of an obstruction.~~

1427 (b) Such marking and lighting shall conform to the specific
1428 standards established by rule by the department of
1429 Transportation.

1430 (c) ~~Existing structures not in compliance on October 1,~~
1431 ~~1988, shall be required to comply whenever the existing marking~~
1432 ~~requires refurbishment, whenever the existing lighting requires~~
1433 ~~replacement, or within 5 years of October 1, 1988, whichever~~
1434 ~~occurs first.~~

1435 Section 20. Section 333.08, Florida Statutes, is repealed.

1436 Section 21. Section 333.09, Florida Statutes, is amended to
1437 read:

1438 333.09 Administration of airport zoning regulations.—

1439 (1) ADMINISTRATION AND ENFORCEMENT.—All airport zoning
1440 regulations adopted under this chapter shall provide for the
1441 administration and enforcement of such regulations by the
1442 political subdivisions or their ~~by an~~ administrative agency
1443 ~~which may be an agency created by such regulations or any~~
1444 ~~official, board, or other existing agency of the political~~
1445 ~~subdivision adopting the regulations or of one of the political~~
1446 ~~subdivisions which participated in the creation of the joint~~
1447 ~~airport zoning board adopting the regulations, if satisfactory~~
1448 ~~to that political subdivision, but in no case shall such~~
1449 ~~administrative agency be or include any member of the board of~~
1450 ~~adjustment.~~ The duties of any administrative agency designated

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1451 pursuant to this chapter shall include that of hearing and
1452 deciding all permits under s. 333.07 ~~s. 333.07(1)~~, ~~deciding all~~
1453 ~~matters under s. 333.07(3)~~, as they pertain to such agency, and
1454 all other matters under this chapter applying to said agency,
1455 ~~but such agency shall not have or exercise any of the powers~~
1456 ~~herein delegated to the board of adjustment.~~

1457 (2) LOCAL GOVERNMENT PROCESS.-

1458 (a) Any political subdivision required to adopt airport
1459 zoning regulations under this chapter must provide a process to:

1460 1. Issue or deny permits consistent with s. 333.07,
1461 including requests for exceptions to airport zoning regulations.

1462 2. Notify the department of receipt of a complete permit
1463 application consistent with s. 333.025(4).

1464 3. Enforce any permit, order, requirement, decision, or
1465 determination made by the administrative agency with respect to
1466 the airport zoning regulations.

1467 (b) Where a zoning board or permitting body already exists
1468 within a political subdivision, the zoning board or permitting
1469 body may implement the permitting and appeals process.

1470 Otherwise, the political subdivision shall implement the
1471 permitting and appeals process in a manner consistent with its
1472 constitutional powers and areas of jurisdiction.

1473 (3) APPEALS.-

1474 (a) Any person, political subdivision or its administrative
1475 agency, or any joint airport zoning board, which contends that
1476 the decision made by a political subdivision or its
1477 administrative agency is an improper application of airport
1478 zoning regulations may use the process established for an
1479 appeal.

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1480 (b) All appeals taken under this section must be taken
1481 within a reasonable time, as provided by the political
1482 subdivision or its administrative agency, by filing with the
1483 entity from which appeal is taken a notice of appeal specifying
1484 the grounds for appeal.

1485 (c) An appeal stays all proceedings in the underlying
1486 action, unless the entity from which the appeal is taken
1487 certifies pursuant to the rules for appeal that by reason of the
1488 facts stated in the certificate, a stay would, in its opinion,
1489 cause imminent peril to life or property. In that case,
1490 proceedings may not be stayed except by an order of the
1491 political subdivision or its administrative agency following
1492 notice to the entity from which the appeal is taken and on good
1493 cause shown.

1494 (d) The political subdivision or its administrative agency
1495 must set a reasonable time for the hearing of appeals, give
1496 public notice and due notice to the parties in interest, and
1497 decide the same within a reasonable time. At the hearing, a
1498 party may appear in person, by agent, or by attorney.

1499 (e) The political subdivision or its administrative agency
1500 may, in conformity with the provisions of this chapter, reverse,
1501 affirm, or modify the underlying order, requirement, decision,
1502 or determination from which the appeal is taken.

1503 Section 22. Section 333.10, Florida Statutes, is repealed.

1504 Section 23. Section 333.11, Florida Statutes, is amended to
1505 read:

1506 333.11 Judicial review.—

1507 (1) Any person, ~~aggrieved, or taxpayer affected, by any~~
1508 ~~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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1567 read:

1568 333.12 Acquisition of air rights. ~~When In any case which:~~
1569 ~~it is desired to remove, lower or otherwise terminate a~~
1570 nonconforming structure or use presents an air hazard and the
1571 structure cannot be removed, lowered, or otherwise terminated;
1572 or the approach protection necessary cannot, because of
1573 constitutional limitations, be provided by airport regulations
1574 under this chapter; or it appears advisable that the necessary
1575 approach protection be provided by acquisition of property
1576 rights rather than by airport zoning regulations, the political
1577 subdivision within which the property or nonconforming use is
1578 located, or the political subdivision owning or operating the
1579 airport or being served by it, may acquire, by purchase, grant,
1580 or condemnation in the manner provided by chapter 73, such air
1581 right, avigation navigation easement conveying the airspace over
1582 another property for use by the airport, or other estate,
1583 portion or interest in the property or nonconforming structure
1584 or use or such interest in the air above such property,
1585 vegetation ~~tree~~, structure, or use, in question, as may be
1586 necessary to effectuate the purposes of this chapter, and in so
1587 doing, if by condemnation, to have the right to take immediate
1588 possession of the property, interest in property, air right, or
1589 other right sought to be condemned, at the time, and in the
1590 manner and form, and as authorized by chapter 74. In the case of
1591 the purchase of any property, ~~or any~~ easement, or estate or
1592 interest therein or the acquisition of the same by the power of
1593 eminent domain, the political subdivision making such purchase
1594 or exercising such power shall in addition to the damages for
1595 the taking, injury, or destruction of property also pay the cost

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1596 of the removal and relocation of any structure or any public
1597 utility which is required to be moved to a new location.

1598 Section 25. Section 333.135, Florida Statutes, is created
1599 to read:

1600 333.135 Transition provisions.—

1601 (1) A provision of an airport zoning regulation in effect
1602 on July 1, 2015, that conflicts with this chapter must be
1603 amended to conform to the requirements of this chapter by July
1604 1, 2016.

1605 (2) By October 1, 2017, a political subdivision having an
1606 airport within its territorial limits, which has not adopted
1607 airport zoning regulations, must adopt airport zoning
1608 regulations which are consistent with this chapter.

1609 (3) For those political subdivisions that have not yet
1610 adopted airport zoning regulations pursuant to this chapter, the
1611 department shall administer the permitting process as provided
1612 in s. 333.025.

1613 Section 26. Section 333.14, Florida Statutes, is repealed.

1614 Section 27. Subsections (36) and (37) of section 334.03,
1615 Florida Statutes, are amended to read:

1616 334.03 Definitions.—When used in the Florida Transportation
1617 Code, the term:

1618 (36) "511" or "511 services" means all three-digit
1619 ~~telecommunications dialing to access interactive voice response~~
1620 ~~telephone~~ traveler information services provided in the state to
1621 include, but not be limited to, the terms as defined by the
1622 Federal Communications Commission in FCC Order No. 00-256, July
1623 31, 2000.

1624 ~~(37) "Interactive voice response" means a software~~

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1625 ~~application that accepts a combination of voice telephone input~~
1626 ~~and touch-tone keypad selection and provides appropriate~~
1627 ~~responses in the form of voice, fax, callback, e-mail, and other~~
1628 ~~media.~~

1629 Section 28. Subsection (31) of section 334.044, Florida
1630 Statutes, is amended, and subsection (34) of that section is
1631 created, to read:

1632 334.044 Department; powers and duties.—The department shall
1633 have the following general powers and duties:

1634 (31) To provide oversight of traveler information systems
1635 ~~that may include the provision of interactive voice response~~
1636 ~~telephone systems accessible via the 511 services number~~ as
1637 assigned by the Federal Communications Commission for traveler
1638 information services. The department shall ensure that uniform
1639 standards and criteria for the collection and dissemination of
1640 traveler information are applied ~~using interactive voice~~
1641 ~~response systems.~~

1642 (34) The department may assume responsibilities of the
1643 United States Department of Transportation with respect to
1644 highway projects within the state under the National
1645 Environmental Policy Act of 1969 (42 U.S.C. s. 4321 et seq.) and
1646 with respect to related responsibilities for environmental
1647 review, consultation, or other action required under any federal
1648 environmental law pertaining to review or approval of a highway
1649 project within the state. The department may assume
1650 responsibilities under 23 U.S.C. s. 327 and enter into one or
1651 more agreements, including memoranda of understanding, with the
1652 United States Secretary of Transportation related to the federal
1653 surface transportation project delivery program for the delivery

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1654 of highway projects, as provided by 23 U.S.C. s. 327. The
1655 department may adopt rules to implement this subsection and may
1656 adopt relevant federal environmental standards as the standards
1657 for this state for a program described in this subsection.
1658 Sovereign immunity to civil suit in federal court is waived
1659 consistent with 23 U.S.C. s. 327 and limited to the compliance,
1660 discharge, or enforcement of a responsibility assumed by the
1661 department under this subsection.

1662 Section 29. Section 334.60, Florida Statutes, is amended to
1663 read:

1664 334.60 511 traveler information system.—The department is
1665 the state's lead agency for implementing 511 services and is the
1666 state's point of contact for coordinating all 511 services ~~with~~
1667 ~~telecommunications service providers.~~

1668 (1) The department shall:

1669 (a) ~~(1)~~ Implement and administer 511 services in the state;

1670 (b) ~~(2)~~ Coordinate with other transportation authorities in
1671 the state to provide multimodal traveler information through 511
1672 services and other means;

1673 (c) ~~(3)~~ Develop uniform standards and criteria for the
1674 collection and dissemination of traveler information using ~~the~~
1675 511 services number or other interactive voice response systems;
1676 and

1677 (d) ~~(4)~~ Enter into joint participation agreements or
1678 contracts with highway authorities and public transit districts
1679 to share the costs of implementing and administering 511
1680 services in the state. The department may also enter into other
1681 agreements or contracts with private firms relating to the 511
1682 services to offset the costs of implementing and administering

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1683 511 services in the state.

1684 (2) The department shall adopt rules to administer the
1685 coordination of 511 traveler information ~~phone~~ services in the
1686 state.

1687 Section 30. Subsections (3) and (4) of section 335.065,
1688 Florida Statutes, are amended to read:

1689 335.065 Bicycle and pedestrian ways along state roads and
1690 transportation facilities.—

1691 (3) The department, in cooperation with the Department of
1692 Environmental Protection, shall establish a statewide integrated
1693 system of bicycle and pedestrian ways in such a manner as to
1694 take full advantage of any such ways which are maintained by any
1695 governmental entity. ~~The department may enter into a concession~~
1696 ~~agreement with a not for profit entity or private sector~~
1697 ~~business or entity for commercial sponsorship displays on~~
1698 ~~multiuse trails and related facilities and use any concession~~
1699 ~~agreement revenues for the maintenance of the multiuse trails~~
1700 ~~and related facilities. Commercial sponsorship displays are~~
1701 ~~subject to the requirements of the Highway Beautification Act of~~
1702 ~~1965 and all federal laws and agreements, when applicable. For~~
1703 ~~the purposes of this section, bicycle facilities may be~~
1704 ~~established as part of or separate from the actual roadway and~~
1705 ~~may utilize existing road rights of way or other rights of way~~
1706 ~~or easements acquired for public use.~~

1707 ~~(a) A concession agreement shall be administered by the~~
1708 ~~department and must include the requirements of this section.~~

1709 ~~(b)1. Signage or displays erected under this section shall~~
1710 ~~comply with s. 337.407 and chapter 479 and shall be limited as~~
1711 ~~follows:~~

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1712 ~~a. One large sign or display, not to exceed 16 square feet~~
1713 ~~in area, may be located at each trailhead or parking area.~~

1714 ~~b. One small sign or display, not to exceed 4 square feet~~
1715 ~~in area, may be located at each designated trail public access~~
1716 ~~point.~~

1717 ~~2. Before installation, each name or sponsorship display~~
1718 ~~must be approved by the department.~~

1719 ~~3. The department shall ensure that the size, color,~~
1720 ~~materials, construction, and location of all signs are~~
1721 ~~consistent with the management plan for the property and the~~
1722 ~~standards of the department, do not intrude on natural and~~
1723 ~~historic settings, and contain only a logo selected by the~~
1724 ~~sponsor and the following sponsorship wording:~~

1725
1726 ~~... (Name of the sponsor) ... proudly sponsors the costs~~
1727 ~~of maintaining the ... (Name of the greenway or~~
1728 ~~trail)~~

1729
1730 ~~4. All costs of a display, including development,~~
1731 ~~construction, installation, operation, maintenance, and removal~~
1732 ~~costs, shall be paid by the concessionaire.~~

1733 ~~(c) A concession agreement shall be for a minimum of 1~~
1734 ~~year, but may be for a longer period under a multiyear~~
1735 ~~agreement, and may be terminated for just cause by the~~
1736 ~~department upon 60 days' advance notice. Just cause for~~
1737 ~~termination of a concession agreement includes, but is not~~
1738 ~~limited to, violation of the terms of the concession agreement~~
1739 ~~or this section.~~

1740 ~~(4) (a) The department may use appropriated funds to support~~

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1741 ~~the establishment of a statewide system of interconnected~~
1742 ~~multiuse trails and to pay the costs of planning, land~~
1743 ~~acquisition, design, and construction of such trails and related~~
1744 ~~facilities. The department shall give funding priority to~~
1745 ~~projects that:~~

1746 ~~1. Are identified by the Florida Greenways and Trails~~
1747 ~~Council as a priority within the Florida Greenways and Trails~~
1748 ~~System under chapter 260.~~

1749 ~~2. Support the transportation needs of bicyclists and~~
1750 ~~pedestrians.~~

1751 ~~3. Have national, statewide, or regional importance.~~

1752 ~~4. Facilitate an interconnected system of trails by~~
1753 ~~completing gaps between existing trails.~~

1754 ~~(b) A project funded under this subsection shall:~~

1755 ~~1. Be included in the department's work program developed~~
1756 ~~in accordance with s. 339.135.~~

1757 ~~2. Be operated and maintained by an entity other than the~~
1758 ~~department upon completion of construction. The department is~~
1759 ~~not obligated to provide funds for the operation and maintenance~~
1760 ~~of the project.~~

1761 Section 31. Section 335.21, Florida Statutes, is created to
1762 read:

1763 335.21 Governing bodies of independent special districts
1764 regulating the operation of public vehicles on public highways.-
1765 Notwithstanding any provision of local law, the membership of
1766 the governing body of any independent special district created
1767 for the purpose of regulating the operation of public vehicles
1768 upon the public highways under the jurisdiction of any such
1769 independent special district shall consist of seven members.

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1770 Four members shall be appointed by the Governor, one member
1771 shall be appointed by the governing body of the largest
1772 municipality situated within the jurisdiction of the independent
1773 special district, and two members shall be appointed by the
1774 governing body of the county in which the independent special
1775 district has jurisdiction. All appointees must be residents of
1776 the county in which the independent special district has
1777 jurisdiction. This section does not apply to any entity
1778 authorized under s. 163.567 or under chapter 343, chapter 348,
1779 or chapter 349.

1780 Section 32. Subsection (4) of section 338.165, Florida
1781 Statutes, is amended to read:

1782 338.165 Continuation of tolls.—

1783 (4) Notwithstanding any other law to the contrary, pursuant
1784 to s. 11, Art. VII of the State Constitution, and subject to the
1785 requirements of subsection (2), the Department of Transportation
1786 may request the Division of Bond Finance to issue bonds secured
1787 by toll revenues collected on the Alligator Alley, the Sunshine
1788 Skyway Bridge, ~~the Beeline-East Expressway, the Navarre Bridge,~~
1789 and the Pinellas Bayway to fund transportation projects located
1790 within the county or counties in which the project is located
1791 and contained in the adopted work program of the department.

1792 Section 33. Subsection (5) is added to section 338.227,
1793 Florida Statutes, to read:

1794 338.227 Turnpike revenue bonds.—

1795 (5) Notwithstanding s. 215.82, bonds issued pursuant to
1796 this section are not required to be validated pursuant to
1797 chapter 75, but may be validated at the option of the Division
1798 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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1828 ~~A remain outstanding, the department is authorized to pledge~~
1829 ~~revenues from the turnpike system to the payment of principal~~
1830 ~~and interest of such series of bonds and the operation and~~
1831 ~~maintenance expenses of the Sawgrass Expressway, to the extent~~
1832 ~~gross toll revenues of the Sawgrass Expressway are insufficient~~
1833 ~~to make such payments. The terms of an agreement relative to the~~
1834 ~~pledge of turnpike system revenue will be negotiated with the~~
1835 ~~parties of the 1984 and 1986 Broward County Expressway Authority~~
1836 ~~lease purchase agreements, and subject to the covenants of those~~
1837 ~~agreements. The agreement must establish that the Sawgrass~~
1838 ~~Expressway is subject to the planning, management, and operating~~
1839 ~~control of the department limited only by the terms of the~~
1840 ~~lease purchase agreements. The department shall provide for the~~
1841 ~~payment of operation and maintenance expenses of the Sawgrass~~
1842 ~~Expressway until such agreement is in effect. This pledge of~~
1843 ~~turnpike system revenues is subordinate to the debt service~~
1844 ~~requirements of any future issue of turnpike bonds, the payment~~
1845 ~~of turnpike system operation and maintenance expenses, and~~
1846 ~~subject to any subsequent resolution or trust indenture relating~~
1847 ~~to the issuance of such turnpike bonds.~~

1848 (5)~~(6)~~ The use and disposition of revenues pledged to bonds
1849 are subject to ss. 338.22-338.241 and such regulations as the
1850 resolution authorizing the issuance of the bonds or such trust
1851 agreement may provide.

1852 Section 35. Paragraph (c) of subsection (7) of section
1853 339.175, Florida Statutes, is amended to read:

1854 339.175 Metropolitan planning organization.—

1855 (7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must
1856 develop a long-range transportation plan that addresses at least

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1857 a 20-year planning horizon. The plan must include both long-
1858 range and short-range strategies and must comply with all other
1859 state and federal requirements. The prevailing principles to be
1860 considered in the long-range transportation plan are: preserving
1861 the existing transportation infrastructure; enhancing Florida's
1862 economic competitiveness; and improving travel choices to ensure
1863 mobility. The long-range transportation plan must be consistent,
1864 to the maximum extent feasible, with future land use elements
1865 and the goals, objectives, and policies of the approved local
1866 government comprehensive plans of the units of local government
1867 located within the jurisdiction of the M.P.O. Each M.P.O. is
1868 encouraged to consider strategies that integrate transportation
1869 and land use planning to provide for sustainable development and
1870 reduce greenhouse gas emissions. The approved long-range
1871 transportation plan must be considered by local governments in
1872 the development of the transportation elements in local
1873 government comprehensive plans and any amendments thereto. The
1874 long-range transportation plan must, at a minimum:

1875 (c) Assess capital investment and other measures necessary
1876 to:

1877 1. Ensure the preservation of the existing metropolitan
1878 transportation system including requirements for the operation,
1879 resurfacing, restoration, and rehabilitation of major roadways
1880 and requirements for the operation, maintenance, modernization,
1881 and rehabilitation of public transportation facilities; and

1882 2. Make the most efficient use of existing transportation
1883 facilities to relieve vehicular congestion, improve safety, and
1884 maximize the mobility of people and goods. Such efforts shall
1885 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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1915 vehicle technology, such as autonomous vehicle technology and
1916 other developments.

1917 Section 37. Section 339.81, Florida Statutes, is created to
1918 read:

1919 339.81 Florida Shared-Use Nonmotorized Trail Network.—

1920 (1) The Florida Shared-Use Nonmotorized Trail Network is
1921 created as a component of the Florida Greenways and Trails
1922 System established in chapter 260. The network consists of
1923 multiuse trails or shared-use paths physically separated from
1924 motor vehicle traffic and constructed with asphalt, concrete, or
1925 another hard surface which, by virtue of design, location,
1926 extent of connectivity or potential connectivity, and allowable
1927 uses, provide nonmotorized transportation opportunities for
1928 bicyclists and pedestrians between and within a wide range of
1929 points of origin and destinations, including, but not limited
1930 to, communities, conservation areas, state parks, beaches, and
1931 other natural or cultural attractions for a variety of trip
1932 purposes, including work, school, shopping, and other personal
1933 business, as well as social, recreational, and personal fitness
1934 purposes.

1935 (2) Network components do not include sidewalks, nature
1936 trails, loop trails wholly within a single park or natural area,
1937 or on-road facilities, such as bicycle lanes or routes other
1938 than:

1939 (a) On-road facilities that are no greater than one-half
1940 mile in length connecting two or more nonmotorized trails, if
1941 the provision of non-road facilities is unfeasible and if such
1942 on-road facilities are signed and marked for nonmotorized use;
1943 or

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(b) On-road components of the Florida Keys Overseas Heritage Trail.

(3) The department shall include a project to be constructed as part of the Shared-Use Nonmotorized Trail Network in its work program developed pursuant to s. 339.135.

(4) The planning, development, operation, and maintenance of the Shared-Use Nonmotorized Trail Network is declared to be a public purpose, and the department, together with other agencies of this state and all counties, municipalities, and special districts of this state, may spend public funds for such purposes and may accept gifts and grants of funds, property, or property rights from public or private sources to be used for such purposes.

(5) 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.

(6) The department may adopt rules to aid in the development and maintenance of components of the network.

Section 38. Section 339.82, Florida Statutes, is created to read:

339.82 Shared-Use Nonmotorized Trail Network Plan.—

(1) The department shall develop a Shared-Use Nonmotorized Trail Network Plan in coordination with the Department of Environmental Protection, metropolitan planning organizations, affected local governments and public agencies, and the Florida Greenways and Trails Council. The plan must be consistent with

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1973 the Florida Greenways and Trails Plan developed under s. 260.014
 1974 and must be updated at least once every 5 years.

1975 (2) The Shared-Use Nonmotorized Trail Network Plan must
 1976 include all of the following:

1977 (a) A needs assessment, including, but not limited to, a
 1978 comprehensive inventory and analysis of existing trails that may
 1979 be considered for inclusion in the Shared-Use Nonmotorized Trail
 1980 Network.

1981 (b) A project prioritization process that includes
 1982 assigning funding priority to projects that:

1983 1. Are identified by the Florida Greenways and Trails
 1984 Council as a priority within the Florida Greenways and Trails
 1985 System under chapter 260;

1986 2. Facilitate an interconnected network of trails by
 1987 completing gaps between existing facilities; and

1988 3. Maximize use of federal, local, and private funding and
 1989 support mechanisms, including, but not limited to, donation of
 1990 funds, real property, and maintenance responsibilities.

1991 (c) A map illustrating existing and planned facilities and
 1992 identifying critical gaps between facilities.

1993 (d) A finance plan based on reasonable projections of
 1994 anticipated revenues, including both 5-year and 10-year cost-
 1995 feasible components.

1996 (e) Performance measures that include quantifiable
 1997 increases in trail network access and connectivity.

1998 (f) A timeline for the completion of the base network using
 1999 new and existing data from the department, the Department of
 2000 Environmental Protection, and other sources.

2001 (g) A marketing plan prepared in consultation with the

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2002 Florida Tourism Industry Marketing Corporation.

2003 Section 39. Section 339.83, Florida Statutes, is created to
2004 read:

2005 339.83 Sponsorship of Shared-Use Nonmotorized Trails.—

2006 (1) The department may enter into a concession agreement
2007 with a not-for-profit entity or private sector business or
2008 entity for commercial sponsorship signs, pavement markings, and
2009 exhibits on nonmotorized trails and related facilities
2010 constructed as part of the Shared-Use Nonmotorized Trail
2011 Network. The concession agreement may also provide for
2012 recognition of trail sponsors in any brochure, map, or website
2013 providing trail information. Trail websites may provide links to
2014 sponsors. Revenue from such agreements may be used for the
2015 maintenance of the nonmotorized trails and related facilities.

2016 (a) A concession agreement shall be administered by the
2017 department.

2018 (b)1. Signage, pavement markings, or exhibits erected
2019 pursuant to this section must comply with s. 337.407 and chapter
2020 479 and are limited as follows:

2021 a. One large sign, pavement marking, or exhibit, not to
2022 exceed 16 square feet in area, may be located at each trailhead
2023 or parking area.

2024 b. One small sign, pavement marking, or exhibit, not to
2025 exceed 4 square feet in area, may be located at each designated
2026 trail public access point where parking is not provided.

2027 c. Pavement markings denoting specified distances must be
2028 located at least 1 mile apart.

2029 2. Before installation, each sign, pavement marking, or
2030 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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2060 review of applications, permit issuance, and fabrication,
2061 installation, and maintenance of signs, pavement markings, and
2062 exhibits. The department may reject all proposals and seek
2063 another request for proposals or otherwise perform the work. The
2064 contract may allow the contractor to retain a portion of the
2065 annual fees as compensation for its services.

2066 (3) This section does not create a proprietary or
2067 compensable interest in any sponsorship site or location for any
2068 permittee, and the department may terminate permits or change
2069 locations of sponsorship sites as it determines necessary for
2070 construction or improvement of facilities.

2071 (4) The department may adopt rules to establish
2072 requirements for qualification of businesses, qualification and
2073 location of sponsorship sites, and permit applications and
2074 processing. The department may adopt rules to establish other
2075 criteria necessary to implement this section and to provide for
2076 variances when necessary to serve the interest of the public or
2077 when required to ensure equitable treatment of program
2078 participants.

2079 Section 40. (1) The Office of Economic and Demographic
2080 Research shall evaluate and determine the economic benefits, as
2081 defined in s. 288.005(1), Florida Statutes, of the state's
2082 investment in the Department of Transportation's adopted work
2083 program developed in accordance with s. 339.135(5), Florida
2084 Statutes, for fiscal year 2015-2016, including the following 4
2085 fiscal years. At a minimum, a separate return on investment
2086 shall be projected for each of the following areas:

2087 (a) Roads and highways;

2088 (b) Rails;

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- 2089 (c) Public transit;
2090 (d) Aviation; and
2091 (e) Seaports.

2092
2093 The analysis is limited to the funding anticipated by the
2094 adopted work program, but may address the continuing economic
2095 impact for those transportation projects in the 5 years beyond
2096 the conclusion of the adopted work program. The analysis must
2097 also evaluate the number of jobs created, the increase or
2098 decrease in personal income, and the impact on gross domestic
2099 product from the direct, indirect, and induced effects on the
2100 state's investment in each area.

2101 (2) The Department of Transportation and each of its
2102 district offices shall provide the Office of Economic and
2103 Demographic Research full access to all data necessary to
2104 complete the analysis, including any confidential data.

2105 (3) The Office of Economic and Demographic Research shall
2106 submit the analysis to the President of the Senate and the
2107 Speaker of the House of Representatives by January 1, 2016.

2108 Section 41. Section 341.0532, Florida Statutes, is
2109 repealed.

2110 Section 42. The Division of Law Revision and Information is
2111 directed to create chapter 345, Florida Statutes, consisting of
2112 ss. 345.0001-345.0014, Florida Statutes, to be entitled the
2113 "Northwest Florida Regional Transportation Finance Authority."

2114 Section 43. Section 345.0001, Florida Statutes, is created
2115 to read:

2116 345.0001 Short title.—This act may be cited as the
2117 "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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2147 (9) "Regional system" or "system" means, generally, a
2148 modern system of roads, bridges, causeways, tunnels, and mass
2149 transit services within the area of the authority, with access
2150 limited or unlimited as the authority may determine, and the
2151 buildings and structures and appurtenances and facilities
2152 related to the system, including all approaches, streets, roads,
2153 bridges, and avenues of access for the system.

2154 (10) "Revenues" means the tolls, revenues, rates, fees,
2155 charges, receipts, rentals, contributions, and other income
2156 derived from or in connection with the operation or ownership of
2157 a regional system, including the proceeds of any use and
2158 occupancy insurance on any portion of the system, but excluding
2159 state funds available to the authority and any other municipal
2160 or county funds available to the authority under an agreement
2161 with a municipality or county.

2162 Section 45. Section 18. Section 345.0003, Florida Statutes,
2163 is created to read:

2164 345.0003 Regional transportation finance authority
2165 formation and membership.—

2166 (1) Escambia County, alone or together with any consenting
2167 contiguous county, may form a regional finance authority for the
2168 purposes of constructing, maintaining, and operating
2169 transportation projects in the northwest region of this state.
2170 The authority shall be governed in accordance with this chapter.
2171 The area served by the authority may not be expanded beyond
2172 Escambia County without the approval of the county commission of
2173 each contiguous county that will be a part of the authority.

2174 (2) The governing body of the authority shall consist of a
2175 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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2292 or any other public body of the state.

2293 (j) To employ an executive director, attorney, staff, and
2294 consultants. Upon the request of the authority, the department
2295 shall furnish the services of a department employee to act as
2296 the executive director of the authority.

2297 (k) To accept funds or other property from private
2298 donations.

2299 (l) To act and do things necessary or convenient for the
2300 conduct of its business and the general welfare of the
2301 authority, in order to carry out the powers granted to it by
2302 this act or any other law.

2303 (3) The authority may not pledge the credit or taxing power
2304 of the state or a political subdivision or agency of the state.
2305 Obligations of the authority may not be considered to be
2306 obligations of the state or of any other political subdivision
2307 or agency of the state. Except for the authority, the state or
2308 any political subdivision or agency of the state is not liable
2309 for the payment of the principal or interest on such
2310 obligations.

2311 (4) The authority may not, other than by consent of the
2312 affected county or an affected municipality, enter into an
2313 agreement that would legally prohibit the construction of a road
2314 by the county or the municipality.

2315 (5) The authority shall comply with the statutory
2316 requirements of general application which relate to the filing
2317 of a report or documentation required by law, including the
2318 requirements of ss. 189.015, 189.016, 189.051, and 189.08.

2319 Section 47. Section 345.0005, Florida Statutes, is created
2320 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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2350 provisions that must be part of the contract with the holders of
2351 the bonds as to:

2352 (a) The pledging of all or any part of the revenues,
2353 available municipal or county funds, or other charges or
2354 receipts of the authority derived from the regional system.

2355 (b) The construction, reconstruction, improvement,
2356 extension, repair, maintenance, and operation of the system, or
2357 any part or parts of the system, and the duties and obligations
2358 of the authority with reference thereto.

2359 (c) Limitations on the purposes to which the proceeds of
2360 the bonds, then or thereafter issued, or of any loan or grant by
2361 any federal agency or the state or any political subdivision of
2362 the state may be applied.

2363 (d) The fixing, charging, establishing, revising,
2364 increasing, reducing, and collecting of tolls, rates, fees,
2365 rentals, or other charges for use of the services and facilities
2366 of the system or any part of the system.

2367 (e) The setting aside of reserves or sinking funds and the
2368 regulation and disposition of such reserves or sinking funds.

2369 (f) Limitations on the issuance of additional bonds.

2370 (g) The terms of any deed of trust or indenture securing
2371 the bonds, or under which the bonds may be issued.

2372 (h) Any other or additional matters, of like or different
2373 character, which in any way affect the security or protection of
2374 the bonds.

2375 (4) The authority may enter into deeds of trust,
2376 indentures, or other agreements with banks or trust companies
2377 within or without the state, as security for such bonds, and
2378 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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2437 indenture, or other agreement may, or upon the written request
2438 of the holders of 25 percent or such other percentages specified
2439 in any deed of trust, indenture, or other agreement, in
2440 principal amount of the bonds then outstanding, shall, in any
2441 court of competent jurisdiction, in its own name:

2442 (a) By mandamus or other suit, action, or proceeding at
2443 law, or in equity, enforce all rights of the bondholders,
2444 including the right to require the authority to fix, establish,
2445 maintain, collect, and charge rates, fees, rentals, and other
2446 charges, adequate to carry out any agreement as to, or pledge
2447 of, the revenues, and to require the authority to carry out any
2448 other covenants and agreements with or for the benefit of the
2449 bondholders, and to perform its and their duties under this
2450 chapter.

2451 (b) Bring suit upon the bonds.

2452 (c) By action or suit in equity, require the authority to
2453 account as if it were the trustee of an express trust for the
2454 bondholders.

2455 (d) By action or suit in equity, enjoin any acts or things
2456 that may be unlawful or in violation of the rights of the
2457 bondholders.

2458 (3) A trustee, if appointed under this section or acting
2459 under a deed of trust, indenture, or other agreement, and
2460 regardless of whether all bonds have been declared due and
2461 payable, is entitled to the appointment of a receiver. The
2462 receiver may enter upon and take possession of the system or the
2463 facilities or any part or parts of the system, the revenues, and
2464 other pledged moneys, for and on behalf of and in the name of,
2465 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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2495 to read:

2496 345.0007 Department to construct, operate, and maintain
2497 facilities.-

2498 (1) The department is the agent of the authority for the
2499 purpose of performing all phases of a project, including, but
2500 not limited to, constructing improvements and extensions to the
2501 system, with the exception of the transit facilities. The
2502 division and the authority shall provide to the department
2503 complete copies of the documents, agreements, resolutions,
2504 contracts, and instruments that relate to the project and shall
2505 request that the department perform the construction work,
2506 including the planning, surveying, design, and actual
2507 construction of the completion of, extensions of, and
2508 improvements to the system. After the issuance of bonds to
2509 finance construction of an improvement or addition to the
2510 system, the division and the authority shall transfer to the
2511 credit of an account of the department in the State Treasury the
2512 necessary funds for construction. The department shall proceed
2513 with construction and use the funds for the purpose authorized
2514 by law for construction of roads and bridges. The authority may
2515 alternatively, with the consent and approval of the department,
2516 elect to appoint a local agency certified by the department to
2517 administer federal aid projects in accordance with federal law
2518 as the authority's agent for the purpose of performing each
2519 phase of a project.

2520 (2) Notwithstanding subsection (1), the department is the
2521 agent of the authority for the purpose of operating and
2522 maintaining the system, with the exception of transit
2523 facilities. The costs incurred by the department for operation

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2524 and maintenance shall be reimbursed from revenues of the system.
2525 The appointment of the department as agent for the authority
2526 does not create an independent obligation on the part of the
2527 department to operate and maintain a system. The authority shall
2528 remain obligated as principal to operate and maintain its
2529 system, and the authority's bondholders do not have an
2530 independent right to compel the department to operate or
2531 maintain the authority's system.

2532 (3) The authority shall fix, alter, charge, establish, and
2533 collect tolls, rates, fees, rentals, and other charges for the
2534 authority's facilities, as otherwise provided in this chapter.

2535 Section 50. Section 345.0008, Florida Statutes, is created
2536 to read:

2537 345.0008 Department contributions to authority projects.-

2538 (1) Subject to appropriation by the Legislature, the
2539 department may, at the request of the authority, pay all or part
2540 of the cost of financial, engineering, or traffic feasibility
2541 studies or of the design, financing, acquisition, or
2542 construction of an authority project or portion of the system
2543 that is included in the 10-year Strategic Intermodal Plan.

2544 (a) Pursuant to chapter 216, the department shall include
2545 funding for such payments in its legislative budget request. The
2546 request for funding may be included in the 5-year Tentative Work
2547 Program developed under s. 339.135; however, it must appear as a
2548 distinct funding item in the legislative budget request and must
2549 be supported by a financial feasibility test provided by the
2550 department.

2551 (b) Funding provided for authority projects shall appear in
2552 the General Appropriations Act as a distinct fixed capital

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2553 outlay item and must clearly identify the related authority
2554 project.

2555 (c) The department may not make a budget request to fund
2556 the acquisition or construction of a proposed authority project
2557 unless the estimated net revenues of the proposed project will
2558 be sufficient to pay at least 50 percent of the annual debt
2559 service on the bonds associated with the project by the end of
2560 12 years of operation and at least 100 percent of the debt
2561 service on the bonds by the end of 30 years of operation.

2562 (2) The department may use its engineers and other
2563 personnel, including consulting engineers and traffic engineers,
2564 to conduct the feasibility studies authorized under subsection
2565 (1).

2566 (3) The department may participate in authority-funded
2567 projects that, at a minimum:

2568 (a) Serve national, statewide, or regional functions and
2569 function as part of an integrated regional transportation
2570 system.

2571 (b) Are identified in the capital improvements element of a
2572 comprehensive plan that has been determined to be in compliance
2573 with part II of chapter 163. Further, the project shall be in
2574 compliance with local government comprehensive plan policies
2575 relative to corridor management.

2576 (c) Are consistent with the Strategic Intermodal System
2577 Plan developed under s. 339.64.

2578 (d) Have a commitment for local, regional, or private
2579 financial matching funds as a percentage of the overall project
2580 cost.

2581 (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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2669 state agency subscribing to or acquiring the bonds to be issued
2670 by the authority for the purposes of this chapter that the state
2671 will not limit or alter the rights vested by this chapter in the
2672 authority and the department until all bonds at any time issued,
2673 together with the interest thereon, are fully paid and
2674 discharged insofar as the rights vested in the authority and the
2675 department affect the rights of the holders of bonds issued
2676 under this chapter. The state further pledges to, and agrees
2677 with, the United States that if a federal agency constructs or
2678 contributes any funds for the completion, extension, or
2679 improvement of the system, or any parts of the system, the state
2680 will not alter or limit the rights and powers of the authority
2681 and the department in any manner that is inconsistent with the
2682 continued maintenance and operation of the system or the
2683 completion, extension, or improvement of the system, or that
2684 would be inconsistent with the due performance of any agreements
2685 between the authority and any such federal agency, and the
2686 authority and the department shall continue to have and may
2687 exercise all powers granted in this section, so long as the
2688 powers are necessary or desirable to carry out the purposes of
2689 this chapter and the purposes of the United States in the
2690 completion, extension, or improvement of the system, or any part
2691 of the system.

2692 Section 54. Section 345.0012, Florida Statutes, is created
2693 to read:

2694 345.0012 Exemption from taxation.—The authority created
2695 under this chapter is for the benefit of the people of the
2696 state, for the increase of their commerce and prosperity, and
2697 for the improvement of their health and living conditions. The

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2698 authority performs essential governmental functions under this
2699 chapter, therefore, the authority is not required to pay any
2700 taxes or assessments of any kind or nature upon any property
2701 acquired or used by it for such purposes, or upon any rates,
2702 fees, rentals, receipts, income, or charges received by it.
2703 Also, the bonds issued by the authority, their transfer and the
2704 income from their issuance, including any profits made on the
2705 sale of the bonds, shall be free from taxation by the state or
2706 by any political subdivision, taxing agency, or instrumentality
2707 of the state. The exemption granted by this section does not
2708 apply to any tax imposed by chapter 220 on interest, income, or
2709 profits on debt obligations owned by corporations.

2710 Section 55. Section 345.0013, Florida Statutes, is created
2711 to read:

2712 345.0013 Eligibility for investments and security.—Bonds or
2713 other obligations issued under this chapter are legal
2714 investments for banks, savings banks, trustees, executors,
2715 administrators, and all other fiduciaries, and for all state,
2716 municipal, and other public funds, and are also securities
2717 eligible for deposit as security for all state, municipal, or
2718 other public funds, notwithstanding any other law to the
2719 contrary.

2720 Section 56. Section 345.0014, Florida Statutes, is created
2721 to read:

2722 345.0014 Applicability.—

2723 (1) The powers conferred by this chapter are in addition to
2724 the powers conferred by other laws and do not repeal any other
2725 general or special law or local ordinance, but supplement them,
2726 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

SPECIAL MASTER ON CLAIM BILLS

Location

302 Senate Office Building

Mailing Address

404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5237

DATE	COMM	ACTION
12/31/14	SM	Fav/1 amendment
03/24/15	JU	Fav/CS
	ATD	
	AP	

December 31, 2014

The Honorable Andy Gardiner
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **CS/SB 70** – Judiciary Committee and Senator Anitere Flores
Relief of Amie Draiemann Stephenson

SPECIAL MASTER'S FINAL REPORT

THIS IS A CONTESTED EXCESS JUDGMENT CLAIM FOR \$1,092,040 AGAINST THE DEPARTMENT OF TRANSPORTATION ARISING OUT OF A MOTOR VEHICLE CRASH IN JACKSONVILLE IN 2000 THAT KILLED CHRIS STEPHENSON

FINDINGS OF FACT:

On December 11, 2006, an administrative law judge from the Division of Administrative Hearings, serving as a Senate special master, held a de novo hearing on a previous version of this bill, SB 34 (2007). After the hearing, the judge issued a report containing findings of fact and conclusions of law and recommended that the bill be reported favorably with an amendment. That report is attached as an addendum to this report.

Due to the passage of time since the hearing, the Senate President reassigned the claim to me, James Knudson. My responsibilities were to review the records relating to the claim bill, be available for questions from the members, and determine whether any changes have occurred since the hearing, which if known at the hearing, might have significantly altered the findings or recommendation in the previous report.

According to counsel for the claimant, no changes have occurred since the hearing which might have altered the findings and recommendations in the report.

The prior claim bill, SB 34 (2007) is effectively identical to the claim bill filed for the 2015 Legislative Session. On December 2, 2011, a subsequent Senate special master issued a Final Report that adopted the findings of the 2006 Final Report and recommended two amendments to a subsequent version of this claim bill, SB 62 (2012), which were not adopted because that bill was not heard in a Senate committee. I also recommend these amendments, which are not incorporated into the claim bill filed for the 2015 Legislative Session.

I recommend an amendment to the claim bill that apportions damages between Mr. Stephenson's estate, his wife, and two children in the amounts awarded in the jury verdict. The jury verdict specifically apportioned damages between Mr. Stephenson's estate (36.22 percent of the award), Amie (21.26 percent), Hailey (27.86 percent), and Christian, II. (14.66 percent). In a letter dated October 29, 2014, the attorney for the Claimant stated that the Claimant intends to propose amendments to incorporate the two amendments recommended in the Special Master Final Report dated December 2, 2011.

The Claimant did not receive the full \$200,000 of the sovereign immunity exception. The Department of Transportation paid \$175,100 to the Claimant, rather than \$200,000 (the remainder was paid to the company that owned the truck that was destroyed in the accident). Accordingly, the claimant should consider an amendment to increase the award by \$24,900, apportioned amongst the Stephenson estate, his wife, and two children by the same percentages as are awarded in the jury verdict.

Respectfully submitted,

James Knudson
Senate Special Master

cc: Senator Anitere Flores
Debbie Brown, Secretary of the Senate
Counsel of Record

CS by Judiciary on March 24 2015:

The committee substitute:

- Increases the amount of the appropriation in the claim bill by approximately \$24,000, as recommended by the special master;
- Updates the surviving spouse's name to reflect her name change due to her remarriage;
and
- Allocates the funds appropriated by the bill among the decedent's survivors.



THE FLORIDA SENATE
SPECIAL MASTER ON CLAIM BILLS

Location
402 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5237

DATE	COMM	ACTION
12/2/11	SM	Fav/1 amendment

December 2, 2011

The Honorable Mike Haridopolos
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **SB 70** – Senator Michael S. Bennett
Relief of Amie Draiemann Stephenson (O'Brien)

SPECIAL MASTER'S FINAL REPORT

THIS IS A CONTESTED EXCESS JUDGMENT CLAIM FOR \$1,092,040 AGAINST THE DEPARTMENT OF TRANSPORTATION ARISING OUT OF A MOTOR VEHICLE CRASH IN JACKSONVILLE IN 2000 THAT KILLED CHRIS STEPHENSON.

FINDINGS OF FACT:

On August 12, 2000, 29-year-old Christian D. Stephenson was killed when he lost control of the gas tanker that he was driving and crashed on the Hart Bridge Expressway in Jacksonville. The truck exploded in the crash, and Mr. Stephenson burned to death in the fire.

The posted speed limit on the portion of the expressway where the crash occurred was 45 MPH. Mr. Stephenson was traveling in excess of the speed limit (perhaps as fast as 60 MPH) at the time of the crash, according to the eye witnesses and experts who testified at the trial.

The road was wet, and it was raining at the time of the crash. However, it was not raining as heavily at the time of the crash as it had been in the hour or so preceding the crash.

Mr. Stephenson was traveling in the left lane of the road, following closely behind a jeep driven by Jason Keiffer.

Unbeknown to Mr. Keiffer or Mr. Stephenson, there was a large pool of standing water in the left lane of the road. The water was estimated to be 300 feet long and 6 to 9 inches deep at its deepest point. The cause of the standing water was a clogged drainage basin in the median.

Mr. Keiffer hit the water and lost control of his jeep. Mr. Stephenson swerved to the right to miss Mr. Keiffer's jeep. That maneuver sent him in the direction of the safety zone in which three other vehicles were sitting. In order to miss those vehicles, Mr. Stephenson steered further to the right down an exit ramp where his truck hit a guardrail, flipped over, and burst into flames.

The three vehicles sitting in the safety zone were a City of Jacksonville police car, a car driven by Shana Williams, and a news van driven by Douglas Lockwood. Ms. Williams and Mr. Lockwood had each hit the water and lost control of their vehicles shortly before the crash involving Mr. Stephenson. The police car was driven by Lt. David Vanaman, who had just responded to the scene to assist Ms. Williams and Mr. Lockwood about the time that Mr. Stephenson lost control of his truck.

The Department of Transportation (DOT) is responsible for maintaining the drainage basins along the Hart Bridge Expressway. After the crash, DOT maintenance supervisor Alex Slaughter was called to the scene.

Mr. Slaughter called for the assistance of a vacuum truck to suck up the standing water and clean up the drainage basin. The vacuum truck was able to suck up all of the water on the road, but it was unable to unclog the drainage basin. As a result, it was necessary for Mr. Slaughter and three other DOT maintenance employees to climb down into the drainage basin and remove by hand the materials clogging the drain. The materials removed from the drainage basin included various items of trash and what was described at trial as a large rubber or plastic flap. It took the four DOT employees two hours to remove all of the materials in the drainage basin. Approximately one cubic yard of debris was removed.

No evidence was presented as to when DOT had last inspected and/or cleaned out the drainage basin. Mr. Slaughter testified that the materials removed from the

drainage basin had likely accumulated over 6 to 8 months. The plaintiffs' expert, Jerome Thomas, testified that the debris had likely been accumulating for several years. Mr. Thomas's estimate is more reasonable in light of the length of time that it took the DOT employees to unclog the drainage basin after the crash, the amount of debris removed, and the evidence of prior flooding at the site.

This was not the first time that the water had accumulated on the road in this location as a result of the clogged drainage basin. Several witnesses testified about seeing standing water at that location, and there had been several prior crashes, including one involving a City of Jacksonville fire truck, in which drivers lost control of their vehicles after hitting the water. However, there was no evidence that these accidents were reported to DOT, or that DOT had actual knowledge of the flooding caused by the clogged drain at this location.

Mr. Stephenson was survived by his wife, Amie, and two children, Hailey and Christian, II. Hailey (now 13) was 2 years old at the time of Mr. Stephenson's death. Christian, II (now 11), was born several months after Mr. Stephenson's death. Amie and Hailey both spent time in counseling after Mr. Stephenson's death. Christian is reportedly experiencing behavioral and emotional problems as a consequence of never having met his father.

Amie is a stay-at-home mom. She last worked outside the home in 1998, which was about the time that Hailey was born. Amie has moved on with her life. She married Kevin O'Brien, Mr. Stephenson's best friend, in October 2005. They have a daughter together.

Amie received approximately \$325,000 from various sources after Mr. Stephenson's death. That amount included \$104,581.34 in workers' compensation death benefits; a \$5,000 funeral benefit from Mr. Stephenson's insurer, State Farm; a \$100,000 uninsured motorist settlement from State Farm; a \$10,000 settlement of a suit against Mr. Keiffer; a \$10,000 settlement of a suit against the City of Jacksonville; \$22,000 in donations through a charity fund established by a local hospital where Mr. Stephenson's mother worked; and \$75,000 in life insurance. These funds are in addition to the \$175,100 paid by DOT in satisfaction of its legal liability for the

judgment in this case, as discussed below. Amie used the money from the charity fund to pay off the family's debts and purchase furniture for a new home. There is a statutory lien on the workers' compensation benefits, which will be paid from the proceeds of the claim bill.

In addition to the lump sum payments referenced above, Amie received Social Security survivor benefits of approximately \$700 per month until the time that she married Mr. O'Brien. Hailey and Chris, II, continue to receive survivor benefits. It was reported at the Special Master hearing that each child receives benefits of \$917 per month, and that the benefits will continue until the children turn 18.

Amie testified at the Special Master hearing that any money she receives from the claim bill will ultimately pass to her children, and not Mr. O'Brien. She confirmed that intent in writing after the hearing. Additionally, Mr. O'Brien submitted a written statement waiving his right to any of the money received by Amie from the claim bill.

DOT reported that it has sufficient funds available in its "unappropriated trust fund balances" to pay the claim, and those funds were suggested by DOT as the appropriate source for payment of this claim if the bill is approved over its objection. Payment of the claim from those funds will not adversely impact DOT's operations or any particular work program.

LEGAL PROCEEDINGS:

In 2001, Amie, as personal representative of Mr. Stephenson's estate, filed suit against DOT, the City of Jacksonville, Multimedia Holdings Corporation (Mr. Lockwood's employer), Ms. Williams, and Mr. Keiffer, in circuit court in Jacksonville. A two-week jury trial was held in March 2005.

Prior to trial, the court entered summary judgment in favor of Multimedia and Ms. Williams. Those rulings were affirmed on appeal, and judgments were subsequently entered in favor of Ms. Williams (\$21,599 in attorney's fees and \$1,887.07 in costs) and Multimedia (\$5,148 in attorney's fees). Those judgments remain unsatisfied and are against Mr. Stephenson's estate, which has not yet been closed. It is expected that the judgments will be paid out of the proceeds from the claim bill that are paid to the estate.

Summary judgment was also entered in favor of Mr. Keiffer prior to the trial. The claimants' appeal of that ruling was dismissed after Mr. Keiffer agreed to pay \$10,000 to settle the suit against him. A \$10,000 pre-trial settlement was also reached with the City of Jacksonville.

As a result of the pre-trial rulings and settlements, the case proceeded to trial with DOT as the only defendant. The jury found DOT negligent and apportioned 36 percent of the negligence for Mr. Stephenson's death to DOT. The jury apportioned the remaining 64 percent of the negligence to Mr. Stephenson. The jury awarded a total of \$3,589,000, broken down as follows:

Damages to Mr. Stephenson's estate	\$1,300,000
Damages to Amie	\$763,000
Damages to Hailey	\$1,000,000
Damages to Chris, II	\$526,000

After the award was reduced to reflect Mr. Stephenson's comparative fault, a final judgment was entered against DOT for \$1,292,040.

The final judgment reserved jurisdiction to award costs against DOT. A cost judgment was never entered because the parties agreed that the amount of trial-related costs was roughly equivalent to the amount that would be offset against the judgment for the collateral sources received by Amie after Mr. Stephenson's death.

DOT did not appeal the final judgment. Amie appealed the final judgment, but the appeal was voluntarily dismissed because according to the claimants' attorney, Amie would not have been able emotionally to go through another trial in the event that the judgment was reversed on appeal.

DOT paid \$175,100 to the claimants in satisfaction of its legal liability under the judgment. The remainder of the \$200,000 available under the sovereign immunity cap was paid to the company that owned the truck Mr. Stephenson was driving which was destroyed in the crash. The "outstanding balance" of the judgment against DOT is \$1,117,940.

The claimants only received approximately \$26,000 of the \$175,100 paid by DOT, with approximately \$8,500 going to Amie, approximately \$11,300 going to Hailey, and approximately \$5,900 going to Christian, II. None of the initial payment went to Mr. Stephenson's estate. The remainder of the initial payment went to attorney's fees, costs, and the repayment of a loan taken out by the claimants.

The claimants' attorney reports that there are approximately \$320,000 of billed and unbilled costs and expenses which remain outstanding. Some of those expenses relate to post-trial matters, but the bulk of the expenses relate to the investigation and trial of the case.

CLAIMANT'S ARGUMENTS:

DOT was negligent by failing to keep the drainage basin free of debris, which caused water to overflow onto the road creating an unsafe condition that led to Mr. Stephenson's death.

DOT had at least constructive notice of the dangerous condition created by the clogged drainage basin as a result of prior crashes at the location caused by standing water.

The jury verdict against DOT should be given full effect.

RESPONDENT'S ARGUMENTS:

DOT did not have actual notice of the clogged drainage basin or the resulting dangerous roadway condition.

The clogged drain was not caused by months or years of accumulated debris, but rather by the large rubber or plastic flap that somehow got into the drainage basin.

The primary cause of the crash that killed Mr. Stephenson was his own negligence, namely his excessive speed for the wet road conditions that existed at the time of the crash.

CONCLUSIONS OF LAW:

DOT had a duty to maintain the drainage basin so that it did not become clogged and create an unsafe roadway condition. Although DOT argued that its decisions as to where drainage basins are located and how and when they are inspected are planning level decisions entitled to sovereign immunity, it conceded that its duty to properly maintain a particular drainage basin is an operational level decision for which sovereign immunity has been partially waived by section 768.28, Florida Statutes.

DOT breached its duty, as evidenced by the fact that there was no evidence when the drainage basin was last cleaned out, and the fact that it took four DOT employees a total of two hours to remove the cubic yard of debris that had accumulated in the drainage basin. DOT's argument that the drainage basin became clogged because of a "freak event" (i.e., the rubber or plastic flap) was not persuasive in light of the amount of debris removed from the drainage basin after the crash and the evidence of prior crashes caused by standing water in the same location.

DOT's negligence was a proximate cause of Mr. Stephenson's death because but for the standing water in the roadway caused by the clogged drainage basin, Mr. Keiffer would not have lost control of his jeep causing Mr. Stephenson to take the evasive action that ultimately led to his death.

Mr. Stephenson's own negligence also contributed to his death because he was speeding at the time of his crash despite the wet road conditions, and he may have also been following Mr. Keiffer's jeep too closely. Accordingly, the jury's apportionment of fault between DOT and Mr. Stephenson is reasonable and appropriate.

The damages awarded by the jury are reasonable as well. Dr. Patricia Pacey, the expert who testified at trial for the claimants, calculated the economic damages of Mr. Stephenson's death to be approximately \$1.8 million. DOT's expert came to a similar amount. The jury awarded \$1.3 million to Mr. Stephenson's estate for economic damages. The remaining \$2.2 million of the verdict were non-economic damages apportioned amongst Amie, Hailey, and Christian, II.

The trial court did not enter a cost judgment against DOT, and it did not adjust the jury verdict to take into account collateral sources of recovery by Mr. Stephenson's family.

The evidence presented at the Special Master hearing establishes that, consistent with the agreement of the parties at the trial level, the costs incurred by the claimants are roughly equivalent to, and off-set, the collateral-source payments received by the claimants.

LEGISLATIVE HISTORY:

This is the sixth year that this claim has been presented to the Legislature. The bills filed in 2007 (SB 34), 2008 (SB 62), 2009 (SB 22), 2010 (SB 32), and 2011 (SB 30) were not referred to committee.

ATTORNEYS FEES:

The bill states that "attorney's fees, lobbying fees, costs, and other similar expenses relating to this claim may not exceed 25 percent of the amount awarded under this act." (Emphasis supplied). This limitation is within the authority and discretion of the Legislature. See *Gamble v. Wells*, 450 So. 2d 850 (Fla. 1984); *Noel v. Schlesinger*, 984 So. 2d 1265 (Fla. 4th DCA 2008).

The claimants' attorney provided an affidavit stating that in accordance with s. 768.28(8), F.S., attorney's fees related to this claim will be capped at 25 percent of the amount awarded in the bill. The lobbyist's fee is 6 percent of amount awarded in the bill, and according to lobbyist's affidavit, the lobbyist's fee is "included within the 25 percent attorney fee cap."

There are approximately \$320,000 of outstanding costs and expenses. Those costs will not come out of the claimants' portion of the bill as a result of the bill language quoted above.

SPECIAL ISSUES:

This Final Report was written by Special Master T. Kent Wetherell, II, who conducted the claim bill hearing on this matter in December 2006. Having reviewed the case, the undersigned has elected to adopt Special Master Wetherell's report and recommendations, with minor editorial changes to the text.

One amendment to the bill is needed. The fourth whereas clause erroneously states that the jeep was traveling towards Mr. Stephenson's tanker truck. This clause should be amended to conform to the undisputed evidence that Mr. Stephenson's tanker truck was following the jeep.

Other amendments might be desirable. First, the last "whereas" clause in the bill states that the amount subject to being awarded pursuant to this act is \$1,092,040, which will be the unpaid balance of the final judgment after DOT has paid the claimants \$200,000 under the sovereign immunity cap. To date, DOT has not paid the claimants the full \$200,000. Instead, DOT paid \$25,000 to the company that

owned the truck which was destroyed in the fire and \$175,000 to the claimants. Given that the bill seeks payment of \$1,092,040, which is the amount of the judgment less \$200,000, it appears that the claimants anticipate DOT will pay them the \$25,000 balance due under the cap without the compulsion of this legislation—or that they have abandoned the pursuit of this sum. If these assumptions are incorrect, the claimants should seek to amend the bill, to reflect that the "outstanding balance" against DOT is \$1,117,940, and to correct the "whereas" clause accordingly.

Second, the bill contemplates a single lump sum payment to Amie, as personal representative of Mr. Stephenson's estate, even though the jury verdict specifically apportioned damages between Mr. Stephenson's estate (36.22 percent of the award), Amie (21.26 percent), Hailey (27.86 percent), and Christian, II. (14.66 percent). Amie testified at the Special Master hearing (and the claimants' attorney confirmed in a written submittal this year) that she has no objection to the children's shares of the claim bill being specifically earmarked for them. It was suggested, however, that the children's shares of the claim bill should be paid into a trust since they are minors. The claimants should consider seeking an amendment to the bill that would provide for the allocation of the proceeds as follows: \$404,575.65 to Mr. Stephenson's estate; \$237,454.78 to Amie; \$311,212.04 in trust for Hailey; and \$163,697.53 in trust for Christian, II.

RECOMMENDATIONS:

For the reasons set forth above, I recommend that Senate Bill 62 (2012) be reported FAVORABLY, as amended.

Respectfully submitted,

John G. Van Laningham
Senate Special Master

cc: Senator Michael S. Bennett
Debbie Brown, Interim Secretary of the Senate
Counsel of Record



THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location

302 Senate Office Building

Mailing Address

404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5237

DATE	COMM	ACTION
12/31/14	SM	Fav/1 amendment
03/24/15	JU	Fav/CS
	ATD	
	AP	

December 31, 2014

The Honorable Andy Gardiner
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **CS/SB 70** – Judiciary Committee and Senator Anitere Flores
Relief of Amie Draiemann Stephenson

SPECIAL MASTER'S FINAL REPORT

THIS IS A CONTESTED EXCESS JUDGMENT CLAIM FOR \$1,092,040 AGAINST THE DEPARTMENT OF TRANSPORTATION ARISING OUT OF A MOTOR VEHICLE CRASH IN JACKSONVILLE IN 2000 THAT KILLED CHRIS STEPHENSON

FINDINGS OF FACT:

On December 11, 2006, an administrative law judge from the Division of Administrative Hearings, serving as a Senate special master, held a de novo hearing on a previous version of this bill, SB 34 (2007). After the hearing, the judge issued a report containing findings of fact and conclusions of law and recommended that the bill be reported favorably with an amendment. That report is attached as an addendum to this report.

Due to the passage of time since the hearing, the Senate President reassigned the claim to me, James Knudson. My responsibilities were to review the records relating to the claim bill, be available for questions from the members, and determine whether any changes have occurred since the hearing, which if known at the hearing, might have significantly altered the findings or recommendation in the previous report.

According to counsel for the claimant, no changes have occurred since the hearing which might have altered the findings and recommendations in the report.

The prior claim bill, SB 34 (2007) is effectively identical to the claim bill filed for the 2015 Legislative Session. On December 2, 2011, a subsequent Senate special master issued a Final Report that adopted the findings of the 2006 Final Report and recommended two amendments to a subsequent version of this claim bill, SB 62 (2012), which were not adopted because that bill was not heard in a Senate committee. I also recommend these amendments, which are not incorporated into the claim bill filed for the 2015 Legislative Session.

I recommend an amendment to the claim bill that apportions damages between Mr. Stephenson's estate, his wife, and two children in the amounts awarded in the jury verdict. The jury verdict specifically apportioned damages between Mr. Stephenson's estate (36.22 percent of the award), Amie (21.26 percent), Hailey (27.86 percent), and Christian, II. (14.66 percent). In a letter dated October 29, 2014, the attorney for the Claimant stated that the Claimant intends to propose amendments to incorporate the two amendments recommended in the Special Master Final Report dated December 2, 2011.

The Claimant did not receive the full \$200,000 of the sovereign immunity exception. The Department of Transportation paid \$175,100 to the Claimant, rather than \$200,000 (the remainder was paid to the company that owned the truck that was destroyed in the accident). Accordingly, the claimant should consider an amendment to increase the award by \$24,900, apportioned amongst the Stephenson estate, his wife, and two children by the same percentages as are awarded in the jury verdict.

Respectfully submitted,

James Knudson
Senate Special Master

cc: Senator Anitere Flores
Debbie Brown, Secretary of the Senate
Counsel of Record

CS by Judiciary on March 24 2015:

The committee substitute:

- Increases the amount of the appropriation in the claim bill by approximately \$24,000, as recommended by the special master;
- Updates the surviving spouse's name to reflect her name change due to her remarriage;
and
- Allocates the funds appropriated by the bill among the decedent's survivors.



THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
402 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5237

DATE	COMM	ACTION
12/2/11	SM	Fav/1 amendment

December 2, 2011

The Honorable Mike Haridopolos
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **SB 70** – Senator Michael S. Bennett
Relief of Amie Draiemann Stephenson (O'Brien)

SPECIAL MASTER'S FINAL REPORT

THIS IS A CONTESTED EXCESS JUDGMENT CLAIM FOR \$1,092,040 AGAINST THE DEPARTMENT OF TRANSPORTATION ARISING OUT OF A MOTOR VEHICLE CRASH IN JACKSONVILLE IN 2000 THAT KILLED CHRIS STEPHENSON.

FINDINGS OF FACT:

On August 12, 2000, 29-year-old Christian D. Stephenson was killed when he lost control of the gas tanker that he was driving and crashed on the Hart Bridge Expressway in Jacksonville. The truck exploded in the crash, and Mr. Stephenson burned to death in the fire.

The posted speed limit on the portion of the expressway where the crash occurred was 45 MPH. Mr. Stephenson was traveling in excess of the speed limit (perhaps as fast as 60 MPH) at the time of the crash, according to the eye witnesses and experts who testified at the trial.

The road was wet, and it was raining at the time of the crash. However, it was not raining as heavily at the time of the crash as it had been in the hour or so preceding the crash.

Mr. Stephenson was traveling in the left lane of the road, following closely behind a jeep driven by Jason Keiffer.

Unbeknown to Mr. Keiffer or Mr. Stephenson, there was a large pool of standing water in the left lane of the road. The water was estimated to be 300 feet long and 6 to 9 inches deep at its deepest point. The cause of the standing water was a clogged drainage basin in the median.

Mr. Keiffer hit the water and lost control of his jeep. Mr. Stephenson swerved to the right to miss Mr. Keiffer's jeep. That maneuver sent him in the direction of the safety zone in which three other vehicles were sitting. In order to miss those vehicles, Mr. Stephenson steered further to the right down an exit ramp where his truck hit a guardrail, flipped over, and burst into flames.

The three vehicles sitting in the safety zone were a City of Jacksonville police car, a car driven by Shana Williams, and a news van driven by Douglas Lockwood. Ms. Williams and Mr. Lockwood had each hit the water and lost control of their vehicles shortly before the crash involving Mr. Stephenson. The police car was driven by Lt. David Vanaman, who had just responded to the scene to assist Ms. Williams and Mr. Lockwood about the time that Mr. Stephenson lost control of his truck.

The Department of Transportation (DOT) is responsible for maintaining the drainage basins along the Hart Bridge Expressway. After the crash, DOT maintenance supervisor Alex Slaughter was called to the scene.

Mr. Slaughter called for the assistance of a vacuum truck to suck up the standing water and clean up the drainage basin. The vacuum truck was able to suck up all of the water on the road, but it was unable to unclog the drainage basin. As a result, it was necessary for Mr. Slaughter and three other DOT maintenance employees to climb down into the drainage basin and remove by hand the materials clogging the drain. The materials removed from the drainage basin included various items of trash and what was described at trial as a large rubber or plastic flap. It took the four DOT employees two hours to remove all of the materials in the drainage basin. Approximately one cubic yard of debris was removed.

No evidence was presented as to when DOT had last inspected and/or cleaned out the drainage basin. Mr. Slaughter testified that the materials removed from the

drainage basin had likely accumulated over 6 to 8 months. The plaintiffs' expert, Jerome Thomas, testified that the debris had likely been accumulating for several years. Mr. Thomas's estimate is more reasonable in light of the length of time that it took the DOT employees to unclog the drainage basin after the crash, the amount of debris removed, and the evidence of prior flooding at the site.

This was not the first time that the water had accumulated on the road in this location as a result of the clogged drainage basin. Several witnesses testified about seeing standing water at that location, and there had been several prior crashes, including one involving a City of Jacksonville fire truck, in which drivers lost control of their vehicles after hitting the water. However, there was no evidence that these accidents were reported to DOT, or that DOT had actual knowledge of the flooding caused by the clogged drain at this location.

Mr. Stephenson was survived by his wife, Amie, and two children, Hailey and Christian, II. Hailey (now 13) was 2 years old at the time of Mr. Stephenson's death. Christian, II (now 11), was born several months after Mr. Stephenson's death. Amie and Hailey both spent time in counseling after Mr. Stephenson's death. Christian is reportedly experiencing behavioral and emotional problems as a consequence of never having met his father.

Amie is a stay-at-home mom. She last worked outside the home in 1998, which was about the time that Hailey was born. Amie has moved on with her life. She married Kevin O'Brien, Mr. Stephenson's best friend, in October 2005. They have a daughter together.

Amie received approximately \$325,000 from various sources after Mr. Stephenson's death. That amount included \$104,581.34 in workers' compensation death benefits; a \$5,000 funeral benefit from Mr. Stephenson's insurer, State Farm; a \$100,000 uninsured motorist settlement from State Farm; a \$10,000 settlement of a suit against Mr. Keiffer; a \$10,000 settlement of a suit against the City of Jacksonville; \$22,000 in donations through a charity fund established by a local hospital where Mr. Stephenson's mother worked; and \$75,000 in life insurance. These funds are in addition to the \$175,100 paid by DOT in satisfaction of its legal liability for the

judgment in this case, as discussed below. Amie used the money from the charity fund to pay off the family's debts and purchase furniture for a new home. There is a statutory lien on the workers' compensation benefits, which will be paid from the proceeds of the claim bill.

In addition to the lump sum payments referenced above, Amie received Social Security survivor benefits of approximately \$700 per month until the time that she married Mr. O'Brien. Hailey and Chris, II, continue to receive survivor benefits. It was reported at the Special Master hearing that each child receives benefits of \$917 per month, and that the benefits will continue until the children turn 18.

Amie testified at the Special Master hearing that any money she receives from the claim bill will ultimately pass to her children, and not Mr. O'Brien. She confirmed that intent in writing after the hearing. Additionally, Mr. O'Brien submitted a written statement waiving his right to any of the money received by Amie from the claim bill.

DOT reported that it has sufficient funds available in its "unappropriated trust fund balances" to pay the claim, and those funds were suggested by DOT as the appropriate source for payment of this claim if the bill is approved over its objection. Payment of the claim from those funds will not adversely impact DOT's operations or any particular work program.

LEGAL PROCEEDINGS:

In 2001, Amie, as personal representative of Mr. Stephenson's estate, filed suit against DOT, the City of Jacksonville, Multimedia Holdings Corporation (Mr. Lockwood's employer), Ms. Williams, and Mr. Keiffer, in circuit court in Jacksonville. A two-week jury trial was held in March 2005.

Prior to trial, the court entered summary judgment in favor of Multimedia and Ms. Williams. Those rulings were affirmed on appeal, and judgments were subsequently entered in favor of Ms. Williams (\$21,599 in attorney's fees and \$1,887.07 in costs) and Multimedia (\$5,148 in attorney's fees). Those judgments remain unsatisfied and are against Mr. Stephenson's estate, which has not yet been closed. It is expected that the judgments will be paid out of the proceeds from the claim bill that are paid to the estate.

Summary judgment was also entered in favor of Mr. Keiffer prior to the trial. The claimants' appeal of that ruling was dismissed after Mr. Keiffer agreed to pay \$10,000 to settle the suit against him. A \$10,000 pre-trial settlement was also reached with the City of Jacksonville.

As a result of the pre-trial rulings and settlements, the case proceeded to trial with DOT as the only defendant. The jury found DOT negligent and apportioned 36 percent of the negligence for Mr. Stephenson's death to DOT. The jury apportioned the remaining 64 percent of the negligence to Mr. Stephenson. The jury awarded a total of \$3,589,000, broken down as follows:

Damages to Mr. Stephenson's estate	\$1,300,000
Damages to Amie	\$763,000
Damages to Hailey	\$1,000,000
Damages to Chris, II	\$526,000

After the award was reduced to reflect Mr. Stephenson's comparative fault, a final judgment was entered against DOT for \$1,292,040.

The final judgment reserved jurisdiction to award costs against DOT. A cost judgment was never entered because the parties agreed that the amount of trial-related costs was roughly equivalent to the amount that would be offset against the judgment for the collateral sources received by Amie after Mr. Stephenson's death.

DOT did not appeal the final judgment. Amie appealed the final judgment, but the appeal was voluntarily dismissed because according to the claimants' attorney, Amie would not have been able emotionally to go through another trial in the event that the judgment was reversed on appeal.

DOT paid \$175,100 to the claimants in satisfaction of its legal liability under the judgment. The remainder of the \$200,000 available under the sovereign immunity cap was paid to the company that owned the truck Mr. Stephenson was driving which was destroyed in the crash. The "outstanding balance" of the judgment against DOT is \$1,117,940.

The claimants only received approximately \$26,000 of the \$175,100 paid by DOT, with approximately \$8,500 going to Amie, approximately \$11,300 going to Hailey, and approximately \$5,900 going to Christian, II. None of the initial payment went to Mr. Stephenson's estate. The remainder of the initial payment went to attorney's fees, costs, and the repayment of a loan taken out by the claimants.

The claimants' attorney reports that there are approximately \$320,000 of billed and unbilled costs and expenses which remain outstanding. Some of those expenses relate to post-trial matters, but the bulk of the expenses relate to the investigation and trial of the case.

CLAIMANT'S ARGUMENTS:

DOT was negligent by failing to keep the drainage basin free of debris, which caused water to overflow onto the road creating an unsafe condition that led to Mr. Stephenson's death.

DOT had at least constructive notice of the dangerous condition created by the clogged drainage basin as a result of prior crashes at the location caused by standing water.

The jury verdict against DOT should be given full effect.

RESPONDENT'S ARGUMENTS:

DOT did not have actual notice of the clogged drainage basin or the resulting dangerous roadway condition.

The clogged drain was not caused by months or years of accumulated debris, but rather by the large rubber or plastic flap that somehow got into the drainage basin.

The primary cause of the crash that killed Mr. Stephenson was his own negligence, namely his excessive speed for the wet road conditions that existed at the time of the crash.

CONCLUSIONS OF LAW:

DOT had a duty to maintain the drainage basin so that it did not become clogged and create an unsafe roadway condition. Although DOT argued that its decisions as to where drainage basins are located and how and when they are inspected are planning level decisions entitled to sovereign immunity, it conceded that its duty to properly maintain a particular drainage basin is an operational level decision for which sovereign immunity has been partially waived by section 768.28, Florida Statutes.

DOT breached its duty, as evidenced by the fact that there was no evidence when the drainage basin was last cleaned out, and the fact that it took four DOT employees a total of two hours to remove the cubic yard of debris that had accumulated in the drainage basin. DOT's argument that the drainage basin became clogged because of a "freak event" (i.e., the rubber or plastic flap) was not persuasive in light of the amount of debris removed from the drainage basin after the crash and the evidence of prior crashes caused by standing water in the same location.

DOT's negligence was a proximate cause of Mr. Stephenson's death because but for the standing water in the roadway caused by the clogged drainage basin, Mr. Keiffer would not have lost control of his jeep causing Mr. Stephenson to take the evasive action that ultimately led to his death.

Mr. Stephenson's own negligence also contributed to his death because he was speeding at the time of his crash despite the wet road conditions, and he may have also been following Mr. Keiffer's jeep too closely. Accordingly, the jury's apportionment of fault between DOT and Mr. Stephenson is reasonable and appropriate.

The damages awarded by the jury are reasonable as well. Dr. Patricia Pacey, the expert who testified at trial for the claimants, calculated the economic damages of Mr. Stephenson's death to be approximately \$1.8 million. DOT's expert came to a similar amount. The jury awarded \$1.3 million to Mr. Stephenson's estate for economic damages. The remaining \$2.2 million of the verdict were non-economic damages apportioned amongst Amie, Hailey, and Christian, II.

The trial court did not enter a cost judgment against DOT, and it did not adjust the jury verdict to take into account collateral sources of recovery by Mr. Stephenson's family.

The evidence presented at the Special Master hearing establishes that, consistent with the agreement of the parties at the trial level, the costs incurred by the claimants are roughly equivalent to, and off-set, the collateral-source payments received by the claimants.

LEGISLATIVE HISTORY:

This is the sixth year that this claim has been presented to the Legislature. The bills filed in 2007 (SB 34), 2008 (SB 62), 2009 (SB 22), 2010 (SB 32), and 2011 (SB 30) were not referred to committee.

ATTORNEYS FEES:

The bill states that "attorney's fees, lobbying fees, costs, and other similar expenses relating to this claim may not exceed 25 percent of the amount awarded under this act." (Emphasis supplied). This limitation is within the authority and discretion of the Legislature. See *Gamble v. Wells*, 450 So. 2d 850 (Fla. 1984); *Noel v. Schlesinger*, 984 So. 2d 1265 (Fla. 4th DCA 2008).

The claimants' attorney provided an affidavit stating that in accordance with s. 768.28(8), F.S., attorney's fees related to this claim will be capped at 25 percent of the amount awarded in the bill. The lobbyist's fee is 6 percent of amount awarded in the bill, and according to lobbyist's affidavit, the lobbyist's fee is "included within the 25 percent attorney fee cap."

There are approximately \$320,000 of outstanding costs and expenses. Those costs will not come out of the claimants' portion of the bill as a result of the bill language quoted above.

SPECIAL ISSUES:

This Final Report was written by Special Master T. Kent Wetherell, II, who conducted the claim bill hearing on this matter in December 2006. Having reviewed the case, the undersigned has elected to adopt Special Master Wetherell's report and recommendations, with minor editorial changes to the text.

One amendment to the bill is needed. The fourth whereas clause erroneously states that the jeep was traveling towards Mr. Stephenson's tanker truck. This clause should be amended to conform to the undisputed evidence that Mr. Stephenson's tanker truck was following the jeep.

Other amendments might be desirable. First, the last "whereas" clause in the bill states that the amount subject to being awarded pursuant to this act is \$1,092,040, which will be the unpaid balance of the final judgment after DOT has paid the claimants \$200,000 under the sovereign immunity cap. To date, DOT has not paid the claimants the full \$200,000. Instead, DOT paid \$25,000 to the company that

owned the truck which was destroyed in the fire and \$175,000 to the claimants. Given that the bill seeks payment of \$1,092,040, which is the amount of the judgment less \$200,000, it appears that the claimants anticipate DOT will pay them the \$25,000 balance due under the cap without the compulsion of this legislation—or that they have abandoned the pursuit of this sum. If these assumptions are incorrect, the claimants should seek to amend the bill, to reflect that the "outstanding balance" against DOT is \$1,117,940, and to correct the "whereas" clause accordingly.

Second, the bill contemplates a single lump sum payment to Amie, as personal representative of Mr. Stephenson's estate, even though the jury verdict specifically apportioned damages between Mr. Stephenson's estate (36.22 percent of the award), Amie (21.26 percent), Hailey (27.86 percent), and Christian, II. (14.66 percent). Amie testified at the Special Master hearing (and the claimants' attorney confirmed in a written submittal this year) that she has no objection to the children's shares of the claim bill being specifically earmarked for them. It was suggested, however, that the children's shares of the claim bill should be paid into a trust since they are minors. The claimants should consider seeking an amendment to the bill that would provide for the allocation of the proceeds as follows: \$404,575.65 to Mr. Stephenson's estate; \$237,454.78 to Amie; \$311,212.04 in trust for Hailey; and \$163,697.53 in trust for Christian, II.

RECOMMENDATIONS:

For the reasons set forth above, I recommend that Senate Bill 62 (2012) be reported FAVORABLY, as amended.

Respectfully submitted,

John G. Van Laningham
Senate Special Master

cc: Senator Michael S. Bennett
Debbie Brown, Interim Secretary of the Senate
Counsel of Record



THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
302 Senate Office Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5237

DATE	COMM	ACTION
12/31/14	SM	Fav/1 amendment
03/24/15	JU	Fav/CS
04/08/15	ATD	Favorable
	AP	

December 31, 2014

The Honorable Andy Gardiner
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **SB 84** – Senator Soto
Relief of Sharon Robinson and Mark Robinson

SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNOPPOSED PERSONAL INJURY CLAIM FOR \$3 MILLION IN GENERAL REVENUE FUNDS ARISING OUT OF AN COLLISION IN KISSIMMEE, FLORIDA IN WHICH A BUS STRUCK TWO PEDESTRIANS, MATTHEW ROBINSON AND MARK ROBINSON. MATTHEW ROBINSON WAS KILLED IN THE COLLISION.

FINDINGS OF FACT:

This claims bill arises from an incident that took place on November 4, 2010, at the intersection of Dyer Boulevard and Columbia Avenue in Kissimmee, Florida. Between approximately 6 P.M. and 7 P.M. a Lynx public transportation bus traveling north on Dyer Boulevard stopped in the left turn lane at the intersection of Columbia Avenue. Upon the light turning green the bus, driven by Fernando Vega, began turning left onto Columbia Avenue.

Concurrently, brothers Matthew Robinson and Mark Robinson arrived at the crosswalk at the southwest corner of the intersection of Dyer Boulevard and Columbia Avenue. Upon receiving a signal at the crosswalk indicating that pedestrians may walk, Matthew and Mark Robinson entered the crosswalk and began walking north to cross Columbia Avenue. As Matthew and Mark Robinson were walking in the crosswalk,

the Lynx bus struck them. Matthew Robinson was killed, coming to rest near the left rear tires of the bus. Mark Robinson survived the collision, coming to rest on the curb at the north end of the crosswalk, just past Columbia Avenue.

Mark Robinson began calling for help after the collision. A pedestrian, Harold Perez, allowed Mark to use his cell phone to call his mother, Sharon Robinson. Mr. Perez then called 911 emergency services to report the accident. Sharon Robinson left her nearby apartment and began walking to the accident scene.

The Kissimmee Police Department and Kissimmee Fire Department arrived at the accident scene shortly before 7 P.M. Matthew Robinson was pronounced dead at 6:55 P.M. by paramedic Eric Gentry of the Kissimmee Fire Department. Officer Charles Conrad of the Kissimmee Police Department responded at the accident scene and created the accident report. Officer Conrad's report found that a contributing cause of the accident was the failure of bus driver Fernando Vega to yield right-of-way.

An autopsy of Matthew Robinson was performed by Associate Medical Examiner Joshua D. Stephany, MD, of the Office of the Medical Examiner, District Nine in Orlando, Florida. The autopsy results indicate that Matthew Robinson died due to blunt force trauma injuries, primarily to his head, neck, and torso. His injuries included severe cranial and facial fractures.

Mark Robinson was immediately taken from the accident scene to the emergency room at the Arnold Palmer Hospital For Children in Orlando, Florida. Mark Robinson was treated for lower back pain that was identified as a spondylolisthesis (forward displacement) of the lumbar spine at L5-S1. The lumbar spine injury was treated without an operation. Mark Robinson was also treated for a right knee sprain. Medical records reviewed by the undersigned indicate that the forward displacement of Mark Robinson's lumbar spine has remained stable as of January 2014 and that his right knee has no injuries related to the accident.

Both Sharon Robinson and Mark Robinson have been diagnosed as suffering from Post-Traumatic Stress Disorder (PTSD). Sharon Robinson testified at the Special Master Hearing on November 7, 2014, that both she and her son

Mark have struggled emotionally since the death of Mark. Neither is currently receiving regular treatment for PTSD. Documentation provided by the Claimant indicates that Sharon Robinson and Mark Robinson have incurred \$27,137.90 in medical bills.

The undersigned reviewed an earning capacity assessment of Matthew Robinson performed by Jerry Adato of Adato Vocational Services, Inc. Mr. Adato opined that Matthew Robinson's lifetime lost earnings would be \$2,167,514.80 over the course of 40 years of work.

On July 16, 2014, a Consent Judgment was entered between Sharon Robinson and the Central Florida Regional Transit Authority. The Consent Judgment awarded \$3.2 million to the Sharon Robinson, individually and as the personal representative of the estate of Matthew Robinson, and as the Guardian of Mark Robinson. The Consent Judgment findings of fact included that Fernando Vega operated the Lynx bus in a negligent manner, violating s. 316.1925, F.S., while in the course and scope of his employment.

The Central Florida Regional Transit Authority paid \$200,000 in damages, which is the limit of the sovereign immunity exception in s. 768.28(5), F.S. Sharon Robinson agreed to seek the remaining \$3 million through the legislative claims process. Lynx also agreed to support the payment of \$3 million via a claims bill. Counsel for Lynx represented to the Special Master that the Central Florida Regional Transit Authority has sufficient reserves to pay the claim, if SB 84 is passed by the Legislature.

CLAIMANT'S ARGUMENTS:

Claimant asserts that the Central Florida Regional Transit Authority is responsible for the negligence of its bus driver, Fernando Vega, whose negligent operation of a Lynx bus was the sole cause of the death of Matthew Robinson and permanent injury to Mark Robinson.

RESPONDENT'S ARGUMENTS:

Respondent agrees that the Central Florida Regional Transit Authority is responsible for the negligence of its bus driver, Fernando Vega, whose negligent operation of a Lynx bus was the sole cause of the death of Matthew Robinson and permanent injury to Mark Robinson.

Respondent also supports the payment of \$3,000,000 to the claimants pursuant to the passage of a claim bill.

CONCLUSIONS OF LAW:

As provided in s. 768.28, F.S., sovereign immunity shields the Central Florida Regional Transit Authority against tort liability in excess of \$200,000 per occurrence. Unless a claim bill is enacted, Sharon Robinson and Mark Robinson will not realize the full benefit of the settlement agreement they have made with the Central Florida Regional Transit Authority.

Fernando Vega breached his duty to operate the bus at all times with consideration for the safety of pedestrians and other drivers. Pedigo v. Smith, 395 So.2d 615, 616 (Fla. 5th DCA 1981). Mr. Vega violated s. 316.130(7)(a), F.S., which requires the driver of a vehicle at an intersection that has a traffic control signal in place to stop before entering a crosswalk and allow a pedestrian with a permitted signal to cross a roadway. This negligent act was the direct cause of the accident that resulted in the death of Matthew Robinson.

The Central Florida Regional Transit Authority, as the employer of Fernando Vega, is liable for his negligent act. An employer is vicariously liable for an employee's negligent acts if the employee was acting to further the employer's interests within the course and scope of his employment. See Mercury Motors Express v. Smith, 393 So.2d 545, 549 (Fla. 1981). Florida's dangerous instrumentality imposes "vicarious liability upon the owner of a motor vehicle who voluntarily entrusts that motor vehicle to an individual whose negligent operation causes damage to another." Aurbach v. Gallina, 753 So.2d 60, 62 (Fla. 2000). Motor vehicles have been considered dangerous instrumentalities under Florida law for nearly a century. See Anderson v. S. Cotton Oil Co., 74 So. 975, 978 (Fla.1917).

ATTORNEYS FEES:

The Claimants' attorneys executed an affidavit stating that the Claimant retained their firm on a contingent fee based upon 25 percent of any amount awarded by the Legislature in compliance with section 768.28(8), F.S.

SPECIAL ISSUES:

The father of Matthew Robinson is Warren Robinson, who is not named in the claim bill. Warren Robinson was not a named party to the litigation between the Claimants and Respondent, but did receive a disbursement of a portion of the \$200,000 settlement payment from the Respondent.

Sharon Robinson and Claimant's counsel state that Warren Robinson was estranged from Matthew and Mark and does not regularly interact with Mark. The 4-year statute of limitations for Warren Robinson to bring a negligence based claim based on the accident has passed.

The claim bill contemplates a single lump sum payment to Sharon Robinson, individually, as guardian of Mark Robinson, and as personal representative of the Estate of Matthew Robinson. Both Mark Robinson and Sharon Robinson suffered from the loss of Matthew Robinson. Accordingly, I recommend that the claim bill specifically apportion part of the recovery to Mark Robinson, to be held in trust because he is a minor. Counsel for the Claimant recommends an amendment that will apportion the \$3,000,000 claim award as follows:

Sharon Robinson as the Personal Representative of the estate of Matthew Robinson	\$58,529.34
Sharon Robinson individually as mother	\$821,838.99
Warren Robinson individually as father	\$61,250.00
Mark Robinson (to be placed in a trust account, guardianship, or structure to provide income)	\$1,308,481.67
Attorney fees and lobbying costs	\$749,900.00

RECOMMENDATIONS:

For the reasons set forth above, the undersigned recommends that Senate Bill 84 (2015) be reported FAVORABLY, with amendment.

Respectfully submitted,

James Knudson
Senate Special Master

cc: Debbie Brown, Secretary of the Senate

CS by Judiciary on March 24, 2015:

The committee substitute provides for the payment of the claim from the funds of the Central Florida Regional Transportation Authority instead of the State General Revenue Fund as

provided in the underlying bill. The committee substitute also allocates specific amounts of the claim among the claimants and provides for the payment of additional attorney fees to the claimants' attorneys for their services to the Estate of Matthew Robinson.



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RECOMMENDATIONS:

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Respectfully submitted,

James Knudson
Senate Special Master

cc: Debbie Brown, Secretary of the Senate

CS by Judiciary on March 24, 2015:

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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 1184

INTRODUCER: Transportation Committee and Senator Brandes

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: April 7, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Eichin</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Gusky</u>	<u>Miller</u>	<u>ATD</u>	<u>Pre-meeting</u>
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 1184 revises multiple laws administered by the Department of Highway Safety and Motor Vehicles (DHSMV). More specifically, the bill:

- Allows an employing state agency to pay up to \$5,000 directly to a venue to cover funeral and burial expenses for full-time law enforcement, correctional, or correctional probation officers killed in the line of duty;
- Revises the size of required red hazard flags on projecting loads from 12-inches square to 18-inches square to comply with federal regulations;
- Allows the Florida Department of Transportation (FDOT) to issue a special permit for truck tractor semitrailer combinations carrying *multiple sections or single units* of manufactured buildings on an over-length trailer and extends the length requirements.
- Amends the definition of ancient and antique motor vehicles by requiring the use of the model date of the vehicle to determine its age rather than the manufacture date of a vehicle's engine; and
- Allows disclosure of confidential insurance policy numbers to DHSMV-approved third parties and governmental entities, if required to perform its duties.

With respect to the laws regulating traffic infraction detectors, the bill:

- Prohibits the issuance of notices of violation or uniform traffic citations through the use of traffic infraction detectors not compliant with all specifications;

- Requires the DOT to identify engineering countermeasures to reduce violations before installing a traffic infraction detector;
- Requires that the decision to place a new traffic infraction detector on any roadway be based on a traffic engineering study; and
- Specifies information a county or municipality operating a traffic infraction detector must submit in its annual report to the DHSMV, and provides a penalty for counties or municipalities not compliant with the reporting requirements.

The Revenue Estimating Conference reviewed the provisions of the bill relating to traffic infraction detectors (“red light cameras”) on April 3, 2015. In the absence of specific “grandfathering” language, the Conference assumed that the engineering countermeasure study requirement would only apply to new red light camera installations. The Conference estimates that the bill will reduce state and local government revenues by \$20.8 million in Fiscal Year 2015-2016 and will have a recurring negative fiscal impact of \$40 million. See Section V for additional fiscal impacts of the bill.

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

II. Present Situation:

Due to the disparate issues addressed in the bill, the present situation for each section is discussed below in Effect of Proposed Changes.

III. Effect of Proposed Changes:

Funeral Expenses of Law Enforcement, Correctional, or Correctional Probation Officers (Section 1)

Present Situation

Section 112.19, F.S., provides supplemental death benefits for law enforcement officers, correctional officers, and correctional probation officers.¹ If a full-time law enforcement, correctional, or correctional probation officer who is employed by a state agency is killed in the line of duty², \$1,000 will be paid toward the officer’s funeral and burial expenses.³ This is in addition to the benefits provided under the provisions of the Workers’ Compensation Law, which provide up to \$7,500 for actual funeral expenses to be paid for by the employer within 14 days after receiving the bill.⁴

¹ Section 112.19(1)(b), F.S., the term “law enforcement, correctional, or correctional probation officer” means any officer as defined by s. 943.10(14) or any employee of the state or any political subdivision of the state, including any state attorney investigator or public defender investigator whose duties require such officer or employee to investigate, pursue, apprehend, arrest, transport, or maintain custody of persons who are charged with, suspected of committing, or convicted of a crime; any member of a bomb disposal unit whose primary responsibility is the location, handling, and disposal of explosive devices; and any full-time officer or employee of the state or any political subdivision of the state, certified pursuant to chapter 943, whose duties require such officer to serve process or to attend a session of a circuit or county court as bailiff.

² Section 112.19(2)(f), F.S., “as a result of an act of violence inflicted by another person while the officer is engaged in the performance of law enforcement duties or as a result of an assault against the officer under riot conditions.”

³ Section 112.19(2)(f), F.S.

⁴ Section 440.16(1)(a), F.S.

The \$1,000 funeral and burial expense benefit is paid to the beneficiary designated by the officer to the employer in writing. If no designation has been made, the benefit is paid, in equal parts, to the officer's surviving children or spouse. If the officer has no surviving child or spouse, the benefit will be paid to the officer's parents or parent. In the event there is no surviving beneficiary, the benefit is paid to the officer's estate.⁵

In the past five years, the state has paid out funeral expense claims for 20 full-time state employees killed in the line of duty.⁶

As of 2012, the median cost of a funeral in the United States was \$7,045.⁷ However, the DHSMV estimates funerals for state officers killed in the line of duty generally require a larger venue and often cost more than the current benefit provided by the State.

Effect of Proposed Changes

Section 1 of the bill allows the employing state agency of a full-time law enforcement, correctional, or correctional probation officer who is killed in the line of duty to pay up to \$5,000 *directly to a venue* to cover funeral and burial expenses.

This change provides greater flexibility for an employing state agency to cover funeral and burial expenses by allowing direct payment to a venue, as well as providing additional funds for funeral expenses.

Section 1 also removes the provision that the officer was killed "as a result of an act of violence inflicted by another person."⁸ This change expands these additional funeral benefits to officers killed in the line of duty while performing law enforcement duties, even if it was not as a result of an act of violence inflicted by another person.

Placement and Installation of Traffic Infraction Detectors (Section 3)

Present Situation

In 2010, the Florida Legislature enacted ch. 2010-80, L.O.F. The law expressly preempted to the state regulation of the use of cameras for enforcing the provisions of ch. 316, F.S.⁹ The law authorized the DHSMV, counties, and municipalities to authorize officials to issue notices of violations of ss. 316.074(1) and 316.075(1)(c)1., F.S., for a driver's failure to stop at a traffic signal when such violation was identified by a traffic infraction detector.¹⁰

Municipalities may install or authorize installation of traffic infraction detectors on streets and highways in accordance with the FDOT standards, and on state roads within the incorporated

⁵ Section 112.19(2)(d), F.S.

⁶ E-mail from Tod Stupski, Bureau Chief, Division of Risk Management, Department of Financial Services (Feb. 24, 2015) (on file with the Senate Committee on Transportation).

⁷ National Funeral Directors Association, *About Funeral Service: 2012 Funeral Costs*, April 2013, (<http://nfd.org/about-funeral-service/-trends-and-statistics.html>) (Last visited Feb. 18, 2015.)

⁸ Section 112.19(2)(f), F.S.

⁹ Section 316.0076, F.S.

¹⁰ See generally s. 316.0083, F.S.

area when permitted by the FDOT.¹¹ Counties may install or authorize installation of traffic infraction detectors on streets and highways in unincorporated areas of the county in accordance with the FDOT standards, and on state roads in unincorporated areas of the county when permitted by the FDOT.¹² The DHSMV may install or authorize installation of traffic infraction detectors on any state road under the original jurisdiction of the FDOT, when permitted by the FDOT.¹³

Engineering Countermeasures to Reduce Red Light Running

The Federal Highway Administration (FHWA) reports research has shown that engineering improvements, safety education, and increased enforcement by law enforcement officers can significantly reduce red light violations. In addition, jurisdictions have implemented the use of red-light cameras. The FHWA states:

“The solution to the problem of red light running and resulting crashes may require one or a combination of engineering, education, and enforcement measures.”¹⁴

These measures include:

- Intersection engineering improvements, such as modifying traffic signal timing, improving signing and marking, improving sight lines, modifying grades and/or grade separation, adjusting the prevailing speeds, changes in surface treatments, altering lane configuration, and replacing the traffic signal with some other form of traffic control device or intersection type;
- Education campaigns to assist motorists and the general public in understanding the safety issues inherent to red light running;
- Traditional enforcement by law enforcement officers specifically targeting red light running violators at problem locations; and
- Red light camera systems.

According to the FHWA, “An engineering study should consider each of these possible solutions in order to identify the most appropriate solution to the documented problem at the intersection.”¹⁵

Effect of Proposed Changes

Section 3 prohibits a notice of violation or uniform traffic citation to be issued through the use of a traffic infraction detector that is not compliant with all of the FDOT specifications.

The bill also requires the FDOT to identify engineering countermeasures intended to reduce red-light violations which may be considered and applied, where appropriate, prior to the installation

¹¹ Section 316.008(8), F.S.; s. 316.0776(1), F.S.

¹² *Id.*

¹³ Section 321.50, F.S. The DHSMV is not currently administering a red-light camera program.

¹⁴ Federal Highway Administration, *Red Light Camera Systems Operational Guidelines* (Jan. 2005), at 8: <http://safety.fhwa.dot.gov/intersection/redlight/cameras/fhwasa05002/fhwasa05002.pdf>. (Last visited March 5, 2015.)

¹⁵ *Id.*

of a traffic infraction detector on any roadway. After October 1, 2015 (the bill's effective date), any new installation of a traffic infraction detector must be based on the results of a traffic engineering study. The study must document the implementation and failure of any engineering countermeasure for the specific location, and must be signed and sealed by a professional engineer.

Traffic Infraction Detectors – Reporting Requirements (Section 2)

Present Situation

Each county or municipality that operates a traffic infraction detector must annually submit a report to the DHSMV by October 1st, which details the results of using the traffic infraction detector and the enforcement procedures for the preceding state fiscal year.¹⁶

The DHSMV is required to submit a summary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives at the end of every year providing information and recommendations regarding the use and operation of traffic infraction detectors.¹⁷ The report must include the information submitted by the counties or municipalities operating traffic infraction detectors, as well as describe the enhancement of traffic safety and enforcement programs.¹⁸

DHSMV's Red-Light Camera Summary Report¹⁹

The DHSMV created an online, 27-question survey to gather information and data from counties and municipalities operating traffic infraction detectors; 68 jurisdictions completed the survey.²⁰ According to the survey respondents, during the 2013-2014 fiscal year:

- 940,814 red-light camera notices of violation were issued;
- 64 of the 68 respondents indicated they used red-light cameras to investigate other crimes; and
- Half of the respondents reported implementing additional safety measures used in conjunction with red-light cameras.²¹

According to the DHSMV, “The Department is unable to determine the effectiveness that red light cameras have in decreasing intersection crashes due to the inability to validate vehicle crash information provided by the various jurisdictions.”²² The DHSMV has provided detailed recommendations for information each county or municipality should be required to submit in its report²³ to the DHSMV.

¹⁶ Section 316.0083(4)(a), F.S.

¹⁷ Section 316.0083(4)(b), F.S.

¹⁸ *Id.*

¹⁹ DHSMV, *Red-Light Camera Summary Report FY 2013-2014*, Feb. 27, 2015.

²⁰ *Id.* at p. 2. Three cities did not respond, and seven jurisdictions indicated their red-light cameras have been removed or red-light program had been terminated prior to the reporting period.

²¹ *Id.* at p. 6.

²² *Id.* at p. 5

²³ See s. 316.0083(4)(a), F.S.

Notices of Violation Issued Through the Use of Red Light Cameras

Within 30 days after a violation of s. 316.074(1), F.S.(obeying official traffic control devices), or s. 316.075(1)(c)1., F.S., (stopping at a red-light), notification must be sent to the registered owner of the motor vehicle involved in the violation. The penalty for each of these violations is \$158.²⁴ Of the 940,814 notices of violation disposed of between 2013 and October of 2014:

- 647,991 were paid timely;
- 255,587 were issued uniform traffic citations; and
- 37,236 were contested.²⁵

If a county or municipality enforces the violation, \$75 of the \$158 fine is retained by that county or municipality. The remaining balance is remitted to the Department of Revenue.²⁶

Effect of Proposed Changes

Section 2 adds specific information that must be submitted to the DHSMV by each county or municipality operating a traffic infraction detector. The report must be submitted annually by September 30, and must include:

- The name of the jurisdiction and contact information of the person responsible for the red-light camera program;
- The location of each camera, including geospatial and cross-road descriptions;
- The date each camera became operational, and dates of operation including any status change of the camera's use;
- Data related to the issuance and disposition of notices of violation and uniform traffic citations;
- Vehicle crash data for crashes that occurred within a 250-foot radius of the geospatial coordinates for each traffic infraction detectors during the 12-month period immediately preceding the initial date of camera operation;
- Identification of any and all alternative safety measures the jurisdiction considered or implemented in lieu of, or in addition to, the use of a traffic infraction detector; and
- The date any such alternative safety measures were implemented.

If the county or municipality fails to comply with the reporting requirements, as determined by the DHSMV, its revenues from red-light camera violations will be remitted to the Department of Revenue while noncompliant. The Department of Revenue must maintain records of the noncompliant county's or municipality's remissions. The revenue will be returned to the affected county or municipality once it becomes compliant. The DHSMV will notify the Department of Revenue when the county or municipality establishes compliance with the reporting requirements.

²⁴ Section 316.0083(1)(b)1.a., F.S.

²⁵ *Red-Light Camera Summary Report Presentation* by DHSMV, March 5, 2015, Senate Transportation Committee meeting.

²⁶ Section 316.0083(1)(b)3.b., F.S.

Hazard Flags on Projecting Loads (Section 4)

Present Situation

Section 316.228, F.S., requires red hazard flags on any vehicle having a load which extends beyond its sides or more than four feet beyond its rear. The flags must be at least 12 inches square and mark the extremities of such load.²⁷ The penalty for a violation of this section is \$30, plus administrative and court costs.

In 2005, the federal regulations were amended requiring necessary warning flags on commercial motor vehicles transporting projecting loads to be at least 18 inches square.²⁸ The Federal regulations were revised to make the requirements consistent with the American Association of State Highway and Transportation Officials' (AASHTO) Guide for Maximum Dimensions and Weights of Motor Vehicles and for the Operation of Nondivisible Load Oversize and Overweight Vehicles, GSW-3, 1991, which represents a consensus of state and industry practices.²⁹

Under current federal regulations, hazard flags on commercial motor vehicles *permitted* to operate within the state are required to "be clean, red or florescent orange, and at least 18 inches square."³⁰ These specifications, however, are not reflected in the Florida Statutes. The Federal Motor Carrier Safety Administration has noted this discrepancy between Florida Statutes requiring 12-inch square flags and federal regulations requiring 18-inch square flags.

Effect of Proposed Changes

Section 4 of the bill revises the size of required hazard flags on protruding loads from 12-inch square flags to 18-inch square flags. This change brings Florida into compliance with federal regulations.

Commercial Motor Vehicles/Manufactured Building/Special Permits (Section 5)

Present Situation

The Office of Commercial Vehicle Enforcement of the DHSMV 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 chapter 316, F.S.³¹ 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, with respect to roads under their respective jurisdiction, 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

²⁷ Section 316.228(1), F.S.

²⁸ 49 C.F.R. s. 393.87(a)

²⁹ 70 Fed. Reg. 48023 (August 15, 2005).

³⁰ Florida Highway Patrol, *Commercial Motor Vehicle Manual*, Eighth Edition, April 2013, at p. 25, <http://www.flhsmv.gov/fhp/cve/2013TruckingManual.pdf> (Last visited Feb. 18, 2015.)

³¹ See the DHSMV website: <http://www.flhsmv.gov/fhp/CVE/WeightEnforcement.htm/>. (Last visited March 3, 2015).

and is within the discretion of the FDOT or the local authority.³² Significant penalties can result from failure to obtain a special permit or failure to comply with the specific terms of the permit.³³

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.³⁴ However, the FDOT is authorized, if not contrary to the public interest and within its discretion, to issue a special permit for a 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.³⁵ 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 5 amends s. 316.515(4), 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 trailer over-length 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 triggered.³⁶ 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.

Ancient or Antique Motor Vehicles (Sections 6, 8 and 9)

Present Situation

An *ancient* motor vehicle is defined as a private-use motor vehicle manufactured in 1945 or earlier, equipped with an engine manufactured in 1945 or earlier or manufactured to the specifications of the original engine.³⁷ An *antique* motor vehicle is defined as a private-use motor vehicle manufactured after 1945 and of the age of 30 years or more after the date of manufacture, equipped with an engine of the age of 30 years or more after the date of manufacture.³⁸

The owner of an ancient or antique motor vehicle, upon application to the DHSMV and upon payment of the license tax, will be issued a special license plate for such motor vehicle. For *ancient* motor vehicles, the license plate is valid for use without renewal so long as the vehicle is

³² See s. 316.550, F.S.

³³ See s. 316.550(10), F.S.

³⁴ Section 316.550(3)(b)1., F.S.

³⁵ Section 316.515(14), F.S.

³⁶ See the FHWA email, Feb. 11, 2015. (On file in the Senate Transportation Committee).

³⁷ Section 320.086(1), F.S.

³⁸ Section 320.086(2)(a), F.S.

in existence.³⁹ Additionally, owners of antique and ancient motor vehicles pay a reduced registration annual license tax.⁴⁰

The Office of the Inspector General found the DHSMV's Bureau of Issuance Oversight is identifying antique motor vehicles by model date of vehicle rather than inspecting vehicles to determine if they are equipped with an engine 30 years or older. This is due to not having the resources to physically inspect each vehicle's engine.⁴¹ The manufacture date of a motor vehicle is not captured in motor vehicle records, however the model year of the vehicle is indicated on these records.⁴² The Bureau of Issuance Oversight has requested a legislative change in the definition of an antique or ancient motor vehicle to address this issue.

Effect of Proposed Changes

Section 6 amends the definition of ancient and antique motor vehicles from requiring the DHSMV to verify the vehicle engine's manufacture date is before 1945 or 30 years or older, to instead verifying the model date of the vehicle is before 1945 or 30 years or older.

Sections 8 and 9 reenact statutes referring to ancient and antique motor vehicles to conform to the revised definition.

Insurance Policy Number Public Records Disclosure (Section 7)

Present Situation

The Florida Motor Vehicle No-Fault Law⁴³ requires every owner or registrant of a motor vehicle, which is required to be registered and licensed in Florida, to maintain personal injury protection and property damage liability insurance coverage. Insurers are required to report to the DHSMV and verify the issuance of a new policy to a driver, as well as the renewal, nonrenewal, or cancellation of that policy. These customer lists, held by the DHSMV, contain detailed client and policy information. For that reason, the state deemed⁴⁴ certain information regarding these policies confidential and exempt⁴⁵ from the state's public records requirements.⁴⁶ Specifically, personal identifying information of an insured or former insured, and insurance policy numbers are confidential and exempt from public records disclosure.

³⁹ Section 320.086(1), F.S.

⁴⁰ Section 320.08(1)(d), (2)(a), and (2)(e), F.S.

⁴¹ Office of the Inspector General, *Follow-up Review of the GO Renew (Virtual Office) Audit*, at p. 6, (Oct. 10, 2014).

⁴² *Id.*

⁴³ Sections 627.730-627.7405, F.S.

⁴⁴ See Ch. 2007-325, Laws of Fla. (creating s. 324.242, F.S.)

⁴⁵ FLA. CONST., art. I, s. 24(c). There is a difference between records the Legislature designates as exempt from public records requirements and those the Legislature designates confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances (see *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 2004); and *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991)). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in the statutory exemption (see Attorney General Opinion 85-62, August 1, 1985).

⁴⁶ FLA. CONST. art. I, s. 24(a) and ch. 119.07(1), F.S.

Section 324.242, F.S., provides for the limited release of the policy number for a policy covering a vehicle involved in a motor vehicle accident. Upon receipt of a written request and copy of a crash report⁴⁷, the DHSMV can release the policy number to:

- Any person involved in such accident;
- The attorney of any person involved in such accident; or
- A representative of the insurer of any person involved in such accident.

The DHSMV is currently unable to release policy numbers of vehicles involved in accidents to governmental entities and third parties contracted with the insurer that may need this information to perform their duties. This can include, but is not limited to:

- Clerks of Courts;
- Law Enforcement agencies;
- State Attorneys Offices; or
- DHSMV-approved data collectors who contract with the insurer.

Effect of Proposed Changes

Section 7 of the bill adds “department-approved third parties” and “governmental entities” to the individuals and entities to which the DHSMV can disclose confidential and exempt insurance policy numbers to for motor vehicles involved in an accident.

The bill requires an insurer’s representative, contracted third party, or an attorney for a person involved in an accident to show proof of representation before the DHSMV may release an insurance policy number.

Governmental entities⁴⁸ are not required to provide a written request or copy of the crash report if the information is needed to perform its duties and responsibilities.

The bill effectively reduces the public records exemption related to crash data. Since the bill provides for additional parties to receive protected information, it is a contraction of public records exemptions and does not require a two-thirds vote of the body nor does it require a separate bill.

Effective Date (Section 10)

This bill takes effect October 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁴⁷ Sections 316.064, 316.066, and 316.064, F.S., provide crash report requirements.

⁴⁸ Defined as “any federal, state, county, district, authority, or municipal officer, department, division, board, bureau, or commission created or established by law.”

B. Public Records/Open Meetings Issues:

The bill does not create or expand a public records exemption.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

The Revenue Estimating Impact Conference reviewed the provisions of the bill relating to traffic infraction detectors (“red light cameras”) on April 3, 2015. In the absence of specific “grandfathering” language, the Conference assumed that the engineering countermeasure study requirement would only apply to new red light camera installations. The Conference estimates that the bill will reduce state and local government revenues by \$20.8 million in Fiscal Year 2015-2016, and will have a recurring negative fiscal impact of \$40 million, as follows:

- General Revenue Fund: \$(8.9) million, \$(17) million recurring;
- State Trust Funds:⁴⁹ \$(1.7) million, \$(3.2) million recurring; and
- Local government funds: \$(10.3) million, \$(19.7) million recurring.

B. Private Sector Impact:

Under CS/SB 1184, surviving beneficiaries of a full-time law enforcement, correctional, or correctional probation officer who is killed in the line of duty may experience reduced out-of-pocket expenses due to increased funeral benefits.

The bill may have a minimal negative fiscal impact on those needing to replace 12-inch square hazard flags with 18-inch square hazard flags. Commercial motor vehicles with a permit to operate in the state are already required to use 18-inch square hazard flags.

The bill may have an indeterminate positive fiscal impact for:

- Deliverers of manufactured homes related to the FDOT being able to issue permits for longer trailers used to haul manufactured homes;
- Individuals with a motor vehicle that falls under the revised definition of antique and ancient motor vehicles, due to the decreased registration fee; and
- DHSMV-approved third parties who contract with insurers.

⁴⁹ Affected state trust funds include: State Transportation Trust Fund; Department of Health Emergency Medical Services Trust Fund; Brain & Spinal Cord Injury Trust Fund; State Courts Revenue Trust Fund; State Attorneys Revenue Trust Fund; Public Defenders Revenue Trust Fund; and State Radio Systems Trust Fund.

C. Government Sector Impact:

An employing state agency may incur additional costs if they pay a venue up to \$5,000 for funeral and burial services for an officer killed in the line of duty. The government sector fiscal impact for this provision of the bill is indeterminate.

There may be a minimal negative fiscal impact on state agencies that need to replace 12-inch square hazard flags with 18-inch square hazard flags.

The bill may have a minimal positive impact on governmental entities needing insurance policy numbers of vehicles involved in an accident to perform its duties.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 112.19, 316.0083, 316.0776, 316.228, 316.515, 320.086, and 324.242.

This bill reenacts the following sections of the Florida Statutes: 319.23 and 320.08.

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 5, 2015:**

The CS makes the following changes to the bill:

- Specifies the information a county or municipality that operates a traffic infraction detector must submit in its report to the DHSMV annually;
- Requires a county or municipality that is not compliant with the reporting requirements, as determined by the DHSMV, to remit its portion of revenues from notices of violation of ss. 316.074(1) and 316.075(1)(c)1., F.S., to the Department of Revenue, to be returned once the county or municipality has established compliance;
- Prohibits the issuance of a notice of violation or uniform traffic citation through the use of a traffic infraction detector not in compliance with all specifications developed by the FDOT;
- Requires the FDOT to identify engineering countermeasures to reduce violations of ss. 316.074(1) and 316.075(1)(c)1., F.S., before installing a traffic infraction detector;

- Requires that the decision to place a traffic infraction detector on any roadway is based on results from a traffic engineering study that must be signed and sealed by a professional engineer licensed in the state; and
- Allows the FDOT to issue a special permit for truck tractor semitrailer combinations carrying *multiple sections or single units* of manufactured buildings on an over-length trailer. The length requirements are extended from 54 feet to 80 feet.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



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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)

Between lines 104 and 105

insert:

Section 2. Present subsection (90) of section 316.003,
Florida Statutes, is amended, present subsections (91), (92),
and (93) of that section are redesignated as subsections (93),
(95), and (96), respectively, and new subsections (90) and (92)
are added to that section, to read:

316.003 Definitions.—The following words and phrases, when



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11 used in this chapter, shall have the meanings respectively
12 ascribed to them in this section, except where the context
13 otherwise requires:

14 (90) AUTONOMOUS TECHNOLOGY.—Technology installed on a motor
15 vehicle which has the capability to drive the vehicle on which
16 the technology is installed without the active control of or
17 monitoring by a human operator.

18 (91)~~(90)~~ AUTONOMOUS VEHICLE.—Any vehicle equipped with
19 autonomous technology. The term “autonomous technology” means
20 technology installed on a motor vehicle that has the capability
21 to drive the vehicle on which the technology is installed
22 without the active control or monitoring by a human operator.
23 The term excludes a motor vehicle enabled with active safety
24 systems or driver assistance systems, including, without
25 limitation, a system to provide electronic blind spot
26 assistance, crash avoidance, emergency braking, parking
27 assistance, adaptive cruise control, lane keep assistance, lane
28 departure warning, or traffic jam and queuing assistant, unless
29 any such system alone or in combination with other systems
30 enables the vehicle on which the technology is installed to
31 drive without the active control or monitoring by a human
32 operator.

33 (92) DRIVER-ASSISTIVE TRUCK PLATOONING TECHNOLOGY.—Vehicle
34 automation technology that integrates sensor array, wireless
35 communications, vehicle controls, and specialized software to
36 synchronize acceleration and braking between up to two truck
37 tractor-semitrailer combinations, while leaving each vehicle’s
38 steering control and systems command in the control of the
39 vehicle’s driver.



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

And the title is amended as follows:

Delete line 25

and insert:

s. 316.003, F.S.; defining and redefining terms;
amendment s. 316.0776, F.S.; prohibiting a notice of
violation



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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 301 - 303

and insert:

Section 5. Subsections (1) and (3) of section 316.303,
Florida Statutes, are amended to read:

316.303 Television receivers.—

(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



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11 seat, unless the vehicle is equipped with autonomous technology,
12 as defined in s. 316.003(90), and is being operated in
13 autonomous mode, as provided in s. 316.85(2); or unless the
14 vehicle is equipped and operating with driver-assistive truck-
15 platooning technology, as defined in s. 316.003(92).

16 (3) This section does not prohibit the use of an electronic
17 display used in conjunction with a vehicle navigation system; or
18 an electronic display used by an operator of a vehicle equipped
19 with autonomous technology, as defined in s. 316.003(90), while
20 the vehicle is being operated in autonomous mode, as provided in
21 s. 316.85(2); or an electronic display used by the operator of a
22 vehicle equipped and operating with driver-assistive truck
23 platooning technology, as defined in s. 316.003(92).

24 Section 6. Paragraph (b) of subsection (3) and subsection
25 (14) of section 316.515, Florida Statutes, are amended to read:

26 316.515 Maximum width, height, length.—

27 (3) LENGTH LIMITATION.—Except as otherwise provided in this
28 section, length limitations apply solely to a semitrailer or
29 trailer, and not to a truck tractor or to the overall length of
30 a combination of vehicles. No combination of commercial motor
31 vehicles coupled together and operating on the public roads may
32 consist of more than one truck tractor and two trailing units.
33 Unless otherwise specifically provided for in this section, a
34 combination of vehicles not qualifying as commercial motor
35 vehicles may consist of no more than two units coupled together;
36 such nonqualifying combination of vehicles may not exceed a
37 total length of 65 feet, inclusive of the load carried thereon,
38 but exclusive of safety and energy conservation devices approved
39 by the department for use on vehicles using public roads.



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40 Notwithstanding any other provision of this section, a truck
41 tractor-semitrailer combination engaged in the transportation of
42 automobiles or boats may transport motor vehicles or boats on
43 part of the power unit; and, except as may otherwise be mandated
44 under federal law, an automobile or boat transporter semitrailer
45 may not exceed 50 feet in length, exclusive of the load;
46 however, the load may extend up to an additional 6 feet beyond
47 the rear of the trailer. The 50-foot length limitation does not
48 apply to non-stinger-steered automobile or boat transporters
49 that are 65 feet or less in overall length, exclusive of the
50 load carried thereon, or to stinger-steered automobile or boat
51 transporters that are 75 feet or less in overall length,
52 exclusive of the load carried thereon. For purposes of this
53 subsection, a "stinger-steered automobile or boat transporter"
54 is an automobile or boat transporter configured as a semitrailer
55 combination wherein the fifth wheel is located on a drop frame
56 located behind and below the rearmost axle of the power unit.
57 Notwithstanding paragraphs (a) and (b), any straight truck or
58 truck tractor-semitrailer combination engaged in the
59 transportation of horticultural trees may allow the load to
60 extend up to an additional 10 feet beyond the rear of the
61 vehicle, provided said trees are resting against a retaining bar
62 mounted above the truck bed so that the root balls of the trees
63 rest on the floor and to the front of the truck bed and the tops
64 of the trees extend up over and to the rear of the truck bed,
65 and provided the overhanging portion of the load is covered with
66 protective fabric.

67 (b) *Semitrailers.*—

68 1. A semitrailer operating in a truck tractor-semitrailer



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69 combination may not exceed 48 feet in extreme overall outside
70 dimension, measured from the front of the unit to the rear of
71 the unit and the load carried thereon, exclusive of safety and
72 energy conservation devices approved by the department for use
73 on vehicles using public roads, unless it complies with
74 subparagraph 2. A semitrailer which exceeds 48 feet in length
75 and is used to transport divisible loads may operate in this
76 state only if issued a permit under s. 316.550 and if such
77 trailer meets the requirements of this chapter relating to
78 vehicle equipment and safety. Except for highways on the tandem
79 trailer truck highway network, public roads deemed unsafe for
80 longer semitrailer vehicles or those roads on which such longer
81 vehicles are determined not to be in the interest of public
82 convenience shall, in conformance with s. 316.006, be restricted
83 by the Department of Transportation or by the local authority to
84 use by semitrailers not exceeding a length of 48 feet, inclusive
85 of the load carried thereon but exclusive of safety and energy
86 conservation devices approved by the department for use on
87 vehicles using public roads. Truck tractor-semitrailer
88 combinations shall be afforded reasonable access to terminals;
89 facilities for food, fuel, repairs, and rest; and points of
90 loading and unloading.

91 2. A semitrailer which is more than 48 feet but not more
92 than 57 ~~53~~ feet in extreme overall outside dimension, as
93 measured pursuant to subparagraph 1., may operate on public
94 roads, except roads on the State Highway System which are
95 restricted by the Department of Transportation or other roads
96 restricted by local authorities, if:

97 a. The distance between the kingpin or other peg that locks



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98 into the fifth wheel of a truck tractor and the center of the
99 rear axle or rear group of axles does not exceed 41 feet, or, in
100 the case of a semitrailer used exclusively or primarily to
101 transport vehicles in connection with motorsports competition
102 events, the distance does not exceed 46 feet from the kingpin to
103 the center of the rear axles; and

104 b. It is equipped with a substantial rear-end underride
105 protection device meeting the requirements of 49 C.F.R. s.
106 393.86, "Rear End Protection."
107

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

109 And the title is amended as follows:

110 Delete line 41

111 and insert:

112 316.303, F.S.; providing exceptions to the prohibition
113 of certain television-type receiving equipment and
114 certain electronic displays in vehicles; amending s.

115 316.515, F.S.; extending the allowable length of
116 certain semitrailers authorized to operate on public
117 roads under certain conditions; authorizing the
118 Department of



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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)

Between lines 312 and 313

insert:

Section 6. Subsection (21) of section 318.18, Florida
Statutes, is amended to read:

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

(21) Five ~~One~~ hundred dollars for a violation of s.



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11 316.1951 for a vehicle that is unlawfully displayed for sale,
12 hire, or rental. Notwithstanding any other law to the contrary,
13 fines collected under this subsection shall be retained by the
14 governing authority that authorized towing of the vehicle. Fines
15 collected by the department shall be deposited into the Highway
16 Safety Operating Trust Fund.

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

19 And the title is amended as follows:

20 Between lines 47 and 48

21 insert:

22 318.18, F.S.; revising a penalty for a violation of
23 specified provisions prohibiting parking a motor
24 vehicle in certain locations to display the vehicle
25 for sale, hire, or rent; amending s.



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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)

Between lines 312 and 313

insert:

Section 6. Section 319.141, Florida Statutes, is amended to
read:

319.141 Pilot rebuilt motor vehicle inspection program.—

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

(a) "Facility" means a rebuilt motor vehicle inspection
facility authorized and operating under this section.



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11 (b) "Rebuilt inspection services" means an examination of a
12 rebuilt vehicle and a properly endorsed certificate of title,
13 salvage certificate of title, or manufacturer's statement of
14 origin and an application for a rebuilt certificate of title, a
15 rebuilder's affidavit, a photograph of the junk or salvage
16 vehicle taken before repairs began, receipts or invoices for all
17 major component parts and repairs, as defined in s. 319.30,
18 which were changed, and proof that notice of rebuilding of the
19 vehicle has been reported to the National Motor Vehicle Title
20 Information System.

21 (2) By July 1, 2015 ~~October 1, 2013~~, the department shall
22 oversee ~~implement~~ a pilot program in Miami-Dade County and
23 ~~Hillsborough Counties~~ to evaluate alternatives for rebuilt
24 inspection services ~~to be~~ offered by existing ~~the~~ private sector
25 operators, including the continued use ~~feasibility~~ of using
26 private facilities, the cost impact to consumers, and the
27 potential savings to the department.

28 (3) The department shall establish a memorandum of
29 understanding that allows private parties participating in the
30 pilot program to conduct rebuilt motor vehicle inspections and
31 specifies requirements for oversight, bonding and insurance,
32 procedures, and forms and requires the electronic transmission
33 of documents.

34 (4) Before an applicant is approved, the department shall
35 ensure that the applicant meets basic criteria designed to
36 protect the public. At a minimum, the applicant shall meet all
37 of the following requirements:

38 (a) Have and maintain a surety bond or irrevocable letter
39 of credit in the amount of \$100,000 ~~\$50,000~~ executed by the



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40 applicant.

41 (b) Secure and maintain a facility at a permanent structure
42 at an address recognized by the United States Postal Service
43 where the only services provided on such property are rebuilt
44 inspection services. The operator of a facility shall annually
45 attest that he or she is not employed by or does not have an
46 ownership interest in or other financial arrangement with the
47 owner, operator, manager, or employee of a motor vehicle repair
48 shop as defined in s. 559.903, a motor vehicle dealer as defined
49 in s. 320.27(1)(c), a towing company, a vehicle storage company,
50 a vehicle auction, an insurance company, a salvage yard, a metal
51 retailer, or a metal rebuilder from which he or she receives
52 remuneration, directly or indirectly, for the referral of
53 customers for rebuilt inspection services.

54 (c) ~~(b)~~ Have and maintain garage liability and other
55 insurance required by the department.

56 (d) ~~(c)~~ Have completed criminal background checks of the
57 owners, partners, and corporate officers and the inspectors
58 employed by the facility.

59 (e) ~~(d)~~ Meet any additional criteria the department
60 determines necessary to conduct proper inspections.

61 (5) A participant in the program shall access vehicle and
62 title information and enter inspection results through an
63 electronic filing system authorized by the department and shall
64 maintain records of each rebuilt vehicle examination processed
65 at such facility for at least 5 years.

66 (6) The department shall immediately terminate any operator
67 from the program who fails to meet the minimum eligibility
68 requirements specified in subsection (4). Prior to a change in



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69 ownership of the rebuilt inspection facility, the current
70 operator must give the department 45 days written notice of the
71 intended sale. The prospective owner must meet the eligibility
72 requirements of this section and execute a new memorandum of
73 understanding with the department prior to operating the
74 facility.

75 ~~(6) The department shall submit a report to the President~~
76 ~~of the Senate and the Speaker of the House of Representatives~~
77 ~~providing the results of the pilot program by February 1, 2015.~~

78 (7) This section shall stand repealed on July 1, 2018 ~~2015~~,
79 unless saved from repeal through reenactment by the Legislature.

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

82 And the title is amended as follows:

83 Delete line 47

84 and insert:

85 length under certain circumstances; amending s.
86 319.141, F.S.; defining the term "rebuilt inspection
87 services"; directing the Department of Highway Safety
88 and Motor Vehicles to oversee a pilot program in
89 Miami-Dade County to evaluate alternatives for certain
90 rebuilt inspection services by a specified date;
91 revising the minimum criteria an applicant must meet
92 before he or she is approved; requiring that
93 participants in the program maintain records of each
94 rebuilt vehicle examination processed at such facility
95 for a specified period of time; requiring the
96 department to terminate any operator from the program
97 under certain circumstances; requiring a current



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98 operator to give the department written notice of an
99 intended sale within a specified period of time;
100 requiring a prospective owner to meet specified
101 requirements and execute a certain memorandum;
102 deleting a provision requiring the department to
103 submit a certain report to the Legislature; revising
104 the date of repeal for this section; amending s.
105



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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)

Between lines 312 and 313

insert:

Section 6. Section 319.20, Florida Statutes, is amended to
read:

319.20 Application of law. ~~The provisions of this chapter
apply exclusively,~~ Except as otherwise specifically provided,
this chapter applies exclusively to motor vehicles and mobile
homes required to be registered and licensed under the laws of



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11 this state and defined by such registration laws, including
12 residential manufactured buildings located on mobile home lots
13 under s. 553.382. A residential manufactured building installed
14 on a mobile home lot as provided in s. 553.382 shall be treated
15 as a mobile home for purposes of this chapter. The provisions of
16 this chapter do not apply to any moped or to any trailer or
17 semitrailer having a net weight of less than 2,000 pounds. All
18 provisions of this chapter relating to title certificates also
19 apply to any recreational vehicle-type unit and to any mobile
20 home classified and taxed as real property pursuant to s.
21 320.0815(2); and no title, lien, or other interest in such
22 vehicle or mobile home shall be valid unless evidenced in
23 accordance with this chapter.

24
25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 Delete line 47

28 and insert:

29 length under certain circumstances; amending s.
30 319.20, F.S.; providing applicability; requiring that
31 a residential manufactured building installed on a
32 mobile home lot be treated as a mobile home for
33 purposes of ch. 319, F.S.; amending s.

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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)

Delete lines 105 - 279.

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

And the title is amended as follows:

Delete lines 8 - 36

and insert:

officer killed in the line of duty;



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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Diaz de la Portilla) recommended the following:

Senate Amendment (with title amendment)

Between lines 355 and 356
insert:

Section 7. Paragraph (m) is added to subsection (4) of section 322.142, Florida Statutes, to read:

322.142 Color photographic or digital imaged licenses.—
(m) For fraud prevention purposes pursuant to an agreement with a department or agency of the state or a state-approved



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10 administrative entity responsible for the administration of
11 health care, provided that the personal privacy of the
12 information is secured and the access is only for an
13 individual's primary identity validation to prevent identity
14 theft.

15 Section 8. Paragraph (b) of subsection (1) of section
16 322.143, Florida Statutes, is amended to read:

17 322.143 Use of a driver license or identification card.—

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

19 (b) "Private entity" means any nongovernmental entity, such
20 as a corporation, partnership, company or nonprofit

21 organization, any other legal entity, or any natural person.

22 This term shall not include a nongovernmental entity whose sole

23 business is providing fraud prevention services pursuant to an

24 agreement with a department or agency of the state or a state-

25 approved administrative entity responsible for the

26 administration of health care, provided that the personal

27 privacy of the information is secured and the access is only for

28 an individual's primary identity validation to prevent identity

29 theft.

30

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

32 And the title is amended as follows:

33 Delete line 56

34 and insert:

35 subject to certain requirements; amending s. 322.142,

36 F.S.; permitting reproduction from the file or digital

37 record to be used for fraud prevention services;

38 amending s. 322.143, F.S.; defining the term "private



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entity"; amending s. 324.242,



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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)

Between lines 355 and 356

insert:

Section 7. 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



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11 has a developmental disability, and submission of payment and
12 required proof, the department shall issue an identification
13 card exhibiting a capital "D" for a person who has been
14 diagnosed by a licensed physician as having a developmental
15 disability as defined in s. 393.063. Such card shall be issued
16 upon payment of an additional \$10 fee, deposited into the Agency
17 for Persons with Disabilities Operations and Maintenance Trust
18 Fund under s. 20.1971(2), and submission of proof acceptable to
19 the department of diagnosis of the developmental disability by a
20 licensed physician. A replacement identification card that
21 includes the designation may be issued without payment of the
22 fee required in s. 322.21(1)(f). The Department of Highway
23 Safety and Motor Vehicles shall develop rules to facilitate the
24 issuance, requirements, and oversight of developmental
25 identification cards pursuant to this section.

26
27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Delete line 56

30 and insert:

31 subject to certain requirements; amending s. 322.051,
32 F.S.; requiring the Department of Highway Safety and
33 Motor Vehicles to issue an identification card
34 exhibiting a special designation for a person who is
35 diagnosed by a licensed physician as having a
36 developmental disability; requiring payment of an
37 additional fee and proof of diagnosis; authorizing
38 issuance of a replacement identification card that
39 includes the special designation without payment of a



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40 specified fee; requiring the department to develop
41 rules to facilitate the issuance, requirements, and
42 oversight of developmental identification cards;
43 amending s. 324.242,



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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 300 and 301

insert:

Section 5. 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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11 persons who are texting while driving.

12 Section 6. Subsection (5) of section 316.305, Florida
13 Statutes, is repealed.

14

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

16 And the title is amended as follows:

17 Delete line 40

18 and insert:

19 inches square under certain circumstances; amending s.
20 316.305, F.S.; revising legislative intent to
21 authorize law enforcement officers to issue citations
22 to persons who are texting while driving as a primary
23 offense; repealing s. 316.305(5), F.S., relating to
24 the enforcement of the Florida Ban on Texting While
25 Driving Law act as a secondary action; amending s.

By the Committee on Transportation; and Senator Brandes

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1 A bill to be entitled
2 An act relating to the Department of Highway Safety
3 and Motor Vehicles; amending s. 112.19, F.S.;
4 providing that an employer may pay up to a certain
5 amount directly toward the venue expenses associated
6 with the funeral and burial services of a law
7 enforcement, correctional, or correctional probation
8 officer killed in the line of duty; amending s.
9 316.0083, F.S.; requiring the department to provide
10 notice of noncompliance with specified reporting
11 requirements to the county or municipality and the
12 Department of Revenue annually on a certain date under
13 certain circumstances; requiring the portion of
14 revenues collected and otherwise retained by the
15 county or municipality to be remitted to the
16 Department of Revenue in cases of such noncompliance;
17 requiring the Department of Revenue to maintain
18 records of such remissions subject to certain
19 requirements; requiring the Department of Revenue to
20 return those revenues under certain circumstances;
21 revising the date when certain counties or
22 municipalities are required to submit a report;
23 specifying information to be included in the report
24 submitted by the counties and municipalities; amending
25 s. 316.0776, F.S.; prohibiting a notice of violation
26 or uniform traffic citation to be issued through the
27 use of a traffic infraction detector that is not in
28 compliance with all specifications; requiring the
29 department to identify engineering countermeasures

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30 that are intended to reduce specified violations and
31 which may be considered and applied, where
32 appropriate, before the installation of a traffic
33 infraction detector on any roadway; requiring the
34 decision to place a traffic infraction detector on any
35 roadway to be based on the results of a traffic
36 engineering study subject to certain requirements;
37 amending s. 316.228, F.S.; requiring a vehicle with a
38 load that extends beyond its sides or a certain amount
39 beyond its rear to display red flags not less than 18
40 inches square under certain circumstances; amending s.
41 316.515, F.S.; authorizing the Department of
42 Transportation to permit truck tractor-semitrailer
43 combinations where the total number of overwidth
44 deliveries of manufactured buildings may be reduced by
45 the transport of multiple sections or single units on
46 an overlength trailer of no more than a specified
47 length under certain circumstances; amending s.
48 320.086, F.S.; requiring the department to issue a
49 special license plate to the owner of a motor vehicle
50 manufactured in the model year 1945 or earlier for
51 such motor vehicle, subject to certain requirements;
52 requiring the department to issue a special license
53 plate to the owner of a motor vehicle manufactured in
54 the model year after 1945 and of the age of 30 years
55 or more after the model year for such motor vehicle,
56 subject to certain requirements; amending s. 324.242,
57 F.S.; requiring the department to release the policy
58 number of a policy covering a vehicle involved in a

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59 motor vehicle accident to certain persons upon receipt
60 of a request and proof of a crash report created
61 pursuant to the laws of another state; requiring the
62 department to provide personal injury protection and
63 property damage liability insurance policy numbers to
64 department-approved third parties that provide data
65 collection services to certain insurers; requiring an
66 insurer's representative, a contracted third party, or
67 an attorney for a person involved in an accident to
68 provide the department with documentation confirming
69 proof of representation prior to the release of
70 certain policy numbers; authorizing the department to
71 disclose certain confidential and exempt information
72 to another governmental entity under certain
73 circumstances; defining the term "governmental
74 entity"; reenacting s. 319.23(3)(c), F.S., relating to
75 application for, and issuance of, certificate of
76 title, to incorporate the amendment made to s.
77 320.086, F.S., in a reference thereto; reenacting s.
78 320.08(2)(a) and (3)(e), F.S., relating to license
79 taxes, to incorporate the amendment made to s.
80 320.086, F.S., in a reference thereto; providing an
81 effective date.

82
83 Be It Enacted by the Legislature of the State of Florida:

84
85 Section 1. Paragraph (f) of subsection (2) of section
86 112.19, Florida Statutes, is amended to read:
87 112.19 Law enforcement, correctional, and correctional

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88 probation officers; death benefits.—

89 (2)

90 (f) If a full-time law enforcement, correctional, or
91 correctional probation officer who is employed by a state agency
92 is killed in the line of duty ~~as a result of an act of violence~~
93 ~~inflicted by another person~~ while the officer is engaged in the
94 performance of law enforcement duties or as a result of an
95 assault against the officer under riot conditions;7

96 1. The sum of \$1,000 shall be paid, as provided for in
97 paragraph (d), toward the funeral and burial expenses of such
98 officer. Such benefits are in addition to any other benefits
99 which employee beneficiaries and dependents are entitled to
100 under the provisions of the Workers' Compensation Law or any
101 other state or federal statutes; and

102 2. The officer's employer may pay up to \$5,000 directly
103 toward the venue expenses associated with the funeral and burial
104 services of such officer.

105 Section 2. Paragraph (b) of subsection (1) and paragraph
106 (a) of subsection (4) of section 316.0083, Florida Statutes, are
107 amended to read:

108 316.0083 Mark Wandall Traffic Safety Program;
109 administration; report.—

110 (1)

111 (b)1.a. Within 30 days after a violation, notification must
112 be sent to the registered owner of the motor vehicle involved in
113 the violation specifying the remedies available under s. 318.14
114 and that the violator must pay the penalty of \$158 to the
115 department, county, or municipality, or furnish an affidavit in
116 accordance with paragraph (d), or request a hearing within 60

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117 days following the date of the notification in order to avoid
118 the issuance of a traffic citation. The notification must be
119 sent by first-class mail. The mailing of the notice of violation
120 constitutes notification.

121 b. Included with the notification to the registered owner
122 of the motor vehicle involved in the infraction must be a notice
123 that the owner has the right to review the photographic or
124 electronic images or the streaming video evidence that
125 constitutes a rebuttable presumption against the owner of the
126 vehicle. The notice must state the time and place or Internet
127 location where the evidence may be examined and observed.

128 c. Notwithstanding any other provision of law, a person who
129 receives a notice of violation under this section may request a
130 hearing within 60 days following the notification of violation
131 or pay the penalty pursuant to the notice of violation, but a
132 payment or fee may not be required before the hearing requested
133 by the person. The notice of violation must be accompanied by,
134 or direct the person to a website that provides, information on
135 the person's right to request a hearing and on all court costs
136 related thereto and a form to request a hearing. As used in this
137 sub-subparagraph, the term "person" includes a natural person,
138 registered owner or coowner of a motor vehicle, or person
139 identified on an affidavit as having care, custody, or control
140 of the motor vehicle at the time of the violation.

141 d. If the registered owner or coowner of the motor vehicle,
142 or the person designated as having care, custody, or control of
143 the motor vehicle at the time of the violation, or an authorized
144 representative of the owner, coowner, or designated person,
145 initiates a proceeding to challenge the violation pursuant to

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146 this paragraph, such person waives any challenge or dispute as
147 to the delivery of the notice of violation.

148 2. Penalties assessed and collected by the department,
149 county, or municipality authorized to collect the funds provided
150 for in this paragraph, less the amount retained by the county or
151 municipality pursuant to subparagraph 3., shall be paid to the
152 Department of Revenue weekly. Payment by the department, county,
153 or municipality to the state shall be made by means of
154 electronic funds transfers. In addition to the payment, summary
155 detail of the penalties remitted shall be reported to the
156 Department of Revenue.

157 3. Penalties to be assessed and collected by the
158 department, county, or municipality are as follows:

159 a. One hundred fifty-eight dollars for a violation of s.
160 316.074(1) or s. 316.075(1)(c)1. when a driver failed to stop at
161 a traffic signal if enforcement is by the department's traffic
162 infraction enforcement officer. One hundred dollars shall be
163 remitted to the Department of Revenue for deposit into the
164 General Revenue Fund, \$10 shall be remitted to the Department of
165 Revenue for deposit into the Department of Health Emergency
166 Medical Services Trust Fund, \$3 shall be remitted to the
167 Department of Revenue for deposit into the Brain and Spinal Cord
168 Injury Trust Fund, and \$45 shall be distributed to the
169 municipality in which the violation occurred, or, if the
170 violation occurred in an unincorporated area, to the county in
171 which the violation occurred. Funds deposited into the
172 Department of Health Emergency Medical Services Trust Fund under
173 this sub-subparagraph shall be distributed as provided in s.
174 395.4036(1). Proceeds of the infractions in the Brain and Spinal

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175 Cord Injury Trust Fund shall be distributed quarterly to the
176 Miami Project to Cure Paralysis and used for brain and spinal
177 cord research.

178 b. One hundred fifty-eight dollars for a violation of s.
179 316.074(1) or s. 316.075(1)(c)1. when a driver failed to stop at
180 a traffic signal if enforcement is by a county or municipal
181 traffic infraction enforcement officer. Seventy dollars shall be
182 remitted by the county or municipality to the Department of
183 Revenue for deposit into the General Revenue Fund, \$10 shall be
184 remitted to the Department of Revenue for deposit into the
185 Department of Health Emergency Medical Services Trust Fund, \$3
186 shall be remitted to the Department of Revenue for deposit into
187 the Brain and Spinal Cord Injury Trust Fund, and \$75 shall be
188 retained by the county or municipality enforcing the ordinance
189 enacted pursuant to this section. Funds deposited into the
190 Department of Health Emergency Medical Services Trust Fund under
191 this sub-subparagraph shall be distributed as provided in s.
192 395.4036(1). Proceeds of the infractions in the Brain and Spinal
193 Cord Injury Trust Fund shall be distributed quarterly to the
194 Miami Project to Cure Paralysis and used for brain and spinal
195 cord research.

196 4. If a county or municipality fails to comply with the
197 reporting requirements in subsection (4), as determined by the
198 department, the department shall annually, on October 1, provide
199 notice of such noncompliance to the county or municipality and
200 the Department of Revenue. In cases of such noncompliance,
201 notwithstanding subparagraph 3., the portion of revenues
202 collected and otherwise retained by the county or municipality
203 may not be retained but shall be remitted to the Department of

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204 Revenue. The Department of Revenue shall maintain records of
205 such remissions reflecting the total amount of revenues received
206 from each noncompliant county or municipality. On notice from
207 the department that the county or municipality has established
208 compliance, the Department of Revenue shall return those
209 revenues to the affected county or municipality.

210 5.4. An individual may not receive a commission from any
211 revenue collected from violations detected through the use of a
212 traffic infraction detector. A manufacturer or vendor may not
213 receive a fee or remuneration based upon the number of
214 violations detected through the use of a traffic infraction
215 detector.

216 (4) (a) Each county or municipality that operates a traffic
217 infraction detector shall submit a report ~~by October 1, 2012,~~
218 ~~and annually thereafter,~~ to the department no later than
219 September 30 of each year which details the results of using the
220 traffic infraction detector and the procedures for enforcement
221 for the preceding state fiscal year. The information submitted
222 by the counties and municipalities must include statistical data
223 and information required by the department to complete the
224 report required under paragraph (b), and must include all of the
225 following:-

226 1. The name of the jurisdiction and contact information for
227 the person responsible for the administration of the traffic
228 infraction detector program.

229 2. The location of each camera, including both geospatial
230 and cross-road descriptions of the location of each device.

231 3. The date that each red light camera became operational,
232 and the dates of camera operation during the fiscal year,

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233 including any status changes of the camera's use during the
234 reporting period.

235 4. Data related to the issuance and disposition of notices
236 of violation and subsequent uniform traffic citations issued
237 during the reporting period.

238 5. Vehicle crash data, including fatalities and injuries,
239 for crashes that occurred within a 250-foot radius of the
240 geospatial coordinates for each traffic infraction detector
241 during the 12-month period immediately preceding the initial
242 date of camera operation. Data submitted as required under this
243 subsection should be able to be validated against department
244 data.

245 6. Identification of any and all alternative safety
246 measures, including increasing the interval between the yellow
247 change light and the red clearance light, increasing the
248 visibility of traffic lights, and installing advance dilemma-
249 zone detection systems, which the jurisdiction considered or
250 implemented during the reporting period in lieu of or in
251 addition to the use of a traffic infraction detector. The
252 jurisdiction shall include the date of implementation of any
253 such measures to assist the department in the analysis of crash
254 data at a specified location.

255 Section 3. Subsection (1) of section 316.0776, Florida
256 Statutes, is amended to read:

257 316.0776 Traffic infraction detectors; placement and
258 installation.—

259 (1) Traffic infraction detectors are allowed on state roads
260 when permitted by the Department of Transportation and under
261 placement and installation specifications developed by the

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262 Department of Transportation. Traffic infraction detectors are
263 allowed on streets and highways under the jurisdiction of
264 counties or municipalities in accordance with placement and
265 installation specifications developed by the Department of
266 Transportation. A notice of violation or uniform traffic
267 citation may not be issued through the use of a traffic
268 infraction detector that is not in compliance with all
269 specifications. Additionally, the Department of Transportation
270 shall identify engineering countermeasures that are intended to
271 reduce violations of ss. 316.074(1) and 316.075(1)(c)1. and
272 which may be considered and applied, where appropriate, before
273 the installation of a traffic infraction detector on any
274 roadway. The decision to place a traffic infraction detector on
275 any roadway must be based on the results of a traffic
276 engineering study that documents the implementation and failure
277 of any engineering countermeasure appropriate for the specific
278 location. The study must be signed and sealed by a professional
279 engineer licensed in this state.

280 Section 4. Subsection (1) of section 316.228, Florida
281 Statutes, is amended to read:

282 316.228 Lamps or flags on projecting load.-

283 (1) Except as provided in subsection (2), whenever the load
284 upon any vehicle extends to the rear 4 feet or more beyond the
285 bed or body of such vehicle, there shall be displayed at the
286 extreme rear end of the load, at the times specified in s.
287 316.217, two red lamps visible from a distance of at least 500
288 feet to the rear, two red reflectors visible at night from all
289 distances within 600 feet to 100 feet to the rear when directly
290 in front of lawful lower beams of headlamps and located so as to

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291 indicate maximum width, and on each side one red lamp visible
292 from a distance of at least 500 feet to the side and located so
293 as to indicate maximum overhang. There shall be displayed at all
294 other times on any vehicle having a load which extends beyond
295 its sides or more than 4 feet beyond its rear, red flags, not
296 less than 18 ~~12~~ inches square, marking the extremities of such
297 load, at each point where a lamp would otherwise be required by
298 this section. A violation of this section is a noncriminal
299 traffic infraction punishable as a nonmoving violation as
300 provided in chapter 318.

301 Section 5. Subsection (14) of section 316.515, Florida
302 Statutes, is amended to read:

303 316.515 Maximum width, height, length.—

304 (14) MANUFACTURED BUILDINGS.—The Department of
305 Transportation may, in its discretion and upon application and
306 good cause shown therefor that the same is not contrary to the
307 public interest, issue a special permit for truck tractor-
308 semitrailer combinations where the total number of overwidth
309 deliveries of manufactured buildings, as defined in s.
310 553.36(13), may be reduced by permitting the use of multiple
311 sections or single units on an overlength trailer of no more
312 than 80 ~~54~~ feet.

313 Section 6. Subsection (1) and paragraph (a) of subsection
314 (2) of section 320.086, Florida Statutes, are amended to read:

315 320.086 Ancient or antique motor vehicles; horseless
316 carriage, antique, or historical license plates; former military
317 vehicles.—

318 (1) The owner of a motor vehicle for private use
319 manufactured in the model year 1945 or earlier, ~~equipped with an~~

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320 ~~engine manufactured in 1945 or earlier or manufactured to the~~
321 ~~specifications of the original engine,~~ and operated on the
322 streets and highways of this state shall, upon application in
323 the manner and at the time prescribed by the department and upon
324 payment of the license tax for an ancient motor vehicle
325 prescribed by s. 320.08(1)(d), (2)(a), or (3)(e), be issued a
326 special license plate for such motor vehicle. The license plate
327 shall be permanent and valid for use without renewal so long as
328 the vehicle is in existence. In addition to the payment of all
329 other fees required by law, the applicant shall pay such fee for
330 the issuance of the special license plate as may be prescribed
331 by the department commensurate with the cost of its manufacture.
332 The registration numbers and special license plates assigned to
333 such motor vehicles shall run in a separate numerical series,
334 commencing with "Horseless Carriage No. 1," and the plates shall
335 be of a distinguishing color.

336 (2)(a) The owner of a motor vehicle for private use
337 manufactured in the model year after 1945 and of the age of 30
338 years or more after the model year ~~date of manufacture,~~ equipped
339 ~~with an engine of the age of 30 years or more after the date of~~
340 ~~manufacture,~~ and operated on the streets and highways of this
341 state may, upon application in the manner and at the time
342 prescribed by the department and upon payment of the license tax
343 prescribed by s. 320.08(1)(d), (2)(a), or (3)(e), be issued a
344 special license plate for such motor vehicle. In addition to the
345 payment of all other fees required by law, the applicant shall
346 pay the fee for the issuance of the special license plate
347 prescribed by the department, commensurate with the cost of its
348 manufacture. The registration numbers and special license plates

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349 assigned to such motor vehicles shall run in a separate
350 numerical series, commencing with "Antique No. 1," and the
351 plates shall be of a distinguishing color. The owner of the
352 motor vehicle may, upon application and payment of the license
353 tax prescribed by s. 320.08, be issued a regular Florida license
354 plate or specialty license plate in lieu of the special
355 "Antique" license plate.

356 Section 7. Subsection (2) of section 324.242, Florida
357 Statutes, is amended, present subsection (3) of that section is
358 redesignated as subsection (6), and new subsections (3), (4),
359 and (5) are added to that section, to read:

360 324.242 Personal injury protection and property damage
361 liability insurance policies; public records exemption.—

362 (2) Upon receipt of a ~~written~~ request and proof ~~a copy~~ of a
363 crash report as required under s. 316.065, s. 316.066, or s.
364 316.068, or a crash report created pursuant to the laws of
365 another state, the department shall release the policy number
366 for a policy covering a vehicle involved in a motor vehicle
367 accident to:

368 (a) Any person involved in such accident;

369 (b) The attorney of any person involved in such accident;

370 or

371 (c) A representative of the insurer of any person involved
372 in such accident.

373 (3) The department will provide personal injury protection
374 and property damage liability insurance policy numbers to
375 department-approved third parties that provide data collection
376 services to an insurer of any person involved in such accident.

377 (4) Before the department's release of a policy number in

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378 accordance with subsection (2) or subsection (3), an insurer's
379 representative, a contracted third party, or an attorney for a
380 person involved in an accident must provide the department with
381 documentation confirming proof of representation.

382 (5) Information made confidential and exempt by this
383 section may be disclosed to another governmental entity without
384 a written request or copy of the crash report if disclosure is
385 necessary for the receiving governmental entity to perform its
386 duties and responsibilities. For purposes of this subsection,
387 the term "governmental entity" means any federal, state, county,
388 district, authority, or municipal officer, department, division,
389 board, bureau, or commission created or established by law.

390 (6)~~(3)~~ This exemption applies to personal identifying
391 information of an insured or former insured and insurance policy
392 numbers held by the department before, on, or after October 11,
393 2007.

394 Section 8. For the purpose of incorporating the amendment
395 made by this act to section 320.086, Florida Statutes, in a
396 reference thereto, paragraph (c) of subsection (3) of section
397 319.23, Florida Statutes, is reenacted to read:

398 319.23 Application for, and issuance of, certificate of
399 title.—

400 (3) If a certificate of title has not previously been
401 issued for a motor vehicle or mobile home in this state, the
402 application, unless otherwise provided for in this chapter,
403 shall be accompanied by a proper bill of sale or sworn statement
404 of ownership, or a duly certified copy thereof, or by a
405 certificate of title, bill of sale, or other evidence of
406 ownership required by the law of the state or county from which

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20151184c1

407 the motor vehicle or mobile home was brought into this state.
408 The application shall also be accompanied by:

409 (c) If the vehicle is an ancient or antique vehicle, as
410 defined in s. 320.086, the application shall be accompanied by a
411 certificate of title; a bill of sale and a registration; or a
412 bill of sale and an affidavit by the owner defending the title
413 from all claims. The bill of sale must contain a complete
414 vehicle description to include the vehicle identification or
415 engine number, year make, color, selling price, and signatures
416 of the seller and purchaser.

417
418 Verification of the vehicle identification number is not
419 required for any new motor vehicle; any mobile home; any trailer
420 or semitrailer with a net weight of less than 2,000 pounds; or
421 any travel trailer, camping trailer, truck camper, or fifth-
422 wheel recreation trailer.

423 Section 9. For the purpose of incorporating the amendment
424 made by this act to section 320.086, Florida Statutes, in a
425 reference thereto, paragraph (a) of subsection (2) and paragraph
426 (e) of subsection (3) of section 320.08, Florida Statutes, are
427 reenacted to read:

428 320.08 License taxes.—Except as otherwise provided herein,
429 there are hereby levied and imposed annual license taxes for the
430 operation of motor vehicles, mopeds, motorized bicycles as
431 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,
432 and mobile homes, as defined in s. 320.01, which shall be paid
433 to and collected by the department or its agent upon the
434 registration or renewal of registration of the following:

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

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436 (a) An ancient or antique automobile, as defined in s.
437 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.

438 (3) TRUCKS.—

439 (e) An ancient or antique truck, as defined in s. 320.086:
440 \$7.50 flat.

441 Section 10. 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/SB 7064

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development and Ethics and Elections Committee

SUBJECT: Elections

DATE: April 10, 2015 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Fox	Roberts		EE Submitted as Committee Bill
1.	Sneed	Miller	ATD	Fav/CS
2.			AP	

I. Summary:

PCS/SB 7064 is an elections administration bill that makes a number of substantive changes to the Florida Election Code, including:

- **Online Voter Registration:** Directs the Division of Elections in the Department of State to develop an Online Voter Registration system. The online system must be able to accept applications beginning October 1, 2017. Further directs the division to submit a report to the President of the Senate and the Speaker of the House by January 1, 2016 regarding the implementation of the system;
- **Voter Signature Updates:** Allows voters to update their signatures until 5 p.m. on the day before the election, for the purpose of canvassing absentee and provisional ballots;
- **Voter IDs:** Expands the list of permissible voter IDs to include U.S. passport *cards*, federal veterans health ID cards, and Florida concealed weapons/firearms licenses;
- **Mail-Ballot-Only Elections:** Authorizes *candidate* mail-ballot-only elections in certain municipalities;
- **Early Voting Sites for Special Elections:** Provides supervisors of elections the flexibility to designate only as many early voting sites *as are necessary* in a special primary or special general election.
- **Absentee Ballot Information:** Extends the daily deadline for supervisors to upload absentee ballot information to the Division of Elections during an election cycle, from 8 a.m. to noon; and,
- **Voting Precincts:** Beginning in 2021, requires voting precincts to conform to U.S. Census block boundaries, except in certain cases involving changed county, incorporated municipality, or other political subdivision boundaries.

The bill also makes technical and conforming changes to the election code, including modifying the requirements for sample ballot publication, correcting an erroneous deadline on Absentee

Ballot Affidavits used to “cure” missing voter signatures, and modifying the timing requirements for designating early voting sites in special elections.

According to the Department of State, development of the online voter registration system is estimated to cost between \$250,000 and \$1,800,000. Funds are available in the department’s Federal Grants Trust Fund for the one-time development costs and recurring operating costs of the online registration system. The trust fund includes federal funds awarded to the states pursuant to the Help America Vote Act of 2002 (HAVA).

According to information provided by the Department of Highway Safety and Motor Vehicles on a similar 2014 bill, implementation of the bill will cost an estimated \$20,400 for system programming hours to conduct voter information verification on voter registration applications submitted online.

Except as otherwise indicated, the bill takes effect on July 1, 2015.

II. Present Situation:

Most of the issues in the bill are part of the 2015 legislative package of the Florida State Association of Supervisors of Elections (“FSASE”). Because the election administration issues presented are wide-ranging and discrete, this analysis will incorporate the Present Situation into the section-by-section analysis below (see, **Part III., Effect of Proposed Changes**).

III. Effect of Proposed Changes:

The bill makes the following changes, most of which are included in the 2015 FSASE legislative package:

Section 1. Online Voter Registration. Creates s. 97.0525, F.S., directing the Division of Elections to develop a secure, online voter registration (“OVR”) system to become operation on October 1, 2017. This section contains the substance of CS/SB 228 (2015), by the Ethics and Elections Committee and Senators Clemens and Richter.

According to the National Conference of State Legislatures (“NCSL”), 20 states currently offer OVR.¹ An additional four states have adopted legislation authorizing OVR but have yet to implement it, including Hawaii (2012) and West Virginia (2013). Three states — Michigan, New Mexico, and Ohio — offer some form of “limited online registration.”²

Florida was not included among these states, though it does have an electronic system for submitting voter registration applications from Department of Highway Safety & Motor Vehicles (“DHSMV”) offices — which includes a voter’s digital signature.³ Floridians not registering

¹ National Conference of State Legislatures, Online Voter Registration, Overview (Dec. 10, 2014), available at <http://www.ncsl.org/research/elections-and-campaigns/electronic-or-online-voter-registration.aspx> (last accessed 3.9.2014).

² *Id.*

³ DHSMV’s staff analysis on a similar OVR bill from the 2014 Regular Session 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

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, or to a voter registration agency — including an armed forces recruitment office, a public library, or the Division of Elections.⁴ The division's website and most (if not all) county 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.⁵

Beginning October 1, 2017, the bill creates an online voter registration system for registering first-time voters and updating existing voter registrations. The division 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 the applicant instruction with respect to checking the status of the application.

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 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.⁶

Section 2. OVR Implementation Schedule. Creates an unnumbered section of Florida Statutes, requiring the Division of Elections, by January 1, 2016, to provide a written report to the

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.2 (January 31, 2014) (Section 2.1., Present Situation), available at, <http://abar.laspbs.state.fl.us/ABAR/Attachment.aspx?ID=3210> (last visited 3.9.2015).

⁴ Florida Department of State website, <http://election.dos.state.fl.us/voter-registration/voter-reg.shtml> (last accessed 2.7.2014).

⁵ Florida Voter Registration Application Form, available at the Division of Elections website, <http://election.dos.state.fl.us/pdf/webappform.pdf> (last visited 3.9.2015).

⁶ Section 97.073, F.S., requires a Supervisor of Elections to request any required information missing from the voter registration application.

Legislature summarizing progress to date in implementing OVR, expected implementation timeframes, and any further necessary legislative proposals, if any.

Section 3. Voter Registration IDs/Absentee Registrants. Amends s. 97.0535, F.S., authorizing the use of the following types of voter IDs for a very narrow class of mail-in, voter registration applicants (who are required to produce additional identification in addition to a voter registration application):⁷

- U.S. Passport cards⁸ (as opposed to U.S. Passport books);
- U.S. Dept. of Veterans Affairs veteran health ID cards; and,
- Florida concealed carry weapons/firearms licenses.

Florida law currently allows the following forms of ID for these special absentee applicants: U.S. Passport; debit or credit card; military ID; student ID; retirement center ID; neighborhood association ID; public assistance ID.

Section 4. Voter Signature Updates. Amends s. 98.077, F.S., allowing voters to update their signatures up until *5 p.m. on the day before an election*, for purposes of verifying absentee and provisional ballots. Currently, a voter may change their signature up until the canvassing board begins canvassing absentee ballots, which can start as early as 15 days before an election.⁹

Section 5. Voting Precincts/Polling Place Boundaries. Amends s. 101.001, F.S., providing that beginning after the 2020 U.S. Decennial Census, supervisors may only use U.S. Census block boundaries to create or alter voting precincts. In cases where the Census block boundaries split or conflict with the boundary of a county, incorporated municipality, or other political subdivision, such boundaries may be used (provided they meet the Census criteria for block boundaries).¹⁰ Currently, supervisors have additional options for establishing precinct boundaries.¹¹

⁷ This expansion applies to applicants who: 1) Register to vote by mail; 2) Have never previously voted in Florida; and, 3) Have NOT been issued a current and valid Florida driver license, Florida ID card, or social security number. Section 97.0535, F.S. Some exemptions to the additional ID requirements apply. *Id.*

⁸ The U.S. State Department began producing the U.S. Passport Card on July 14, 2008; as of September 2013, more than 7,000,000 Passport Cards were issued to U.S. citizens. U.S. Dept. of State, Bureau of Consular Affairs web site, [U.S. Passport Card, History](http://travel.state.gov/content/passports/english/passports/information/card.html), available at <http://travel.state.gov/content/passports/english/passports/information/card.html> (last accessed 3.9.2015) The card is intended as a less expensive, wallet-size alternative to a passport book for those who travel frequently by land or sea (not air) to Canada, Mexico, the Caribbean or the Bahamas. From a security standpoint, applicants must produce the same documents and are subject to the same standards of identity as those applying for a passport book. U.S. Dept. of State, Bureau of Consular Affairs web site, [Passports, Frequently Asked Questions, U.S. Passport Card](http://travel.state.gov/content/passports/english/passports/faqs.html), available at <http://travel.state.gov/content/passports/english/passports/faqs.html> (last accessed 3.9.2015).

⁹ Sections 98.077(4), 101.68(2)(a), F.S. This change correlates with the current deadline for “curing” an absentee ballot that is *missing* a voter’s signature, a new process authorized in statute at the request of the FSASE in 2013. Section 101.68(4), F.S.; Ch. 2013-57, s. 15, LAWS OF FLA. Prior to that time, once a ballot was received by a supervisor it was deemed “cast” — meaning in “final” form — for purposes of making changes or additions. *Id.* As such, the change in this section represents a wholesale expansion of the concept of “curing” defective ballots post-submission/post-receipt by a supervisor.

¹⁰ This exemption is meant to account for post-Census political boundary changes, such as when a municipality annexes a parcel of land; the Decennial Census represents only a “snapshot” in time, with 10 years between “photos.”

¹¹ Current law provides that U.S. Census block boundaries must be used to draw precincts, unless there’s a census block boundary split or those boundaries conflict with the following:

- Governmental unit boundaries reported in the most recent U.S. Census Boundary and Annexation Survey;
- Visible features that are readily distinguishable on the ground (i.e., streets, railroads, tracks, streams, lakes), and that are indicated on certain maps;
- Boundaries of public parks, public school grounds, or churches; or,

Section 6. Voter ID at the Polls. Amends s. 101.043, F.S., adding the following types of acceptable voter IDs at the polls to the nine (9) currently authorized¹² — the same new IDs as the bill authorizes for certain first-time, voter registration applicants:

- U.S. Passport *cards* (as opposed to U.S. Passport books);
- U.S. Dept. of Veterans Affairs veteran health ID cards; and,
- Florida concealed carry weapons/firearms licenses.

Section 7. Sample Ballot Publication. Amends s. 101.20, F.S., allowing supervisors to either publish a sample ballot in a local newspaper before an election **or** send a registered voter a sample ballot by U.S. Mail or e-mail.

Prior to the passage of the 2013 Paper Reduction Act,¹³ supervisors of elections had the option to *either* publish a sample ballot in a newspaper of general circulation in the county or mail one by U.S. Mail to registered voters. The Act authorized sending sample ballots by e-mail, but also set-up the *double requirement* of publishing **and** sending a sample ballot.

Section 8. All-Mail-Ballot Elections; *municipal candidates*. Amends s. 101.6102, F.S., allowing cities to conduct *candidate* elections exclusively by mail, if approved by the governing body of the municipality and the supervisor of elections. Currently, only local *referenda* elections may be conducted with all-mail balloting.¹⁴

Section 9. Absentee Ballot Information; *daily data updates*. Amends s. 101.62, F.S., delaying until noon the supervisor's daily reporting of absentee ballot progress information.¹⁵

Beginning 60 days before the primary until 15 days after the general election, the county supervisors currently must provide the absentee ballot progress information at *8 a.m. every day, including weekends*, in electronic format. They must contemporaneously provide this information to the Division of Elections. The information is made available to the voter requesting the absentee ballot, election officials, political parties, qualified candidates with

-
- Boundaries of counties, incorporated municipalities, or other political subdivisions that meet criteria established by the U.S. Census Bureau for block boundaries.

Section 101.001(3)(e), F.S.

¹² The following forms of voter IDs are currently acceptable at the polls:

1. Florida driver license;
2. Florida ID card;
3. U.S. passport;
4. Debit or credit card;
5. Military identification;
6. Student identification;
7. Retirement center ID;
8. Neighborhood association ID; or,
9. Public assistance ID.

Section 101.043(1)(a), F.S.

¹³ 2013-192, LAWS OF FLA.

¹⁴ Section 101.6102, F.S.

¹⁵ Information reported includes each request for an absentee ballot, the date the request was made, the date the absentee ballot was delivered to the voter, a designee, or the post office, the date the ballot was received back by the supervisor, and the absence of the voter's signature on the absentee ballot certificate (if applicable). Section 101.62(3), F.S.

opposition in an upcoming election, and registered political committees for political purposes only.¹⁶

The identified purpose of delaying the daily data update is to coincide with the noontime early voting data upload that supervisors must provide to the division for 8 to 14 days preceding the primary and general elections.¹⁷ That adds up to about one month of early voting uploads, assuming a county chooses the maximum 14 days of early voting for each election; the absentee ballot data upload occurs for about 5 months — give or take.

Section 10. Conforming. Amends s. 101.65, F.S., modifying the absentee ballot voter instructions to incorporate the new deadline created by the bill for updating signatures on file with the supervisor of elections (5 p.m. on the day before the election, instead of when absentee ballot canvassing begins [up to 15 days before an election]).

Section 11. Early Voting Sites; special elections. Amends s. 101.657, F.S., granting supervisors discretion to designate as many early voting sites *as necessary* in special primaries and special general elections, instead of having to operate the mandatory minimum number required by law.¹⁸

Sections 12 and 13. Conforming/Technical. Amends ss. 101.68 and 101.6923, F.S., modifying instructions for absentee ballot affidavits and the voter’s certificate for first-time absentee voters to incorporate various changes made in other sections of bill; also, corrects an erroneous deadline on the Absentee Ballot Affidavit with respect to “curing” an absentee ballot without a signature.

Section 14. Effective Date. The bill takes effect on July 1, 2015, except as otherwise provided.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁶ It is unclear whether, and, if so, to what extent, this 4-hour delay might adversely impact the ability of candidates, parties, and political committees to coordinate their absentee ballot get-out-the-vote (“GOTV”) drives.

¹⁷ Florida State Assn. of Supervisors of Elections, *2015 FSASE Legislative Priorities* at p. 2 (undated), available at http://myfloridaelections.com/ew_pages/2015_fsase_legislative_priorities_12815.pdf (last accessed 3.10.2015); *see also* s. 101.657, F.S. (discussing the timing of early voting and the daily data upload requirement).

¹⁸ For a general election, each county must currently operate at least as many early voting sites as it used in the 2012 general election. Section 101.657(1)(a), F.S. Some interpret section 100.191, F.S. — which provides that the general election laws apply to special primaries and special general elections — as extending these minimum mandates to special primary and special general elections.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:**Sample Ballot Publication*****Revenue; recurring***

PCS/SB 7064 may cause local newspapers to lose some revenue in the form of fees for publishing sample ballots, as supervisors of elections are increasingly moving to mailing (or e-mailing, as of the last election cycle) sample ballots to voters' residences. The overall amount of revenue lost will depend on how many supervisors choose to mail or e-mail sample ballots in lieu of publication.

C. Government Sector Impact:**Sample Ballot Publication*****Expenditures; recurring***

Supervisors of elections will save money each election by either foregoing newspaper publication or the mailing or e-mailing of sample ballots to voters. The amount saved will depend on the number of registered voters in the county and the cost of the particular method of distribution or publication.

Online Voter Registration***Expenditures; nonrecurring (DHSMV)***

In its agency bill analysis on SB 784 (2014), which was nearly identical to Section 1 of this bill, the DHSMV estimated that it will take about 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 CS/SB 228 (2015), the Committee's stand-alone OVR bill.

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).

Early Voting Site Flexibility

County supervisors of elections conducting special primaries and special general elections will realize a cost savings if they operate fewer early voting sites than they operated in the 2012 general election. The amount of savings is indeterminate and will vary from election-to-election, depending on the number of sites involved, staffing needs at each site, overall number of voters eligible to participate in the election, etc.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 97.0525, 97.0535, 98.077, 101.001, 101.043, 101.20, 101.6102, 101.62, 101.65, 101.657, 101.68, and 101.6923.

This bill creates an unnumbered section of the Florida Statutes.

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 8, 2015:

The committee substitute:

- Clarifies that supervisors have the flexibility to designate only as many early voting sites as are necessary in special primaries and special general elections, instead of having to operate the mandatory minimum number required by law.
- Clarifies that supervisors may e-mail sample ballots to registered voters *in lieu of* publishing sample ballots in a local newspaper or sending sample ballots by U.S. Mail.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



840620

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/10/2015	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 196 - 207

and insert:

(2) Upon completion of the list of qualified candidates, a
sample ballot shall be published by the supervisor of elections
in a newspaper of general circulation in the county, before the
day of election. In lieu of publication, a supervisor may send a
sample ballot to each registered elector by e-mail at least 7
days before an election if an e-mail address has been provided



840620

11 and the elector has opted to receive a sample ballot by
12 electronic delivery; ~~otherwise. if an e-mail address has not~~
13 ~~been provided, or if the elector has not opted for electronic~~
14 ~~delivery,~~ a sample ballot may be mailed to each registered
15 elector or to each household in which there is a registered
16 elector at least 7 days before an election.

17
18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 Delete line 28

21 and insert:

22 authorizing a sample ballot to be e-mailed or mailed
23 to certain



611658

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/10/2015	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 293 - 305

and insert:

Section 11. Paragraph (a) of subsection (1) of section
101.657, Florida Statutes, is amended to read:

101.657 Early voting.—

(1) (a) As a convenience to the voter, the supervisor of
elections shall allow an elector to vote early in the main or
branch office of the supervisor. The supervisor shall mark,



611658

11 code, indicate on, or otherwise track the voter's precinct for
12 each early voted ballot. In order for a branch office to be used
13 for early voting, it shall be a permanent facility of the
14 supervisor and shall have been designated and used as such for
15 at least 1 year prior to the election. The supervisor may also
16 designate any city hall, permanent public library facility,
17 fairground, civic center, courthouse, county commission
18 building, stadium, convention center, government-owned senior
19 center, or government-owned community center as early voting
20 sites; however, if so designated, the sites must be
21 geographically located so as to provide all voters in the county
22 an equal opportunity to cast a ballot, insofar as is
23 practicable. In addition, a supervisor may designate one early
24 voting site per election in an area of the county that does not
25 have any of the eligible early voting locations. Such additional
26 early voting site must be geographically located so as to
27 provide all voters in that area with an equal opportunity to
28 cast a ballot, insofar as is practicable. Each county shall, at
29 a minimum, operate the same total number of early voting sites
30 for a general election which the county operated for the 2012
31 general election; however, for a special primary election or
32 special election, each county need only operate as many early
33 voting sites as it deems necessary. The results or tabulation of
34 votes cast during early voting may not be made before the close
35 of the polls on election day. Results shall be reported by
36 precinct.

37
38 ===== T I T L E A M E N D M E N T =====

39 And the title is amended as follows:



611658

40 Delete lines 37 - 38
41 and insert:
42 providing that a county operate as many early voting
43 sites as deemed necessary for special primary
44 elections and special elections; amending ss. 101.68

By the Committee on Ethics and Elections

582-02825A-15

20157064__

1 A bill to be entitled
2 An act relating to elections; creating s. 97.0525,
3 F.S.; requiring the Division of Elections of the
4 Department of State to develop an online voter
5 registration system; providing application and
6 security requirements; requiring the system to compare
7 information submitted online with Department of
8 Highway Safety and Motor Vehicles records; providing
9 for the disposition of voter registration
10 applications; requiring system compliance with federal
11 accessibility provisions; providing for construction;
12 requiring the division to report to the Legislature
13 regarding online voter registration implementation by
14 a specified date; amending s. 97.0535, F.S.; revising
15 forms of acceptable identification for certain voter
16 registration applicants; amending s. 98.077, F.S.;
17 revising the time by which updates of voter signatures
18 must be received by the supervisor of elections;
19 removing the requirement that a voter signature on
20 file at the start of the canvassing of absentee
21 ballots be used for signature verification on absentee
22 and provisional ballot certificates; amending s.
23 101.001, F.S.; revising requirements for precinct
24 boundaries as of a specified date; amending s.
25 101.043, F.S.; authorizing additional forms of
26 acceptable voter identification at a polling place or
27 early voting site; amending s. 101.20, F.S.;
28 authorizing a sample ballot to be mailed to certain
29 electors in lieu of publication; amending s. 101.6102,

582-02825A-15

20157064__

30 F.S.; authorizing cities to conduct certain elections
31 by mail if approved by the governing body and
32 supervisor of elections; amending s. 101.62, F.S.;
33 revising the time by which the supervisor must make
34 certain absentee ballot information available;
35 amending s. 101.65, F.S.; conforming a provision to
36 changes made by the act; amending s. 101.657, F.S.;
37 modifying timing requirements for designating early
38 voting sites in special elections; amending ss. 101.68
39 and 101.6923, F.S.; conforming provisions to changes
40 made by the act; providing effective dates.

41
42 Be It Enacted by the Legislature of the State of Florida:

43
44 Section 1. Section 97.0525, Florida Statutes, is created to
45 read:

46 97.0525 Online voter registration.-

47 (1) Beginning October 1, 2017, an applicant may submit an
48 online voter registration application using the procedures set
49 forth in this section.

50 (2) The division shall establish a secure Internet website
51 to permit an applicant to:

52 (a) Submit a voter registration application, including
53 first-time voter registration applications and updates to
54 existing voter registration records.

55 (b) Submit information necessary to establish an
56 applicant's eligibility to vote, pursuant to s. 97.041, which
57 must include the information required for the uniform statewide
58 voter registration application pursuant to s. 97.052(2).

582-02825A-15

20157064__

59 (c) Swear to the oath required pursuant to s. 97.051.

60 (3) The division shall establish appropriate technological
61 security measures, including use of a unique identifier for each
62 applicant, to prevent unauthorized persons from altering a
63 voter's registration information.

64 (4) (a) The online voter registration system shall compare
65 the Florida driver license number or Florida identification
66 number submitted pursuant to s. 97.052(2)(n) with information
67 maintained by the Department of Highway Safety and Motor
68 Vehicles to confirm that the name and date of birth on the
69 application are consistent with the records of the Department of
70 Highway Safety and Motor Vehicles.

71 (b) If the applicant's name and date of birth are
72 consistent with the records of the Department of Highway Safety
73 and Motor Vehicles, the online voter registration system shall
74 transmit, using the statewide voter registration system
75 maintained pursuant to s. 98.035, the applicant's registration
76 application, along with the digital signature of the applicant
77 on file with the Department of Highway Safety and Motor
78 Vehicles, to the supervisor of elections. The applicant's
79 digital signature satisfies the signature requirement of s.
80 97.052(2)(g).

81 (c) If the applicant's name and date of birth cannot be
82 verified by the records of the Department of Highway Safety and
83 Motor Vehicles, or if the applicant indicated that he or she has
84 not been issued a Florida driver license or Florida
85 identification card, the online voter registration system shall
86 populate the applicant's information into a printable voter
87 registration application pursuant to s. 97.052(2) and direct the

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88 applicant to print, sign, and date the application and deliver
89 the application to the supervisor of elections for disposition
90 pursuant to s. 97.073.

91 (5) Upon submission of a completed online voter
92 registration application, the website must generate an immediate
93 electronic confirmation that the supervisor of elections has
94 received the application and provide instructions regarding the
95 ability of a registrant to check the status of the application
96 thereafter.

97 (6) Except as otherwise provided in this section, the
98 supervisor of elections shall process the application pursuant
99 to s. 97.053.

100 (7) The online voter registration system must conform to
101 nationally accepted standards for accessibility for individuals
102 with disabilities, including s. 508 of the Rehabilitation Act of
103 1973, s. 255 of the Telecommunications Act of 1996, and the Web
104 Content Accessibility Guidelines of the World Wide Web
105 Consortium, to ensure equal access for voters with disabilities.

106 (8) A legal distinction may not be made between online
107 voter registration under this section and voter registration in
108 person, by mail, or by other methods provided by general law.

109 Section 2. No later than January 1, 2016, the Division of
110 Elections shall submit a report to the President of the Senate
111 and the Speaker of the House of Representatives regarding the
112 implementation of online voter registration. In the report, the
113 division shall summarize progress to date in implementing online
114 voter registration and expected implementation timeframes, and
115 shall propose any further legislation needed to facilitate
116 online voter registration.

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117 Section 3. Paragraph (a) of subsection (3) of section
118 97.0535, Florida Statutes, is amended to read:

119 97.0535 Special requirements for certain applicants.-

120 (3) (a) The following forms of identification shall be
121 considered current and valid if they contain the name and
122 photograph of the applicant and have not expired:

- 123 1. United States passport or passport card.
- 124 2. Debit or credit card.
- 125 3. Military identification.
- 126 4. Student identification.
- 127 5. Retirement center identification.
- 128 6. Neighborhood association identification.
- 129 7. Public assistance identification.
- 130 8. United States Department of Veterans Affairs veteran
131 health identification card.

132 9. A license to carry a concealed weapon or firearm issued
133 pursuant to s. 790.06.

134 Section 4. Subsection (4) of section 98.077, Florida
135 Statutes, is amended to read:

136 98.077 Update of voter signature.-

137 (4) All signature updates for use in verifying absentee and
138 provisional ballots must be received by the appropriate
139 supervisor of elections no later than 5 p.m. on the day before
140 an election ~~the start of the canvassing of absentee ballots by~~
141 ~~the canvassing board. The signature on file at the start of the~~
142 ~~canvass of the absentee ballots is the signature that shall be~~
143 ~~used in verifying the signature on the absentee and provisional~~
144 ~~ballot certificates.~~

145 Section 5. Effective January 1, 2021, paragraph (e) of

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146 subsection (3) of section 101.001, Florida Statutes, is amended
 147 to read:

148 101.001 Precincts and polling places; boundaries.—

149 (3)

150 (e) A ~~Any~~ precinct established or altered under ~~the~~
 151 ~~provisions of~~ this section shall consist of areas bounded on all
 152 sides only by census block boundaries from the most recent
 153 United States Census. If the census block boundaries split or
 154 conflict with the ~~another political boundary listed below, the~~
 155 ~~boundary listed below may be used:~~

156 ~~1. Governmental unit boundaries reported in the most recent~~
 157 ~~Boundary and Annexation Survey published by the United States~~
 158 ~~Census Bureau;~~

159 ~~2. Visible features that are readily distinguishable upon~~
 160 ~~the ground, such as streets, railroads, tracks, streams, and~~
 161 ~~lakes, and that are indicated upon current census maps, official~~
 162 ~~Department of Transportation maps, official municipal maps,~~
 163 ~~official county maps, or a combination of such maps;~~

164 ~~3. Boundaries of public parks, public school grounds, or~~
 165 ~~churches; or~~

166 ~~4. boundaries of counties, incorporated municipalities, or~~
 167 ~~other political subdivisions, such boundaries may be used~~
 168 ~~provided that they meet criteria established by the United~~
 169 ~~States Census Bureau for block boundaries.~~

170 Section 6. Paragraph (a) of subsection (1) of section
 171 101.043, Florida Statutes, is amended to read:

172 101.043 Identification required at polls.—

173 (1) (a) The precinct register, as prescribed in s. 98.461,
 174 shall be used at the polls for the purpose of identifying the

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175 elector at the polls before allowing him or her to vote. The
176 clerk or inspector shall require each elector, upon entering the
177 polling place, to present one of the following current and valid
178 picture identifications:

- 179 1. Florida driver license.
- 180 2. Florida identification card issued by the Department of
181 Highway Safety and Motor Vehicles.
- 182 3. United States passport or passport card.
- 183 4. Debit or credit card.
- 184 5. Military identification.
- 185 6. Student identification.
- 186 7. Retirement center identification.
- 187 8. Neighborhood association identification.
- 188 9. Public assistance identification.
- 189 10. United States Department of Veterans Affairs veteran
190 health identification card.
- 191 11. A license to carry a concealed weapon or firearm issued
192 pursuant to s. 790.06.

193 Section 7. Subsection (2) of section 101.20, Florida
194 Statutes, is amended to read:

195 101.20 Publication of ballot form; sample ballots.—

196 (2) Upon completion of the list of qualified candidates, a
197 sample ballot shall be published by the supervisor of elections
198 in a newspaper of general circulation in the county, before the
199 day of election. A supervisor may send a sample ballot to each
200 registered elector by e-mail at least 7 days before an election
201 if an e-mail address has been provided and the elector has opted
202 to receive a sample ballot by electronic delivery. If an e-mail
203 address has not been provided, or if the elector has not opted

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204 for electronic delivery, a sample ballot may be mailed to each
205 registered elector or to each household in which there is a
206 registered elector in lieu of publication at least 7 days before
207 an election.

208 Section 8. Paragraph (c) is added to subsection (1) of
209 section 101.6102, Florida Statutes, to read:

210 101.6102 Mail ballot elections; limitations.—

211 (1)

212 (c) Notwithstanding subsection (2), cities may conduct
213 candidate elections by mail if approved by the governing body
214 and the supervisor of elections.

215 Section 9. Subsection (3) of section 101.62, Florida
216 Statutes, is amended to read:

217 101.62 Request for absentee ballots.—

218 (3) For each request for an absentee ballot received, the
219 supervisor shall record the date the request was made, the date
220 the absentee ballot was delivered to the voter or the voter's
221 designee or the date the absentee ballot was delivered to the
222 post office or other carrier, the date the ballot was received
223 by the supervisor, the absence of the voter's signature on the
224 voter's certificate, if applicable, and such other information
225 he or she may deem necessary. This information shall be provided
226 in electronic format as provided by rule adopted by the
227 division. The information shall be updated and made available no
228 later than noon ~~8 a.m.~~ of each day, including weekends,
229 beginning 60 days before the primary until 15 days after the
230 general election and shall be contemporaneously provided to the
231 division. This information shall be confidential and exempt from
232 s. 119.07(1) and shall be made available to or reproduced only

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233 for the voter requesting the ballot, a canvassing board, an
234 election official, a political party or official thereof, a
235 candidate who has filed qualification papers and is opposed in
236 an upcoming election, and registered political committees for
237 political purposes only.

238 Section 10. Section 101.65, Florida Statutes, is amended to
239 read:

240 101.65 Instructions to absent electors.—The supervisor
241 shall enclose with each absentee ballot separate printed
242 instructions in substantially the following form:

243

244 READ THESE INSTRUCTIONS CAREFULLY

245 BEFORE MARKING BALLOT.

246 1. VERY IMPORTANT. In order to ensure that your absentee
247 ballot will be counted, it should be completed and returned as
248 soon as possible so that it can reach the supervisor of
249 elections of the county in which your precinct is located no
250 later than 7 p.m. on the day of the election. However, if you
251 are an overseas voter casting a ballot in a presidential
252 preference primary or general election, your absentee ballot
253 must be postmarked or dated no later than the date of the
254 election and received by the supervisor of elections of the
255 county in which you are registered to vote no later than 10 days
256 after the date of the election.

257 2. Mark your ballot in secret as instructed on the ballot.
258 You must mark your own ballot unless you are unable to do so
259 because of blindness, disability, or inability to read or write.

260 3. Mark only the number of candidates or issue choices for
261 a race as indicated on the ballot. If you are allowed to "Vote

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262 for One" candidate and you vote for more than one candidate,
263 your vote in that race will not be counted.

264 4. Place your marked ballot in the enclosed secrecy
265 envelope.

266 5. Insert the secrecy envelope into the enclosed mailing
267 envelope which is addressed to the supervisor.

268 6. Seal the mailing envelope and completely fill out the
269 Voter's Certificate on the back of the mailing envelope.

270 7. VERY IMPORTANT. In order for your absentee ballot to be
271 counted, you must sign your name on the line above (Voter's
272 Signature). An absentee ballot will be considered illegal and
273 not be counted if the signature on the voter's certificate does
274 not match the signature on record. The signature on file at the
275 start of the canvass of the absentee ballots is the signature
276 that will be used to verify your signature on the voter's
277 certificate. If you need to update your signature for this
278 election, send your signature update on a voter registration
279 application to your supervisor of elections so that it is
280 received no later than 5 p.m. on the day before an election ~~the~~
281 ~~start of the canvassing of absentee ballots, which occurs no~~
282 ~~earlier than the 15th day before election day.~~

283 8. VERY IMPORTANT. If you are an overseas voter, you must
284 include the date you signed the Voter's Certificate on the line
285 above (Date) or your ballot may not be counted.

286 9. Mail, deliver, or have delivered the completed mailing
287 envelope. Be sure there is sufficient postage if mailed.

288 10. FELONY NOTICE. It is a felony under Florida law to
289 accept any gift, payment, or gratuity in exchange for your vote
290 for a candidate. It is also a felony under Florida law to vote

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291 in an election using a false identity or false address, or under
292 any other circumstances making your ballot false or fraudulent.

293 Section 11. Paragraph (b) of subsection (1) of section
294 101.657, Florida Statutes, is amended to read:

295 101.657 Early voting.—

296 (1)

297 (b) The supervisor shall designate each early voting site
298 by no later than the 30th day before ~~prior to~~ an election and
299 shall designate an early voting area, as defined in s. 97.021,
300 at each early voting site. The supervisor shall designate, as
301 necessary, the early voting sites in a special election held in
302 a county. The supervisor shall provide to the division no later
303 than the 30th day before an election the address of each early
304 voting site and the hours that early voting will occur at each
305 site.

306 Section 12. Paragraph (d) of subsection (4) of section
307 101.68, Florida Statutes, is amended, and subsection (5) is
308 added to that section, to read:

309 101.68 Canvassing of absentee ballot.—

310 (4)

311 (d) Instructions must accompany the absentee ballot
312 affidavit in substantially the following form:

313

314 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
315 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
316 BALLOT NOT TO COUNT.

317

318 1. In order to ensure that your absentee ballot will be
319 counted, your affidavit should be completed and returned as soon

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320 as possible so that it can reach the supervisor of elections of
321 the county in which your precinct is located no later than 5
322 p.m. on the ~~2nd~~ day before the election.

323 2. You must sign your name on the line above (Voter's
324 Signature).

325 3. You must make a copy of one of the following forms of
326 identification:

327 a. Identification that includes your name and photograph:
328 United States passport or passport card; debit or credit card;
329 military identification; student identification; retirement
330 center identification; neighborhood association identification;
331 ~~or~~ public assistance identification; United States Department of
332 Veterans Affairs veteran health identification card; or license
333 to carry a concealed weapon or firearm issued pursuant to s.
334 790.06; or

335 b. Identification that shows your name and current
336 residence address: current utility bill, bank statement,
337 government check, paycheck, or government document (excluding
338 voter identification card).

339 4. Place the envelope bearing the affidavit into a mailing
340 envelope addressed to the supervisor. Insert a copy of your
341 identification in the mailing envelope. Mail, deliver, or have
342 delivered the completed affidavit along with the copy of your
343 identification to your county supervisor of elections. Be sure
344 there is sufficient postage if mailed and that the supervisor's
345 address is correct.

346 5. Alternatively, you may fax or e-mail your completed
347 affidavit and a copy of your identification to the supervisor of
348 elections. If e-mailing, please provide these documents as

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349 attachments.

350 (5) The supervisor shall allow an elector who has submitted
351 an absentee ballot to update his or her signature until 5 p.m.
352 on the day before an election if the ballot has not been
353 canvassed by the canvassing board.

354 Section 13. Subsection (2) of section 101.6923, Florida
355 Statutes, is amended to read:

356 101.6923 Special absentee ballot instructions for certain
357 first-time voters.-

358 (2) A voter covered by this section shall be provided with
359 printed instructions with his or her absentee ballot in
360 substantially the following form:

361
362 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.
363 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT
364 TO COUNT.

365
366 1. In order to ensure that your absentee ballot will be
367 counted, it should be completed and returned as soon as possible
368 so that it can reach the supervisor of elections of the county
369 in which your precinct is located no later than 7 p.m. on the
370 date of the election. However, if you are an overseas voter
371 casting a ballot in a presidential preference primary or general
372 election, your absentee ballot must be postmarked or dated no
373 later than the date of the election and received by the
374 supervisor of elections of the county in which you are
375 registered to vote no later than 10 days after the date of the
376 election.

377 2. Mark your ballot in secret as instructed on the ballot.

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378 You must mark your own ballot unless you are unable to do so
379 because of blindness, disability, or inability to read or write.

380 3. Mark only the number of candidates or issue choices for
381 a race as indicated on the ballot. If you are allowed to "Vote
382 for One" candidate and you vote for more than one, your vote in
383 that race will not be counted.

384 4. Place your marked ballot in the enclosed secrecy
385 envelope and seal the envelope.

386 5. Insert the secrecy envelope into the enclosed envelope
387 bearing the Voter's Certificate. Seal the envelope and
388 completely fill out the Voter's Certificate on the back of the
389 envelope.

390 a. You must sign your name on the line above (Voter's
391 Signature).

392 b. If you are an overseas voter, you must include the date
393 you signed the Voter's Certificate on the line above (Date) or
394 your ballot may not be counted.

395 c. An absentee ballot will be considered illegal and will
396 not be counted if the signature on the Voter's Certificate does
397 not match the signature on record. The signature on file at the
398 start of the canvass of the absentee ballots is the signature
399 that will be used to verify your signature on the Voter's
400 Certificate. If you need to update your signature for this
401 election, send your signature update on a voter registration
402 application to your supervisor of elections so that it is
403 received no later than 5 p.m. on the day before an election ~~the~~
404 ~~start of canvassing of absentee ballots, which occurs no earlier~~
405 ~~than the 15th day before election day.~~

406 6. Unless you meet one of the exemptions in Item 7., you

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407 must make a copy of one of the following forms of
408 identification:

409 a. Identification which must include your name and
410 photograph: United States passport or passport card; debit or
411 credit card; military identification; student identification;
412 retirement center identification; neighborhood association
413 identification; ~~or~~ public assistance identification; United
414 States Department of Veterans Affairs veteran health
415 identification card; or license to carry a concealed weapon or
416 firearm issued pursuant to s. 790.06; or

417 b. Identification that ~~which~~ shows your name and current
418 residence address: current utility bill, bank statement,
419 government check, paycheck, or government document (excluding
420 voter identification card).

421 7. The identification requirements of Item 6. do not apply
422 if you meet one of the following requirements:

423 a. You are 65 years of age or older.

424 b. You have a temporary or permanent physical disability.

425 c. You are a member of a uniformed service on active duty
426 who, by reason of such active duty, will be absent from the
427 county on election day.

428 d. You are a member of the Merchant Marine who, by reason
429 of service in the Merchant Marine, will be absent from the
430 county on election day.

431 e. You are the spouse or dependent of a member referred to
432 in paragraph c. or paragraph d. who, by reason of the active
433 duty or service of the member, will be absent from the county on
434 election day.

435 f. You are currently residing outside the United States.

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436 8. Place the envelope bearing the Voter's Certificate into
437 the mailing envelope addressed to the supervisor. Insert a copy
438 of your identification in the mailing envelope. DO NOT PUT YOUR
439 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
440 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
441 BALLOT WILL NOT COUNT.

442 9. Mail, deliver, or have delivered the completed mailing
443 envelope. Be sure there is sufficient postage if mailed.

444 10. FELONY NOTICE. It is a felony under Florida law to
445 accept any gift, payment, or gratuity in exchange for your vote
446 for a candidate. It is also a felony under Florida law to vote
447 in an election using a false identity or false address, or under
448 any other circumstances making your ballot false or fraudulent.

449 Section 14. Except as otherwise expressly provided in this
450 act, 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: SB 894

INTRODUCER: Senator Thompson

SUBJECT: Absentee Voting

DATE: April 7, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Fox</u>	<u>Roberts</u>	<u>EE</u>	Favorable
2.	<u>Sneed</u>	<u>Miller</u>	<u>ATD</u>	Favorable
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

I. Summary:

SB 894 changes the phrase “absentee” to “vote-by-mail” where it appears in the Florida Statutes, most frequently in the context of the phrase “absentee ballot(s).”

The bill has no fiscal impact on state government.

The bill takes effect July 1, 2015.

II. Present Situation:

Originally, casting a ballot without going to the polls on election day was the province of the military; widespread¹ absentee balloting in America had its origins during the Civil War, as a means for both sides to afford soldiers in the field — a not insignificant portion of the electorate at the time — the opportunity to vote.² By 1924, all but a handful of states had absentee ballot

¹ Pennsylvania appears to have been the only state with an absentee ballot law pre-dating the Civil War (1813), allowing military personnel stationed more than 2 miles from their homes to cast an absentee ballot. See, Aaron Marshall, *Special Voting Access for the Military Nothing New, Dates from the Civil War, Mike DeWine Says* (Oct. 1, 2012), available on PolitifactOhio’s web site at <http://www.politifact.com/ohio/statements/2012/oct/01/mike-dewine/special-voting-access-military-nothing-new-dates-c/> (last accessed Mar. 27, 2014) (citing, generally, John C. Fortier & Norman J. Ornstein, *The Absentee Ballot and the Secret Ballot: Challenges for Election Reform*, 36 U. MICH. J.L. REFORM 483 (2003))[hereinafter, Marshall, *Special Military Voting*].

² *Voting Integrity Project, Inc. v. Keisling*, 259 F.3d 1169, 1175 (9th Cir. 2001); Marshall, *Special Military Voting* supra at note 2. Nineteen of the 25 Union states (including the Border States) and 7 of 11 Confederate states had absentee voting laws for soldiers during the Civil War. *Id.* Though many states repealed their laws after the War — with only 6 states retaining them on the books as of 1915 — the advent of World War I ushered in a decade of new state absentee ballot laws. Daniel P. Tokaji & Ruth Colter, *Absentee Voting by People with Disabilities: Promoting Access and Integrity*, 38 MCGEORGE L.REV. 1015, 1020 (2007), reprinted at http://www.americanbar.org/content/dam/aba/migrated/aging/voting/pdfs/tokaji_authcheckdam.pdf (last accessed Mar. 27, 2015)[hereinafter, Tokaji, *Absentee Voting*].

laws for members of the military, with many of them extending the franchise to civilians who could not attend the polls on account of illness or other physical disability.³

In 1986, the federal government codified the right of absent military and civilian overseas voters to cast an absentee ballot in federal races in the Uniformed Overseas Citizens Absentee Voting Act (“UOCAVA”).⁴ Through the 1990’s and especially the 2000’s, numerous states (including Florida)⁵ amended their absentee laws to allow for even greater absentee ballot participation by voters — removing the reasons that voters traditionally had to give in order to vote an absentee ballot.⁶ Today, a slim majority of states have some form of what the National Conference of State Legislatures refers to as “no-excuse absentee voting.”⁷

There seems, however, to be a lack of uniformity regarding what to call the current concepts of absentee voting. An Internet search of various statutes, federal and state executive agency sites for election administrators, and other professional organizations involved with voting indicates that the terms “absentee voting/balloting,” “no-excuse absentee balloting/voting,” “vote-by-mail,” and “all-mail balloting” are all quite common.

Often, terms are used interchangeably; several Florida supervisor of elections websites, for example, refer to the process as both “vote-by-mail” and “absentee.”⁸ In other cases, multiple terms are used to refer to the same thing depending on who’s doing the characterizing. For example, the California statutes and its Secretary of State’s web site refer to the absentee process for UOCAVA (absent military/overseas) voters as “vote by mail;”⁹ the U.S. Department of Defense’s Federal Voting Assistance Program (“FVAP”) materials, designed to aid Californians in the military and citizens overseas cast valid ballots, refer to the California process as

³ *Id.*

⁴ 42 U.S.C. ss. 1973ff-1973ff-7.

⁵ Florida officially did away with reasons for voting absentee back in 2001, though voters had for years been able to obtain an absentee ballot by simply attesting to the fact that they might not be in their precincts on Election Day. Ch. 2001-40, s. 53, LAWS OF FLA.

⁶ Tokaji, *Absentee Voting* supra note 3 at 1021; see, Enrijeta Shino, *Absentee Voting: A Cross State Analysis* at pp. 3-5 (University of Florida, Mar. 8, 2014) (2000 general election signaled the turning point in easing legal requirements for absentee voting), available at The Florida Political Science Association web site at

http://www.fpsanet.org/uploads/8/8/7/3/8873825/2014_nominee_shino.pdf (last accessed Mar. 27, 2015).

⁷ National Conference of State Legislatures, *Absentee and Early Voting* (February 11, 2015), available at <http://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx> (last accessed Mar. 27, 2015).

⁸ See e.g., Escambia Co. Supervisor of Elections web site at <http://www.escambivotes.com/vote-by-mail> and <http://www.escambivotes.com/absentee-voting-and-registration> (generally, using the term “absentee ballot” to refer to military and overseas ballots and the phrase “vote-by-mail” to refer to other ballots)(last accessed Mar. 27, 2015); Pasco Co. Supervisor of Elections web site at <http://www.pascovotes.com/Vote-by-Mail/About-Voting-by-Mail#mil> (referring to most ballots, including military, as vote-by mail ballots); Leon Co. Supervisor of Elections web site at <http://www.leonvotes.org/Request-an-Absentee-Ballot> and Sarasota Co. Supervisor of Elections web site at <http://www.sarasotavotes.com/content.aspx?id=19> (using both terms, “vote-by-mail” and “absentee,” interchangeably and simultaneously).

⁹ See Cal Elec. Code s. 3000-3024 and 3101-3123 (detailing “vote by mail” requirements and procedures for all California voters, including UOCAVA military and overseas voters); see also, Cal. SOS web site at <http://www.sos.ca.gov/elections/voter-registration/military-overseas-voters/> and <http://www.sos.ca.gov/elections/voter-registration/vote-mail/> (using the phrase “vote-by-mail” to refer to all military and civilian voting) (last accessed Mar. 27, 2015).

“absentee” voting.¹⁰ In still other cases, the absentee balloting process *itself* is bifurcated and referred to using multiple terms. For example, Oregon conducts so-called “*all-mail-ballot*” elections (no polling places).¹¹ While the statutes don’t specifically use *either* term, the Oregon Secretary of State’s web site refers to ballots mailed to a voter’s *in-state* home address as “*vote-by-mail ballots*,” while those mailed outside the state (or to in-state voters who will be away from their home address during an election) are called “*absentee ballots*.”¹²

It’s also worth noting that Florida law currently includes the “*Mail Ballot Election Act*,” authorizing **all-mail-ballot** voting in certain local referenda elections.¹³ This could serve as a possible source of confusion with the term “vote-by-mail.”

III. Effect of Proposed Changes:

The bill changes the term “absentee” and “absentee ballot” to “vote-by-mail” and “vote-by-mail ballot,” respectively, where those terms appear in the Florida Statutes.

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.

¹⁰ See, FVAP California web site at <http://www.fvap.gov/california> and <http://www.fvap.gov/vao/vag/chapter2/california> (describing California’s voting process for UOCAVA voters as “absentee voting guidelines,” providing links to the State’s vote by mail information, and providing information on how to receive an “absentee ballot”) (last accessed Mar. 27, 2015).

¹¹ See, Or. Rev. Stat. s. 254.465(1) (2013) (county clerks must conduct all elections by mail).

¹² See Oregon Secretary of State web site at <http://sos.oregon.gov/voting/Pages/voteinor.aspx>; see also, Oregon’s Absentee Ballot Request form for in-state voters away from home, available at <http://sos.oregon.gov/elections/Documents/SEL111.pdf> (last accessed Mar. 27, 2015); E-mail from Brian Corley, Legislative Liaison for the Florida State Assn. of Supervisors of Elections and Supervisor of Pasco County to Jonathan Fox, Senate Ethics and Elections Chief Attorney (March 25, 2015) (Q&A’s about Oregon’s Vote-by-Mail/Absentee Balloting).

¹³ Sections 101.6101-101.6107, F.S.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Some have expressed concern that changing the statutes from “absentee” balloting to “vote-by-mail” could potentially violate a U.S. Postal Service (“USPS”) Regulation¹⁴ requiring the use of specific words on the ballot mailing envelope, thereby possibly delaying the transmission and delivery of overseas ballots in both directions.

In brief, even if the statutory phraseology were changed from “absentee balloting” to “vote-by-mail,” there appears to be no legal impediment to the supervisors continuing to word their UOCAVA mailing envelopes with the term “Official Absentee Balloting Material” to meet the requirements of the USPS regulations at issue. In fact, the law as amended by the bill would arguably even *require* it. Further, the USPS regulations specifically authorize the use of *other* terms — such as “Vote-By-Mail” — if required by State law. Each of these points is discussed in detail in the following paragraphs.

First and foremost, the law *currently* requires that all “absentee envelopes” for UOCAVA voters comply with FVAP and USPS requirements.¹⁵ The current bill amends the law to require that “vote-by-mail” envelopes sent to such voters meet those same USPS requirements.¹⁶ Thus, if USPS regulations were read to require the mailing envelope to say “Official Absentee Balloting Material,” the revised law would sanction (and arguably even mandate) that wording.

Second, many supervisors currently market absentee balloting to voters as “vote-by-mail”— *notwithstanding that the statute says “absentee ballot.”* If this bill passes, envelopes for UOCAVA ballots could arguably be prepared with the phrase “Official Absentee Balloting

¹⁴ See U.S.P.S. Regulations, DMM 703.8.0, available at <http://pe.usps.com/text/dmm300/703.htm> (last accessed 3.26.2015) (requiring the term “Official Absentee Balloting Material—First-Class Mail” (or similar language required by state law) on the exterior of the envelope as one requirement for postage-free delivery of ballots to military and overseas citizens).

¹⁵ Section 101.694(3), F.S. Although housed in a section of the statutes entitled “Mailing of ballots upon receipt of federal postcard application,” a 2005 change to the law clarified that the requirements were applicable to ALL envelopes printed for UOCAVA voters — not just those ballots requested with the federal postcard application. See Ch. 2005-277, s. 50, at 2664, LAWS OF FLA. (codified at s. 101.694(3), F.S.) (striking language limiting the section to federal postcard applicants); see also, Florida House of Representatives, Bill Analysis - CS/HB 1567 (2005), at p. 13 (Apr. 20, 2005) (discussing changes to s. 101.694 as impacting envelope requirements for “absent electors overseas,” without reference to federal postcard applicants), available at <http://archive.flsenate.gov/data/session/2005/House/bills/analysis/pdf/h1567e.SAC.pdf> (last accessed Mar. 26, 2015).

¹⁶ Section 27 (amending s. 101.694(3), F.S.).

Material” so as to avoid delays in mailing or other confusion — *notwithstanding that the statute would say “vote-by-mail.”*

Third, the pertinent part of the USPS regulation at issue *actually* states:

8.2.5 Envelope

The envelope used to send balloting material and the envelope supplied for return of the ballots must have printed across the face the words “Official Absentee Balloting Material—First-Class Mail” **(or similar language required by state law)** in a rectangular box. Immediately below, the words “No Postage Necessary in the U.S. Mail—DMM 703.8.0” must be printed.¹⁷

(emphasis added). The postal regulation *on its face* appears to sanction a ballot envelope that reads something like, “Official Vote-By-Mail Balloting Material — First Class Mail.”

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 97.012, 97.021, 97.026, 98.065, 98.077, 98.0981, 98.255, 101.051, 101.151, 101.5612, 101.5614, 101.572, 101.591, 101.6105, 101.62, 101.64, 101.65, 101.655, 101.661, 101.662, 101.67, 101.68, 101.69, 101.6921, 101.6923, 101.6925, 101.694, 101.6951, 101.6952, 101.697, 102.031, 102.141, 102.168, 104.047, 104.0616, 104.17, 117.05, 394.459, 741.406, and 916.107.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

¹⁷ U.S.P.S. Regulations, DMM 703.8.2.5, available at <http://pe.usps.com/text/dmm300/703.htm> (last accessed 3.26.2015).

By Senator Thompson

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1 A bill to be entitled
 2 An act relating to absentee voting; amending ss.
 3 97.012, 97.021, 97.026, 98.065, 98.077, 98.0981,
 4 98.255, 101.051, 101.151, 101.5612, 101.5614, 101.572,
 5 101.591, 101.6105, 101.62, 101.64, 101.65, 101.655,
 6 101.661, 101.662, 101.67, 101.68, 101.69, 101.6921,
 7 101.6923, 101.6925, 101.694, 101.6951, 101.6952,
 8 101.697, 102.031, 102.141, 102.168, 104.047, 104.0616,
 9 104.17, 117.05, 394.459, 741.406, and 916.107, F.S.;
 10 revising references of "absentee ballot" to "vote-by-
 11 mail ballot"; conforming terminology to changes made
 12 by the act; providing an effective date.

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

15
 16 Section 1. Subsection (13) of section 97.012, Florida
 17 Statutes, is amended to read:

18 97.012 Secretary of State as chief election officer.—The
 19 Secretary of State is the chief election officer of the state,
 20 and it is his or her responsibility to:

21 (13) Designate an office within the department to be
 22 responsible for providing information regarding voter
 23 registration procedures and vote-by-mail ~~absentee~~ ballot
 24 procedures to absent uniformed services voters and overseas
 25 voters.

26 Section 2. Subsections (1) and (13) of section 97.021,
 27 Florida Statutes, are amended to read:

28 97.021 Definitions.—For the purposes of this code, except
 29 where the context clearly indicates otherwise, the term:

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30 (1) "Absent elector" means any registered and qualified
31 voter who casts a vote-by-mail ~~an absentee~~ ballot.

32 (13) "Election costs" shall include, but not be limited to,
33 expenditures for all paper supplies such as envelopes,
34 instructions to voters, affidavits, reports, ballot cards,
35 ballot booklets for vote-by-mail ~~absentee~~ voters, postage,
36 notices to voters; advertisements for registration book
37 closings, testing of voting equipment, sample ballots, and
38 polling places; forms used to qualify candidates; polling site
39 rental and equipment delivery and pickup; data processing time
40 and supplies; election records retention; and labor costs,
41 including those costs uniquely associated with vote-by-mail
42 ~~absentee~~ ballot preparation, poll workers, and election night
43 canvass.

44 Section 3. Section 97.026, Florida Statutes, is amended to
45 read:

46 97.026 Forms to be available in alternative formats and via
47 the Internet.—It is the intent of the Legislature that all forms
48 required to be used in chapters 97-106 shall be made available
49 upon request, in alternative formats. Such forms shall include
50 vote-by-mail ~~absentee~~ ballots as alternative formats for such
51 ballots become available and the Division of Elections is able
52 to certify systems that provide them. Whenever possible, such
53 forms, with the exception of vote-by-mail ~~absentee~~ ballots,
54 shall be made available by the Department of State via the
55 Internet. Sections that contain such forms include, but are not
56 limited to, ss. 97.051, 97.052, 97.053, 97.057, 97.058, 97.0583,
57 97.071, 97.073, 97.1031, 98.075, 99.021, 100.361, 100.371,
58 101.045, 101.171, 101.20, 101.6103, 101.62, 101.64, 101.65,

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59 101.657, 105.031, 106.023, and 106.087.

60 Section 4. Paragraph (c) of subsection (4) of section
61 98.065, Florida Statutes, is amended to read:

62 98.065 Registration list maintenance programs.—

63 (4)

64 (c) The supervisor must designate as inactive all voters
65 who have been sent an address confirmation final notice and who
66 have not returned the postage prepaid, preaddressed return form
67 within 30 days or for which the final notice has been returned
68 as undeliverable. Names on the inactive list may not be used to
69 calculate the number of signatures needed on any petition. A
70 voter on the inactive list may be restored to the active list of
71 voters upon the voter updating his or her registration,
72 requesting a vote-by-mail ~~an absentee~~ ballot, or appearing to
73 vote. However, if the voter does not update his or her voter
74 registration information, request a vote-by-mail ~~an absentee~~
75 ballot, or vote by the second general election after being
76 placed on the inactive list, the voter's name shall be removed
77 from the statewide voter registration system and the voter shall
78 be required to reregister to have his or her name restored to
79 the statewide voter registration system.

80 Section 5. Subsection (4) of section 98.077, Florida
81 Statutes, is amended to read:

82 98.077 Update of voter signature.—

83 (4) All signature updates for use in verifying vote-by-mail
84 ~~absentee~~ and provisional ballots must be received by the
85 appropriate supervisor of elections no later than the start of
86 the canvassing of vote-by-mail ~~absentee~~ ballots by the
87 canvassing board. The signature on file at the start of the

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88 canvass of the vote-by-mail ~~absentee~~ ballots is the signature
89 that shall be used in verifying the signature on the vote-by-
90 mail ~~absentee~~ and provisional ballot certificates.

91 Section 6. Paragraphs (b) and (d) of subsection (1) and
92 paragraph (a) of subsection (2) of section 98.0981, Florida
93 Statutes, are amended to read:

94 98.0981 Reports; voting history; statewide voter
95 registration system information; precinct-level election
96 results; book closing statistics.-

97 (1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM
98 INFORMATION.-

99 (b) After receipt of the information in paragraph (a), the
100 department shall prepare a report in electronic format which
101 contains the following information, separately compiled for the
102 primary and general election for all voters qualified to vote in
103 either election:

104 1. The unique identifier assigned to each qualified voter
105 within the statewide voter registration system;

106 2. All information provided by each qualified voter on his
107 or her voter registration application pursuant to s. 97.052(2),
108 except that which is confidential or exempt from public records
109 requirements;

110 3. Each qualified voter's date of registration;

111 4. Each qualified voter's current state representative
112 district, state senatorial district, and congressional district,
113 assigned by the supervisor of elections;

114 5. Each qualified voter's current precinct; and

115 6. Voting history as transmitted under paragraph (a) to
116 include whether the qualified voter voted at a precinct

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117 location, voted during the early voting period, voted by vote-
118 by-mail ~~absentee~~ ballot, attempted to vote by vote-by-mail
119 ~~absentee~~ ballot that was not counted, attempted to vote by
120 provisional ballot that was not counted, or did not vote.

121 (d) File specifications are as follows:

122 1. The file shall contain records designated by the
123 categories below for all qualified voters who, regardless of the
124 voter's county of residence or active or inactive registration
125 status at the book closing for the corresponding election that
126 the file is being created for:

127 a. Voted a regular ballot at a precinct location.

128 b. Voted at a precinct location using a provisional ballot
129 that was subsequently counted.

130 c. Voted a regular ballot during the early voting period.

131 d. Voted during the early voting period using a provisional
132 ballot that was subsequently counted.

133 e. Voted by vote-by-mail ~~absentee~~ ballot.

134 f. Attempted to vote by vote-by-mail ~~absentee~~ ballot, but
135 the ballot was not counted.

136 g. Attempted to vote by provisional ballot, but the ballot
137 was not counted in that election.

138 2. Each file shall be created or converted into a tab-
139 delimited format.

140 3. File names shall adhere to the following convention:

141 a. Three-character county identifier as established by the
142 department followed by an underscore.

143 b. Followed by four-character file type identifier of
144 'VH03' followed by an underscore.

145 c. Followed by FVRS election ID followed by an underscore.

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146 d. Followed by Date Created followed by an underscore.

147 e. Date format is YYYYMMDD.

148 f. Followed by Time Created - HHMMSS.

149 g. Followed by ".txt".

150 4. Each record shall contain the following columns: Record
151 Identifier, FVRS Voter ID Number, FVRS Election ID Number, Vote
152 Date, Vote History Code, Precinct, Congressional District, House
153 District, Senate District, County Commission District, and
154 School Board District.

155 (2) PRECINCT-LEVEL ELECTION RESULTS.—

156 (a) Within 30 days after certification by the Elections
157 Canvassing Commission of a presidential preference primary
158 election, special election, primary election, or general
159 election, the supervisors of elections shall collect and submit
160 to the department precinct-level election results for the
161 election in a uniform electronic format specified by paragraph
162 (c). The precinct-level election results shall be compiled
163 separately for the primary or special primary election that
164 preceded the general or special general election, respectively.
165 The results shall specifically include for each precinct the
166 total of all ballots cast for each candidate or nominee to fill
167 a national, state, county, or district office or proposed
168 constitutional amendment, with subtotals for each candidate and
169 ballot type, unless fewer than 10 voters voted a ballot type.
170 "All ballots cast" means ballots cast by voters who cast a
171 ballot whether at a precinct location, by vote-by-mail ~~absentee~~
172 ballot including overseas vote-by-mail ~~absentee~~ ballots, during
173 the early voting period, or by provisional ballot.

174 Section 7. Paragraph (b) of subsection (1) of section

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175 98.255, Florida Statutes, is amended to read:

176 98.255 Voter education programs.—

177 (1) The Department of State shall adopt rules prescribing
178 minimum standards for nonpartisan voter education. The standards
179 shall, at a minimum, address:

180 (a) Voter registration;

181 (b) Balloting procedures, by mail ~~absentee~~ and polling
182 place;

183 (c) Voter rights and responsibilities;

184 (d) Distribution of sample ballots; and

185 (e) Public service announcements.

186 Section 8. Subsection (3) of section 101.051, Florida
187 Statutes, is amended to read:

188 101.051 Electors seeking assistance in casting ballots;
189 oath to be executed; forms to be furnished.—

190 (3) Any elector applying to cast a vote-by-mail ~~an absentee~~
191 ballot in the office of the supervisor, in any election, who
192 requires assistance to vote by reason of blindness, disability,
193 or inability to read or write may request the assistance of some
194 person of his or her own choice, other than the elector's
195 employer, an agent of the employer, or an officer or agent of
196 his or her union, in casting his or her vote-by-mail ~~absentee~~
197 ballot.

198 Section 9. Paragraph (b) of subsection (1) of section
199 101.151, Florida Statutes, is amended to read:

200 101.151 Specifications for ballots.—

201 (1)

202 (b) Early voting sites may employ a ballot-on-demand
203 production system to print individual marksense ballots,

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204 including provisional ballots, for eligible electors pursuant to
205 s. 101.657. Ballot-on-demand technology may be used to produce
206 marksense vote-by-mail ~~absentee~~ and election-day ballots.

207 Section 10. Subsection (3) of section 101.5612, Florida
208 Statutes, is amended to read:

209 101.5612 Testing of tabulating equipment.—

210 (3) For electronic or electromechanical voting systems
211 configured to tabulate vote-by-mail ~~absentee~~ ballots at a
212 central or regional site, the public testing shall be conducted
213 by processing a preaudited group of ballots so produced as to
214 record a predetermined number of valid votes for each candidate
215 and on each measure and to include one or more ballots for each
216 office which have activated voting positions in excess of the
217 number allowed by law in order to test the ability of the
218 automatic tabulating equipment to reject such votes. If any
219 error is detected, the cause therefor shall be corrected and an
220 errorless count shall be made before the automatic tabulating
221 equipment is approved. The test shall be repeated and errorless
222 results achieved immediately before the start of the official
223 count of the ballots and again after the completion of the
224 official count. The programs and ballots used for testing shall
225 be sealed and retained under the custody of the county
226 canvassing board.

227 Section 11. Paragraph (a) of subsection (5) and subsections
228 (7) and (8) of section 101.5614, Florida Statutes, are amended
229 to read:

230 101.5614 Canvass of returns.—

231 (5) (a) If any vote-by-mail ~~absentee~~ ballot is physically
232 damaged so that it cannot properly be counted by the automatic

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233 tabulating equipment, a true duplicate copy shall be made of the
234 damaged ballot in the presence of witnesses and substituted for
235 the damaged ballot. Likewise, a duplicate ballot shall be made
236 of a vote-by-mail ~~an absentee~~ ballot containing an overvoted
237 race or a marked vote-by-mail ~~absentee~~ ballot in which every
238 race is undervoted which shall include all valid votes as
239 determined by the canvassing board based on rules adopted by the
240 division pursuant to s. 102.166(4). All duplicate ballots shall
241 be clearly labeled "duplicate," bear a serial number which shall
242 be recorded on the defective ballot, and be counted in lieu of
243 the defective ballot. After a ballot has been duplicated, the
244 defective ballot shall be placed in an envelope provided for
245 that purpose, and the duplicate ballot shall be tallied with the
246 other ballots for that precinct.

247 (7) Vote-by-mail ~~Absentee~~ ballots may be counted by
248 automatic tabulating equipment if they have been marked in a
249 manner which will enable them to be properly counted by such
250 equipment.

251 (8) The return printed by the automatic tabulating
252 equipment, to which has been added the return of write-in, vote-
253 by-mail ~~absentee~~, and manually counted votes and votes from
254 provisional ballots, shall constitute the official return of the
255 election upon certification by the canvassing board. Upon
256 completion of the count, the returns shall be open to the
257 public. A copy of the returns may be posted at the central
258 counting place or at the office of the supervisor of elections
259 in lieu of the posting of returns at individual precincts.

260 Section 12. Section 101.572, Florida Statutes, is amended
261 to read:

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262 101.572 Public inspection of ballots.—The official ballots
263 and ballot cards received from election boards and removed from
264 vote-by-mail ~~absentee~~ ballot mailing envelopes shall be open for
265 public inspection or examination while in the custody of the
266 supervisor of elections or the county canvassing board at any
267 reasonable time, under reasonable conditions; however, no
268 persons other than the supervisor of elections or his or her
269 employees or the county canvassing board shall handle any
270 official ballot or ballot card. If the ballots are being
271 examined prior to the end of the contest period in s. 102.168,
272 the supervisor of elections shall make a reasonable effort to
273 notify all candidates whose names appear on such ballots or
274 ballot cards by telephone or otherwise of the time and place of
275 the inspection or examination. All such candidates, or their
276 representatives, shall be allowed to be present during the
277 inspection or examination.

278 Section 13. Paragraphs (a) and (b) of subsection (2) of
279 section 101.591, Florida Statutes, are amended to read:

280 101.591 Voting system audit.—

281 (2) (a) A manual audit shall consist of a public manual
282 tally of the votes cast in one randomly selected race that
283 appears on the ballot. The tally sheet shall include election-
284 day, vote-by-mail ~~absentee~~, early voting, provisional, and
285 overseas ballots, in at least 1 percent but no more than 2
286 percent of the precincts chosen at random by the county
287 canvassing board or the local board responsible for certifying
288 the election. If 1 percent of the precincts is less than one
289 entire precinct, the audit shall be conducted using at least one
290 precinct chosen at random by the county canvassing board or the

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291 local board responsible for certifying the election. Such
292 precincts shall be selected at a publicly noticed canvassing
293 board meeting.

294 (b) An automated audit shall consist of a public automated
295 tally of the votes cast across every race that appears on the
296 ballot. The tally sheet shall include election day, vote-by-mail
297 ~~absentee~~, early voting, provisional, and overseas ballots in at
298 least 20 percent of the precincts chosen at random by the county
299 canvassing board or the local board responsible for certifying
300 the election. Such precincts shall be selected at a publicly
301 noticed canvassing board meeting.

302 Section 14. Section 101.6105, Florida Statutes, is amended
303 to read:

304 101.6105 Vote-by-mail ~~Absentee~~ voting.—The provisions of
305 the election code relating to vote-by-mail ~~absentee~~ voting and
306 vote-by-mail ~~absentee~~ ballots shall apply to elections under ss.
307 101.6101-101.6107 only insofar as they do not conflict with the
308 provisions of ss. 101.6101-101.6107.

309 Section 15. Section 101.62, Florida Statutes, is amended to
310 read:

311 101.62 Request for vote-by-mail ~~absentee~~ ballots.—

312 (1) (a) The supervisor shall accept a request for a vote-by-
313 mail ~~an absentee~~ ballot from an elector in person or in writing.
314 One request shall be deemed sufficient to receive a vote-by-mail
315 ~~an absentee~~ ballot for all elections through the end of the
316 calendar year of the second ensuing regularly scheduled general
317 election, unless the elector or the elector's designee indicates
318 at the time the request is made the elections for which the
319 elector desires to receive a vote-by-mail ~~an absentee~~ ballot.

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320 Such request may be considered canceled when any first-class
321 mail sent by the supervisor to the elector is returned as
322 undeliverable.

323 (b) The supervisor may accept a written or telephonic
324 request for a vote-by-mail ~~an absentee~~ ballot to be mailed to an
325 elector's address on file in the Florida Voter Registration
326 System from the elector, or, if directly instructed by the
327 elector, a member of the elector's immediate family, or the
328 elector's legal guardian; if the ballot is requested to be
329 mailed to an address other than the elector's address on file in
330 the Florida Voter Registration System, the request must be made
331 in writing and signed by the elector. However, an absent
332 uniformed service voter or an overseas voter seeking a vote-by-
333 mail ~~an absentee~~ ballot is not required to submit a signed,
334 written request for a vote-by-mail ~~an absentee~~ ballot that is
335 being mailed to an address other than the elector's address on
336 file in the Florida Voter Registration System. For purposes of
337 this section, the term "immediate family" has the same meaning
338 as specified in paragraph (4) (c). The person making the request
339 must disclose:

- 340 1. The name of the elector for whom the ballot is
341 requested.
- 342 2. The elector's address.
- 343 3. The elector's date of birth.
- 344 4. The requester's name.
- 345 5. The requester's address.
- 346 6. The requester's driver license number, if available.
- 347 7. The requester's relationship to the elector.
- 348 8. The requester's signature (written requests only).

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349 (c) Upon receiving a request for a vote-by-mail ~~an absentee~~
350 ballot from an absent voter, the supervisor of elections shall
351 notify the voter of the free access system that has been
352 designated by the department for determining the status of his
353 or her vote-by-mail ~~absentee~~ ballot.

354 (2) A request for a vote-by-mail ~~an absentee~~ ballot to be
355 mailed to a voter must be received no later than 5 p.m. on the
356 sixth day before the election by the supervisor of elections.
357 The supervisor of elections shall mail vote-by-mail ~~absentee~~
358 ballots to voters requesting ballots by such deadline no later
359 than 4 days before the election.

360 (3) For each request for a vote-by-mail ~~an absentee~~ ballot
361 received, the supervisor shall record the date the request was
362 made, the date the vote-by-mail ~~absentee~~ ballot was delivered to
363 the voter or the voter's designee or the date the vote-by-mail
364 ~~absentee~~ ballot was delivered to the post office or other
365 carrier, the date the ballot was received by the supervisor, the
366 absence of the voter's signature on the voter's certificate, if
367 applicable, and such other information he or she may deem
368 necessary. This information shall be provided in electronic
369 format as provided by rule adopted by the division. The
370 information shall be updated and made available no later than 8
371 a.m. of each day, including weekends, beginning 60 days before
372 the primary until 15 days after the general election and shall
373 be contemporaneously provided to the division. This information
374 shall be confidential and exempt from s. 119.07(1) and shall be
375 made available to or reproduced only for the voter requesting
376 the ballot, a canvassing board, an election official, a
377 political party or official thereof, a candidate who has filed

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378 qualification papers and is opposed in an upcoming election, and
379 registered political committees for political purposes only.

380 (4) (a) No later than 45 days before each presidential
381 preference primary election, primary election, and general
382 election, the supervisor of elections shall send a vote-by-mail
383 ~~an absentee~~ ballot as provided in subparagraph (c)2. to each
384 absent uniformed services voter and to each overseas voter who
385 has requested a vote-by-mail ~~an absentee~~ ballot.

386 (b) The supervisor of elections shall mail a vote-by-mail
387 ~~an absentee~~ ballot to each absent qualified voter, other than
388 those listed in paragraph (a), who has requested such a ballot,
389 between the 35th and 28th days before the presidential
390 preference primary election, primary election, and general
391 election. Except as otherwise provided in subsection (2) and
392 after the period described in this paragraph, the supervisor
393 shall mail vote-by-mail ~~absentee~~ ballots within 2 business days
394 after receiving a request for such a ballot.

395 (c) The supervisor shall provide a vote-by-mail ~~an absentee~~
396 ballot to each elector by whom a request for that ballot has
397 been made by one of the following means:

398 1. By nonforwardable, return-if-undeliverable mail to the
399 elector's current mailing address on file with the supervisor or
400 any other address the elector specifies in the request.

401 2. By forwardable mail, e-mail, or facsimile machine
402 transmission to absent uniformed services voters and overseas
403 voters. The absent uniformed services voter or overseas voter
404 may designate in the vote-by-mail ~~absentee~~ ballot request the
405 preferred method of transmission. If the voter does not
406 designate the method of transmission, the vote-by-mail ~~absentee~~

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407 ballot shall be mailed.

408 3. By personal delivery before 7 p.m. on election day to
409 the elector, upon presentation of the identification required in
410 s. 101.043.

411 4. By delivery to a designee on election day or up to 5
412 days prior to the day of an election. Any elector may designate
413 in writing a person to pick up the ballot for the elector;
414 however, the person designated may not pick up more than two
415 vote-by-mail ~~absentee~~ ballots per election, other than the
416 designee's own ballot, except that additional ballots may be
417 picked up for members of the designee's immediate family. For
418 purposes of this section, "immediate family" means the
419 designee's spouse or the parent, child, grandparent, or sibling
420 of the designee or of the designee's spouse. The designee shall
421 provide to the supervisor the written authorization by the
422 elector and a picture identification of the designee and must
423 complete an affidavit. The designee shall state in the affidavit
424 that the designee is authorized by the elector to pick up that
425 ballot and shall indicate if the elector is a member of the
426 designee's immediate family and, if so, the relationship. The
427 department shall prescribe the form of the affidavit. If the
428 supervisor is satisfied that the designee is authorized to pick
429 up the ballot and that the signature of the elector on the
430 written authorization matches the signature of the elector on
431 file, the supervisor shall give the ballot to that designee for
432 delivery to the elector.

433 5. Except as provided in s. 101.655, the supervisor may not
434 deliver a vote-by-mail ~~an absentee~~ ballot to an elector or an
435 elector's immediate family member on the day of the election

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436 unless there is an emergency, to the extent that the elector
437 will be unable to go to his or her assigned polling place. If a
438 vote-by-mail ~~an absentee~~ ballot is delivered, the elector or his
439 or her designee shall execute an affidavit affirming to the
440 facts which allow for delivery of the vote-by-mail ~~absentee~~
441 ballot. The department shall adopt a rule providing for the form
442 of the affidavit.

443 (5) If the department is unable to certify candidates for
444 an election in time to comply with paragraph (4) (a), the
445 Department of State is authorized to prescribe rules for a
446 ballot to be sent to absent uniformed services voters and
447 overseas voters.

448 (6) Nothing other than the materials necessary to vote by
449 mail ~~absentee~~ shall be mailed or delivered with any vote-by-mail
450 ~~absentee~~ ballot.

451 Section 16. Subsections (1) and (4) of section 101.64,
452 Florida Statutes, are amended to read:

453 101.64 Delivery of vote-by-mail ~~absentee~~ ballots;
454 envelopes; form.—

455 (1) The supervisor shall enclose with each vote-by-mail
456 ~~absentee~~ ballot two envelopes: a secrecy envelope, into which
457 the absent elector shall enclose his or her marked ballot; and a
458 mailing envelope, into which the absent elector shall then place
459 the secrecy envelope, which shall be addressed to the supervisor
460 and also bear on the back side a certificate in substantially
461 the following form:

462

463 Note: Please Read Instructions Carefully Before
464 Marking Ballot and Completing Voter's Certificate.

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VOTER'S CERTIFICATE

I,, do solemnly swear or affirm that I am a qualified and registered voter of County, Florida, and that I have not and will not vote more than one ballot in this election. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate will invalidate my ballot.

... (Date) ...

... (Voter's Signature) ...

(4) The supervisor shall mark, code, indicate on, or otherwise track the precinct of the absent elector for each vote-by-mail ~~absentee~~ ballot.

Section 17. Section 101.65, Florida Statutes, is amended to read:

101.65 Instructions to absent electors.—The supervisor shall enclose with each vote-by-mail ~~absentee~~ ballot separate printed instructions in substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY
BEFORE MARKING BALLOT.

1. VERY IMPORTANT. In order to ensure that your vote-by-mail ~~absentee~~ ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no

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494 later than 7 p.m. on the day of the election. However, if you
495 are an overseas voter casting a ballot in a presidential
496 preference primary or general election, your vote-by-mail
497 ~~absentee~~ ballot must be postmarked or dated no later than the
498 date of the election and received by the supervisor of elections
499 of the county in which you are registered to vote no later than
500 10 days after the date of the election.

501 2. Mark your ballot in secret as instructed on the ballot.
502 You must mark your own ballot unless you are unable to do so
503 because of blindness, disability, or inability to read or write.

504 3. Mark only the number of candidates or issue choices for
505 a race as indicated on the ballot. If you are allowed to "Vote
506 for One" candidate and you vote for more than one candidate,
507 your vote in that race will not be counted.

508 4. Place your marked ballot in the enclosed secrecy
509 envelope.

510 5. Insert the secrecy envelope into the enclosed mailing
511 envelope which is addressed to the supervisor.

512 6. Seal the mailing envelope and completely fill out the
513 Voter's Certificate on the back of the mailing envelope.

514 7. VERY IMPORTANT. In order for your vote-by-mail ~~absentee~~
515 ballot to be counted, you must sign your name on the line above
516 (Voter's Signature). A vote-by-mail ~~An absentee~~ ballot will be
517 considered illegal and not be counted if the signature on the
518 voter's certificate does not match the signature on record. The
519 signature on file at the start of the canvass of the vote-by-
520 mail ~~absentee~~ ballots is the signature that will be used to
521 verify your signature on the voter's certificate. If you need to
522 update your signature for this election, send your signature

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523 update on a voter registration application to your supervisor of
524 elections so that it is received no later than the start of the
525 canvassing of vote-by-mail ~~absentee~~ ballots, which occurs no
526 earlier than the 15th day before election day.

527 8. VERY IMPORTANT. If you are an overseas voter, you must
528 include the date you signed the Voter's Certificate on the line
529 above (Date) or your ballot may not be counted.

530 9. Mail, deliver, or have delivered the completed mailing
531 envelope. Be sure there is sufficient postage if mailed.

532 10. FELONY NOTICE. It is a felony under Florida law to
533 accept any gift, payment, or gratuity in exchange for your vote
534 for a candidate. It is also a felony under Florida law to vote
535 in an election using a false identity or false address, or under
536 any other circumstances making your ballot false or fraudulent.

537 Section 18. Subsections (1) and (2) of section 101.655,
538 Florida Statutes, are amended to read:

539 101.655 Supervised voting by absent electors in certain
540 facilities.—

541 (1) The supervisor of elections of a county shall provide
542 supervised voting for absent electors residing in any assisted
543 living facility, as defined in s. 429.02, or nursing home
544 facility, as defined in s. 400.021, within that county at the
545 request of any administrator of such a facility. Such request
546 for supervised voting in the facility shall be made by
547 submitting a written request to the supervisor of elections no
548 later than 21 days prior to the election for which that request
549 is submitted. The request shall specify the name and address of
550 the facility and the name of the electors who wish to vote by
551 mail ~~absentee~~ in that election. If the request contains the

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552 names of fewer than five voters, the supervisor of elections is
553 not required to provide supervised voting.

554 (2) The supervisor of elections may, in the absence of a
555 request from the administrator of a facility, provide for
556 supervised voting in the facility for those persons who have
557 requested vote-by-mail ~~absentee~~ ballots. The supervisor of
558 elections shall notify the administrator of the facility that
559 supervised voting will occur.

560 Section 19. Section 101.661, Florida Statutes, is amended
561 to read:

562 101.661 Voting vote-by-mail ~~absentee~~ ballots.—All electors
563 must personally mark or designate their choices on the vote-by-
564 mail ~~absentee~~ ballot, except:

565 (1) Electors who require assistance to vote because of
566 blindness, disability, or inability to read or write, who may
567 have some person of the elector's choice, other than the
568 elector's employer, an agent of the employer, or an officer or
569 agent of the elector's union, mark the elector's choices or
570 assist the elector in marking his or her choices on the ballot.

571 (2) As otherwise provided in s. 101.051 or s. 101.655.

572 Section 20. Section 101.662, Florida Statutes, is amended
573 to read:

574 101.662 Accessibility of vote-by-mail ~~absentee~~ ballots.—It
575 is the intent of the Legislature that voting by vote-by-mail
576 ~~absentee~~ ballot be by methods that are fully accessible to all
577 voters, including voters having a disability. The Department of
578 State shall work with the supervisors of elections and the
579 disability community to develop and implement procedures and
580 technologies, as possible, which will include procedures for

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581 providing vote-by-mail ~~absentee~~ ballots, upon request, in
582 alternative formats that will allow all voters to cast a secret,
583 independent, and verifiable vote-by-mail ~~absentee~~ ballot without
584 the assistance of another person.

585 Section 21. Section 101.67, Florida Statutes, is amended to
586 read:

587 101.67 Safekeeping of mailed ballots; deadline for
588 receiving vote-by-mail ~~absentee~~ ballots.—

589 (1) The supervisor of elections shall safely keep in his or
590 her office any envelopes received containing marked ballots of
591 absent electors, and he or she shall, before the canvassing of
592 the election returns, deliver the envelopes to the county
593 canvassing board along with his or her file or list kept
594 regarding said ballots.

595 (2) Except as provided in s. 101.6952(5), all marked absent
596 electors' ballots to be counted must be received by the
597 supervisor by 7 p.m. the day of the election. All ballots
598 received thereafter shall be marked with the time and date of
599 receipt and filed in the supervisor's office.

600 Section 22. Section 101.68, Florida Statutes, is amended to
601 read:

602 101.68 Canvassing of vote-by-mail ~~absentee~~ ballot.—

603 (1) The supervisor of the county where the absent elector
604 resides shall receive the voted ballot, at which time the
605 supervisor shall compare the signature of the elector on the
606 voter's certificate with the signature of the elector in the
607 registration books or the precinct register to determine whether
608 the elector is duly registered in the county and may record on
609 the elector's registration certificate that the elector has

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610 voted. However, effective July 1, 2005, an elector who dies
611 after casting a vote-by-mail ~~an absentee~~ ballot but on or before
612 election day shall remain listed in the registration books until
613 the results have been certified for the election in which the
614 ballot was cast. The supervisor shall safely keep the ballot
615 unopened in his or her office until the county canvassing board
616 canvasses the vote. Except as provided in subsection (4), after
617 a vote-by-mail ~~an absentee~~ ballot is received by the supervisor,
618 the ballot is deemed to have been cast, and changes or additions
619 may not be made to the voter's certificate.

620 (2) (a) The county canvassing board may begin the canvassing
621 of vote-by-mail ~~absentee~~ ballots at 7 a.m. on the 15th day
622 before the election, but not later than noon on the day
623 following the election. In addition, for any county using
624 electronic tabulating equipment, the processing of vote-by-mail
625 ~~absentee~~ ballots through such tabulating equipment may begin at
626 7 a.m. on the 15th day before the election. However,
627 notwithstanding any such authorization to begin canvassing or
628 otherwise processing vote-by-mail ~~absentee~~ ballots early, no
629 result shall be released until after the closing of the polls in
630 that county on election day. Any supervisor of elections, deputy
631 supervisor of elections, canvassing board member, election board
632 member, or election employee who releases the results of a
633 canvassing or processing of vote-by-mail ~~absentee~~ ballots prior
634 to the closing of the polls in that county on election day
635 commits a felony of the third degree, punishable as provided in
636 s. 775.082, s. 775.083, or s. 775.084.

637 (b) To ensure that all vote-by-mail ~~absentee~~ ballots to be
638 counted by the canvassing board are accounted for, the

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639 canvassing board shall compare the number of ballots in its
640 possession with the number of requests for ballots received to
641 be counted according to the supervisor's file or list.

642 (c)1. The canvassing board shall, if the supervisor has not
643 already done so, compare the signature of the elector on the
644 voter's certificate or on the vote-by-mail ~~absentee~~ ballot
645 affidavit as provided in subsection (4) with the signature of
646 the elector in the registration books or the precinct register
647 to see that the elector is duly registered in the county and to
648 determine the legality of that vote-by-mail ~~absentee~~ ballot. The
649 ballot of an elector who casts a vote-by-mail ~~an absentee~~ ballot
650 shall be counted even if the elector dies on or before election
651 day, as long as, prior to the death of the voter, the ballot was
652 postmarked by the United States Postal Service, date-stamped
653 with a verifiable tracking number by a common carrier, or
654 already in the possession of the supervisor of elections. A
655 vote-by-mail ~~An absentee~~ ballot shall be considered illegal if
656 the voter's certificate or vote-by-mail ~~absentee~~ ballot
657 affidavit does not include the signature of the elector, as
658 shown by the registration records or the precinct register.
659 However, a vote-by-mail ~~an absentee~~ ballot is not considered
660 illegal if the signature of the elector does not cross the seal
661 of the mailing envelope. If the canvassing board determines that
662 any ballot is illegal, a member of the board shall, without
663 opening the envelope, mark across the face of the envelope:
664 "rejected as illegal." The vote-by-mail ~~absentee~~ ballot
665 affidavit, if applicable, the envelope, and the ballot contained
666 therein shall be preserved in the manner that official ballots
667 voted are preserved.

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668 2. If any elector or candidate present believes that a
669 vote-by-mail ~~an absentee~~ ballot is illegal due to a defect
670 apparent on the voter's certificate or the vote-by-mail ~~absentee~~
671 ballot affidavit, he or she may, at any time before the ballot
672 is removed from the envelope, file with the canvassing board a
673 protest against the canvass of that ballot, specifying the
674 precinct, the ballot, and the reason he or she believes the
675 ballot to be illegal. A challenge based upon a defect in the
676 voter's certificate or vote-by-mail ~~absentee~~ ballot affidavit
677 may not be accepted after the ballot has been removed from the
678 mailing envelope.

679 (d) The canvassing board shall record the ballot upon the
680 proper record, unless the ballot has been previously recorded by
681 the supervisor. The mailing envelopes shall be opened and the
682 secrecy envelopes shall be mixed so as to make it impossible to
683 determine which secrecy envelope came out of which signed
684 mailing envelope; however, in any county in which an electronic
685 or electromechanical voting system is used, the ballots may be
686 sorted by ballot styles and the mailing envelopes may be opened
687 and the secrecy envelopes mixed separately for each ballot
688 style. The votes on vote-by-mail ~~absentee~~ ballots shall be
689 included in the total vote of the county.

690 (3) The supervisor or the chair of the county canvassing
691 board shall, after the board convenes, have custody of the vote-
692 by-mail ~~absentee~~ ballots until a final proclamation is made as
693 to the total vote received by each candidate.

694 (4) (a) The supervisor of elections shall, on behalf of the
695 county canvassing board, notify each elector whose ballot was
696 rejected as illegal and provide the specific reason the ballot

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697 was rejected. The supervisor shall mail a voter registration
698 application to the elector to be completed indicating the
699 elector's current signature if the elector's ballot was rejected
700 due to a difference between the elector's signature on the
701 voter's certificate or vote-by-mail ~~absentee~~ ballot affidavit
702 and the elector's signature in the registration books or
703 precinct register. This section does not prohibit the supervisor
704 from providing additional methods for updating an elector's
705 signature.

706 (b) Until 5 p.m. on the day before an election, the
707 supervisor shall allow an elector who has returned a vote-by-
708 mail ~~an absentee~~ ballot that does not include the elector's
709 signature to complete and submit an affidavit in order to cure
710 the unsigned vote-by-mail ~~absentee~~ ballot.

711 (c) The elector shall provide identification to the
712 supervisor and must complete a vote-by-mail ~~an absentee~~ ballot
713 affidavit in substantially the following form:

714

715 VOTE-BY-MAIL ~~ABSENTEE~~ BALLOT AFFIDAVIT

716 I,, am a qualified voter in this election and
717 registered voter of County, Florida. I do solemnly swear or
718 affirm that I requested and returned the vote-by-mail ~~absentee~~
719 ballot and that I have not and will not vote more than one
720 ballot in this election. I understand that if I commit or
721 attempt any fraud in connection with voting, vote a fraudulent
722 ballot, or vote more than once in an election, I may be
723 convicted of a felony of the third degree and fined up to \$5,000
724 and imprisoned for up to 5 years. I understand that my failure
725 to sign this affidavit means that my vote-by-mail ~~absentee~~

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726 ballot will be invalidated.

727

728 ... (Voter's Signature) ...

729

730 ... (Address) ...

731

732 (d) Instructions must accompany the vote-by-mail ~~absentee~~
733 ballot affidavit in substantially the following form:

734

735 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
736 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
737 BALLOT NOT TO COUNT.

738

739 1. In order to ensure that your vote-by-mail ~~absentee~~
740 ballot will be counted, your affidavit should be completed and
741 returned as soon as possible so that it can reach the supervisor
742 of elections of the county in which your precinct is located no
743 later than 5 p.m. on the 2nd day before the election.

744 2. You must sign your name on the line above (Voter's
745 Signature).

746 3. You must make a copy of one of the following forms of
747 identification:

748 a. Identification that includes your name and photograph:
749 United States passport; debit or credit card; military
750 identification; student identification; retirement center
751 identification; neighborhood association identification; or
752 public assistance identification; or

753 b. Identification that shows your name and current
754 residence address: current utility bill, bank statement,

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755 government check, paycheck, or government document (excluding
756 voter identification card).

757 4. Place the envelope bearing the affidavit into a mailing
758 envelope addressed to the supervisor. Insert a copy of your
759 identification in the mailing envelope. Mail, deliver, or have
760 delivered the completed affidavit along with the copy of your
761 identification to your county supervisor of elections. Be sure
762 there is sufficient postage if mailed and that the supervisor's
763 address is correct.

764 5. Alternatively, you may fax or e-mail your completed
765 affidavit and a copy of your identification to the supervisor of
766 elections. If e-mailing, please provide these documents as
767 attachments.

768 (e) The department and each supervisor shall include the
769 affidavit and instructions on their respective websites. The
770 supervisor must include his or her office's mailing address, e-
771 mail address, and fax number on the page containing the
772 affidavit instructions; the department's instruction page must
773 include the office mailing addresses, e-mail addresses, and fax
774 numbers of all supervisors of elections or provide a conspicuous
775 link to such addresses.

776 (f) The supervisor shall attach each affidavit received to
777 the appropriate vote-by-mail ~~absentee~~ ballot mailing envelope.

778 Section 23. Section 101.69, Florida Statutes, is amended to
779 read:

780 101.69 Voting in person; return of vote-by-mail ~~absentee~~
781 ballot.—The provisions of this code shall not be construed to
782 prohibit any elector from voting in person at the elector's
783 precinct on the day of an election or at an early voting site,

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784 notwithstanding that the elector has requested a vote-by-mail ~~an~~
785 ~~absentee~~ ballot for that election. An elector who has returned a
786 voted vote-by-mail ~~absentee~~ ballot to the supervisor, however,
787 is deemed to have cast his or her ballot and is not entitled to
788 vote another ballot or to have a provisional ballot counted by
789 the county canvassing board. An elector who has received a vote-
790 by-mail ~~an absentee~~ ballot and has not returned the voted ballot
791 to the supervisor, but desires to vote in person, shall return
792 the ballot, whether voted or not, to the election board in the
793 elector's precinct or to an early voting site. The returned
794 ballot shall be marked "canceled" by the board and placed with
795 other canceled ballots. However, if the elector does not return
796 the ballot and the election official:

797 (1) Confirms that the supervisor has received the elector's
798 vote-by-mail ~~absentee~~ ballot, the elector shall not be allowed
799 to vote in person. If the elector maintains that he or she has
800 not returned the vote-by-mail ~~absentee~~ ballot or remains
801 eligible to vote, the elector shall be provided a provisional
802 ballot as provided in s. 101.048.

803 (2) Confirms that the supervisor has not received the
804 elector's vote-by-mail ~~absentee~~ ballot, the elector shall be
805 allowed to vote in person as provided in this code. The
806 elector's vote-by-mail ~~absentee~~ ballot, if subsequently
807 received, shall not be counted and shall remain in the mailing
808 envelope, and the envelope shall be marked "Rejected as
809 Illegal."

810 (3) Cannot determine whether the supervisor has received
811 the elector's vote-by-mail ~~absentee~~ ballot, the elector may vote
812 a provisional ballot as provided in s. 101.048.

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813 Section 24. Subsections (1) and (2) of section 101.6921,
814 Florida Statutes, are amended to read:

815 101.6921 Delivery of special vote-by-mail ~~absentee~~ ballot
816 to certain first-time voters.—

817 (1) The provisions of this section apply to voters who are
818 subject to the provisions of s. 97.0535 and who have not
819 provided the identification or certification required by s.
820 97.0535 by the time the vote-by-mail ~~absentee~~ ballot is mailed.

821 (2) The supervisor shall enclose with each vote-by-mail
822 ~~absentee~~ ballot three envelopes: a secrecy envelope, into which
823 the absent elector will enclose his or her marked ballot; an
824 envelope containing the Voter's Certificate, into which the
825 absent elector shall place the secrecy envelope; and a mailing
826 envelope, which shall be addressed to the supervisor and into
827 which the absent elector will place the envelope containing the
828 Voter's Certificate and a copy of the required identification.

829 Section 25. Section 101.6923, Florida Statutes, is amended
830 to read:

831 101.6923 Special vote-by-mail ~~absentee~~ ballot instructions
832 for certain first-time voters.—

833 (1) The provisions of this section apply to voters who are
834 subject to the provisions of s. 97.0535 and who have not
835 provided the identification or information required by s.
836 97.0535 by the time the vote-by-mail ~~absentee~~ ballot is mailed.

837 (2) A voter covered by this section shall be provided with
838 printed instructions with his or her vote-by-mail ~~absentee~~
839 ballot in substantially the following form:

840

841 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR

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842 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE
843 YOUR BALLOT NOT TO COUNT.

844

845 1. In order to ensure that your vote-by-mail ~~absentee~~
846 ballot will be counted, it should be completed and returned as
847 soon as possible so that it can reach the supervisor of
848 elections of the county in which your precinct is located no
849 later than 7 p.m. on the date of the election. However, if you
850 are an overseas voter casting a ballot in a presidential
851 preference primary or general election, your vote-by-mail
852 ~~absentee~~ ballot must be postmarked or dated no later than the
853 date of the election and received by the supervisor of elections
854 of the county in which you are registered to vote no later than
855 10 days after the date of the election.

856 2. Mark your ballot in secret as instructed on the ballot.
857 You must mark your own ballot unless you are unable to do so
858 because of blindness, disability, or inability to read or write.

859 3. Mark only the number of candidates or issue choices for
860 a race as indicated on the ballot. If you are allowed to "Vote
861 for One" candidate and you vote for more than one, your vote in
862 that race will not be counted.

863 4. Place your marked ballot in the enclosed secrecy
864 envelope and seal the envelope.

865 5. Insert the secrecy envelope into the enclosed envelope
866 bearing the Voter's Certificate. Seal the envelope and
867 completely fill out the Voter's Certificate on the back of the
868 envelope.

869 a. You must sign your name on the line above (Voter's
870 Signature).

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871 b. If you are an overseas voter, you must include the date
872 you signed the Voter's Certificate on the line above (Date) or
873 your ballot may not be counted.

874 c. A vote-by-mail ~~An absentee~~ ballot will be considered
875 illegal and will not be counted if the signature on the Voter's
876 Certificate does not match the signature on record. The
877 signature on file at the start of the canvass of the vote-by-
878 mail ~~absentee~~ ballots is the signature that will be used to
879 verify your signature on the Voter's Certificate. If you need to
880 update your signature for this election, send your signature
881 update on a voter registration application to your supervisor of
882 elections so that it is received no later than the start of
883 canvassing of vote-by-mail ~~absentee~~ ballots, which occurs no
884 earlier than the 15th day before election day.

885 6. Unless you meet one of the exemptions in Item 7., you
886 must make a copy of one of the following forms of
887 identification:

888 a. Identification which must include your name and
889 photograph: United States passport; debit or credit card;
890 military identification; student identification; retirement
891 center identification; neighborhood association identification;
892 or public assistance identification; or

893 b. Identification which shows your name and current
894 residence address: current utility bill, bank statement,
895 government check, paycheck, or government document (excluding
896 voter identification card).

897 7. The identification requirements of Item 6. do not apply
898 if you meet one of the following requirements:

899 a. You are 65 years of age or older.

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- 900 b. You have a temporary or permanent physical disability.
- 901 c. You are a member of a uniformed service on active duty
- 902 who, by reason of such active duty, will be absent from the
- 903 county on election day.
- 904 d. You are a member of the Merchant Marine who, by reason
- 905 of service in the Merchant Marine, will be absent from the
- 906 county on election day.
- 907 e. You are the spouse or dependent of a member referred to
- 908 in paragraph c. or paragraph d. who, by reason of the active
- 909 duty or service of the member, will be absent from the county on
- 910 election day.
- 911 f. You are currently residing outside the United States.
- 912 8. Place the envelope bearing the Voter's Certificate into
- 913 the mailing envelope addressed to the supervisor. Insert a copy
- 914 of your identification in the mailing envelope. DO NOT PUT YOUR
- 915 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
- 916 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
- 917 BALLOT WILL NOT COUNT.
- 918 9. Mail, deliver, or have delivered the completed mailing
- 919 envelope. Be sure there is sufficient postage if mailed.
- 920 10. FELONY NOTICE. It is a felony under Florida law to
- 921 accept any gift, payment, or gratuity in exchange for your vote
- 922 for a candidate. It is also a felony under Florida law to vote
- 923 in an election using a false identity or false address, or under
- 924 any other circumstances making your ballot false or fraudulent.
- 925 Section 26. Subsections (1) and (2) of section 101.6925,
- 926 Florida Statutes, are amended to read:
- 927 101.6925 Canvassing special vote-by-mail ~~absentee~~ ballots.-
- 928 (1) The supervisor of the county where the absent elector

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929 resides shall receive the voted special vote-by-mail ~~absentee~~
930 ballot, at which time the mailing envelope shall be opened to
931 determine if the voter has enclosed the identification required
932 or has indicated on the Voter's Certificate that he or she is
933 exempt from the identification requirements.

934 (2) If the identification is enclosed or the voter has
935 indicated that he or she is exempt from the identification
936 requirements, the supervisor shall make the note on the
937 registration records of the voter and proceed to canvass the
938 vote-by-mail ~~absentee~~ ballot as provided in s. 101.68.

939 Section 27. Section 101.694, Florida Statutes, is amended
940 to read:

941 101.694 Mailing of ballots upon receipt of federal postcard
942 application.-

943 (1) Upon receipt of a federal postcard application for a
944 vote-by-mail ~~an absentee~~ ballot executed by a person whose
945 registration is in order or whose application is sufficient to
946 register or update the registration of that person, the
947 supervisor shall send the ballot in accordance with s.
948 101.62(4).

949 (2) Upon receipt of a federal postcard application for a
950 vote-by-mail ~~an absentee~~ ballot executed by a person whose
951 registration is not in order and whose application is
952 insufficient to register or update the registration of that
953 person, the supervisor shall follow the procedure set forth in
954 s. 97.073.

955 (3) Vote-by-mail ~~Absentee~~ envelopes printed for voters
956 entitled to vote by mail ~~absentee~~ under the Uniformed and
957 Overseas Citizens Absentee Voting Act shall meet the

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958 specifications as determined by the Federal Voting Assistance
959 Program of the United States Department of Defense and the
960 United States Postal Service.

961 (4) Cognizance shall be taken of the fact that vote-by-mail
962 ~~absentee~~ ballots and other materials such as instructions and
963 envelopes are to be carried via air mail, and, to the maximum
964 extent possible, such ballots and materials shall be reduced in
965 size and weight of paper. The same ballot shall be used,
966 however, as is used by other vote-by-mail ~~absentee~~ voters.

967 Section 28. Subsections (1) and (4) of section 101.6951,
968 Florida Statutes, are amended to read:

969 101.6951 State write-in vote-by-mail ballot.—

970 (1) An overseas voter may request, not earlier than 180
971 days before a general election, a state write-in vote-by-mail
972 ~~absentee~~ ballot from the supervisor of elections in the county
973 of registration. In order to receive a state write-in ballot,
974 the voter shall state that due to military or other
975 contingencies that preclude normal mail delivery, the voter
976 cannot vote a vote-by-mail ~~an absentee~~ ballot during the normal
977 vote-by-mail ~~absentee~~ voting period. State write-in vote-by-mail
978 ~~absentee~~ ballots shall be made available to voters 90 to 180
979 days prior to a general election. The Department of State shall
980 prescribe by rule the form of the state write-in vote-by-mail
981 ballot.

982 (4) The state write-in vote-by-mail ballot shall contain
983 all offices, federal, state, and local, for which the voter
984 would otherwise be entitled to vote.

985 Section 29. Section 101.6952, Florida Statutes, is amended
986 to read:

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987 101.6952 Vote-by-mail ~~Absentee~~ ballots for absent uniformed
988 services and overseas voters.—

989 (1) If an absent uniformed services voter's or an overseas
990 voter's request for an official vote-by-mail ~~absentee~~ ballot
991 pursuant to s. 101.62 includes an e-mail address, the supervisor
992 of elections shall:

993 (a) Record the voter's e-mail address in the vote-by-mail
994 ~~absentee~~ ballot record;

995 (b) Confirm by e-mail that the vote-by-mail ~~absentee~~ ballot
996 request was received and include in that e-mail the estimated
997 date the vote-by-mail ~~absentee~~ ballot will be sent to the voter;
998 and

999 (c) Notify the voter by e-mail when the voted vote-by-mail
1000 ~~absentee~~ ballot is received by the supervisor of elections.

1001 (2) (a) An absent uniformed services voter or an overseas
1002 voter who makes timely application for but does not receive an
1003 official vote-by-mail ~~absentee~~ ballot may use the federal write-
1004 in absentee ballot to vote in any federal election and any state
1005 or local election involving two or more candidates.

1006 (b)1. In an election for federal office, an elector may
1007 designate a candidate by writing the name of a candidate on the
1008 ballot. Except for a primary or special primary election, the
1009 elector may alternatively designate a candidate by writing the
1010 name of a political party on the ballot. A written designation
1011 of the political party shall be counted as a vote for the
1012 candidate of that party if there is such a party candidate in
1013 the race.

1014 2. In an election for a state or local office, an elector
1015 may vote in the section of the federal write-in absentee ballot

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1016 designated for nonfederal races by writing on the ballot the
1017 title of each office and by writing on the ballot the name of
1018 the candidate for whom the elector is voting. Except for a
1019 primary, special primary, or nonpartisan election, the elector
1020 may alternatively designate a candidate by writing the name of a
1021 political party on the ballot. A written designation of the
1022 political party shall be counted as a vote for the candidate of
1023 that party if there is such a party candidate in the race.

1024 (c) In the case of a joint candidacy, such as for the
1025 offices of President/Vice President or Governor/Lieutenant
1026 Governor, a valid vote for one or both qualified candidates on
1027 the same ticket shall constitute a vote for the joint candidacy.

1028 (d) For purposes of this subsection and except where the
1029 context clearly indicates otherwise, such as where a candidate
1030 in the election is affiliated with a political party whose name
1031 includes the word "Independent," "Independence," or similar
1032 term, a voter designation of "No Party Affiliation" or
1033 "Independent," or any minor variation, misspelling, or
1034 abbreviation thereof, shall be considered a designation for the
1035 candidate, other than a write-in candidate, who qualified to run
1036 in the race with no party affiliation. If more than one
1037 candidate qualifies to run as a candidate with no party
1038 affiliation, the designation shall not count for any candidate
1039 unless there is a valid, additional designation of the
1040 candidate's name.

1041 (e) Any abbreviation, misspelling, or other minor variation
1042 in the form of the name of an office, the name of a candidate,
1043 or the name of a political party must be disregarded in
1044 determining the validity of the ballot.

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1045 (3) (a) An absent uniformed services voter or an overseas
1046 voter who submits a federal write-in absentee ballot and later
1047 receives an official vote-by-mail ~~absentee~~ ballot may submit the
1048 official vote-by-mail ~~absentee~~ ballot. An elector who submits a
1049 federal write-in absentee ballot and later receives and submits
1050 an official vote-by-mail ~~absentee~~ ballot should make every
1051 reasonable effort to inform the appropriate supervisor of
1052 elections that the elector has submitted more than one ballot.

1053 (b) A federal write-in absentee ballot may not be canvassed
1054 until 7 p.m. on the day of the election. Each federal write-in
1055 absentee ballot received by 7 p.m. on the day of the election
1056 shall be canvassed pursuant to ss. 101.5614(5) and 101.68,
1057 unless the elector's official vote-by-mail ~~absentee~~ ballot is
1058 received by 7 p.m. on election day. If the elector's official
1059 vote-by-mail ~~absentee~~ ballot is received by 7 p.m. on election
1060 day, the federal write-in absentee ballot is invalid and the
1061 official vote-by-mail ~~absentee~~ ballot shall be canvassed. The
1062 time shall be regulated by the customary time in standard use in
1063 the county seat of the locality.

1064 (4) For vote-by-mail ~~absentee~~ ballots received from absent
1065 uniformed services voters or overseas voters, there is a
1066 presumption that the envelope was mailed on the date stated on
1067 the outside of the return envelope, regardless of the absence of
1068 a postmark on the mailed envelope or the existence of a postmark
1069 date that is later than the date of the election.

1070 (5) A vote-by-mail ~~An absentee~~ ballot from an overseas
1071 voter in any presidential preference primary or general election
1072 which is postmarked or dated no later than the date of the
1073 election and is received by the supervisor of elections of the

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1074 county in which the overseas voter is registered no later than
1075 10 days after the date of the election shall be counted as long
1076 as the vote-by-mail ~~absentee~~ ballot is otherwise proper.

1077 Section 30. Section 101.697, Florida Statutes, is amended
1078 to read:

1079 101.697 Electronic transmission of election materials.—The
1080 Department of State shall determine whether secure electronic
1081 means can be established for receiving ballots from overseas
1082 voters. If such security can be established, the department
1083 shall adopt rules to authorize a supervisor of elections to
1084 accept from an overseas voter a request for a vote-by-mail ~~an~~
1085 ~~absentee~~ ballot or a voted vote-by-mail ~~absentee~~ ballot by
1086 secure facsimile machine transmission or other secure electronic
1087 means. The rules must provide that in order to accept a voted
1088 ballot, the verification of the voter must be established, the
1089 security of the transmission must be established, and each
1090 ballot received must be recorded.

1091 Section 31. Paragraph (a) of subsection (4) of section
1092 102.031, Florida Statutes, is amended to read:

1093 102.031 Maintenance of good order at polls; authorities;
1094 persons allowed in polling rooms and early voting areas;
1095 unlawful solicitation of voters.—

1096 (4) (a) No person, political committee, or other group or
1097 organization may solicit voters inside the polling place or
1098 within 100 feet of the entrance to any polling place, a polling
1099 room where the polling place is also a polling room, an early
1100 voting site, or an office of the supervisor of elections where
1101 vote-by-mail ~~absentee~~ ballots are requested and printed on
1102 demand for the convenience of electors who appear in person to

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1103 request them. Before the opening of the polling place or early
1104 voting site, the clerk or supervisor shall designate the no-
1105 solicitation zone and mark the boundaries.

1106 Section 32. Subsections (2), (3), and (4) of section
1107 102.141, Florida Statutes, are amended to read:

1108 102.141 County canvassing board; duties.—

1109 (2) The county canvassing board shall meet in a building
1110 accessible to the public in the county where the election
1111 occurred at a time and place to be designated by the supervisor
1112 of elections to publicly canvass the absent ~~absentee~~ electors'
1113 ballots as provided for in s. 101.68 and provisional ballots as
1114 provided by ss. 101.048, 101.049, and 101.6925. Provisional
1115 ballots cast pursuant to s. 101.049 shall be canvassed in a
1116 manner that votes for candidates and issues on those ballots can
1117 be segregated from other votes. Public notice of the time and
1118 place at which the county canvassing board shall meet to canvass
1119 the absent ~~absentee~~ electors' ballots and provisional ballots
1120 shall be given at least 48 hours prior thereto by publication on
1121 the supervisor of elections' website and once in one or more
1122 newspapers of general circulation in the county or, if there is
1123 no newspaper of general circulation in the county, by posting
1124 such notice in at least four conspicuous places in the county.
1125 As soon as the absent ~~absentee~~ electors' ballots and the
1126 provisional ballots are canvassed, the board shall proceed to
1127 publicly canvass the vote given each candidate, nominee,
1128 constitutional amendment, or other measure submitted to the
1129 electorate of the county, as shown by the returns then on file
1130 in the office of the supervisor of elections.

1131 (3) The canvass, except the canvass of absent ~~absentee~~

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1132 electors' returns and the canvass of provisional ballots, shall
1133 be made from the returns and certificates of the inspectors as
1134 signed and filed by them with the supervisor, and the county
1135 canvassing board shall not change the number of votes cast for a
1136 candidate, nominee, constitutional amendment, or other measure
1137 submitted to the electorate of the county, respectively, in any
1138 polling place, as shown by the returns. All returns shall be
1139 made to the board on or before 2 a.m. of the day following any
1140 primary, general, or other election. If the returns from any
1141 precinct are missing, if there are any omissions on the returns
1142 from any precinct, or if there is an obvious error on any such
1143 returns, the canvassing board shall order a retabulation of the
1144 returns from such precinct. Before canvassing such returns, the
1145 canvassing board shall examine the tabulation of the ballots
1146 cast in such precinct and determine whether the returns
1147 correctly reflect the votes cast. If there is a discrepancy
1148 between the returns and the tabulation of the ballots cast, the
1149 tabulation of the ballots cast shall be presumed correct and
1150 such votes shall be canvassed accordingly.

1151 (4) (a) The supervisor of elections shall upload into the
1152 county's election management system by 7 p.m. on the day before
1153 the election the results of all early voting and vote-by-mail
1154 ~~absentee~~ ballots that have been canvassed and tabulated by the
1155 end of the early voting period. Pursuant to ss. 101.5614(9),
1156 101.657, and 101.68(2), the tabulation of votes cast or the
1157 results of such uploads may not be made public before the close
1158 of the polls on election day.

1159 (b) The canvassing board shall report all early voting and
1160 all tabulated vote-by-mail ~~absentee~~ results to the Department of

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1161 State within 30 minutes after the polls close. Thereafter, the
1162 canvassing board shall report, with the exception of provisional
1163 ballot results, updated precinct election results to the
1164 department at least every 45 minutes until all results are
1165 completely reported. The supervisor of elections shall notify
1166 the department immediately of any circumstances that do not
1167 permit periodic updates as required. Results shall be submitted
1168 in a format prescribed by the department.

1169 Section 33. Subsection (8) of section 102.168, Florida
1170 Statutes, is amended to read:

1171 102.168 Contest of election.—

1172 (8) In any contest that requires a review of the canvassing
1173 board's decision on the legality of a vote-by-mail ~~an absentee~~
1174 ballot pursuant to s. 101.68 based upon a comparison of the
1175 signature on the voter's certificate and the signature of the
1176 elector in the registration records, the circuit court may not
1177 review or consider any evidence other than the signature on the
1178 voter's certificate and the signature of the elector in the
1179 registration records. The court's review of such issue shall be
1180 to determine only if the canvassing board abused its discretion
1181 in making its decision.

1182 Section 34. Subsection (1) of section 104.047, Florida
1183 Statutes, is amended to read:

1184 104.047 Vote-by-mail ~~Absentee~~ ballots and voting;
1185 violations.—

1186 (1) Except as provided in s. 101.62 or s. 101.655, any
1187 person who requests a vote-by-mail ~~an absentee~~ ballot on behalf
1188 of an elector is guilty of a felony of the third degree,
1189 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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1190 Section 35. Section 104.0616, Florida Statutes, is amended
1191 to read:

1192 104.0616 Vote-by-mail ~~Absentee~~ ballots and voting;
1193 violations.—

1194 (1) For purposes of this section, the term "immediate
1195 family" means a person's spouse or the parent, child,
1196 grandparent, or sibling of the person or the person's spouse.

1197 (2) Any person who provides or offers to provide, and any
1198 person who accepts, a pecuniary or other benefit in exchange for
1199 distributing, ordering, requesting, collecting, delivering, or
1200 otherwise physically possessing more than two vote-by-mail
1201 ~~absentee~~ ballots per election in addition to his or her own
1202 ballot or a ballot belonging to an immediate family member,
1203 except as provided in ss. 101.6105-101.694, commits a
1204 misdemeanor of the first degree, punishable as provided in s.
1205 775.082, s. 775.083, or s. 775.084.

1206 Section 36. Section 104.17, Florida Statutes, is amended to
1207 read:

1208 104.17 Voting in person after casting vote-by-mail ~~absentee~~
1209 ballot.—Any person who willfully votes or attempts to vote both
1210 in person and by vote-by-mail ~~absentee~~ ballot at any election is
1211 guilty of a felony of the third degree, punishable as provided
1212 in s. 775.082, s. 775.083, or s. 775.084.

1213 Section 37. Paragraph (b) of subsection (2) of section
1214 117.05, Florida Statutes, is amended to read:

1215 117.05 Use of notary commission; unlawful use; notary fee;
1216 seal; duties; employer liability; name change; advertising;
1217 photocopies; penalties.—

1218 (2)

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1219 (b) A notary public may not charge a fee for witnessing a
1220 vote-by-mail ~~an absentee~~ ballot in an election, and must witness
1221 such a ballot upon the request of an elector, provided the
1222 notarial act is in accordance with the provisions of this
1223 chapter.

1224 Section 38. Subsection (7) of section 394.459, Florida
1225 Statutes, is amended to read:

1226 394.459 Rights of patients.—

1227 (7) VOTING IN PUBLIC ELECTIONS.—A patient who is eligible
1228 to vote according to the laws of the state has the right to vote
1229 in the primary and general elections. The department shall
1230 establish rules to enable patients to obtain voter registration
1231 forms, applications for vote-by-mail ~~absentee~~ ballots, and vote-
1232 by-mail ~~absentee~~ ballots.

1233 Section 39. Section 741.406, Florida Statutes, is amended
1234 to read:

1235 741.406 Voting by program participant; use of designated
1236 address by supervisor of elections.—A program participant who is
1237 otherwise qualified to vote may request a vote-by-mail ~~an~~
1238 ~~absentee~~ ballot pursuant to s. 101.62. The program participant
1239 shall automatically receive vote-by-mail ~~absentee~~ ballots for
1240 all elections in the jurisdictions in which that individual
1241 resides in the same manner as vote-by-mail ~~absentee~~ voters. The
1242 supervisor of elections shall transmit the vote-by-mail ~~absentee~~
1243 ballot to the program participant at the address designated by
1244 the participant in his or her application as a vote-by-mail ~~an~~
1245 ~~absentee~~ voter. The name, address, and telephone number of a
1246 program participant may not be included in any list of
1247 registered voters available to the public.

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1248 Section 40. Subsection (7) of section 916.107, Florida
1249 Statutes, is amended to read:

1250 916.107 Rights of forensic clients.—

1251 (7) VOTING IN PUBLIC ELECTIONS.—A forensic client who is
1252 eligible to vote according to the laws of the state has the
1253 right to vote in the primary and general elections. The
1254 department and agency shall establish rules to enable clients to
1255 obtain voter registration forms, applications for vote-by-mail
1256 ~~absentee~~ ballots, and vote-by-mail ~~absentee~~ ballots.

1257 Section 41. 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 1296

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Bean

SUBJECT: Military and Veterans Affairs

DATE: April 7, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Ryon</u>	<u>Ryon</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>Fox</u>	<u>Roberts</u>	<u>EE</u>	<u>Favorable</u>
3.	<u>Sneed</u>	<u>Miller</u>	<u>ATD</u>	<u>Favorable</u>
4.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1296 is a wide-ranging veterans bill that:

- Creates the Military and Overseas Voting Assistance Task Force within the Department of State for one year, to study issues involving the development and implementation of an online voting system that allows absent military members to electronically submit *voted* ballots;
- Provides legislative intent regarding academic credit for military training and coursework and collaboration between the State Board of Education and the Board of Governors on student veteran issues;
- Establishes a voluntary check-off on driver license and identification card applications to allow a veteran to request written or electronic information on federal, state, and local benefits and services available to veterans;
- Waives driver license and identification card fees for combat veterans; and,
- Removes an existing provision that waives driver license and identification card fees for 100-percent total and permanent service-connected disabled veterans.

The bill will have a negative fiscal impact on the state's General Revenue Fund and the Highway Safety Operating Trust Fund, as well as county tax collectors due to loss of revenue collected

from driver license and identification card fees for combat veterans. The estimated revenue loss is indeterminate at this time.

The bill may have a negative fiscal impact on the Department of State for providing staff support to the task force and for the reimbursement of travel and per diem for the task force members.

The Florida Department of Veterans Affairs may incur additional costs to mail federal, state, and local veteran benefits information to veterans who voluntarily request the information.

The bill takes effect July 1, 2015.

II. Present Situation:

Military Overseas Absentee Voters

Florida currently does not allow for the return of *voted* absentee ballots through an online system or by other Internet-related or electronic means, with the exception of overseas voters who may return their ballots via secure facsimile.¹

Regarding the general voting process for overseas voters, the federal Uniformed and Overseas Citizens Absentee Voting Act (“UOCAVA”) requires each state to permit absent uniformed services voters and overseas voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for federal office. Florida law also permits the use of state absentee ballots for all state and local elections, merit retention, and ballot measures. An overseas voter can register to vote and request an absentee ballot at the same time by using the Federal Post Card Application (“FPCA”). The FPCA can be submitted by mail, e-mail, or fax if the overseas voter is already registered. If the overseas voter is not registered, the FPCA must be submitted by mail. An overseas voter may also obtain an absentee ballot by submitting a request to the supervisor of elections by telephone, mail, fax or e-mail. Absentee ballots are mailed to military and overseas voters no later than 45 days before each election. A voter can also request that the absentee ballot be faxed or e-mailed.

Additionally, the Federal Write-In Absentee Ballot (FWAB) is the emergency back-up absentee ballot that allows UOCAVA voters who have requested but not yet received their absentee ballot to vote in any election for federal office and any state or local election involving two or more candidates.² Overseas voters must return³ their voted absentee ballot or the FWAB to their local elections supervisor no later than 7:00 p.m. on Election Day (or no later than 10 days after Election Day for presidential preference primaries and general elections).

¹ Section 101.697, F.S.; Rule 1S-2.030, F.A.C. Notwithstanding, the law directs the Department of State to adopt rules providing for the receipt of absentee ballots from “overseas” (civilian and military) voters by “secure electronic means,” if the Department of State determines such security can be established (i.e., verification of the voter, security of the transmission, etc.) section 101.697, F.S.

² Section 101.6952, F.S.

³ Overseas voters may return their voted ballot by mail, by secure fax, in person, or through someone else on behalf of the voter. Section 101.697, F.S.; Rule 1S-2.030, F.A.C.

Veterans' Training and Coursework

State Board of Education – Florida College System

The State Board of Education is the chief implementing and coordinating body of public education in Florida, except for the State University System.⁴ In accordance with Article IX, Section 2, of the State Constitution, the State Board of Education is responsible for supervising the system of free public education as is provided by law and appoints the Commissioner of the Department of Education.

There are 28 locally-governed public colleges in the Florida College System. While governed by local boards, the colleges are coordinated under the jurisdiction of the State Board of Education. Administratively, the Chancellor of Florida Colleges is the chief executive officer of the system, reporting to the Commissioner of Education who serves as the chief executive officer of Florida's K-20 System.⁵

Board of Governors - State University System

The Board of Governors is the governing body for the State University System of Florida. In accordance with Article IX, Section 7(d), of the State Constitution, it is required to “operate, regulate, control, and be fully responsible for the management of the whole university system.” Currently, there are 12 institutions within the State University System (SUS).⁶ The SUS enrolls over 337,000 students, offers nearly 1,800 degree programs at the baccalaureate, graduate, and professional levels, and annually awards over 81,000 degrees at all levels.⁷

College Credit for Military Training and Education

Section 1004.096, F.S., requires the Board of Governors to adopt regulations and the State Board of Education to adopt rules that enable eligible members of the U.S. Armed Forces to earn academic college credit at public postsecondary educational institutions for college-level training and education acquired in the military.⁸ Accordingly, Board of Governors Regulation 6.013 and Rule 6A-14.0302 of the Florida Administrative Code, require all Florida universities and colleges, respectively, to have an established policy and process in place for evaluating military training and education. Pursuant to both the rule and regulation, such military training and education must be recognized by the American Council on Education (ACE).

Priority Course Registration for Veterans

Section 1004.075, F.S., requires each Florida College System institution and state university to provide priority course registration for veterans receiving GI Bill benefits if the institution offers priority course registration for any segment of the student population.⁹ Additionally, a spouse or

⁴ Section 1001.02(1), F.S.

⁵ Florida Department of Education website, About Us. Available at: <http://www.fldoe.org/schools/higher-ed/fl-college-system/about-us>.

⁶ The State University System 2025 System Strategic Plan, p 5. Available at: http://www.flbog.edu/pressroom/doc/2025_System_Strategic_Plan_Revised_FINAL.pdf.

⁷ *Id.*

⁸ Chapter 2012-169, Laws of Fla.

⁹ Chapter 2012-159, Laws of Fla.

dependent child of a veteran to whom GI Bill benefits have been transferred are also entitled to priority course registration until the expiration of their GI Bill benefits.

Voluntary Contributions on Driver License/Identification Card Applications

The voluntary contribution process, also known as voluntary check-offs, provides the opportunity for citizens to make a donation by checking a box on a form when registering a vehicle or renewing a registration, as well as applying for a new or replacement driver license or identification card.¹⁰

An organization that desires to receive a voluntary contribution must be specifically authorized by Florida Statutes. Section 320.023, F.S., establishes requirements for organizations seeking to establish a voluntary contribution on motor vehicle registration application forms, and s. 322.081, F.S., establishes similar requirements for driver license and identification card applications. Both sections require the following:

- A request for the voluntary contribution being sought, describing the voluntary contribution in general terms;
- An application fee¹¹, not to exceed \$10,000, to defray the Department of Highway Safety and Motor Vehicles' (DHSMV) cost for reviewing the application and developing the voluntary contribution check off, if authorized; and
- A marketing strategy outlining short-term and long-term marketing plans for the contribution, and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the contributions.

There are three veteran or military-related voluntary contributions authorized for driver license and identification card applications. An applicant may elect to contribute \$1 to the State Homes for Veterans Trust Fund, the Disabled American Veterans, and Support Our Troops, Inc.¹²

The Florida Vets Connect Program

In 2010, the DHSMV and the Florida Department of Veterans' Affairs (FDVA) partnered to create the Florida Vets Connect Program to stimulate outreach efforts to veterans in Florida.¹³ Through the Florida Vets Connect Program, veterans have the opportunity to voluntarily identify their veteran status when applying for or renewing a Florida driver license or state of Florida identification card. Beginning in 2010, present on each driver license and identification card application is the option for an individual to indicate status as a veteran and interest in receiving information on benefits, services, and support available to veterans.¹⁴ The DHSMV and the FDVA entered into a Memorandum of Understanding to facilitate the sharing of a veteran's

¹⁰ Sections 320.02(8), (14), and (15) and 328.72(11) and (16), F.S., provide motor vehicle registration applicants with 26 options for voluntary contributions. Section 322.08(7), F.S., provides driver license applicants with 19 options for voluntary contributions.

¹¹ State funds may not be used to pay the application fee.

¹² See Section 322.08(7)(n), (o), and (r), F.S.

¹³ See Florida Department of Financial Services Press Release. *CFO Sink Announces "Florida Vets Connect" to Recognize Brave Service of Florida Veterans*. March 3, 2010. Available at: <http://www.myfloridacfo.com/sitepages/newsroom/pressrelease.aspx?id=3449>.

¹⁴ Military and Veterans Affairs, Space, and Domestic Security Committee staff telephone conversation with Steve Murray, Communications Director, Florida Department of Veterans' Affairs. March 6, 2015.

contact information from the DHSMV to the FDVA. The FDVA, through a third party provider, distributes general state of Florida veterans' benefits information via e-mail¹⁵ to those individuals who request such information on the driver license or identification card application.¹⁶ The FDVA distributed 50,350 e-mails during the 2014 calendar year under the Vets Connect Program.¹⁷ E-mails are distributed on a monthly basis.¹⁸

County and City Veteran Service Officers

Section 292.11, F.S., authorizes each county and city to employ a county or city veteran service officer to provide a myriad of assistance to veterans including presenting claims for and securing benefits or privileges to which veterans are or may become entitled by reason of their service in the military. County veteran service officers are county employees, but are certified by the FDVA.¹⁹ Each county currently employs a veteran service officer, however, in some cases, one veteran service officer may service two counties.²⁰ There are currently no certified city veteran service officers in Florida.²¹

Driver License and Identification Card Fees

Driver license fees are authorized in s. 322.21, F.S. An original or renewal commercial driver license is \$78; and an original renewal or extension of a Class E driver license is \$48. The revenues from these fees are deposited into the General Revenue Fund. Other fees established include replacement driver licenses and original, replacement, and renewal identification cards. A replacement driver license is \$25. Of this amount, \$7 is deposited into the Highway Safety Operating Trust Fund and \$18 is deposited into the General Revenue Fund.

An identification card is \$25.²² Of this amount, the fee distribution varies depending on the type of issuance. The fee for an original identification card is deposited into the General Revenue Fund. From the fee for a renewal identification card, \$6 is deposited into the Highway Safety Operating Trust Fund and \$19 into the General Revenue Fund; and for a replacement identification card, \$9 into the Highway Safety Operating Trust Fund and \$16 is deposited into the General Revenue Fund.

Current law requires that driver license issuance services be assumed by the tax collectors who are constitutional officers under s. 1(d), Art. VIII of the State Constitution by June 30, 2015.²³

¹⁵ According to the FDVA, it is too cost prohibitive to distribute printouts of the veterans' benefits information via the United States mail.

¹⁶ *Supra* note 9.

¹⁷ E-mail correspondence with FDVA staff on March 5, 2015. On file with the Senate Military and Veterans Affairs, Space, and Domestic Security Committee.

¹⁸ *Id.*

¹⁹ Section 292.11(4), F.S.

²⁰ Listing of Florida County Veteran Service Officers: http://floridavets.org/wp-content/uploads/2014/02/CVSO_Directory_1-February-2014.pdf

²¹ E-mail correspondence with FDVA staff on March 6. On file with the Senate Military and Veterans Affairs, Space, and Domestic Security Committee.

²² Section 322.21(f), F.S.

²³ Section 322.135(5), F.S.

Beginning July 1, 2015, or upon completion of the transition of driver license issuance services, a tax collector who issues a replacement driver license or replacement identification card may retain the portion of the fee that is currently deposited in the Highway Safety Operating Trust Fund, \$7 or \$9 respectively.²⁴

Fee Exemption for 100-Percent Total and Permanent Service-Connected Disabled Veterans

Section 322.21(7), F.S., provides an exemption from all driver license and identification card fees required by s. 322.21, F.S., for any honorably discharged veteran who: has been issued a valid identification card by the FDVA in accordance with s. 295.17, F.S.;²⁵ has been determined by the U.S. Department of Veterans Affairs (USDVA) or the Department of Defense to have a 100-percent total and permanent service-connected disability; and is qualified to obtain a Florida driver license.

Combat Veterans

Section 1.01(14), F.S., defines the term “veteran” as:

“[A] person who served in the active military, naval, or air service and who was discharged or released under honorable conditions only or who later received an upgraded discharge under honorable conditions, notwithstanding any action by the United States Department of Veterans Affairs on individuals discharged or released with other than honorable discharges.”

The Florida Statutes also defines “wartime veteran”²⁶ for the purpose of determining eligibility for certain state benefits, but does not define “combat veteran.”

For the purpose of determining eligibility for certain health care services provided by the USDVA, the U.S. Code defines “combat veteran” as:

“a veteran who served on active duty in a theater of combat operations during a period of war after the Persian Gulf War, or in combat against a hostile force during a period of hostilities after November 11, 1998.”²⁷

The USDVA considers the following documentation to determine service in a theater of combat operations:²⁸

²⁴ Section 322.21(1)(e) and (1)(f)3., F.S.

²⁵ Pursuant to s. 295.17, F.S., the FDVA may issue an identification card to any veteran who is a permanent Florida resident and who has a 100-percent service-connected disability.

²⁶ Section 1.01(14), F.S. To receive benefits as a wartime veteran, a veteran must have served in a campaign or expedition for which a campaign badge has been authorized or a veteran must have served during one of the following periods of wartime service: (a) Spanish-American War, including the Philippine Insurrection and the Boxer Rebellion; (b) Mexican Border Period; (c) World War I; (d) World War II; (e) Korean Conflict; (f) Vietnam Era; (g) Persian Gulf War; (h) Operation Enduring Freedom; and (i) Operation Iraqi Freedom.

²⁷ 38 U.S.C. Section 1710(e)(1)(D)

²⁸ A combat operation is a military action that may involve carrying out a strategic, operational, or tactical mission against a hostile or unfriendly force, to include carrying on combat and any related movement, supply, attack, defense, or maneuvers needed to gain the objectives of a battle or campaign. Operations Enduring Freedom and Iraqi Freedom are examples of combat operations. Department of Defense: Financial Management Regulation 7000.14 – R, Volume 7a: “Military Pay Policy - Active Duty and Reserve Pay.” p. 13-3. Available at:

http://comptroller.defense.gov/Portals/45/documents/fmr/Volume_07a.pdf

- Military service documentation that reflects service in a combat theater;
- Receipt of combat service medals; or²⁹
- Receipt of imminent danger or hostile fire pay³⁰ or tax benefits.³¹

Florida is home to approximately 1.6 million veterans, of which 1.2 million are considered wartime veterans.³² There is no estimate available for the number of combat veterans residing in Florida.³³

III. Effect of Proposed Changes:

Section 1 establishes the Military and Overseas Voting Assistance Task Force (“Task Force”) within the Department of State to study issues involving the development and implementation of an online voting system that allows absent military members to electronically submit voted ballots.

The Task Force consists of the following 20 members:

- The Secretary of State or his or her designee, who shall serve as the chair of the Task Force;
- The Adjutant General or his or her designee;
- The executive director of the Florida Department of Veterans’ Affairs, or his or her designee;
- The executive director of the Agency for State Technology or his or her designee;
- One member of the Senate appointed by the President of the Senate;
- One member of the House of Representatives appointed by the Speaker of the House of Representatives;
- One member of the Senate appointed by the Minority Leader of the Senate;
- One member of the House of Representatives appointed by the Minority Leader of the House of Representatives;
- One member appointed by the Governor;
- Six supervisors of elections appointed by the Secretary of State;
- Five individuals appointed by the Secretary of State; and
- Five individuals appointed by the Secretary of State with relevant expertise in computers, the Internet, or other associated technologies.

Members of the Task Force shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses.

²⁹ Air Force Cross, Air Medal with “V” Device, Army Commendation Medal with “V” Device, Bronze Star Medal with “V” Device, Combat Action Badge, Combat Action Ribbon, Combat Aircrew Insignia, Combat Infantry/Infantryman Badge, Combat Medical Badge, Distinguished Flying Cross, Distinguished Service Cross, Joint Service Commendation Medal with “V” Device, Medal of Honor, Navy Commendation Medal with “V” Device, Navy Cross, Purple Heart, and/or Silver Star.

³⁰ Hostile fire pay is defined as pay to anyone exposed to hostile fire or mine explosion, while imminent danger pay is paid to anyone on duty outside the United States area who is subject to physical harm or imminent danger due to wartime conditions, terrorism, civil insurrection, or civil war. USDVA Veterans Health Administration Directive 2008-054. Available at: http://www.va.gov/vhapublications/ViewPublication.asp?pub_ID=1758

³¹ USDVA. Combat Veteran Eligibility. December 2011. Available at: http://www.va.gov/healthbenefits/assets/documents/publications/ib-10-438_combat_veteran_eligibility.pdf

³² FDVA. Fast Facts. Available at: <http://floridavets.org/our-veterans/profilefast-facts/>

³³ E-mail correspondence with FDVA staff on March 18, 2015. On file with Senate Military and Veterans Affairs, Space, and Domestic Security Committee.

The bill directs the Task Force to study and report on the following issues:

- Any factor that limits the ability of absent uniformed services voters to request, receive, and return absentee ballots within the current statutory time period for casting absentee ballots;
- The costs associated with the development and implementation of an online voting system;
- The feasibility of absent uniformed services voters using an online voting system to electronically submit a voted ballot;
- The security of electronically submitting a voted ballot through an online voting system; and
- Procedures adopted by other states to facilitate greater electoral participation among absent uniformed services voters.

The Secretary of State must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2016, containing the Task Force's recommendation on whether the state should pursue the development and implementation of an online voting system for absent military voters. If the Task Force recommends an online voting system, the report must include recommended steps for developing and implementing such a system.

The Task Force will expire upon the submission of the Secretary of State's required report by July 1, 2016.

Additionally, the bill requires the Division of Elections of the Department of State to provide support staff for the Task Force and requires the Agency for State Technology to assist the Task Force upon request.

Section 2 provides legislative intent regarding the provision of college credit for military training and coursework and other services to student veterans. The bill provides that it is the intent of the Legislature that the State Board of Education and the Board of Governors work collaboratively to do the following:

- Align existing degree programs with applicable military training and experience to maximize academic credit awarded for such training and experience;
- Appoint and train specific faculty within each degree program at each institution as liaisons and contacts for veterans;
- Incorporate outreach services tailored to disabled veterans to inform disabled veterans of disability services provided by the United State Department of Veterans' Affairs, and other federal and state agencies, and private entities.
- Facilitate statewide meetings for campus personnel to discuss and develop best practices, exchange ideas and experiences, and hear presentations by individuals with expertise in the unique needs of veterans; and
- Provide veterans with sufficient courses required for graduation, including but not limited to, giving priority registration for veterans.

Section 3 amends s. 322.08, F.S., to provide a voluntary check-off on the application form for an original, renewal, or replacement driver license or identification card to allow veterans of the U.S. Armed Forces to request written or electronic information on federal, state, and local benefits and services available to veterans. The veteran may elect to receive the information

through the U.S. mail or by e-mail. The FDVA will select one or more third-party providers to act on the FDVA's behalf and deliver the requested information to the veteran.

The Department of Highway Safety and Motor Vehicles (DHSMV) and the FDVA will collaborate to administer the voluntary check-off. The DHSMV will report monthly to the FDVA the name and mailing address or e-mail address of each veteran who selects the voluntary check-off. The FDVA will then distribute the veterans' contact information to the third-party provider to administer delivery of veteran benefit and service information via the indicated preferred method of delivery (U.S. mail or e-mail). The FDVA will also disseminate the contact information for veterans who select the voluntary check-off to the appropriate county or city veteran service officer in order to facilitate further outreach to veterans.

The bill requires that a third-party provider selected by the FDVA to act on its behalf be a nonprofit organization with sufficient ability to communicate with veterans throughout the state. "Nonprofit organization" is defined as an organization exempt from the federal income tax under s. 501 of the Internal Revenue Code of 1986 or any federal, state, or local governmental entity.

Additionally, the bill requires that a veteran's contact information obtained by a third-party may only be used for purposes outlined in the bill, prohibits a third-party provider from selling a veteran's contact information, and requires a third-party to maintain confidentiality of the contact information in accordance with Ch. 119, F.S., and the federal Driver's Privacy Protection Act of 1994. Any person who willfully and knowingly violates the aforementioned conditions commits a misdemeanor of the first degree.

Section 4 amends s. 322.21(7), F.S., to remove the provision that waives the driver license and identification card fees provided in s. 322.21, F.S., for 100-percent total and permanent service-connected disabled veterans who are qualified to obtain a driver license.

The bill provides that any honorably discharged veteran who has served in combat and is qualified to obtain a driver license is exempt from the driver license and identification card fees provided in s. 322.21, F.S.

Section 5 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:

CS/SB 1296 entitles veterans who served in combat and who are qualified to obtain a driver license to a free original, renewal, or replacement driver license or identification card.

Veterans with a 100-percent total and permanent service-connected disability are no longer entitled to a free original, renewal, or replacement driver license or identification card.

C. Government Sector Impact:

The Department of State would be responsible for the reimbursement of per diem and travel expenses for the Military and Overseas Voting Assistance Task Force members. Additionally, the Division of Elections within the Department of State will provide support staff for the Task Force. Depending on the scope of the Task Force's needs, this may require additional full-time employees.³⁴

There is no estimate available at this time for the cost to implement the veterans' voluntary check-off program. Program expenses may include postage fees, packaging materials, technical and staff support. The bill does not identify a funding source to pay for the implementation of the program and does not specify which entity referenced in the bill is responsible for the costs associated with the program.

The bill will have a negative fiscal impact on the General Revenue Fund, the Highway Safety Operating Trust Fund, and county Tax Collectors due to loss of revenue collected from driver license and identification card fees for combat veterans. The revenue loss estimate is indeterminate at this time.

The bill will have a positive fiscal impact on the General Revenue Fund, the Highway Safety Operating Trust Fund, and county Tax Collectors due to the removal of the existing driver license and identification card fee exemption for 100-percent total and permanent service-connected disabled veterans.

VI. Technical Deficiencies:

None.

³⁴ Department of State. SB 1296 Agency Bill Analysis. March 6, 2015.

VII. Related Issues:

The bill does not define a “veteran who served in combat” as it relates to the driver license and identification card fee exemption authorized in the bill. The bill also does not identify the appropriate documentation to verify that a veteran served in combat.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 322.08 and 322.21.

This bill creates undesignated sections of the 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 Military and Veterans Affairs, Space, and Domestic Security on March 17, 2015:

The CS makes the following changes to the veterans voluntary check-off program:

- Replaces “direct-support organization” with “third-party provider” selected by the FDVA to act on its behalf;
- Defines “third-party provider;”
- Allows a veteran to opt to receive the benefit information via U.S. mail or e-mail;
- Provides that only the veteran’s name and mailing address or e-mail address will be shared;
- Removes requirement that a veteran present a DD-214 to be able to participate in the check-off program;
- Changes frequency in which DHSMV will disseminate veterans’ contact information to the FDVA from quarterly to monthly;
- Provides that a third-party provider, instead of a county or city veteran service officer, will distribute the benefit information directly to veterans;
- Requires FDVA to disseminate veterans’ contact information to each county and city veteran service officer for optional outreach to veterans;
- Provides a criminal penalty for any person who sells a veteran’s contact information or who does not maintain confidentiality of a veteran’s contact information; and
- Removes unnecessary redundant language.

The CS also revises the legislative intent regarding college and university student veteran support.

- B. **Amendments:**

None.

By the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senator Bean

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1 A bill to be entitled
2 An act relating to military and veterans affairs;
3 creating the Military and Overseas Voting Assistance
4 Task Force within the Department of State; specifying
5 membership of the task force; authorizing
6 reimbursement for per diem and travel expenses;
7 prescribing duties of the task force; requiring
8 submission of a report to the Governor and the
9 Legislature by a specified date; providing for
10 expiration of the task force; providing for staffing;
11 providing legislative findings regarding continuing
12 education for veterans of the United States Armed
13 Forces; providing legislative intent for the State
14 Board of Education and the Board of Governors of the
15 State University System to work collaboratively to
16 align existing degree programs at state universities
17 and Florida College System institutions, train
18 faculty, incorporate outreach services into existing
19 disability services, facilitate statewide meetings for
20 personnel, and provide sufficient courses and priority
21 registration to veterans; amending s. 322.08, F.S.;
22 requiring the application form for an original,
23 renewal, or replacement driver license or
24 identification card to include a voluntary checkoff
25 authorizing veterans to request written or electronic
26 information on federal, state, and local benefits and
27 services for veterans; requiring the requested
28 information to be delivered by a third-party provider;
29 requiring the Department of Highway Safety and Motor

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30 Vehicles to report monthly to the Department of
31 Veterans' Affairs the names and mailing or e-mail
32 addresses of veterans who request information;
33 requiring the Department of Veterans' Affairs to
34 disseminate veteran contact information to the third-
35 party provider; requiring that the third-party
36 provider be a nonprofit organization; defining the
37 term "nonprofit organization"; requiring that the
38 Department of Veterans' Affairs provide veteran
39 contact information to the appropriate county or city
40 veteran service officer; specifying that a third-party
41 provider may use veteran contact information only as
42 authorized; prohibiting a third-party provider from
43 selling veteran contact information; requiring a
44 third-party provider to maintain confidentiality of
45 veteran contact information under specified
46 provisions; providing a penalty; amending s. 322.21,
47 F.S.; revising eligibility for veterans for exemptions
48 from certain license fees; providing an effective
49 date.

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

52
53 Section 1. Military and Overseas Voting Assistance Task
54 Force.—The Military and Overseas Voting Assistance Task Force, a
55 task force as defined in s. 20.03, Florida Statutes, is created
56 within the Department of State. The task force is created for
57 the express purpose of studying issues involving the development
58 and implementation of an online voting system that allows absent

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59 uniformed services voters to electronically submit voted
60 ballots.

61 (1) The task force is composed of 20 members, as follows:

62 (a) The Secretary of State or his or her designee, who
63 shall serve as chair of the task force.

64 (b) The Adjutant General or his or her designee.

65 (c) The executive director of the Department of Veterans'
66 Affairs or his or her designee.

67 (d) The executive director of the Agency for State
68 Technology or his or her designee.

69 (e) One member of the Senate appointed by the President of
70 the Senate.

71 (f) One member of the House of Representatives appointed by
72 the Speaker of the House of Representatives.

73 (g) One member of the Senate appointed by the Minority
74 Leader of the Senate.

75 (h) One member of the House of Representatives appointed by
76 the Minority Leader of the House of Representatives.

77 (i) One member appointed by the Governor.

78 (j) Six supervisors of elections appointed by the Secretary
79 of State.

80 (k) Five individuals appointed by the Secretary of State,
81 with relevant expertise in computers, the Internet, or other
82 associated technologies.

83 (2) Members of the task force shall serve without
84 compensation, but are entitled to reimbursement for per diem and
85 travel expenses pursuant to s. 112.061, Florida Statutes.

86 (3) The task force, at a minimum, shall study and report on
87 the following issues:

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88 (a) Any factor that limits the ability of absent uniformed
89 services voters to request, receive, and return absentee ballots
90 within the current statutory time period for casting absentee
91 ballots.

92 (b) The costs associated with the development and
93 implementation of an online voting system.

94 (c) The feasibility of absent uniformed services voters
95 using an online voting system to electronically submit a voted
96 ballot.

97 (d) The security of electronically submitting a voted
98 ballot through an online voting system.

99 (e) Procedures adopted by other states to facilitate
100 greater electoral participation among absent uniformed services
101 voters.

102 (4) The Secretary of State shall submit a report to the
103 Governor, the President of the Senate, and the Speaker of the
104 House of Representatives by July 1, 2016, containing the task
105 force's recommendation concerning whether the state should
106 pursue the development and implementation of an online voting
107 system that allows absent uniformed services voters to
108 electronically submit voted ballots. If the task force favorably
109 recommends an online voting system, the report must include
110 recommended steps for developing and implementing such a system.
111 Upon submission of the report, the task force shall expire.

112 (5) The Division of Elections of the Department of State
113 shall provide support staff for the task force. The Agency for
114 State Technology shall assist the task force upon request.

115 Section 2. The Legislature finds that many veterans of the
116 United States Armed Forces in this state have completed training

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117 and coursework during their military service, including overseas
118 deployments, resulting in tangible and quantifiable strides in
119 their pursuit of a postsecondary degree. The Legislature further
120 finds that the State Board of Education and the Board of
121 Governors of the State University System must work together to
122 ensure that military training and coursework are granted
123 academic credit in order to assist veterans in continuing their
124 education. Therefore, it is the intent of the Legislature that
125 the State Board of Education and the Board of Governors work
126 collaboratively to:

127 (1) Align existing degree programs, including, but not
128 limited to, vocational and technical degrees, at each state
129 university and Florida College System institution with
130 applicable military training and experience to maximize academic
131 credit award for such training and experience.

132 (2) Appoint and train specific faculty within each degree
133 program at each state university and Florida College System
134 institution as liaisons and contacts for veterans.

135 (3) Incorporate outreach services tailored to disabled
136 veterans into existing disability services on the campus of each
137 state university and Florida College System institution to make
138 available to such veterans information on disability services
139 provided by the United States Department of Veterans Affairs,
140 other federal and state agencies, and private entities.

141 (4) Facilitate statewide meetings for personnel at state
142 universities and Florida College System institutions who provide
143 student services for veterans to discuss and develop best
144 practices, exchange ideas and experiences, and attend
145 presentations by individuals with expertise in the unique needs

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146 of veterans.

147 (5) Make every effort to provide veterans with sufficient
148 courses required for graduation, including, but not limited to,
149 giving priority registration to veterans.

150 Section 3. Present subsection (8) of section 322.08,
151 Florida Statutes, is redesignated as subsection (9), and a new
152 subsection (8) is added to that section, to read:

153 322.08 Application for license; requirements for license
154 and identification card forms.—

155 (8) (a) To support the carrying out of the duties of the
156 Department of Veterans' Affairs prescribed in s. 292.05 and to
157 facilitate outreach to veterans residing in this state, the
158 application form for an original, renewal, or replacement driver
159 license or identification card must include a voluntary checkoff
160 authorizing a veteran of the United States Armed Forces to
161 request written or electronic information on federal, state, and
162 local benefits and services available to veterans. The veteran
163 may elect to receive requested information through United States
164 mail or by e-mail. The requested information shall be delivered
165 to the veteran by any third party provider selected by the
166 Department of Veterans' Affairs to act on its behalf.

167 (b) The department shall collaborate with the Department of
168 Veterans' Affairs to administer this subsection. The department
169 shall report monthly to the Department of Veterans' Affairs the
170 name and mailing address or e-mail address of each veteran who
171 requests information as provided in paragraph (a). Following
172 receipt of the monthly report, the Department of Veterans'
173 Affairs shall disseminate the contact information for each such
174 veteran to the third-party provider acting on its behalf. The

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175 third-party provider must be a nonprofit organization with
176 sufficient ability to communicate with veterans residing
177 throughout this state. For purposes of this paragraph, the term
178 "nonprofit organization" means an organization exempt from the
179 federal income tax under s. 501 of the Internal Revenue Code of
180 1986 or any federal, state, or local governmental entity.

181 (c) In addition to the requirements of paragraph (b), the
182 Department of Veterans' Affairs shall disseminate the contact
183 information for a veteran who selects the voluntary checkoff to
184 the appropriate county or city veteran service officer in order
185 to facilitate further outreach to veterans.

186 (d)1. The contact information of a veteran which is
187 obtained by a third-party provider pursuant to this subsection
188 may be used only as authorized by this subsection. The third-
189 party provider may not sell such contact information. Except as
190 otherwise provided, the third-party provider must maintain the
191 confidentiality of the contact information in accordance with
192 chapter 119 and the federal Driver's Privacy Protection Act of
193 1994, 18 U.S.C. ss. 2721 et seq.

194 2. A person who willfully and knowingly violates this
195 paragraph commits a misdemeanor of the first degree, punishable
196 as provided in s. 775.082 or s. 775.083.

197 Section 4. Subsection (7) of section 322.21, Florida
198 Statutes, is amended to read:

199 322.21 License fees; procedure for handling and collecting
200 fees.—

201 (7) Any veteran honorably discharged from the Armed Forces
202 who has served in combat ~~been issued a valid identification card~~
203 ~~by the Department of Veterans' Affairs in accordance with s.~~

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204 ~~295.17, has been determined by the United States Department of~~
205 ~~Veterans Affairs or its predecessor to have a 100 percent total~~
206 ~~and permanent service-connected disability rating for~~
207 ~~compensation, or has been determined to have a service-connected~~
208 ~~total and permanent disability rating of 100 percent, is in~~
209 ~~receipt of disability retirement pay from any branch of the~~
210 ~~United States Armed Services, and who is qualified to obtain a~~
211 driver license under this chapter is exempt from all fees
212 required by this section.

213 Section 5. This act shall take effect July 1, 2015.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Health Policy, *Chair*
Appropriations Subcommittee on Health
and Human Services
Commerce and Tourism
Fiscal Policy
Judiciary
Regulated Industries

JOINT COMMITTEE:

Joint Administrative Procedures Committee

SENATOR AARON BEAN

4th District

April 9, 2015

The Honorable Jack Latvala
Chairman, TED Appropriations
The Florida Senate
408 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Latvala:

Because I will be presenting a bill in another committee, please allow my Legislative Aide, Dee Alexander, to present SB 1296 in your committee on Thursday, April 8th.

Sincerely,

A handwritten signature in blue ink that reads "Aaron Bean".

Aaron Bean
Senator | 4th District

Cc: Phillip Miller, Staff Director

REPLY TO:

- 1919 Atlantic Boulevard, Jacksonville, Florida 32207 (904) 346-5039 FAX: (888) 263-1578
- 302 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5004 FAX: (850) 410-4805

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

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 1388

INTRODUCER: Community Affairs Committee and Senator Stargel

SUBJECT: Special Districts

DATE: April 7, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>White</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 1388 makes clarifying changes to provisions of the Uniform Special District Accountability Act to conform cross-references, reorganize oversight provisions to avoid duplication, and recognize that dependent special districts have been and may be created by special act.

Additionally, the bill requires special districts to publish additional information on their website, and ensure that budgets are accessible for longer periods of time.

The bill has no fiscal impact on the private sector and a minimal fiscal impact on the government sector.

The bill provides for an effective date of October 1, 2015.

II. Present Situation:

Special Districts

Special districts are local units of special purpose government, within limited geographical areas, which are utilized to manage, own, operate, maintain, and finance basic capital infrastructure, facilities, and services. 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.

According to the Department of Economic Opportunity (DEO) Special District Accountability Program “master” list, the state currently has 1,635 active special districts and 12 inactive ones, comprised of 636 dependent and 1,011 independent special districts.¹

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 useful to local governments in providing a broad range of government services. Some of the functions that special districts serve include community development districts, community redevelopment districts, downtown development districts, drainage and water control districts, economic development districts, fire control and rescue districts, mosquito control districts, and soil and water conservation districts.

All special districts must comply with the requirements of the Uniform Special District Accountability Act of 1989 (Act) which was enacted by the Legislature to reform and consolidate laws relating to special districts. The Act provides for the definitions, creation, operation, financial report, taxation and non-ad valorem assessments, elections and dissolution of most special districts. The Act also charges the DEO Special District Accountability Program with a number of duties relating to special districts, including publishing and updating a “Florida Special District Handbook” that contains specified content.

In 2014, the Act was revised extensively.² Chapter 2014-22, Laws of Florida, made significant changes to provisions concerning independent special districts and special district oversight and accountability,³ and reorganized the statute into eight parts:

- Part I: General Provisions
- Part II: Dependent Special Districts
- Part III: Independent Special Districts
- Part IV: Elections
- Part V: Finance
- Part VI: Oversight and Accountability
- Part VII: Merger and Dissolution
- Part VIII: Comprehensive Planning

As part of those changes, each special district is required to maintain an official website containing essential information⁴ about the district.⁵ Independent special districts are required to

¹ Florida DEO, Official List of Special Districts Online, *available at* <https://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/StateTotals.cfm> (last visited Mar. 26, 2015).

² Ch. 2014-22, Laws of Fla.

³ Ch. 2014-22, s. 34, Laws of Fla.

⁴ Section 189.069(2)(a), F.S. The website must include the district’s legal name, public purpose, vital information about the governing body, fiscal year, charter and associated information, contact information, geographic area, table of all taxes and fees, contact information for district’s spokesperson, code of ethics, budget, and audit report for the most recently completed fiscal year.

⁵ Section 189.069(1), F.S.

maintain their own website,⁶ while a link to information about dependent special districts only must be displayed on the home page of the local general-purpose government that created the district.⁷

Dependent Special Districts

A dependent district meets at least one of the following criteria:

- The special district governing body members are the same as the governing body members of the county or city that created the district;
- The special district governing board members are appointed by the governing body of the county or city that created the district;
- During the terms of membership, the governing board members of the special district are subject to removal at will by the governing body of the county or city that created the district;
- The special district budget must be approved by an affirmative vote of the governing body of the county or city that created the district; or
- The special district budget can be vetoed by the governing body of the county or city that created the district.

The ordinance creating a dependent special district must provide the following:

- A statement referencing the district's dependent status, including a statement that explains why the special district is the best way to provide the service being provided;
- The purpose, powers, functions, authority, and duties of the district;
- District boundaries;
- The membership, organization, compensation, and administrative duties of the special district governing board;
- Applicable financial disclosure, noticing, and reporting requirements;
- The method by which the special district will be financed; and
- A declaration that the creation of the special district is consistent with the approved local government comprehensive plan.

Independent Special Districts

An independent special district does not have any of the characteristics of a dependent district, may encompass more than one county unless the district lies wholly within the boundaries of one city, and generally is created by an act of the Legislature. However, counties and cities may create community development districts of less than 1,000 acres,⁸ public hospital districts,⁹ county children's services districts,¹⁰ and county health and mental health care districts.¹¹ Two or more counties may create regional jail districts,¹² and any combination of counties or cities, or both, may create regional water supply authorities.¹³ Regional transportation authorities may be

⁶ Section 189.069(1)(a), F.S.

⁷ Section 189.069(1)(b), F.S. Dependent special districts may maintain their own webpage, but are not required to.

⁸ Chapter 190.005(2), F.S.

⁹ Chapter 155.04 and 155.05, F.S.

¹⁰ Section 125.901, F.S.

¹¹ Section 154.331, F.S.

¹² Section 950.001, F.S.

¹³ Section 373.713, F.S.

created by any combination of contiguous counties, cities, or other political subdivisions.¹⁴ Finally, the Governor and the Cabinet, sitting as the Florida Land and Water Adjudicatory Commission, have the authority to create community development districts.¹⁵

With the exception of a community development district, the charter creating an independent special district must contain the following information:

- The purpose of the special district;
- The powers, functions and duties of the special district relating to ad valorem taxes, bonds and other revenue-raising abilities, budget preparation and approval, liens and lien foreclosures, and the use of tax deeds and certificates for non-ad valorem assessments and contractual agreements;
- Method for establishing the district and amending the district charter;
- The membership, organization, compensation, and administrative duties of the governing board and its members;
- Applicable financial disclosure, noticing, and reporting requirements;
- Procedures and requirements for bond issues, if the special district will issue bonds;
- Election procedures and requirements;
- Method for financing the district;
- Authorized millage rate, and methods for collecting non-ad valorem assessments, fees, or service charges;
- Planning requirements; and
- District boundaries.

III. Effect of Proposed Changes:

Section 1 amends s. 11.40, F.S., (Legislative Auditing Committee) by conforming cross-references to renumbered sections.

Section 2 reenacts s. 165.0615, F.S., (Municipal Conversion of Independent Special Districts Upon Elector-Initiated and Approved Referendum) for the purpose of incorporating the amendment made by this bill to s. 189.016, F. S. (Reports; Budgets; Audits).

Section 3 amends s. 189.011, F.S., (Statement of Legislative Purpose and Intent) to provide that the purpose and intent of ch. 189, F.S., applies to all special districts, instead of only the independent special districts, and to specify that failure of a special district to comply with minimum disclosure requirements may result in action against the special district, instead of the officers of the special district's governing body.

Section 4 amends s. 189.016, F.S., (Reports; Budgets; Audits) to specify that a special district's tentative budget must remain on the special district's website for at least 45 days; that the final adopted budget must remain on the special district's website for at least two years; and, that any budget amendment must remain on the website for at least two years. The bill also repeals outdated language addressing procedures for a special district to follow if it does not have a website since all special districts must have a website by October 1, 2015.

¹⁴ Section 163.567, F.S.

¹⁵ Section 190.005(1), F.S.

Section 5 amends s. 189.02, F.S., (Dependent Special Districts) to provide that the Legislature may create dependent special districts by special act at the request or consent of the local government upon which it is dependent.

Section 6 creates s. 189.022, F.S., (Status Statement) requiring a statement to be included in the charter of a newly created dependent special district referencing that the special district is dependent (as opposed to independent), and that if necessary, the status statement shall be amended to conform to the DEO determination or declaratory statement regarding the status of the district. This conforms to existing language that applies to all special districts but is in s. 189.031, F.S., which relates to independent special districts.

Section 7 amends s. 189.031, F.S., (Legislative Intent for the Creation of Independent Special Districts) clarifying that the status statement requirement applies to independent special districts.

Section 8 renumbers s. 189.034, F.S., (Oversight of Special Districts Created by Special Act of the Legislature) as s. 189.0651, F.S., to move it to Part VI of the Act, which is titled “Oversight and Accountability.” The bill moves language concerning the public hearing process to a newly created section (see Section 12 of the bill). It also repeals the requirement that the Joint Legislative Auditing Committee or its designee provide written notice to the President of the Senate, the Speaker of the House of Representatives, the standing committees of the Senate and House charged with special district oversight, and the legislators who represent a portion of a special district’s jurisdiction when a special district fails to file a required report.

Section 9 renumbers s. 189.035, F.S., (Oversight of Special Districts Created by Local Ordinance or Resolution) as s. 189.0652, F.S., to move it to Part VI of the Act, which is titled “Oversight and Accountability.” The bill clarifies that the section also applies to special districts enacted by a local resolution. The bill repeals and moves language concerning the public hearing process to a new section (see Section 12 of the bill).

Section 10 amends s. 189.061, F.S., (Official List of Special Districts) by moving a sentence in subsection (4) to subsection (2). The bill renumbers the remainder of the section.

Section 11 amends s. 189.064, F.S., (Special District Accountability Program) to restore a reference to the Department of Management Services that was inadvertently deleted in SB 1632 (2014). The bill clarifies the responsibilities associated with maintaining the Official List of Special Districts by correcting cross-references, and requiring the DEO to include in the Florida Special District Handbook:

- A summary of the most recent public facilities report;
- The evaluation and appraisal notification schedule, required under s. 189.08(2)(a), F.S.; and
- The Internet address of the full report and schedule.

Section 12 creates s. 189.0653, F.S., (Public Hearing on Noncompliance) in place of the repealed provisions in Sections 8 and 9 of the bill. The list of information that a noncompliant special district must provide the appropriate oversight authority prior to the public hearing is amended for clarification, and to specifically include the special district’s most recent meeting minutes, and those for the previous fiscal year.

Section 13 amends s. 189.067, F.S., (Failure of District to Disclose Financial Reports) to conform cross references.

Section 14 amends s. 189.068, F.S., (Special District; Authority for Oversight; General Oversight Review Process) to conform cross-references. The bill clarifies that all dependent special districts not created by special act may be reviewed by the local general-purpose government upon which they are dependent.

Section 15 amends s. 189.069, F.S., (Special districts; Required Reporting of Information; Web-Based Public Access) to clarify that the website of a dependent special district must be prominently displayed on the home page of the local general purpose government upon which it is dependent, as opposed to the local general-purpose government that created the special district since dependent special districts can also be created by special act of the Legislature. The bill requires each special district to post on its website its regularly scheduled public meeting notice for the year. The bill also conforms cross-references, including one related to the requirement that special districts must provide a link to the Department of Financial Services website.

Section 16 reenacts ss. 189.074(2)(e) and 189.074 (3)(g), F.S., (Voluntary Merger of Independent Special Districts) for the purpose of incorporating the changes made by this bill to s. 189.016, F.S., (Reports; Budgets; Audits).

Section 17 provides an effective date of October 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:**

The DEO has analyzed CS/SB 1388 and determined it will have a minimal fiscal impact on its operations.¹⁶

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 11.40, 189.011, 189.016, 189.02, 189.031, 189.034, 189.035, 189.061, 189.064, 189.0651, 189.0652, 189.067, 189.068, and 189.069.

This bill creates the following sections of the Florida Statutes: 189.022 and 189.0653.

This bill reenacts the following sections of the Florida Statutes: 165.0615 and 189.074.

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 31, 2015:

Clarifies the types of information a special district would be required to provide to the appropriate oversight authority prior to a public hearing on noncompliance, pursuant to s. 189.0653, F.S.

B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

¹⁶ DEO, *2015 Agency Legislative Bill Analysis for SB 1388*, at 4 (Mar. 3, 2015).

By the Committee on Community Affairs; and Senator Stargel

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1 A bill to be entitled
2 An act relating to special districts; amending s.
3 11.40, F.S.; conforming cross-references; amending s.
4 189.011, F.S.; revising legislative intent with
5 respect to the Uniform Special District Accountability
6 Act to include independent and dependent special
7 districts; amending s. 189.016, F.S., deleting a
8 provision requiring a special district to transmit
9 certain budgets to the local government instead of
10 posting such information on the special district's
11 website under specific circumstances; specifying the
12 period in which certain budget information must be
13 posted on the special district's website; amending s.
14 189.02, F.S.; specifying the Legislature's authority
15 to create dependent special districts by special act;
16 creating s. 189.022, F.S.; requiring a newly created
17 dependent special district, and authorizing an
18 existing dependent special district, to identify the
19 district as dependent in its charter; amending s.
20 189.031, F.S.; requiring a newly created independent
21 special district, and authorizing an existing
22 independent special district, to identify the district
23 as independent in its charter; transferring,
24 renumbering, and amending ss. 189.034 and 189.035,
25 F.S., deleting provisions requiring that special
26 districts created by special act provide specified
27 information to the Legislative Auditing Committee or
28 requiring that special districts created by local
29 ordinance provide specified information to the local

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30 general-purpose government, to conform; deleting
31 related provisions requiring the Legislative Auditing
32 Committee to provide certain notice to the Legislature
33 or local general-purpose government, as appropriate,
34 when a special district fails to file certain required
35 reports or requested information, to conform; amending
36 s. 189.061, F.S.; conforming provisions; amending s.
37 189.064, F.S.; revising the required content of the
38 special district handbook; creating s. 189.0653, F.S.;
39 requiring special districts created by special act or
40 local ordinance to provide specified information to
41 the Legislative Auditing Committee or local general-
42 purpose government, as appropriate; amending s.
43 189.067, F.S.; conforming cross-references; amending
44 s. 189.068, F.S.; specifying that local general-
45 purpose governments may review certain special
46 districts; conforming cross-references; amending s.
47 189.069, F.S.; deleting a cross-reference, to conform;
48 revising the list of items required to be included on
49 the websites of special districts; reenacting ss.
50 165.0615(16) and 189.074(2)(e) and (3)(g), F.S.,
51 relating to municipal conversion of independent
52 special districts upon elector-initiated and approved
53 referendum and the voluntary merger of independent
54 special districts, respectively, to incorporate the
55 amendment made by the act to s. 189.016, F.S., in
56 references thereto; providing an effective date.

57
58 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Paragraph (b) of subsection (2) of section 11.40, Florida Statutes, is amended to read:

11.40 Legislative Auditing Committee.—

(2) Following notification by the Auditor General, the Department of Financial Services, or the Division of Bond Finance of the State Board of Administration of the failure of a local governmental entity, district school board, charter school, or charter technical career center to comply with the applicable provisions within s. 11.45(5)-(7), s. 218.32(1), s. 218.38, or s. 218.503(3), the Legislative Auditing Committee may schedule a hearing to determine if the entity should be subject to further state action. If the committee determines that the entity should be subject to further state action, the committee shall:

(b) In the case of a special district created by:

1. A special act, notify the President of the Senate, the Speaker of the House of Representatives, the standing committees of the Senate and the House of Representatives charged with special district oversight as determined by the presiding officers of each respective chamber, the legislators who represent a portion of the geographical jurisdiction of the special district ~~pursuant to s. 189.034(2)~~, and the Department of Economic Opportunity that the special district has failed to comply with the law. Upon receipt of notification, the Department of Economic Opportunity shall proceed pursuant to s. 189.062 or s. 189.067. If the special district remains in noncompliance after the process set forth in s. 189.0651(2) ~~189.034(3)~~, or if a public hearing is not held, the Legislative

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88 Auditing Committee may request the department to proceed
89 pursuant to s. 189.067(3).

90 2. A local ordinance, notify the chair or equivalent of the
91 local general-purpose government pursuant to s. 189.035(2) and
92 the Department of Economic Opportunity that the special district
93 has failed to comply with the law. Upon receipt of notification,
94 the department shall proceed pursuant to s. 189.062 or s.
95 189.067. If the special district remains in noncompliance after
96 the process set forth in s. 189.0652(2) ~~189.034(3)~~, or if a
97 public hearing is not held, the Legislative Auditing Committee
98 may request the department to proceed pursuant to s. 189.067(3).

99 3. Any manner other than a special act or local ordinance,
100 notify the Department of Economic Opportunity that the special
101 district has failed to comply with the law. Upon receipt of
102 notification, the department shall proceed pursuant to s.
103 189.062 or s. 189.067(3).

104 Section 2. For the purpose of incorporating the amendment
105 made by this act to section 189.016, Florida Statutes, in a
106 reference thereto, subsection (16) of section 165.0615, Florida
107 Statutes, is reenacted to read:

108 165.0615 Municipal conversion of independent special
109 districts upon elector-initiated and approved referendum.-

110 (16) If the incorporation plan is approved by a majority of
111 the votes cast in the independent special district, the district
112 shall notify the special district accountability program
113 pursuant to s. 189.016(2) and the local general-purpose
114 governments in which any part of the independent special
115 district is situated pursuant to s. 189.016(7).

116 Section 3. Subsection (2) of section 189.011, Florida

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117 Statutes, is amended to read:

118 189.011 Statement of legislative purpose and intent.—

119 (2) The Legislature finds that special districts serve a
120 necessary and useful function by providing services to residents
121 and property in the state. The Legislature finds further that
122 special districts operate to serve a public purpose and that
123 this is best secured by certain minimum standards of
124 accountability designed to inform the public and appropriate
125 local general-purpose governments of the status and activities
126 of special districts. It is the intent of the Legislature that
127 this public trust be secured by requiring each ~~independent~~
128 special district in the state to register and report its
129 financial and other activities. The Legislature further finds
130 that failure of a ~~an independent~~ special district to comply with
131 the minimum disclosure requirements set forth in this chapter
132 may result in action against the special ~~officers of such~~
133 district ~~body~~.

134 Section 4. Subsections (4) and (7) of section 189.016,
135 Florida Statutes, are amended to read:

136 189.016 Reports; budgets; audits.—

137 (4) The tentative budget must be posted on the special
138 district's official website at least 2 days before the budget
139 hearing, held pursuant to s. 200.065 or other law, to consider
140 such budget and must remain on the website for at least 45 days.
141 The final adopted budget must be posted on the special
142 district's official website within 30 days after adoption and
143 must remain on the website for at least 2 years. ~~If the special~~
144 ~~district does not operate an official website, the special~~
145 ~~district must, within a reasonable period of time as established~~

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146 ~~by the local general purpose government or governments in which~~
147 ~~the special district is located or the local governing authority~~
148 ~~to which the district is dependent, transmit the tentative~~
149 ~~budget or final budget to the manager or administrator of the~~
150 ~~local general purpose government or the local governing~~
151 ~~authority. The manager or administrator shall post the tentative~~
152 ~~budget or final budget on the website of the local general-~~
153 ~~purpose government or governing authority. This subsection and~~
154 subsection (3) do not apply to water management districts as
155 defined in s. 373.019.

156 (7) If the governing body of a special district amends the
157 budget pursuant to paragraph (6) (c), the adopted amendment must
158 be posted on the official website of the special district within
159 5 days after adoption and must remain on the website for at
160 least 2 years. If the special district does not operate an
161 official website, the special district must, within a reasonable
162 period of time as established by the local general-purpose
163 government or governments in which the special district is
164 located or the local governing authority to which the district
165 is dependent, transmit the adopted amendment to the manager or
166 administrator of the local general-purpose government or
167 governing authority. The manager or administrator shall post the
168 adopted amendment on the website of the local general-purpose
169 government or governing authority.

170 Section 5. Subsection (5) is added to section 189.02,
171 Florida Statutes, to read:

172 189.02 Dependent special districts.—

173 (5) The Legislature may create dependent special districts
174 by special act at the request or with the consent of the local

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175 government upon which it is dependent.

176 Section 6. Section 189.022, Florida Statutes, is created to
177 read:

178 189.022 Status statement.—The charter of a newly created
179 dependent special district shall contain, and where practical
180 and feasible, the charter of an existing dependent special
181 district shall be amended to contain, a reference to the status
182 of the special district as dependent. When necessary, the status
183 statement shall be amended to conform to the department's
184 determination or declaratory statement regarding the status of
185 the district.

186 Section 7. Subsection (5) of section 189.031, Florida
187 Statutes, is amended to read:

188 189.031 Legislative intent for the creation of independent
189 special districts; special act prohibitions; model elements and
190 other requirements; local general-purpose government/Governor
191 and Cabinet creation authorizations.—

192 (5) STATUS STATEMENT.—~~After October 1, 1997,~~ The charter of
193 a any newly created independent special district shall contain,
194 and, where as practical and feasible, the charter of an existing
195 independent ~~a preexisting~~ special district shall be amended to
196 contain, a reference to the status of the special district as
197 dependent or independent. When necessary, the status statement
198 shall be amended to conform to ~~with~~ the department's
199 determination or declaratory statement regarding the status of
200 the district.

201 Section 8. Section 189.034, Florida Statutes, is
202 transferred, renumbered as section 189.0651, Florida Statutes,
203 and amended to read:

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204 189.0651 ~~189.034~~ Oversight of special districts created by
205 special act of the Legislature.—

206 (1) This section applies to any special district created by
207 special act of the Legislature.

208 ~~(2) If a special district fails to file required reports or
209 requested information under s. 11.45(7), s. 218.32, s. 218.39,
210 or s. 218.503(3), with the appropriate state agency or office,
211 the Legislative Auditing Committee or its designee shall provide
212 written notice of the district's noncompliance to the President
213 of the Senate, the Speaker of the House of Representatives, the
214 standing committees of the Senate and the House of
215 Representatives charged with special district oversight as
216 determined by the presiding officers of each respective chamber,
217 and the legislators who represent a portion of the geographical
218 jurisdiction of the special district.~~

219 (2)~~(3)~~ The Legislative Auditing Committee may convene a
220 public hearing on the issue of noncompliance, as well as general
221 oversight of the special district as provided in s. 189.068, at
222 the direction of the President of the Senate and the Speaker of
223 the House of Representatives.

224 ~~(4) Before the public hearing as provided in subsection
225 (3), the special district shall provide the following
226 information at the request of the Legislative Auditing
227 Committee:~~

228 ~~(a) The district's annual financial report for the prior
229 fiscal year.~~

230 ~~(b) The district's audit report for the previous fiscal
231 year.~~

232 ~~(c) An annual report for the previous fiscal year providing~~

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233 ~~a detailed review of the performance of the special district,~~
234 ~~including the following information:~~

235 ~~1. The purpose of the special district.~~

236 ~~2. The sources of funding for the special district.~~

237 ~~3. A description of the major activities, programs, and~~
238 ~~initiatives the special district undertook in the most recently~~
239 ~~completed fiscal year and the benchmarks or criteria under which~~
240 ~~the success or failure of the district was determined by its~~
241 ~~governing body.~~

242 ~~4. Any challenges or obstacles faced by the special~~
243 ~~district in fulfilling its purpose and related responsibilities.~~

244 ~~5. Ways the special district believes it could better~~
245 ~~fulfill its purpose and related responsibilities and a~~
246 ~~description of the actions that it intends to take during the~~
247 ~~ensuing fiscal year.~~

248 ~~6. Proposed changes to the special act that established the~~
249 ~~special district and justification for such changes.~~

250 ~~7. Any other information reasonably required to provide the~~
251 ~~Legislative Auditing Committee with an accurate understanding of~~
252 ~~the purpose for which the special district exists and how it is~~
253 ~~fulfilling its responsibilities to accomplish that purpose.~~

254 ~~8. Any reasons for the district's noncompliance.~~

255 ~~9. Whether the district is currently in compliance.~~

256 ~~10. Plans to correct any recurring issues of noncompliance.~~

257 ~~11. Efforts to promote transparency, including maintenance~~
258 ~~of the district's website in accordance with s. 189.069.~~

259 Section 9. Section 189.035, Florida Statutes, is
260 transferred, renumbered as section 189.0652, Florida Statutes,
261 and amended to read:

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262 189.0652 ~~189.035~~ Oversight of special districts created by
263 local ordinance or enacted by local resolution.-

264 (1) This section applies to any special district created by
265 local ordinance or enacted by local resolution.

266 ~~(2) If a special district fails to file required reports or~~
267 ~~requested information under s. 11.45(7), s. 218.32, s. 218.39,~~
268 ~~or s. 218.503(3) with the appropriate state agency or office,~~
269 ~~the Legislative Auditing Committee or its designee shall provide~~
270 ~~written notice of the district's noncompliance to the chair or~~
271 ~~equivalent of the local general-purpose government.~~

272 ~~(2)~~ (3) The chair or equivalent of the local general-purpose
273 government may convene a public hearing on the issue of
274 noncompliance, as well as general oversight of the special
275 district as provided in s. 189.068, within 3 months after
276 receipt of notice of noncompliance from the Legislative Auditing
277 Committee. Within 30 days after receiving written notice of
278 noncompliance, the local general-purpose government shall notify
279 the Legislative Auditing Committee as to whether a hearing under
280 this section will be held and, if so, provide the date, time,
281 and place of the hearing.

282 ~~(4) Before the public hearing as provided in subsection~~
283 ~~(3), the special district shall provide the following~~
284 ~~information at the request of the local general-purpose~~
285 ~~government:~~

286 ~~(a) The district's annual financial report for the previous~~
287 ~~fiscal year.~~

288 ~~(b) The district's audit report for the previous fiscal~~
289 ~~year.~~

290 ~~(c) An annual report for the previous fiscal year, which~~

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291 ~~must provide a detailed review of the performance of the special~~
292 ~~district and include the following information:~~

293 ~~1. The purpose of the special district.~~

294 ~~2. The sources of funding for the special district.~~

295 ~~3. A description of the major activities, programs, and~~
296 ~~initiatives the special district undertook in the most recently~~
297 ~~completed fiscal year and the benchmarks or criteria under which~~
298 ~~the success or failure of the district was determined by its~~
299 ~~governing body.~~

300 ~~4. Any challenges or obstacles faced by the special~~
301 ~~district in fulfilling its purpose and related responsibilities.~~

302 ~~5. Ways in which the special district believes that it~~
303 ~~could better fulfill its purpose and related responsibilities~~
304 ~~and a description of the actions that it intends to take during~~
305 ~~the ensuing fiscal year.~~

306 ~~6. Proposed changes to the ordinance or resolution that~~
307 ~~established the special district and justification for such~~
308 ~~changes.~~

309 ~~7. Any other information reasonably required to provide the~~
310 ~~reviewing entity with an accurate understanding of the purpose~~
311 ~~for which the special district exists and how it is fulfilling~~
312 ~~its responsibilities to accomplish that purpose.~~

313 ~~8. Any reasons for the district's noncompliance.~~

314 ~~9. Whether the district is currently in compliance.~~

315 ~~10. Plans to correct any recurring issues of noncompliance.~~

316 ~~11. Efforts to promote transparency, including maintenance~~
317 ~~of the district's website in accordance with s. 189.069.~~

318 ~~(3)-(5)~~ If the local general-purpose government convenes a
319 public hearing under s. 189.0652(2) ~~this section~~, it shall

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320 provide the department and the Legislative Auditing Committee
321 with a report containing its findings and conclusions within 60
322 days after completion of the public hearing.

323 Section 10. Section 189.061, Florida Statutes, is amended
324 to read:

325 189.061 Official list of special districts.—

326 (1) The department shall maintain the official list of
327 special districts. The official list of special districts shall
328 include all special districts in this state and shall indicate
329 the independent or dependent status of each district. All
330 special districts on the list shall be sorted by county. The
331 definitions in s. 189.012 shall be the criteria for
332 determination of the independent or dependent status of each
333 special district on the official list. The status of community
334 development districts shall be independent on the official list
335 of special districts.

336 (2) The official list shall be produced by the department
337 after the department has notified each special district that is
338 currently reporting to the department, the Department of
339 Financial Services pursuant to s. 218.32, or the Auditor General
340 pursuant to s. 218.39. Upon notification, each special district
341 shall submit, within 60 days, its determination of its status.
342 If a special district does not submit its status to the
343 department within 60 days, the department may determine the
344 status of that district. After such determination of status is
345 completed, the department shall render the determination to an
346 agent of the special district. The determination submitted by a
347 special district shall be consistent with the status reported in
348 the most recent local government audit of district activities

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349 submitted to the Auditor General pursuant to s. 218.39.

350 (3) The Department of Financial Services shall provide the
351 department with a list of dependent special districts reporting
352 pursuant to s. 218.32 for inclusion on the official list of
353 special districts.

354 ~~(4) If a special district does not submit its status to the~~
355 ~~department within the required time period, then the department~~
356 ~~shall have the authority to determine the status of said~~
357 ~~district. After such determination of status is completed, the~~
358 ~~department shall render the determination to an agent of the~~
359 ~~special district.~~

360 (4)~~(5)~~ The official list of special districts shall be
361 available on the department's website and must include a link to
362 the website of each special district that provides web-based
363 access to the public of the information and documentation
364 required under s. 189.069.

365 (5)~~(6)~~ The official list of special districts or the
366 determination of status does not constitute final agency action
367 pursuant to chapter 120. If the status of a special district on
368 the official list is inconsistent with the status submitted by
369 the district, the district may request the department to issue a
370 declaratory statement setting forth the requirements necessary
371 to resolve the inconsistency. If necessary, upon issuance of a
372 declaratory statement by the department which is not appealed
373 pursuant to chapter 120, the governing body of any special
374 district receiving such a declaratory statement shall apply to
375 the entity which originally established the district for an
376 amendment to its charter correcting the specified defects in its
377 original charter. This amendment shall be for the sole purpose

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378 of resolving inconsistencies between a district charter and the
379 status of a district as it appears on the official list.

380 Section 11. Subsections (1), (2), and (3) of section
381 189.064, Florida Statutes, are amended to read:

382 189.064 Special District Accountability Program; duties and
383 responsibilities.—The Special District Accountability Program of
384 the department has the following duties:

385 (1) Electronically publishing special district
386 noncompliance status reports from the Department of Management
387 Services, the Department of Financial Services, the Division of
388 Bond Finance of the State Board of Administration, the Auditor
389 General, and the Legislative Auditing Committee, for the
390 reporting required in ss. 112.63, 218.32, 218.38, and 218.39.
391 The noncompliance reports must list those special districts that
392 did not comply with the statutory reporting requirements and be
393 made available to the public electronically.

394 (2) Maintaining the official list of special districts as
395 set forth in s. 189.061.

396 (3) Publishing and updating of a "Florida Special District
397 Handbook" that contains, at a minimum:

398 (a) A section that specifies definitions of special
399 districts and status distinctions in the statutes.

400 (b) A section or sections that specify current statutory
401 provisions for special district creation, implementation,
402 modification, dissolution, and operating procedures.

403 (c) A section that summarizes the reporting requirements
404 applicable to all types of special districts as provided in ss.
405 189.015 and 189.016.

406 (d) A summary of the most recent public facilities report,

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407 the evaluation and appraisal notification schedule as required
408 under s. 189.08(2)(a), and the Internet address of the full
409 report and schedule.

410 Section 12. Section 189.0653, Florida Statutes, is created
411 to read:

412 189.0653 Public hearing on noncompliance.—Before the public
413 hearing as provided in s. 189.0651(2) or s. 189.0652(2) is held,
414 the special district shall provide the following information at
415 the request of the local general-purpose government or the
416 Legislative Auditing Committee, as appropriate:

417 (1) The district's annual financial report for the previous
418 fiscal year.

419 (2) The district's audit report for the previous fiscal
420 year.

421 (3) Minutes of meetings of the special district's governing
422 body for the previous fiscal year and the current fiscal year to
423 date.

424 (4) A report for the previous fiscal year providing the
425 following information:

426 (a) The purpose of the special district.

427 (b) The sources of funding for the special district.

428 (c) A description of the major activities, programs, and
429 initiatives the special district undertook in the most recently
430 completed fiscal year and the benchmarks or criteria under which
431 the success or failure of the district was or will be determined
432 by its governing body.

433 (d) Any challenges or obstacles faced by the special
434 district in fulfilling its purpose and related responsibilities.

435 (e) Ways in which the special district's governing body

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436 believes that it could better fulfill the purpose of the special
437 district and a description of the actions that it intends to
438 take during the next and subsequent fiscal years.

439 (f) Proposed changes to the special act, ordinance, or
440 resolution, as appropriate, which established the special
441 district and justification for such changes.

442 (g) Any other information reasonably required to provide
443 the reviewing entity with an accurate understanding of the
444 purpose of the special district and how it is acting to fulfill
445 that purpose.

446 (h) Any reasons for the district's noncompliance resulting
447 in the public hearing.

448 (i) Whether the district is currently in compliance.

449 (j) Plans to correct any recurring issues of noncompliance.

450 (k) Efforts to promote transparency, including a statement
451 as to whether the district's website complies with s. 189.069.

452 Section 13. Subsection (2) of section 189.067, Florida
453 Statutes, is amended to read:

454 189.067 Failure of district to disclose financial reports.—

455 (2) Failure of a special district to comply with the
456 actuarial and financial reporting requirements under s. 112.63,
457 s. 218.32, or s. 218.39 after the procedures of subsection (1)
458 are exhausted shall be deemed final action of the special
459 district. The actuarial and financial reporting requirements are
460 declared to be essential requirements of law. Remedies for
461 noncompliance with ss. 218.32 and 218.39 shall be as provided in
462 ss. 189.0651 and 189.0652 ~~189.034 and 189.035~~. Remedy for
463 noncompliance with s. 112.63 shall be as set forth in subsection
464 (4).

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465 Section 14. Paragraphs (a), (b), and (c) of subsection (2)
466 of section 189.068, Florida Statutes, are amended to read:

467 189.068 Special districts; authority for oversight; general
468 oversight review process.—

469 (2) Special districts may be reviewed for general oversight
470 purposes under this section as follows:

471 (a) All special districts created by special act may be
472 reviewed by the Legislature using the public hearing process
473 provided in s. 189.0651(2) ~~189.034~~.

474 (b) All special districts created by local ordinance or
475 resolution may be reviewed by the local general-purpose
476 government that enacted the ordinance or resolution using the
477 public hearing process provided in s. 189.0652(2) ~~189.035~~.

478 (c) All dependent special districts not created by special
479 act may be reviewed by the local general-purpose government upon
480 ~~to~~ which they are dependent.

481 Section 15. Section 189.069, Florida Statutes, is amended
482 to read:

483 189.069 Special districts; required reporting of
484 information; web-based public access.—

485 (1) Beginning on October 1, 2015, or by the end of the
486 first full fiscal year after its creation, each special district
487 shall maintain an official Internet website containing the
488 information required by this section ~~in accordance with s.~~
489 ~~189.016~~. Special districts shall submit their official Internet
490 website addresses to the department.

491 (a) Independent special districts shall maintain a separate
492 Internet website.

493 (b) Dependent special districts shall be prominently

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494 ~~preeminently~~ displayed on the home page of the Internet website
495 of the local general-purpose government upon which it is
496 dependent ~~that created the special district~~ with a hyperlink to
497 such webpages as are necessary to provide the information
498 required by this section. Dependent special districts may
499 maintain a separate Internet website providing the information
500 required by this section.

501 (2) (a) A special district shall post the following
502 information, at a minimum, on the district's official website:

- 503 1. The full legal name of the special district.
- 504 2. The public purpose of the special district.
- 505 3. The name, address, e-mail address, and, if applicable,
506 the term and appointing authority for each member of the
507 governing body of the special district.
- 508 4. The fiscal year of the special district.
- 509 5. The full text of the special district's charter, the
510 date of establishment, the establishing entity, and the statute
511 or statutes under which the special district operates, if
512 different from the statute or statutes under which the special
513 district was established. Community development districts may
514 reference chapter 190 as the uniform charter, but must include
515 information relating to any grant of special powers.
- 516 6. The mailing address, e-mail address, telephone number,
517 and Internet website uniform resource locator of the special
518 district.
- 519 7. A description of the boundaries or service area of, and
520 the services provided by, the special district.
- 521 8. A listing of all taxes, fees, assessments, or charges
522 imposed and collected by the special district, including the

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523 rates or amounts for the fiscal year and the statutory authority
524 for the levy of the tax, fee, assessment, or charge. For
525 purposes of this subparagraph, charges do not include patient
526 charges by a hospital or other health care provider.

527 9. The primary contact information for the special district
528 for purposes of communication from the department.

529 10. A code of ethics adopted by the special district, if
530 applicable, and a hyperlink to generally applicable ethics
531 provisions.

532 11. The budget of each special district, in addition to
533 amendments in accordance with s. 189.016.

534 12. The final, complete audit report for the most recent
535 completed fiscal year, and audit reports required by law or
536 authorized by the governing body of the special district.

537 13. A listing of its regularly scheduled public meetings
538 for the year. The schedule shall include the date, time, and
539 location of each such meeting.

540 14. The link to the Department of Financial Services'
541 website as set forth in s. 218.32(1)(g).

542 (b) The department's Internet website list of special
543 districts in the state required under s. 189.061 shall include a
544 link for each special district that provides web-based access to
545 the public for all information and documentation required for
546 submission to the department pursuant to subsection (1).

547 Section 16. For the purpose of incorporating the amendment
548 made by this act to section 189.016, Florida Statutes, in
549 references thereto, paragraph (e) of subsection (2) and
550 paragraph (g) of subsection (3) of section 189.074, Florida
551 Statutes, are reenacted to read:

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552 189.074 Voluntary merger of independent special districts.—
553 Two or more contiguous independent special districts created by
554 special act which have similar functions and elected governing
555 bodies may elect to merge into a single independent district
556 through the act of merging the component independent special
557 districts.

558 (2) JOINT MERGER PLAN BY RESOLUTION.—The governing bodies
559 of two or more contiguous independent special districts may, by
560 joint resolution, endorse a proposed joint merger plan to
561 commence proceedings to merge the districts pursuant to this
562 section.

563 (e) After the final public hearing, the governing bodies
564 shall notify the supervisors of elections of the applicable
565 counties in which district lands are located of the adoption of
566 the resolution by each governing body. The supervisors of
567 elections shall schedule a separate referendum for each
568 component independent special district. The referenda may be
569 held in each district on the same day, or on different days, but
570 no more than 20 days apart.

571 1. Notice of a referendum on the merger of independent
572 special districts must be provided pursuant to the notice
573 requirements in s. 100.342. At a minimum, the notice must
574 include:

- 575 a. A brief summary of the resolution and joint merger plan;
576 b. A statement as to where a copy of the resolution and
577 joint merger plan may be examined;
578 c. The names of the component independent special districts
579 to be merged and a description of their territory;
580 d. The times and places at which the referendum will be

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581 held; and

582 e. Such other matters as may be necessary to call, provide
583 for, and give notice of the referendum and to provide for the
584 conduct thereof and the canvass of the returns.

585 2. The referenda must be held in accordance with the
586 Florida Election Code and may be held pursuant to ss. 101.6101-
587 101.6107. All costs associated with the referenda shall be borne
588 by the respective component independent special district.

589 3. The ballot question in such referendum placed before the
590 qualified electors of each component independent special
591 district to be merged must be in substantially the following
592 form:

593
594 "Shall ...(name of component independent special
595 district)... and ...(name of component independent special
596 district or districts)... be merged into ...(name of newly
597 merged independent district)...?"

598
599YES

600NO"

601
602 4. If the component independent special districts proposing
603 to merge have disparate millage rates, the ballot question in
604 the referendum placed before the qualified electors of each
605 component independent special district must be in substantially
606 the following form:

607
608 "Shall ...(name of component independent special
609 district)... and ...(name of component independent special

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610 district or districts)... be merged into ...(name of newly
611 merged independent district)... if the voter-approved maximum
612 millage rate within each independent special district will not
613 increase absent a subsequent referendum?

614

615YES

616NO"

617

618 5. In any referendum held pursuant to this section, the
619 ballots shall be counted, returns made and canvassed, and
620 results certified in the same manner as other elections or
621 referenda for the component independent special districts.

622 6. The merger may not take effect unless a majority of the
623 votes cast in each component independent special district are in
624 favor of the merger. If one of the component districts does not
625 obtain a majority vote, the referendum fails, and merger does
626 not take effect.

627 7. If the merger is approved by a majority of the votes
628 cast in each component independent special district, the merged
629 independent district is created. Upon approval, the merged
630 independent district shall notify the Special District
631 Accountability Program pursuant to s. 189.016(2) and the local
632 general-purpose governments in which any part of the component
633 independent special districts is situated pursuant to s.
634 189.016(7).

635 8. If the referendum fails, the merger process under this
636 subsection may not be initiated for the same purpose within 2
637 years after the date of the referendum.

638 (3) QUALIFIED ELECTOR-INITIATED MERGER PLAN.—The qualified

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639 electors of two or more contiguous independent special districts
640 may commence a merger proceeding by each filing a petition with
641 the governing body of their respective independent special
642 district proposing to be merged. The petition must contain the
643 signatures of at least 40 percent of the qualified electors of
644 each component independent special district and must be
645 submitted to the appropriate component independent special
646 district governing body no later than 1 year after the start of
647 the qualified elector-initiated merger process.

648 (g) After the final public hearing, the governing bodies
649 shall notify the supervisors of elections of the applicable
650 counties in which district lands are located of the adoption of
651 the resolution by each governing body. The supervisors of
652 elections shall schedule a date for the separate referenda for
653 each district. The referenda may be held in each district on the
654 same day, or on different days, but no more than 20 days apart.

655 1. Notice of a referendum on the merger of the component
656 independent special districts must be provided pursuant to the
657 notice requirements in s. 100.342. At a minimum, the notice must
658 include:

659 a. A brief summary of the resolution and elector-initiated
660 merger plan;

661 b. A statement as to where a copy of the resolution and
662 petition for merger may be examined;

663 c. The names of the component independent special districts
664 to be merged and a description of their territory;

665 d. The times and places at which the referendum will be
666 held; and

667 e. Such other matters as may be necessary to call, provide

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668 for, and give notice of the referendum and to provide for the
669 conduct thereof and the canvass of the returns.

670 2. The referenda must be held in accordance with the
671 Florida Election Code and may be held pursuant to ss. 101.6101-
672 101.6107. All costs associated with the referenda shall be borne
673 by the respective component independent special district.

674 3. The ballot question in such referendum placed before the
675 qualified electors of each component independent special
676 district to be merged must be in substantially the following
677 form:

678
679 "Shall ...(name of component independent special
680 district)... and ...(name of component independent special
681 district or districts)... be merged into ...(name of newly
682 merged independent district)...?"

683
684YES

685NO"

686
687 4. If the component independent special districts proposing
688 to merge have disparate millage rates, the ballot question in
689 the referendum placed before the qualified electors of each
690 component independent special district must be in substantially
691 the following form:

692
693 "Shall ...(name of component independent special
694 district)... and ...(name of component independent special
695 district or districts)... be merged into ...(name of newly
696 merged independent district)... if the voter-approved maximum

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697 millage rate within each independent special district will not
698 increase absent a subsequent referendum?

699

700 YES

701 NO"

702

703 5. In any referendum held pursuant to this section, the
704 ballots shall be counted, returns made and canvassed, and
705 results certified in the same manner as other elections or
706 referenda for the component independent special districts.

707 6. The merger may not take effect unless a majority of the
708 votes cast in each component independent special district are in
709 favor of the merger. If one of the component independent special
710 districts does not obtain a majority vote, the referendum fails,
711 and merger does not take effect.

712 7. If the merger is approved by a majority of the votes
713 cast in each component independent special district, the merged
714 district shall notify the Special District Accountability
715 Program pursuant to s. 189.016(2) and the local general-purpose
716 governments in which any part of the component independent
717 special districts is situated pursuant to s. 189.016(7).

718 8. If the referendum fails, the merger process under this
719 subsection may not be initiated for the same purpose within 2
720 years after the date of the referendum.

721 Section 17. This act shall take effect October 1, 2015.

Amended



RICK SCOTT
GOVERNOR

RECEIVED
15 FEB 25 PM 1:17
DIVISION OF ELECTIONS
SECRETARY OF STATE

February 24, 2015

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have amended the following reappointment under the provisions of Section 20.60, Florida Statutes:

Mr. Jesse M. Panuccio
2050 Gardenbrook Lane
Tallahassee, Florida 32301

As Executive Director of the Department of Economic Opportunity, subject to confirmation by the Senate. This appointment is effective January 6, 2015, for a term ending at the pleasure of the Governor.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/vh

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Leon

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Executive Director, Department of Economic Opportunity
(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature

Sworn to and subscribed before me this 18th day of February, 2015

Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR

Produced Identification

Type of Identification Produced _____



ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

107 E. Madison St / Caldwell Bldg.
Street or Post Office Box

Tallahassee, FL 32399
City, State, Zip Code

Jesse M. Panuccio
Print name as you desire commission issued

Signature

Amended 11

A black and white copy of this document is not official

584

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

Jesse Panuccio

is duly appointed

Executive Director,

Department of Economic Opportunity

for a term beginning on the
Sixth day of January, A.D., 2015,
to serve at the pleasure of the Governor
and is subject to be confirmed by the Senate
during the next regular session of the Legislature

Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Sixth day of February, A.D., 2015

Ken Detzner

Secretary of State



DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of

Jesse Panuccio

Executive Director, Department of Economic Opportunity

NOTICE OF HEARING

TO: Mr. Jesse Panuccio

YOU ARE HEREBY NOTIFIED that the Appropriations Subcommittee on Transportation, Tourism, and Economic Development of the Florida Senate will conduct a hearing on your executive appointment on Wednesday, April 08, 2015, in 301 Senate Office Building, commencing at 10:00 a.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 3rd day of April, 2015

Appropriations Subcommittee on Transportation,
Tourism, and Economic Development

Senator Jack Latvala
As Chair and by authority of the committee

cc: Members, Appropriations Subcommittee on Transportation, Tourism, and Economic
Development
Office of the Sergeant at Arms

THE FLORIDA SENATE

COMMITTEE WITNESS OATH

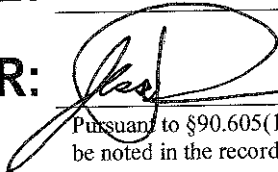
CHAIR:

Please raise your right hand and be sworn in as a witness.

Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?

WITNESS'S NAME: Jesse M. Panuccio

ANSWER:



Pursuant to §90.605(1), Florida Statutes: "The witness's answer shall be noted in the record."

COMMITTEE NAME:

Appropriations Subcommittee on
Transportation, Tourism, and Economic
Development

DATE: April 8, 2015

I

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/15

Meeting Date

Bill Number (if applicable)

Topic Confirmation

Amendment Barcode (if applicable)

Name Jesse Panuccio

Job Title Executive Director, DEO

Address The Caldwell Building

Phone 850-245-7122

Street

Tallahassee

FL

State

32399

Zip

Email jesse.panuccio@deo.myflorida.com

City

Speaking: For Against

Information

Waive Speaking: In Support Against

(The Chair will read this information into the record.)

Representing Department of Economic Opportunity

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.

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of

Jesse Panuccio

Executive Director, Department of Economic Opportunity

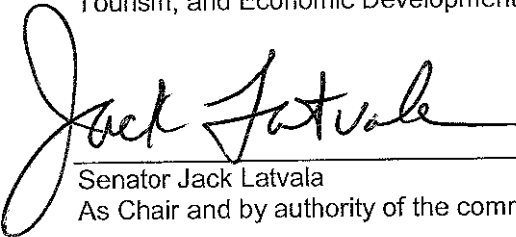
NOTICE OF HEARING

TO: Mr. Jesse Panuccio

YOU ARE HEREBY NOTIFIED that the Appropriations Subcommittee on Transportation, Tourism, and Economic Development of the Florida Senate will conduct a hearing on your executive appointment on Wednesday, April 08, 2015, in 301 Senate Office Building, commencing at 10:00 a.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 3rd day of April, 2015

Appropriations Subcommittee on Transportation,
Tourism, and Economic Development



Senator Jack Latvala
As Chair and by authority of the committee

cc: Members, Appropriations Subcommittee on Transportation, Tourism, and Economic
Development
Office of the Sergeant at Arms

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/15

Meeting Date

20

Bill Number (if applicable)

Topic Relating to Stephenson (claim)

Amendment Barcode (if applicable)

Name Mat Forrest

Job Title _____

Address 403 E. Park
Street

Phone 250-577-0444

Tallahassee FL 32301
City State Zip

Email mat@bellardfl.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Aimee Stephenson

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.

APPEARANCE RECORD

W

4/8/2015

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 1296

Meeting Date

Bill Number (if applicable)

Topic Military & Veterans Affairs

Amendment Barcode (if applicable)

Name Col. Mike Prendergast

Job Title Executive Director

Address Suite 2105, The Capitol

Street

Tallahassee

FL

32399

City

State

Zip

Email

exdir@fdva.state.fl.us

PHONE

(850) 497-1533

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The Florida 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.

This form is part of the public record for this meeting.

APPEARANCE RECORD

1

4/8/15

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

7064

Meeting Date

Bill Number (if applicable)

Topic ELECTIONS

Amendment Barcode (if applicable)

Name ROW LABASKY

Job Title _____

Address 225 S. ADAMS ST.

Phone _____

Street

TALL FL 32301

Email _____

City

State

Zip

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

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.

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/2015

Meeting Date

SB 7064

Bill Number (if applicable)

Topic SB 7064 - online voter registration only

Amendment Barcode (if applicable)

Name Ken Detzner

Job Title Secretary of State

Address 500 S. Bronough St.

Street

Phone 850-245-6524

Tallahassee

FL

32399

City

State

Zip

Email —

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Dept. of State

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.

W

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

7064
Bill Number (if applicable)

Topic ELECTIONS

Amendment Barcode (if applicable)

Name JACK McRAY

Job Title _____

Address 200 W. COLLEGE ST. #304
Street

Phone 850-577-5187

TLH FL 32301
City State Zip

Email jmcroy@aarp.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing AARP

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.

THE FLORIDA SENATE
APPEARANCE RECORD

3

4/8/15

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB84

Bill Number (if applicable)

Topic Relief of Sharon Robinson

Amendment Barcode (if applicable)

Name JEREMY MARKMAN

Job Title _____

Address 941 Lake Baldwin Lane

Phone (407) 447-0848

Street

Orlando Florida 32814

City

State

Zip

Email markman@kingmarkman.ca

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing ROBINSON family

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

W

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____ Bill Number (if applicable) _____
Topic Letter Carriers Amendment Barcode (if applicable) _____
Name Paul Kellem
Job Title ILP
Address 810 Richland Ave Phone 321-591-7726
Street Mcneely Island Email psoli544@gmail.com
City _____ State _____ Zip _____

Speaking: For Against Information
Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing ILP / Letter Carriers

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

W

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-8-15

Meeting Date

58894

Bill Number (if applicable)

Topic ABSENTEE VOTING

Amendment Barcode (if applicable)

Name ALBERT CANNOLI

Job Title SELF

Address 4945 37 AVE W
Street

Phone 727-242-1640

ST. PETERSBURG FL 33710
City State Zip

Email FEMAILMAN3@AOL.COM

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing SELF

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.

APPEARANCE RECORD

W

4-8-2015

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 894

Bill Number (if applicable)

Topic Absentee Voting

Amendment Barcode (if applicable)

Name Zulma Betancourt

Job Title Self

Address 1512 W. Lambright street

Phone 813-597-8363

Tampa, FL 33604

Email ZuOrtiz@hotmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Self

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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W

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/15

Meeting Date

SB0894

Bill Number (if applicable)

Topic ABSENTEE VOTING

Amendment Barcode (if applicable)

Name O.D. ELLIOTT

Job Title RETIRED

Address 101-78th Ave

Phone 727-608-6027

Street

St. Pete.

FL.

33702

Email odeb1477@aol.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing SELF

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)

4/8/15

Meeting Date

SB 894

Bill Number (if applicable)

Topic ABSENTEE

Amendment Barcode (if applicable)

Name FRANK RAMIREZ

Job Title LETTER CARRIER

Address 25131 SW 120 PL

Phone (305) 801-7679

Street

HONESTEAD

City

FL.

State

33032

Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing MYSELF

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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APPEARANCE RECORD

W

4-9-15

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

S-894

Meeting Date

Bill Number (if applicable)

Topic Absentee ballots to Vote by Mail

Amendment Barcode (if applicable)

Name Dennis A. Bonilla

Job Title

Address 3621 Bareback Trail Phone 386-673-8673

Ormond Beach, Florida 32174
Street City State Zip

Email dbonilla25@cfl.rr.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Myself

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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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-8-15

Meeting Date

S 894

Bill Number (if applicable)

Topic Vote by mail / "Absentee Voting"

Amendment Barcode (if applicable)

Name Sante Zeppieri

Job Title _____

Address 137 Laurel Oak St
Street

Phone (321) 693-8432

W. MELBOURNE FL 32904
City State Zip

Email ZEPPIE10@yahoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Myself as a concerned voter

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.

10

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

04-08-15
Meeting Date

S 894
Bill Number (if applicable)

Topic VOTE BY MAIL (ABSENTEE VOTING)

Amendment Barcode (if applicable)

Name GUS A CICALA

Job Title _____

Address 981 SONESTA AVE NE #104
Street
PALM BAY FL 32905
City State Zip

Phone 321-271-1938

Email gacicala@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing MYSELF

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

W

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-8-15

Meeting Date

SB 894

Bill Number (if applicable)

Topic ABSENTEE BALLOT - VOTE BY MAIL

Amendment Barcode (if applicable)

Name KEVIN BYRNE

Job Title STATE LEGISLATIVE LIAYSON

Address 254 SE TODD AVENUE

Phone 772 979 5899

Street

PORT ST LUCIE

City

FL

State

34983

Zip

Email kevinjbyrne54@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA STATE ASSOCIATION OF LETTER CARRIERS

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)

4-8-15

Meeting Date

894

Bill Number (if applicable)

Topic Vote by Mail (Absentee Voting) Amendment Barcode (if applicable)

Name Michael Monopoli

Job Title _____

Address 311 Palmetto Ave.
Street

Phone 321-271-9865

Melbourne FL 32901
City State Zip

Email mmonopoliatt.net

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing my self concerned voter

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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W

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-8-15
Meeting Date

S 894
Bill Number (if applicable)

Topic Vote By MAIL / "Absentee Voting"

Amendment Barcode (if applicable)

Name Darlene I. McCrae

Job Title _____

Address 720 S Brevard Ave # 212
Street
Cocoa Beach FL 32931
City State Zip

Phone 407-608-0474

Email dar.dardawgs@yahoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Myself as a concerned voter

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

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/15
Meeting Date

SB0894
Bill Number (if applicable)

Topic Absentee Voting

Amendment Barcode (if applicable)

Name Ferraro Jacob S

Job Title Drafting Technician III

Address 9611 N. 46th St. Apt. B

Phone 813-240-9451

Tampa Fl. 33617
City State Zip

Email ferrarojacob@s@yahoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing myself

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

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/15

Meeting Date

SB894

Bill Number (if applicable)

Topic ABSENTEE VOTING

Amendment Barcode (if applicable)

Name KIM HANLEY

Job Title _____

Address 3988 HUNTWICK BLVD
Street

Phone 407-465-1577

DAVENPORT FL 33837
City State Zip

Email KMJH1577@GMAIL.COM

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing SELF

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)

4/8/15
Meeting Date

SB 894
Bill Number (if applicable)

Topic Absentee Voting

Amendment Barcode (if applicable)

Name Lorie Lucas

Job Title _____

Address 4220 Sawyer Circle Apt B
Street

Phone (407) 907-5715

Saint Cloud FL 34772
City State Zip

Email llucas@unitehere.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing self

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

10

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-8-15

Meeting Date

SB 0894
Bill Number (if applicable)

Topic ABSENTEE VOTING

Amendment Barcode (if applicable)

Name William Gay

Job Title Del Driver

Address 2629 Byron Cir

Phone _____

Street

Tallahassee, Fl. 32308

Email _____

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing myself

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)

W

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/2015

Meeting Date

SB0894

Bill Number (if applicable)

Topic Absentee Voting

Amendment Barcode (if applicable)

Name Shawn Britton

Job Title _____

Address 2716 Bolton Bend

Phone 407-637-6744

Street

Orlando

City

FLA

State

32817

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Self

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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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/15
Meeting Date

SB0894
Bill Number (if applicable)

Topic Absentee Voting

Amendment Barcode (if applicable)

Name William Carroll

Job Title _____

Address 4531 Bond Lane
Street
oviedo, FL 32765
City State Zip

Phone 407-810-0780

Email bravedawg60@aol.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Self

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

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-8-15

Meeting Date

S.B. 0894

Bill Number (if applicable)

Topic Absentee Voting

Amendment Barcode (if applicable)

Name Rooney Lago

Job Title Special Equipment Operator

Address 9313 N. ALA. TAMPA FL. 33612

Phone 813-230-6408

City

State

Zip

Email rrooney555@gmail.com

Speaking: [] For [] Against [] Information

Waive Speaking: [x] In Support [] Against (The Chair will read this information into the record.)

Representing MYSELF

Appearing at request of Chair: [] Yes [x] No

Lobbyist registered with Legislature: [] Yes [x] 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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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

04-08-2015

Meeting Date

SB 0894

Bill Number (if applicable)

Topic Absentee Voting

Amendment Barcode (if applicable)

Name Toni Davis

Job Title Office Support Specialist III

Address 4110 Lindenwood Dr.

Phone (813) 369-2865

Street

Brandon FL 33511

City

State

Zip

Email friendsr freinds 4ever@yahoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Myself (I am a voter)

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.

THE FLORIDA SENATE
APPEARANCE RECORD

W

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-18-15

Meeting Date

894

Bill Number (if applicable)

Topic Vote by Mail - Absentee Voting

Amendment Barcode (if applicable)

Name Marilyn A. McIntyre

Job Title _____

Address 1021 Third Street

Phone 386-679-2240

Street

Port Orange

City

FL

State

32129

Zip

Email Marilynanna490@yahoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Myself

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

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-18-15

Meeting Date

894

Bill Number (if applicable)

Topic Vote by Mail - Absentee voting

Amendment Barcode (if applicable)

Name William McIntyre

Job Title _____

Address 1021 Third St.

Phone 386-679-4058

Street

Port Orange Fl. 32129

Email _____

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Myself

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.

THE FLORIDA SENATE
APPEARANCE RECORD

W

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

April 8, 2015
Meeting Date

894
Bill Number (if applicable)

Topic Assentee Voting

Amendment Barcode (if applicable)

Name FRANK A. MARINACCI

Job Title _____

Address 1756 So. Clara Morris Blvd, Apt 708
Street

Phone 326-846-1625

So. Daytona FL 32119
City State Zip

Email FrankM@fla.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Self

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)

4/8/2015
Meeting Date

894
Bill Number (if applicable)

Topic ABSENTEE VOTING

Amendment Barcode (if applicable)

Name GAIL MARIE PERRY

Job Title CHAIR

Address PO BOX 1766

Phone 954 850-4055

POMPANO BEACH FL 33061
City State Zip

Email workingforfb@hotmail.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing COMMUNICATIONS WORKERS of AMERICA COUNCIL of 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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APPEARANCE RECORD

W

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-8-15

Meeting Date

SB 894

Bill Number (if applicable)

Topic ABSENTEE VOTING

Amendment Barcode (if applicable)

Name MATTY ROSE

Job Title _____

Address 129 ASHBY COVE LANE

Phone 863-241-3905

Street

NEW SMYRNA BEACH FL 32168

Email _____

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

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.

CourtSmart Tag Report

Room: SB 301

Case:

Type:

Caption: Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development Judge:

Started: 4/8/2015 10:01:43 AM

Ends: 4/8/2015 11:00:19 AM

Length: 00:58:37

10:01:57 AM Sen. Latvala (Chair)
10:02:02 AM roll call
10:02:37 AM Sen. Latvala - TP CS/SB 1184
10:03:20 AM SB 1388
10:03:24 AM Rachel Barnes, Sen. Stargel's Legislative Assistant
10:04:00 AM Sen. Latvala
10:04:24 AM roll call - on CS SB 1388
10:04:38 AM Sen. Latvala - by your vote CS/SB 1388 recommended favorably
10:05:03 AM SB 7064
10:05:08 AM Michael Nacheff, Sen. Richter's Legislative Assistant
10:06:46 AM Sen. Latvala -
10:07:02 AM Am. 840620
10:07:15 AM Sen. Clemens
10:07:32 AM Sen. Latvala - Am. 840620 is adopted
10:07:54 AM Am. 611658
10:08:05 AM Sen. Clemens
10:08:32 AM Sen. Latvala - does it increase the number of sites
10:08:37 AM Sen. Clemens - no
10:08:44 AM Sen. Gibson - by reducing the number if early voting sites in a special election , it's just precincts included in the special election
10:09:06 AM Sen. Clemens - I think that is correct, I would defer to the Supervisors Association
10:09:19 AM Ron Labaski, Florida State Association of Supervisors of Elections
10:10:34 AM Sen. Gibson - when you say based on projected turn out, using what information
10:11:32 AM R. Labaski
10:12:03 AM Sen. Latvala
10:12:10 AM Sen. Clemens - I want to make sure Sen. Gibson is comfortable with this
10:12:25 AM Sen. Gibson - we are able to expand within the area of a special election
10:13:01 AM Sen. Clemens - we will continue to look at this language
10:13:14 AM Sen. Latvala - without objection Am. 611658 is adopted
10:13:34 AM Ron Labaski (waives in support)
10:13:40 AM Ken Detzner, Secretary of State, Florida Department of State (waives in opposition)
10:13:42 AM Jack McRay, AARP (waives in support)
10:14:03 AM Sen. Clemens (Chair)
10:14:07 AM Sen. Diaz de la Portilla - I would like to hear from the Secretary what his opposition is
10:14:26 AM Ken Detzner, Secretary of State, Florida Department of State
10:16:43 AM Sen. Gibson - is it the date or the language
10:17:09 AM Ken Detzner - it's a combination
10:18:32 AM Sen. Gibson - what are the complications; will there be a test of the system and is there a fallback if there is a glitch
10:18:54 AM K. Detzner
10:20:52 AM Sen. Latvala - who is supposed to get this group together to start working on this?
10:21:16 AM K. Detzner - I'm in the process of planning to do this
10:21:21 AM Sen. Latvala - Palm Beach county data; is that straightened out yet; if not why
10:22:41 AM K. Detzner
10:22:55 AM Sen. Latvala - that is not the question, is it solved, if not why not
10:23:02 AM K. Detzner - Palm Beach County Supervisor's vendor making changes to her software, so it is compatible with the Department of State
10:23:29 AM Sen. Latvala - the primary is on correctly
10:23:36 AM K. Detzner - we manipulated it to fit in our software
10:23:48 AM Sen. Latvala - why can't you do that for the general election
10:23:59 AM K. Detzner - we have done that; it is the supervisor's responsibility
10:24:34 AM Sen. Latvala - so we are corrected for the general election

10:24:47 AM K. Detzner - yes; it is our responsibility
10:25:00 AM Sen. Diaz de la Portilla - is it the date; what can we do with this bill to make it better in your mind
10:25:23 AM K. Detzner
10:26:29 AM Sen. Diaz de la Portilla - so no target date at all; don't you think a target date helps in planning
10:26:38 AM K. Detzner
10:26:50 AM Sen. Gibson - Why would the 2016 Presidential election be impacted; couldn't it wait until after November?
10:27:19 AM K. Detzner - limited resources
10:28:36 AM Sen. Latvala (Chair)
10:28:47 AM Sen. Clemens - summarizes history of the bill; online voter registration application
10:30:54 AM Sen. Diaz de la Portilla - supporting the bill
10:31:51 AM Sen. Detert - support the Secretary; rather not do in a Presidential Election year
10:32:41 AM Sen. Latvala - I believe we are doing it in 2017
10:32:49 AM R. Labaski - Oct. 1, 2017
10:33:04 AM Sen. Gibson - I support the bill; maybe the language needs to be changed
10:34:03 AM Sen. Latvala
10:34:13 AM roll call on SB 7064
10:34:27 AM Sen. Latvala - by your vote SB7064 is reported favorably
10:34:56 AM CS/SB 1296
10:35:00 AM Rep. Stube, presenting the bill for Sen. Bean
10:35:49 AM Sen. Clemens - this is the third or fourth bill I have seen you present in the Senate this year, what is up with that?
10:36:05 AM Rep. Stube - I have had many opportunities to present bills over here
10:36:17 AM Sen. Latvala
10:36:40 AM Col. Mike Prendergast, The Florida Department of Veterans' Affairs (waives in support)
10:36:58 AM roll call on CS/SB 1296
10:37:24 AM Sen. Latvala - by your vote CS/SB 1296 is recommended favorably
10:37:38 AM CS/SB 1554
10:37:42 AM Sen. Brandes - TP bill
10:38:01 AM CS/ SB 84
10:38:22 AM Christine Birone, Sen. Soto's Legislative Assistant
10:39:15 AM Sen. Latvala - any extenuating circumstances
10:39:30 AM C. Birone - hit two children
10:39:31 AM Sen. Latvala - were they deceased
10:39:43 AM C. Birone - one deceased, one sustained injuries of the lumbar spine
10:39:52 AM Sen. Latvala
10:40:18 AM Jeremy Markman - Attorney, King and Markman Law Firm
10:40:45 AM Sen. Latvala
10:40:50 AM roll call on CS/SB 84
10:41:16 AM Senate Confirmation Hearing - Department of economic Opportunity, Executive Director - Jesse Panuccio
10:41:29 AM Jesse Panuccio takes oath
10:41:50 AM J. Panuccio - makes an opening statement
10:46:28 AM Sen. Clemens - a little over a month ago we discussed having trouble getting grant money to recipients, has that changed?
10:46:54 AM J. Panuccio - 42 DEO projects: 39 fully executed; 2 waiting for signatures; 1 cancelled - land no longer available
10:47:54 AM Sen. Diaz De la Portilla - moves to recommend to the President that the Senate Confirm the Appointee
10:48:00 AM roll call on motion
10:48:21 AM Sen. Latvala - Mr. Panuccio by the vote of the committee your confirmation is recommended favorably
10:48:28 AM Sen. Diaz de la Portilla - I would like to move that I be recommended favorably for SB 84
10:49:14 AM CS/SB 894
10:49:16 AM Sen. Thompson
10:49:44 AM Sen. Latvala
10:50:13 AM Matty Rose (waives in support)
10:50:19 AM Gail Marie Perry, Chair, Communications Workers of America Council of Florida (waives in support)
10:50:32 AM Frank A. Marinacci (waives in support)
10:50:42 AM William McIntyre (waives in support)
10:50:52 AM Marilyn A. McIntyre (waives in support)
10:51:00 AM Toni Davis (waives in support)
10:51:07 AM Rodney Reed (waives in support)
10:51:15 AM William Carroll (waives in support)
10:51:21 AM Shawn Britton (waives in support)

10:51:26 AM William Gary (waives in support)
10:51:33 AM Lorie Lucas (waives in support)
10:51:40 AM Kim Hanley (waives in support)
10:51:47 AM Ferraro Jacobs (waives in support)
10:51:54 AM Darlene McCrae (waives in support)
10:51:59 AM Michael Monopoli (waives in support)
10:52:10 AM Kevin Byrne, Florida State Association of Letter Carriers (waives in support)
10:52:22 AM Gus A. Cicala (waives in support)
10:52:32 AM Sante Zeppieri (waives in support)
10:52:38 AM Dennis A. Bonilla (waives in support)
10:52:43 AM Frank Ramirez (waives in support)
10:52:50 AM O. D. Elliott (waives in support)
10:52:54 AM Zulma Betancourt (waives in support)
10:53:01 AM Albert Carroll (waives in support)
10:53:33 AM Paul Kellem, ILP/Letter Carrier (waives in support)
10:54:06 AM Sen. Diaz de la Portilla - I voted by mail today in the Coral Gables election
10:54:32 AM Sen. Thompson - closes on bill
10:54:50 AM roll call on SB 894
10:55:06 AM Sen. Latvala - SB 894 is voted favorably
10:55:12 AM Sen. Deter - could I be recorded favorably on SB 1388; and recorded in the affirmative on the confirmation of Mr. Panuccio
10:55:33 AM Sen. Gibson - I would like to be recorded as voting favorably on SB 84
10:55:43 AM Sen. Thompson - I would like to be shown voting favorably on SB 1338
10:55:58 AM CS/ SB 70
10:56:07 AM Sen. Diaz de la Portilla
10:59:00 AM Sen. Latvala
10:59:14 AM Mat Forrest (waives in support)
10:59:26 AM roll call on SB 70
10:59:43 AM Sen. Latvala - by your vote CS/SB 70 is reported favorably
10:59:50 AM Sen. Latvala - closing statements
11:00:12 AM Meeting adjourned