

CS/SB 1554 by TR, Brandes; (Compare to CS/H 7039) Transportation						
552478	A	S	WD	ATD, Clemens	btw L.344 - 345:	04/13 07:20 PM
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
946660	A	S		ATD, Brandes	btw L.591 - 592:	04/13 11:41 AM
318744	A	S		ATD, Sachs	btw L.654 - 655:	04/08 06:08 PM
862024	A	S		ATD, Brandes	Delete L.1917 - 1964:	04/01 04:13 PM
398410	A	S	WD	ATD, Diaz de la Portill	btw L.2743 - 2744:	04/13 05:28 PM
938556	AA	S	WD	ATD, Diaz de la Portill	btw L.12 - 13:	04/13 05:28 PM
177598	AA	S	L WD	ATD, Diaz de la Portill	btw L.12 - 13:	04/14 10:35 AM
585792	A	S	WD	ATD, Diaz de la Portill	btw L.2743 - 2744:	04/14 10:35 AM
245794	A	S	WD	ATD, Brandes	btw L.2814 - 2815:	04/01 01:19 PM
846946	A	S	L	ATD, Diaz de la Portill	btw L.2743 - 2744:	04/13 03:19 PM
900098	A	S		ATD, Thompson	Delete L.1761 - 1779.	04/01 04:14 PM

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
808288	A	S		ATD, Sachs	btw L.300 - 301:	04/08 06:07 PM
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
945472	A	S		ATD, Brandes	Delete L.189 - 279:	04/13 11:40 AM
448900	SA	S	L	ATD, Clemens	Delete L.105 - 279.	04/14 11:34 AM
686248	A	S	L	ATD, Brandes	btw L.279 - 280:	04/13 05:31 PM

CS/SB 722 by FT, Flores; (Similar to CS/CS/H 0595) Aviation						
829130	D	S		ATD, Hukill	Delete everything after	04/13 10:09 AM
826098	AA	S	L	ATD, Latvala	Before L.5:	04/14 12:27 PM

SB 7072 by TR; (Compare to H 0211) Specialty License Plates						
678046	A	S		ATD, Brandes	Delete L.84 - 132:	04/13 12:57 PM
600548	A	S		ATD, Brandes	Delete L.181:	04/10 03:52 PM
483172	A	S	L	ATD, Thompson	Delete L.417 - 863:	04/13 02:44 PM
486788	A	S	L	ATD, Diaz de la Portill	Delete L.421 - 863:	04/13 03:12 PM
259594	A	S	L	ATD, Gibson	Delete L.421 - 863:	04/14 11:02 AM

CS/SB 1500 by CF, Latvala; (Compare to H 0379) Housing for the Homeless						
847062	A	S		ATD, Clemens	btw L.90 - 91:	04/13 12:22 PM
893334	A	S		ATD, Latvala	Delete L.99 - 152:	04/13 01:12 PM
464990	A	S		ATD, Latvala	Delete L.229:	04/13 01:11 PM
813134	A	S		ATD, Latvala	Delete L.421 - 612:	04/13 10:32 AM
577610	A	S		ATD, Latvala	btw L.642 - 643:	04/13 01:11 PM
543284	SA	S		ATD, Latvala	btw L.90 - 91:	04/13 04:41 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

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

Senator Latvala, Chair
Senator Clemens, Vice Chair

MEETING DATE: Tuesday, April 14, 2015
TIME: 1:30 —3:30 p.m.
PLACE: 301 Senate Office Building

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 1554 Transportation / Brandes (Compare CS/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 ATD 04/14/2015 AP	
2	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 ATD 04/14/2015 FP	

COMMITTEE MEETING EXPANDED AGENDAAppropriations Subcommittee on Transportation, Tourism, and Economic Development
Tuesday, April 14, 2015, 1:30 —3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	CS/SB 722 Finance and Tax / Flores (Similar CS/CS/H 595)	Aviation; Revising the tax rate of the excise tax on certain aviation fuels; revising the criteria to receive an excise tax exemption for certain aviation fuel delivered by licensed wholesalers or terminal suppliers; requiring the Department of Economic Opportunity to conduct a study on specified issues relating to intrastate commercial air service and flight training and education, etc.	TR 03/05/2015 Favorable FT 03/30/2015 Fav/CS ATD 04/14/2015 AP
4	SB 7072 Transportation (Compare H 211, H 265, H 415, H 457, H 637, H 675, H 771, H 957, H 7055, CS/H 7079, S 324, S 454, S 546, S 698, S 964, S 1042, S 1236, S 1238)	Specialty License Plates; Amending provisions relating to requirements for requests to establish a specialty license plate; deleting application requirements; revising the minimum requirements to continue issuance of certain specialty plates; directing the Department of Highway Safety and Motor Vehicles to develop certain specialty license plates, etc.	ATD 04/14/2015 FP
5	CS/SB 1500 Children, Families, and Elder Affairs / Latvala (Compare H 379)	Housing for the Homeless; Requiring that the reservation of funds within each notice of fund availability to persons who are homeless and persons with special needs be at least 10 percent of the funds available at the time of the notice; directing the State Office on Homelessness to create a task force to make recommendations regarding the implementation of a statewide Homeless Management Information System (HMIS) subject to certain requirements; requiring the Florida Housing Finance Corporation to first distribute a certain percentage of the total amount to be distributed each fiscal year from the Local Government Housing Trust Fund to the Department of Children and Families and to the Department of Economic Opportunity, respectively, subject to certain requirements, etc.	CF 03/19/2015 Fav/CS ATD 04/14/2015 AP

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 sued 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.etmnc.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.

By the Committee on Transportation; and Senator Brandes

596-02567-15

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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,

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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-

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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~~

596-02567-15

20151554c1

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,

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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.

596-02567-15

20151554c1

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.—

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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.-

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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,~~

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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~~

596-02567-15

20151554c1

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

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

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

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

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

3. Outside the perimeters defined in subparagraphs 1. and 2., but still within the lateral limits of the civil airport imaginary surfaces defined in 14 C.F.R. part 77.19 ~~77.25~~. Case-by-case review of such landfills is advised.

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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~~

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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~~

596-02567-15

20151554c1

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 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~~

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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~~

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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.

596-02567-15

20151554c1

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~~

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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~~

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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:~~

596-02567-15

20151554c1

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~~

596-02567-15

20151554c1

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.

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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~~

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

1944 (b) On-road components of the Florida Keys Overseas
1945 Heritage Trail.

1946 (3) The department shall include a project to be
1947 constructed as part of the Shared-Use Nonmotorized Trail Network
1948 in its work program developed pursuant to s. 339.135.

1949 (4) The planning, development, operation, and maintenance
1950 of the Shared-Use Nonmotorized Trail Network is declared to be a
1951 public purpose, and the department, together with other agencies
1952 of this state and all counties, municipalities, and special
1953 districts of this state, may spend public funds for such
1954 purposes and may accept gifts and grants of funds, property, or
1955 property rights from public or private sources to be used for
1956 such purposes.

1957 (5) The department may enter into a memorandum of agreement
1958 with a local government or other agency of the state to transfer
1959 maintenance responsibilities of an individual network component.
1960 The department may contract with a not-for-profit entity or
1961 private sector business or entity to provide maintenance
1962 services on an individual network component.

1963 (6) The department may adopt rules to aid in the
1964 development and maintenance of components of the network.

1965 Section 38. Section 339.82, Florida Statutes, is created to
1966 read:

1967 339.82 Shared-Use Nonmotorized Trail Network Plan.—

1968 (1) The department shall develop a Shared-Use Nonmotorized
1969 Trail Network Plan in coordination with the Department of
1970 Environmental Protection, metropolitan planning organizations,
1971 affected local governments and public agencies, and the Florida
1972 Greenways and Trails Council. The plan must be consistent with

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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.

596-02567-15

20151554c1

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,

596-02567-15

20151554c1

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;

596-02567-15

20151554c1

- 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

596-02567-15

20151554c1

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.

596-02567-15

20151554c1

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:

596-02567-15

20151554c1

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.

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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:

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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,

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

20151554c1

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

596-02567-15

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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

596-02567-15

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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.



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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/13/2015	.	
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Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Clemens) recommended the following:

Senate Amendment (with title amendment)

Between lines 344 and 345

insert:

Section 2. Subsection (8) of section 163.566, Florida
Statutes, is amended to read:

163.566 Definitions.—As used in this part, and unless the
context clearly indicates otherwise:

(8) "Public transportation" means transportation of
passengers by means, without limitation, of a street railway,



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11 elevated railway or fixed guideway, commuter railroad, subway,
12 motor vehicle, motor bus, or any bus or other means of
13 conveyance operating as a common carrier within the regional
14 transportation area, including charter service therein.

15 Section 3. Subsections (14) and (15) are added to section
16 163.567, Florida Statutes, to read:

17 163.567 Regional transportation authorities.—

18 (14) Notwithstanding any other law to the contrary, an
19 agency created under chapter 343 or chapter 349 is designated as
20 the regional transportation authority under this section for the
21 same region it serves and shall be deemed a constituted regional
22 transportation authority under this section. Chapters 343 and
23 349 shall govern the board composition and operations of the
24 agencies as regional transportation authorities under this
25 section.

26 (15) The authority granted to regional transportation
27 authorities under this part shall be considered authority that
28 is in addition to the authority granted to the agencies under
29 chapters 343 and 349.

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 9

34 and insert:

35 duties for specified counties; amending s. 163.566,
36 F.S.; redefining the term "public transportation";
37 amending s. 163.567, F.S.; designating certain
38 agencies as regional transportation authorities for
39 the same regions they serve and deeming the agencies



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40 as constituted regional transportation authorities;
41 providing that chs. 343 and 349, F.S., govern the
42 board composition and operations of the agencies as
43 regional transportation authorities; requiring that
44 the authority granted to regional transportation
45 authorities be considered additional to the authority
46 granted to the agencies under chs. 343 and 349, F.S.;
47 amending s. 215.82,



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 (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 591 and 592

insert:

Section 7. Paragraph (b) of subsection (1) and paragraph
(a) of subsection (4) of section 316.0083, Florida Statutes, are
amended to read:

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

(1)



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11 (b)1.a. Within 30 days after a violation, notification must
12 be sent to the registered owner of the motor vehicle involved in
13 the violation specifying the remedies available under s. 318.14
14 and that the violator must pay the penalty of \$158 to the
15 department, county, or municipality, or furnish an affidavit in
16 accordance with paragraph (d), or request a hearing within 60
17 days following the date of the notification in order to avoid
18 the issuance of a traffic citation. The notification must be
19 sent by first-class mail. The mailing of the notice of violation
20 constitutes notification.

21 b. Included with the notification to the registered owner
22 of the motor vehicle involved in the infraction must be a notice
23 that the owner has the right to review the photographic or
24 electronic images or the streaming video evidence that
25 constitutes a rebuttable presumption against the owner of the
26 vehicle. The notice must state the time and place or Internet
27 location where the evidence may be examined and observed.

28 c. Notwithstanding any other provision of law, a person who
29 receives a notice of violation under this section may request a
30 hearing within 60 days following the notification of violation
31 or pay the penalty pursuant to the notice of violation, but a
32 payment or fee may not be required before the hearing requested
33 by the person. The notice of violation must be accompanied by,
34 or direct the person to a website that provides, information on
35 the person's right to request a hearing and on all court costs
36 related thereto and a form to request a hearing. As used in this
37 sub-subparagraph, the term "person" includes a natural person,
38 registered owner or coowner of a motor vehicle, or person
39 identified on an affidavit as having care, custody, or control



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40 of the motor vehicle at the time of the violation.

41 d. If the registered owner or coowner of the motor vehicle,
42 or the person designated as having care, custody, or control of
43 the motor vehicle at the time of the violation, or an authorized
44 representative of the owner, coowner, or designated person,
45 initiates a proceeding to challenge the violation pursuant to
46 this paragraph, such person waives any challenge or dispute as
47 to the delivery of the notice of violation.

48 2. Penalties assessed and collected by the department,
49 county, or municipality authorized to collect the funds provided
50 for in this paragraph, less the amount retained by the county or
51 municipality pursuant to subparagraph 3., shall be paid to the
52 Department of Revenue weekly. Payment by the department, county,
53 or municipality to the state shall be made by means of
54 electronic funds transfers. In addition to the payment, summary
55 detail of the penalties remitted shall be reported to the
56 Department of Revenue.

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

59 a. One hundred fifty-eight dollars for a violation of s.
60 316.074(1) or s. 316.075(1)(c)1. when a driver failed to stop at
61 a traffic signal if enforcement is by the department's traffic
62 infraction enforcement officer. One hundred dollars shall be
63 remitted to the Department of Revenue for deposit into the
64 General Revenue Fund, \$10 shall be remitted to the Department of
65 Revenue for deposit into the Department of Health Emergency
66 Medical Services Trust Fund, \$3 shall be remitted to the
67 Department of Revenue for deposit into the Brain and Spinal Cord
68 Injury Trust Fund, and \$45 shall be distributed to the



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69 municipality in which the violation occurred, or, if the
70 violation occurred in an unincorporated area, to the county in
71 which the violation occurred. Funds deposited into the
72 Department of Health Emergency Medical Services Trust Fund under
73 this sub-subparagraph shall be distributed as provided in s.
74 395.4036(1). Proceeds of the infractions in the Brain and Spinal
75 Cord Injury Trust Fund shall be distributed quarterly to the
76 Miami Project to Cure Paralysis and used for brain and spinal
77 cord research.

78 b. One hundred fifty-eight dollars for a violation of s.
79 316.074(1) or s. 316.075(1)(c)1. when a driver failed to stop at
80 a traffic signal if enforcement is by a county or municipal
81 traffic infraction enforcement officer. Seventy dollars shall be
82 remitted by the county or municipality to the Department of
83 Revenue for deposit into the General Revenue Fund, \$10 shall be
84 remitted to the Department of Revenue for deposit into the
85 Department of Health Emergency Medical Services Trust Fund, \$3
86 shall be remitted to the Department of Revenue for deposit into
87 the Brain and Spinal Cord Injury Trust Fund, and \$75 shall be
88 retained by the county or municipality enforcing the ordinance
89 enacted pursuant to this section. Funds retained by the county
90 or municipality under this sub-subparagraph shall be used only
91 for traffic safety initiatives, including costs related to the
92 administration of the Mark Wandall Traffic Safety Program under
93 this section. Funds deposited into the Department of Health
94 Emergency Medical Services Trust Fund under this sub-
95 subparagraph shall be distributed as provided in s. 395.4036(1).
96 Proceeds of the infractions in the Brain and Spinal Cord Injury
97 Trust Fund shall be distributed quarterly to the Miami Project



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98 to Cure Paralysis and used for brain and spinal cord research.

99 4. If a county or municipality fails to comply with the
100 reporting requirements in subsection (4), as determined by the
101 department, the department shall annually, on October 1, provide
102 notice of the failure to the county or municipality. The county
103 or municipality shall have 30 days from the date of the notice
104 within which to establish compliance with the reporting
105 requirements. If compliance is not established within the 30
106 days, the department shall immediately notify the Department of
107 Revenue of the county's or municipality's noncompliance. In
108 cases of such noncompliance, notwithstanding subparagraph 3.,
109 the portion of revenues collected and otherwise retained by the
110 county or municipality may not be retained but shall be remitted
111 to the Department of Revenue. The Department of Revenue shall
112 maintain records of such remissions reflecting the total amount
113 of revenues received from each noncompliant county or
114 municipality. On notice from the department that the county or
115 municipality has established compliance, the Department of
116 Revenue shall return those revenues to the affected county or
117 municipality.

118 5.4. An individual may not receive a commission from any
119 revenue collected from violations detected through the use of a
120 traffic infraction detector. A manufacturer or vendor may not
121 receive a fee or remuneration based upon the number of
122 violations detected through the use of a traffic infraction
123 detector.

124 (4) (a) Each county or municipality that operates a traffic
125 infraction detector shall submit a report ~~by October 1, 2012,~~
126 ~~and annually thereafter,~~ to the department no later than



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127 September 30 of each year which details the results of using the
128 traffic infraction detector and the procedures for enforcement
129 for the preceding state fiscal year. The information submitted
130 by the counties and municipalities must include statistical data
131 and information required by the department to complete the
132 report required under paragraph (b), and must include all of the
133 following:-

134 1. The name of the jurisdiction and contact information for
135 the person responsible for the administration of the traffic
136 infraction detector program.

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

139 3. The date that each red light camera became operational,
140 and the dates of camera operation during the fiscal year,
141 including any status changes of the camera's use during the
142 reporting period.

143 4. Data related to the issuance and disposition of notices
144 of violation and subsequent uniform traffic citations issued
145 during the reporting period.

146 5. Vehicle crash data, including fatalities and injuries,
147 for crashes that occurred within a 250-foot radius of the
148 geospatial coordinates for each traffic infraction detector
149 during the 12-month period immediately preceding the initial
150 date of camera operation. Data submitted as required under this
151 subsection should be able to be validated against department
152 data.

153 6. Identification of any and all alternative safety
154 measures, including increasing the interval between the yellow
155 change light and the red clearance light, increasing the



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156 visibility of traffic lights, and installing advance dilemma-
157 zone detection systems, which the jurisdiction considered or
158 implemented during the reporting period in lieu of or in
159 addition to the use of a traffic infraction detector. The
160 jurisdiction shall include the date of implementation of any
161 such measures to assist the department in the analysis of crash
162 data at a specified location.

163 Section 8. Subsection (9) of section 316.0745, Florida
164 Statutes, is created to read:

165 316.0745 Uniform signals and devices.—

166 (9) The Department of Transportation is authorized to
167 inspect, at random, any traffic control device or any traffic
168 infraction detector at any intersection with a traffic
169 infraction detector for the purpose of verifying that such
170 device and detector conform to the specifications and
171 requirements of this section.

172 Section 9. Subsection (1) of section 316.0776, Florida
173 Statutes, is amended to read:

174 316.0776 Traffic infraction detectors; placement and
175 installation.—

176 (1) Traffic infraction detectors are allowed on state roads
177 when permitted by the Department of Transportation and under
178 placement and installation specifications developed by the
179 Department of Transportation. Traffic infraction detectors are
180 allowed on streets and highways under the jurisdiction of
181 counties or municipalities in accordance with placement and
182 installation specifications developed by the Department of
183 Transportation. A notice of violation or uniform traffic
184 citation may not be issued through the use of a traffic



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185 infraction detector that is not in compliance with all
186 specifications. Additionally, before installation of any traffic
187 infraction detector, the county or municipality shall document
188 and make available upon the request of the Department of
189 Transportation consideration and reasons for rejection of other
190 engineering countermeasures set forth in the most recent
191 publication addressing countermeasures by the Institute of
192 Transportation Engineers that are intended to reduce violations
193 of ss. 316.074(1) and 316.075(1)(c)1.

194

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

196 And the title is amended as follows:

197 Delete line 29

198 and insert:

199 defining and redefining terms; amending s. 316.0083,
200 F.S.; relating to traffic infraction detectors;
201 requiring funds retained by a municipality or county
202 for traffic infraction detector violations to be used
203 only for certain purposes; requiring the Department of
204 Highway Safety & Motor Vehicles to provide notice of
205 failure to comply with certain reporting requirements;
206 providing a period within which to become compliant
207 with such reporting requirements; requiring a
208 municipality or county to remit certain revenues to
209 the Department of Revenue; requiring the Department of
210 Revenue to maintain records of such remissions;
211 providing for the return of certain revenues to a
212 municipality or county under certain circumstances;
213 requiring the annual report detailing the results of



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214 using traffic infraction detectors and the procedures
215 for enforcement to include specified information;
216 amending s. 316.0745, F.S.; authorizing the Department
217 of Transportation to randomly inspect any traffic
218 control device or any traffic infraction detector at
219 certain locations to verify compliance with certain
220 specifications and requirements; amending s. 316.0776,
221 F.S.; prohibiting issuance of a notice of violation or
222 traffic citation through use of a traffic infraction
223 detector that is not in compliance with all
224 specifications; requiring a municipality or county to
225 document and make available upon request of the
226 Department of Transportation consideration and reasons
227 for rejection of certain engineering countermeasures
228 before installing any traffic infraction detector;
229 amending s. 316.0895,



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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Between lines 654 and 655

insert:

Section 10. Paragraph (d) of subsection (2) of section
316.305, Florida Statutes, is amended to read:

316.305 Wireless communications devices; prohibition.—

(2) It is the intent of the Legislature to:

(d) Authorize law enforcement officers to stop motor
vehicles and issue citations as a primary ~~secondary~~ offense to



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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 (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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398410

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/13/2015	.	
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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 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	.	House
Comm: WD	.	
04/13/2015	.	
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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



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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/14/2015	.	
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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,
7 upon 30 days' written notice a franchise relationship with a
8 refiner who, after the inception of the franchise relationship,
9 commences the sale of motor fuel, including sales made through



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10 an affiliate or agent, at any retail outlet in the same county
11 in which the wholesaler or dealer resells. Termination of the
12 franchise relationship also terminates any restriction on the
13 wholesaler's or dealer's motor fuel sales arising from the
14 franchise relationship.

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

17 526.303 Definitions.—As used in this act:

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

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

27 And the directory clause is amended as follows:

28 Delete line 5

29 and insert:

30 Section 57. Subsections (4) and (5) are added to section
31 526.304,

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

34 And the title is amended as follows:

35 Delete line 22

36 and insert:

37 injunctive relief; authorizing a wholesaler or dealer
38 to terminate a franchise relationship with certain



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39 refiners subject to specified requirements; providing
40 that termination of the franchise relationship also
41 results in termination of any restriction on the
42 wholesaler's or dealer's motor fuel sales from the
43 franchise relationship; amending s. 526.303, F.S.;
44 redefining the term "refiner"; providing



585792

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/14/2015	.	
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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 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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the franchise relationship; providing



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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/01/2015	.	
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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.



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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



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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Between lines 2743 and 2744

insert:

Section 57. Subsection (10) of section 526.303, Florida Statutes, is amended to read:

526.303 Definitions.—As used in this act:

(10) "Refiner" means any person engaged in the refining of crude oil to produce motor fuel, and includes any affiliate of



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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,
19 upon 30 days' written notice a franchise relationship with a
20 refiner who, after the inception of the franchise relationship,
21 commenced the sale of motor fuel, including sales made through
22 an affiliate or agent, at any retail outlet in the same county
23 in which the wholesaler or dealer resells. Termination of the
24 franchise relationship also terminates any restrictions on the
25 wholesaler's or dealer's motor fuel sales arising from the
26 franchise relationship.

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

29 And the title is amended as follows:

30 Delete line 299

31 and insert:

32 345.0014, F.S.; providing applicability; amending s.
33 526.303, F.S.; redefining the term "refiner"; amending
34 s. 526.304, F.S.; allowing a wholesaler or dealer to
35 terminate a franchise relationship with a refiner
36 under certain circumstances; providing that
37 termination of the franchise relationship also results
38 in termination of any restrictions on the wholesaler's



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or dealer's motor fuel sales arising from the
franchise relationship; providing



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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,

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://nfda.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.

By the Committee on Transportation; and Senator Brandes

596-01959-15

20151184c1

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

596-01959-15

20151184c1

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

596-01959-15

20151184c1

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

596-01959-15

20151184c1

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

596-01959-15

20151184c1

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

596-01959-15

20151184c1

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

596-01959-15

20151184c1

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

596-01959-15

20151184c1

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,

596-01959-15

20151184c1

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

596-01959-15

20151184c1

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

596-01959-15

20151184c1

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~~

596-01959-15

20151184c1

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

596-01959-15

20151184c1

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

596-01959-15

20151184c1

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

596-01959-15

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.



199952

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



921764

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



102252

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.

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 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.



363562

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) ~~(e)~~ 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.

80
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



886644

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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808288

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.



227534

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

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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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39

entity"; amending s. 324.242,



964772

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,



945472

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 189 - 279

and insert:

enacted pursuant to this section. Funds retained by the
county or municipality under this sub-subparagraph shall be used
only for traffic safety initiatives, including costs related to
the administration of the Mark Wandall Traffic Safety Program
under this section. Funds deposited into the Department of
Health Emergency Medical Services Trust Fund under this sub-



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11 subparagraph shall be distributed as provided in s. 395.4036(1).
12 Proceeds of the infractions in the Brain and Spinal Cord Injury
13 Trust Fund shall be distributed quarterly to the Miami Project
14 to Cure Paralysis and used for brain and spinal cord research.

15 4. If a county or municipality fails to comply with the
16 reporting requirements in subsection (4), as determined by the
17 department, the department shall annually, on October 1, provide
18 notice of the failure to the county or municipality. The county
19 or municipality shall have 30 days from the date of the notice
20 within which to establish compliance with the reporting
21 requirements. If compliance is not established within the 30
22 days, the department shall immediately notify the Department of
23 Revenue of the county's or municipality's noncompliance. In
24 cases of such noncompliance, notwithstanding subparagraph 3.,
25 the portion of revenues collected and otherwise retained by the
26 county or municipality may not be retained but shall be remitted
27 to the Department of Revenue. The Department of Revenue shall
28 maintain records of such remissions reflecting the total amount
29 of revenues received from each noncompliant county or
30 municipality. On notice from the department that the county or
31 municipality has established compliance, the Department of
32 Revenue shall return those revenues to the affected county or
33 municipality.

34 5.4. An individual may not receive a commission from any
35 revenue collected from violations detected through the use of a
36 traffic infraction detector. A manufacturer or vendor may not
37 receive a fee or remuneration based upon the number of
38 violations detected through the use of a traffic infraction
39 detector.



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40 (4) (a) Each county or municipality that operates a traffic
41 infraction detector shall submit a report ~~by October 1, 2012,~~
42 ~~and annually thereafter,~~ to the department no later than
43 September 30 of each year which details the results of using the
44 traffic infraction detector and the procedures for enforcement
45 for the preceding state fiscal year. The information submitted
46 by the counties and municipalities must include statistical data
47 and information required by the department to complete the
48 report required under paragraph (b), and must include all of the
49 following:-

50 1. The name of the jurisdiction and contact information for
51 the person responsible for the administration of the traffic
52 infraction detector program.

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

55 3. The date that each red light camera became operational,
56 and the dates of camera operation during the fiscal year,
57 including any status changes of the camera's use during the
58 reporting period.

59 4. Data related to the issuance and disposition of notices
60 of violation and subsequent uniform traffic citations issued
61 during the reporting period.

62 5. Vehicle crash data, including fatalities and injuries,
63 for crashes that occurred within a 250-foot radius of the
64 geospatial coordinates for each traffic infraction detector
65 during the 12-month period immediately preceding the initial
66 date of camera operation. Data submitted as required under this
67 subsection should be able to be validated against department
68 data.



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69 6. Identification of any and all alternative safety
70 measures, including increasing the interval between the yellow
71 change light and the red clearance light, increasing the
72 visibility of traffic lights, and installing advance dilemma-
73 zone detection systems, which the jurisdiction considered or
74 implemented during the reporting period in lieu of or in
75 addition to the use of a traffic infraction detector. The
76 jurisdiction shall include the date of implementation of any
77 such measures to assist the department in the analysis of crash
78 data at a specified location.

79 Section 3. Subsection (9) of section 316.0745, Florida
80 Statutes, is amended to read:

81 316.0745 Uniform signals and devices.—

82 (9) The Department of Transportation is authorized to
83 inspect, at random, any traffic control device or any traffic
84 infraction detector at any intersection with a traffic
85 infraction detector for the purpose of verifying that such
86 device and detector conform to the specifications and
87 requirements of this section.

88 Section 4. Subsection (1) of section 316.0776, Florida
89 Statutes, is amended to read:

90 316.0776 Traffic infraction detectors; placement and
91 installation.—

92 (1) Traffic infraction detectors are allowed on state roads
93 when permitted by the Department of Transportation and under
94 placement and installation specifications developed by the
95 Department of Transportation. Traffic infraction detectors are
96 allowed on streets and highways under the jurisdiction of
97 counties or municipalities in accordance with placement and



945472

98 installation specifications developed by the Department of
99 Transportation. A notice of violation or uniform traffic
100 citation may not be issued through the use of a traffic
101 infraction detector that is not in compliance with all
102 specifications. Additionally, before installation of any traffic
103 infraction detector, the county or municipality shall document
104 and make available upon the request of the Department of
105 Transportation consideration and reasons for rejection of other
106 engineering countermeasures set forth in the most recent
107 publication addressing countermeasures by the Institute of
108 Transportation Engineers that are intended to reduce violations
109 of ss. 316.074(1) and 316.075(1) (c)1.
110

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

112 And the title is amended as follows:

113 Delete lines 9 - 36

114 and insert:

115 316.0083, F.S.; relating to traffic infraction
116 detectors; requiring funds retained by a municipality
117 or county for traffic infraction detector violations
118 to be used only for certain purposes; requiring the
119 Department of Highway Safety and Motor Vehicles to
120 provide notice of failure to comply with certain
121 reporting requirements; providing a period within
122 which to become compliant with such reporting
123 requirements; requiring the Department of Revenue to
124 maintain records of such remissions; providing for the
125 return of certain revenues to a municipality or county
126 under certain circumstances; requiring the annual



945472

127 report detailing the results of using traffic
128 infraction detectors and the procedures for
129 enforcement to include specified information; amending
130 s. 316.0745, F.S.; authorizing the Department of
131 Transportation to randomly inspect any traffic control
132 device or any traffic infraction detector at certain
133 locations to verify compliance with certain
134 specifications and requirements; amending s. 316.0776,
135 F.S.; prohibiting issuance of a notice of violation or
136 traffic citation through use of a traffic infraction
137 detector that is not in compliance with all
138 specifications; requiring a municipality or county to
139 document and make available upon request of the
140 Department of Transportation consideration and
141 rejection of certain engineering countermeasures
142 before installing any traffic infraction detector;



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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 279 and 280

insert:

Section 4. Subsection (3) of section 316.2126, Florida
Statutes, is amended to read:

316.2126 Authorized use of golf carts, low-speed vehicles,
and utility vehicles.—

(3) (a) As used in this subsection, the term:

1. "Golf cart" means a motor vehicle as defined in s.



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11 320.01(22), including vehicles modified to have a cargo platform
12 or bin to transport parcels or a hitch to tow a trailer.

13 2. "Residential area" means areas zoned primarily or
14 exclusively for single-family or multifamily residential use.

15 3. ~~Seasonal~~-Delivery personnel" means employees of a
16 licensed commercial delivery service that has at least 10,000
17 persons employed in this state.

18 (b) ~~Seasonal~~-Delivery personnel may use the following
19 vehicles solely for the purpose of delivering express envelopes
20 and packages having a maximum size of 130 inches for the
21 combined length and girth and weighing not more than 150 pounds
22 ~~from midnight October 15 until midnight January 31 of each year:~~

23 1. Low-speed vehicles and utility vehicles as defined in s.
24 320.01 upon any public road within a residential area that has a
25 posted speed limit of 35 miles per hour or less.

26 2. Golf carts upon a public road within a residential area
27 that has a posted speed limit of 30 miles per hour or less.

28 3. Golf carts upon a public road within a residential area
29 that has a posted speed limit of 30 to 35 miles per hour, unless
30 a municipality having jurisdiction over the public road has
31 enacted an ordinance restricting personnel from driving on such
32 roads.

33
34 ~~Seasonal~~ Delivery personnel may pull a trailer from any of these
35 vehicles.

36 (c) All vehicles, including trailers where applicable,
37 specified in this subsection must be:

38 1. Marked in a conspicuous manner with the name of the
39 delivery service.



686248

40 2. Equipped with, at a minimum, the equipment required
41 under s. 316.212(6).

42 3. Equipped with brake lamps.

43 ~~4~~3. Equipped with head lamps and tail lamps, in addition to
44 the safety requirements in s. 316.212(6), if operated after
45 sunset.

46

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

48 And the title is amended as follows:

49 Between lines 36 and 37

50 insert:

51 amending s. 316.2126, F.S.; allowing year-round use of
52 golf carts, low-speed vehicles, and utility vehicles
53 by delivery personnel; requiring certain safety
54 equipment;



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LEGISLATIVE ACTION

Senate

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House

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

1 **Senate Substitute for Amendment (945472) (with title**
2 **amendment)**

3
4 Delete lines 105 - 279.

5
6 ===== T I T L E A M E N D M E N T =====

7 And the title is amended as follows:

8 Delete lines 8 - 36

9 and insert:

10 officer killed in the line of duty;

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 722

INTRODUCER: Finance and Tax Committee and Senator Flores

SUBJECT: Aviation

DATE: April 14, 2015

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Price</u>	<u>Eichin</u>	<u>TR</u>	Favorable
2. <u>Fornier</u>	<u>Diez-Arguelles</u>	<u>FT</u>	Fav/CS
3. <u>Gusky</u>	<u>Miller</u>	<u>ATD</u>	Pre-meeting
4. _____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 722 reduces the excise tax rate imposed on aviation fuel, kerosene, and aviation gasoline, effective July 1, 2017, from 6.9 cents to 5.4 cents per gallon.

Effective July 1, 2017, the bill:

- Repeals the existing credit or refund of the current 6.9 cents per gallon excise tax paid for aviation fuel delivered by a licensed wholesaler or terminal supplier to an air carrier that offers transcontinental jet service and increases the air carrier's Florida workforce by more than 1,000 percent and by 250 or more full-time equivalent (FTE) positions since January 1, 1996; and
- Creates a credit or refund of the 5.4 cents per gallon excise tax paid by the wholesaler or supplier for aviation fuel that is delivered to any of the three air carriers that has the greatest growth during a state fiscal year, beginning July 1, 2015. The bill provides factors that must be used when determining which carrier or carriers qualify for the credit or refund, as follows:
 - The number of new jobs created in this state which are at or above this state's average prevailing wage.
 - Total capital investment in this state.
 - The number of new routes established to or from this state.
 - The number of ticket sales to or from this state.

The bill requires the Department of Economic Opportunity (DEO) to conduct a study of intrastate air service and flight training and education, which must be submitted in a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 13, 2015. The study must also compare and analyze incentives provided to the commercial airline industry in this and other states.

While certain provisions of this bill have been scored by the Revenue Estimating Conference, this bill has not been scored by the conference.

The bill provides an effective date of July 1, 2015, with the exception of the aviation fuel tax provisions, which have an effective date of July 1, 2017.

II. Present Situation:

Section 206.9825(1)(a), F.S., generally imposes an excise tax of 6.9 cents per gallon on every gallon of aviation fuel, kerosene, and aviation gasoline sold or brought into this state for use.¹ State taxes are imposed on net gallons when aviation fuel is:

- Removed from the terminal at the rack.
- Imported into Florida by means other than the bulk transfer system (e.g., pipelines and vessels) or by means of the bulk transfer system, and the importer of record is not licensed as a terminal supplier or importer.
- Sold to an unlicensed person unless there was a prior taxable removal, entry, or sale of the fuel.²

Section 206.9825(1)(b), F.S., authorizes any licensed³ wholesaler or terminal supplier that delivers aviation fuel to an air carrier offering transcontinental jet service and increases its Florida workforce by more than 1,000 percent, and by 250 or more full-time equivalent employee positions after January 1, 1996, to receive a credit or refund of the 6.9 cents per gallon tax. If the number of full-time equivalent employees created or added to the air carrier's Florida workforce falls below 250 before July 1, 2001, the exemption taken by credit or refund does not apply during the period in which the carrier has fewer than the 250 additional employees.⁴ This credit or refund results in certain air carriers being able to buy aviation fuel tax free.

This credit or refund was first authorized in 1996⁵ and expired by its terms on July 1, 2001. Following the events of September 11, the Legislature re-enacted the exemption but did not include a sunset provision.⁶ Because the current language is tied to job creation for the five years after January 1, 1996, an air carrier that actually has been reducing its workforce since then could qualify for a refund because it employed more workers than it did before January 1, 1996, in

¹ Certain exemptions are authorized for kerosene used for home heating or cooking purposes. See subsection (2)(b),(c), and (d); and subsections (4) and (5) of s. 206.9825, F.S. Aviation fuel purchased by the United States is also exempt from the tax under s. 206.9875, F.S.

² See Florida Department of Revenue website available at <http://dor.myflorida.com/dor/taxes/fuel/> (last visited Feb. 21, 2015) See also ss. 206.87(2) and 206.872, F.S.

³ Commercial air carriers must obtain an aviation fuel tax license and comply with reporting requirements under s. 206.9865, F.S.

⁴ This exemption does not apply to aviation gasoline. See s. 206.9825(3), F.S.

⁵ Chapter 1996-323, s. 21, Laws of Fla.

⁶ Chapter 2002-218, s. 10, Laws of Fla.

numbers still sufficient to meet the thresholds. The Florida Department of Revenue (FDOR) provided the following information relating to entities receiving the credit or refund:

Sales of Aviation Fuel to Commercial Air Carriers⁷
July 2013 – June 2014

Air Carriers (Credit or Refund-Eligible Carriers are Shaded)	Sum of Gallons	% of Total Sales	Tax Due (Total gallons multiplied by tax rate, not reduced by credits or refunds)
AMERICAN AIRLINES INC.	202,050,355.00	22.24%	\$13,941,474.50
SOUTHWEST AIRLINES COMPANY	142,227,745.00	15.66%	\$9,813,714.41
DELTA AIR LINES INC.	137,858,527.00	15.17%	\$9,512,238.36
JETBLUE AIRWAYS CORPORATION	116,415,416.00	12.81%	\$8,032,663.70
CONTINENTAL AIRLINES INC.	77,802,200.00	8.56%	\$5,368,351.80
US AIRWAYS INC.	52,751,086.00	5.81%	\$3,639,824.93
ALLEGiant AIR LLC	49,826,891.00	5.48%	\$3,438,055.45
SPIRIT AIRLINES INC.	43,622,669.00	4.80%	\$3,009,964.16
AIRTRAN AIRWAYS INC.	40,516,854.00	4.46%	\$2,795,662.93
FEDERAL EXPRESS CORPORATION	19,010,670.00	2.09%	\$1,311,736.23
UNITED AIR LINES INC.	5,009,154.00	0.55%	\$345,631.63
AIR BERLIN PLC & CO LUFTVERKEHRS KG	4,370,595.00	0.48%	\$391,571.06
VIRGIN AMERICA INC.	3,327,819.00	0.37%	\$229,619.51
FRONTIER AIRLINES INC.	3,029,215.00	0.33%	\$209,015.84
NATIONAL JETS INC.	2,933,507.00	0.32%	\$202,411.98
UNITED PARCEL SERVICE COMPANY	2,138,690.00	0.24%	\$147,569.61
ENVOY AIR INC.	1,967,678.00	0.22%	\$135,769.78
SILVER AIRWAYS CORPORATION	1,653,121.00	0.18%	\$114,065.35
MIAMI AIR INTERNATIONAL INC.	1,329,196.00	0.15%	\$91,714.52
ATLAS AIR INC.	473,891.00	0.05%	\$32,698.48
AMERIJET INTERNATIONAL INC.	75,931.00	0.01%	\$5,239.24
HYANNIS AIR SERVICE INC.	23,621.00	0.00%	\$1,629.85
AERO JET INTERNATIONAL INC.	16,943.00	0.00%	\$1,169.07
PRESIDENTIAL AVIATION INC.	13,509.00	0.00%	\$932.12
ABX AIR INC.	11,982.00	0.00%	\$826.76
PROFESSIONAL FLIGHT TRANSPORT INC.	11,002.00	0.00%	\$759.14
AIR TRANSPORT INTERNATIONAL LLC	3,446.00	0.00%	\$237.77
Total	908,471,713.00	100.00%	\$62,684,548.20

After deducting the General Revenue service charge, administrative costs, and the air carrier credits or refunds under s. 206.9855, F.S.,⁸ the proceeds are ultimately distributed monthly to the

⁷ E-mail from the Florida Department of Revenue to committee staff (Mar. 2, 2015) (on file in the Senate Committee on Transportation). The table does not include sales from fixed based operators or jobbers to commercial air carriers, all returns have not been processed through July 2014, and sales reports on unworked returns are not listed on this report, and the tax due is not reduced by the collection allowance.

⁸ That section authorizes a refund to for-hire air carriers of not more than 0.6 percent of the wages paid by the carrier to employees located or based within Florida and who are covered by the provisions of ch. 443, F.S., relating to reemployment assistance.

State Transportation Trust Fund.⁹ Deposits into the State Transportation Trust Fund from the source for the last four years were:

- \$37.6 million in 2011.
- \$13.4 million in 2012.
- \$40.7 million in 2013.
- \$35.5 million in 2014.

III. Effect of Proposed Changes:

The bill reduces the current tax rate for aviation fuel, kerosene, and aviation gasoline from 6.9 cents to 5.4 cents per gallon effective July 1, 2017.

Effective July 1, 2017, the bill eliminates the existing credit or refund of the current 6.9 cents per gallon excise tax paid for aviation fuel delivered by a licensed wholesaler or terminal supplier to an air carrier that offers transcontinental jet service and increases the air carrier's Florida workforce by more than 1,000 percent and by 250 or more FTE positions since January 1, 1996.

Also effective July 1, 2017, the bill creates a credit or refund of the 5.4 cents per gallon excise tax paid by the wholesaler or supplier for aviation fuel that is delivered to any of the three air carriers that has the greatest growth during a state fiscal year, beginning July 1, 2015. The bill provides factors that must be used when determining which carrier or carriers qualify for the credit or refund, as follows:

- The number of new jobs created in this state which are at or above this state's average prevailing wage.
- Total capital investment in this state.
- The number of new routes established to or from this state.
- The number of ticket sales to or from this state.

The bill requires the DEO to conduct a study of intrastate air service and flight training and education, which must be submitted in a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 13, 2015. The study must also compare and analyze incentives provided to the commercial airline industry in this and other states.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁹ See s. 206.9845, F.S.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference has not estimated the impact of CS/SB 722.

B. Private Sector Impact:

Air carriers paying the current aviation fuel tax rate of 6.9 cents per gallon will realize a positive fiscal impact as a result of the reduction of that rate to 5.4 cents per gallon. Those carriers currently receiving the exemption through a credit or refund will realize a negative fiscal impact, offset by the reduced tax rate.¹⁰ Air carriers that become eligible to receive the newly-created exemption will realize an additional positive fiscal impact. These private sector impacts would begin on July 1, 2017.

C. Government Sector Impact:

The Department of Transportation advises it expects an indeterminate fiscal impact and notes that “[t]o the extent the tax revenue goes down, projects currently programmed in the work plan may be impacted.”¹¹

The Department of Economic Opportunity is required to conduct a study of intrastate commercial air service and flight training and education. This study must also include a comparison and analysis of incentives provided to the commercial airline industry in this and other states. The cost of conducting this study has not been estimated.

Although the bill does not specifically identify which state agency will be responsible for determining the air carrier or carriers that are eligible for a fuel tax exemption through a credit or refund, this approval process will require additional resources for the entity making the determinations.¹²

VI. Technical Deficiencies:

It is not clear from the language of the bill whether the new credit or refund is available for one carrier or three carriers. The use of the singular verb (has) in the phrase “any of the three air carriers that has” suggests that a single carrier is eligible.

¹⁰ The impact of the loss of the exemption will also be somewhat offset by the refund to carriers under s. 206.9855, F.S. All carriers are eligible for this refund, but for the fully-exempt carriers there are no taxes to refund. For the period from 2010 through 2014, this offset would have averaged \$3.3 million.

¹¹ Florida Department of Transportation, *Senate Bill 722 Fiscal Analysis* (on file with the Senate Committee on Transportation).

¹² Section 206.9845, F.S., allows the Department of Revenue to deduct up to 2 percent of aviation fuel tax collections to cover administrative costs associated with collecting, administering, enforcing, and distributing the tax.

The bill does not specifically identify which state agency is responsible for determining the air carrier or carriers that are eligible for the aviation fuel tax exemption.

It is unclear from the bill whether qualification for the new exemption by credit or refund occurs once and continues indefinitely, based on the air carriers' performance in fiscal year 2015-2016, or will occur every year with additional carriers becoming eligible.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 206.9825 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 Finance and Tax on March 30, 2015:

The CS delays the reduction in the aviation fuel tax rate until July 2017 and replaces the existing exemption for certain air carriers with an exemption for an air carrier or carriers that has the greatest growth during a state fiscal year, beginning July 1, 2017, as determined by specified criteria. It also requires the Department of Economic Opportunity to conduct a study of intrastate commercial air service and flight training and education.

- B. **Amendments:**

None.

By the Committee on Finance and Tax; and Senator Flores

593-03129-15

2015722c1

1 A bill to be entitled
2 An act relating to aviation; amending s. 206.9825,
3 F.S.; revising the tax rate of the excise tax on
4 certain aviation fuels; revising the criteria to
5 receive an excise tax exemption for certain aviation
6 fuel delivered by licensed wholesalers or terminal
7 suppliers; deleting obsolete language; requiring the
8 Department of Economic Opportunity to conduct a study
9 on specified issues relating to intrastate commercial
10 air service and flight training and education;
11 requiring the department to submit a report on the
12 study to the Governor and the Legislature by a
13 specified date; providing effective dates.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Effective July 1, 2017, subsection (1),
18 paragraph (a) of subsection (2), and subsections (3), (4), and
19 (5) of section 206.9825, Florida Statutes, are amended to read:

20 206.9825 Aviation fuel tax.—

21 (1) (a) Except as otherwise provided in this part, an excise
22 tax of 5.4 ~~6.9~~ cents per gallon of aviation fuel is imposed upon
23 every gallon of aviation fuel sold in this state, or brought
24 into this state for use, upon which such tax has not been paid
25 or the payment thereof has not been lawfully assumed by some
26 person handling the same in this state. Fuel taxed pursuant to
27 this part shall not be subject to the taxes imposed by ss.
28 206.41(1)(d), (e), and (f) and 206.87(1)(b), (c), and (d).

29 (b) A ~~Any~~ licensed wholesaler or terminal supplier may

593-03129-15

2015722c1

30 receive a credit or refund of the 5.4 cents excise tax paid by
31 the wholesaler or supplier for aviation fuel that is delivered
32 by the wholesaler or supplier ~~delivers aviation fuel to any of~~
33 the three an air carriers carrier offering transeontinental jet
34 ~~service and that~~ has the greatest growth during a state fiscal
35 year, beginning July 1, 2015, as determined by the following
36 factors:

37 1. The number of new jobs created in this state which are
38 at or above this state's average prevailing wage.

39 2. Total capital investment in this state.

40 3. The number of new routes established to or from this
41 state.

42 4. The number of ticket sales to or from this state, ~~after~~
43 ~~January 1, 1996, increases the air carrier's Florida workforce~~
44 ~~by more than 1000 percent and by 250 or more full-time~~
45 ~~equivalent employee positions, may receive a credit or refund as~~
46 ~~the ultimate vendor of the aviation fuel for the 6.9 cents~~
47 ~~excise tax previously paid, provided that the air carrier has no~~
48 ~~facility for fueling highway vehicles from the tank in which the~~
49 ~~aviation fuel is stored. In calculating the new or additional~~
50 ~~Florida full-time equivalent employee positions, any full-time~~
51 ~~equivalent employee positions of parent or subsidiary~~
52 ~~corporations which existed before January 1, 1996, shall not be~~
53 ~~counted toward reaching the Florida employment increase~~
54 ~~thresholds.~~

55
56 The refund allowed under this paragraph is in furtherance of the
57 goals and policies of the State Comprehensive Plan set forth in
58 s. 187.201(16) (a), (b)1., 2., (17) (a), (b)1., 4., (19) (a),

593-03129-15

2015722c1

59 (b)5., (21) (a), (b)1., 2., 4., 7., 9., and 12.

60 (c) ~~If, before July 1, 2001, the number of full-time~~
61 ~~equivalent employee positions created or added to the air~~
62 ~~carrier's Florida workforce falls below 250, the exemption~~
63 ~~granted pursuant to this section shall not apply during the~~
64 ~~period in which the air carrier has fewer than the 250~~
65 ~~additional employees.~~

66 ~~(d)~~ The exemption taken by credit or refund pursuant to
67 paragraph (b) applies ~~shall apply~~ only under the terms and
68 conditions set forth therein. If any part of that paragraph is
69 judicially declared to be unconstitutional or invalid, the
70 validity of any provisions taxing aviation fuel shall not be
71 affected and all fuel exempted pursuant to paragraph (b) shall
72 be subject to tax as if the exemption was never enacted. Every
73 person benefiting from such exemption shall be liable for and
74 make payment of all taxes for which a credit or refund was
75 granted.

76 (2) (a) An excise tax of 5.4 ~~6.9~~ cents per gallon is imposed
77 on each gallon of kerosene in the same manner as prescribed for
78 diesel fuel under ss. 206.87(2) and 206.872.

79 (3) An excise tax of 5.4 ~~6.9~~ cents per gallon is imposed on
80 each gallon of aviation gasoline in the manner prescribed by
81 paragraph (2) (a). However, the exemptions allowed by paragraph
82 (2) (b) do not apply to aviation gasoline.

83 (4) Any licensed wholesaler or terminal supplier that
84 delivers undyed kerosene to a residence for home heating or
85 cooking may receive a credit or refund as the ultimate vendor of
86 the kerosene for the 5.4 ~~6.9~~ cents excise tax previously paid.

87 (5) Any licensed wholesaler or terminal supplier that

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88 delivers undyed kerosene to a retail dealer not licensed as a
89 wholesaler or terminal supplier for sale as a home heating or
90 cooking fuel may receive a credit or refund as the ultimate
91 vendor of the kerosene for the 5.4 ~~6.9~~ cents excise tax
92 previously paid, provided the retail dealer has no facility for
93 fueling highway vehicles from the tank in which the kerosene is
94 stored.

95 Section 2. The Department of Economic Opportunity shall
96 conduct a study of intrastate commercial air service and flight
97 training and education and develop recommendations for policies
98 that are likely to improve the quality of such service,
99 training, and education. The study must include an analysis of
100 historic trends in intrastate commercial air service and must
101 identify factors that have affected prices and the frequency of
102 flights between destinations in this state. The study must also
103 compare the incentives provided by this state to the commercial
104 airline industry, generally, and to specific air carriers with
105 similar incentives that have been provided by other states and
106 must evaluate the effect that these incentives have had on
107 commercial air service in this state and other states. The
108 department shall submit a report on the study to the Governor,
109 the President of the Senate, and the Speaker of the House of
110 Representatives on or before November 13, 2015.

111 Section 3. Except as otherwise expressly provided in this
112 act, this act shall take effect July 1, 2015.



829130

LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Effective July 1, 2018, subsection (1),
paragraph (a) of subsection (2), and subsections (3), (4), and
(5) of section 206.9825, Florida Statutes, are amended to read:
206.9825 Aviation fuel tax.—

(1)~~(a)~~ Except as otherwise provided in this part, an excise
tax of 5.4 ~~6.9~~ cents per gallon of aviation fuel is imposed upon



829130

11 every gallon of aviation fuel sold in this state, or brought
12 into this state for use, upon which such tax has not been paid
13 or the payment thereof has not been lawfully assumed by some
14 person handling the same in this state. Fuel taxed pursuant to
15 this part shall not be subject to the taxes imposed by ss.
16 206.41(1)(d), (e), and (f) and 206.87(1)(b), (c), and (d).

17 ~~(b) Any licensed wholesaler or terminal supplier that~~
18 ~~delivers aviation fuel to an air carrier offering~~
19 ~~transcontinental jet service and that, after January 1, 1996,~~
20 ~~increases the air carrier's Florida workforce by more than 1000~~
21 ~~percent and by 250 or more full-time equivalent employee~~
22 ~~positions, may receive a credit or refund as the ultimate vendor~~
23 ~~of the aviation fuel for the 6.9 cents excise tax previously~~
24 ~~paid, provided that the air carrier has no facility for fueling~~
25 ~~highway vehicles from the tank in which the aviation fuel is~~
26 ~~stored. In calculating the new or additional Florida full-time~~
27 ~~equivalent employee positions, any full-time equivalent employee~~
28 ~~positions of parent or subsidiary corporations which existed~~
29 ~~before January 1, 1996, shall not be counted toward reaching the~~
30 ~~Florida employment increase thresholds. The refund allowed under~~
31 ~~this paragraph is in furtherance of the goals and policies of~~
32 ~~the State Comprehensive Plan set forth in s. 187.201(16)(a),~~
33 ~~(b)1., 2., (17)(a), (b)1., 4., (19)(a), (b)5., (21)(a), (b)1.,~~
34 ~~2., 4., 7., 9., and 12.~~

35 ~~(c) If, before July 1, 2001, the number of full-time~~
36 ~~equivalent employee positions created or added to the air~~
37 ~~carrier's Florida workforce falls below 250, the exemption~~
38 ~~granted pursuant to this section shall not apply during the~~
39 ~~period in which the air carrier has fewer than the 250~~



829130

40 ~~additional employees.~~

41 ~~(d) The exemption taken by credit or refund pursuant to~~
42 ~~paragraph (b) shall apply only under the terms and conditions~~
43 ~~set forth therein. If any part of that paragraph is judicially~~
44 ~~declared to be unconstitutional or invalid, the validity of any~~
45 ~~provisions taxing aviation fuel shall not be affected and all~~
46 ~~fuel exempted pursuant to paragraph (b) shall be subject to tax~~
47 ~~as if the exemption was never enacted. Every person benefiting~~
48 ~~from such exemption shall be liable for and make payment of all~~
49 ~~taxes for which a credit or refund was granted.~~

50 (2) (a) An excise tax of 5.4 ~~6.9~~ cents per gallon is imposed
51 on each gallon of kerosene in the same manner as prescribed for
52 diesel fuel under ss. 206.87(2) and 206.872.

53 (3) An excise tax of 5.4 ~~6.9~~ cents per gallon is imposed on
54 each gallon of aviation gasoline in the manner prescribed by
55 paragraph (2) (a). However, the exemptions allowed by paragraph
56 (2) (b) do not apply to aviation gasoline.

57 (4) Any licensed wholesaler or terminal supplier that
58 delivers undyed kerosene to a residence for home heating or
59 cooking may receive a credit or refund as the ultimate vendor of
60 the kerosene for the 5.4 ~~6.9~~ cents excise tax previously paid.

61 (5) Any licensed wholesaler or terminal supplier that
62 delivers undyed kerosene to a retail dealer not licensed as a
63 wholesaler or terminal supplier for sale as a home heating or
64 cooking fuel may receive a credit or refund as the ultimate
65 vendor of the kerosene for the 5.4 ~~6.9~~ cents excise tax
66 previously paid, provided the retail dealer has no facility for
67 fueling highway vehicles from the tank in which the kerosene is
68 stored.



829130

69 Section 2. The Florida Transportation Commission shall
70 conduct a study of intrastate commercial air service and flight
71 training and education and develop recommendations for policies
72 that are likely to improve the quality of such service,
73 training, and education. The study must include an analysis of
74 historic trends in intrastate commercial air service and must
75 identify factors that have affected prices and the frequency of
76 flights between destinations in this state. The study must also
77 compare the incentives provided by this state to the commercial
78 airline industry, generally, and to specific air carriers with
79 similar incentives that have been provided by other states and
80 must evaluate the effect that these incentives have had on
81 commercial air service in this state and other states. The
82 commission shall submit a report on the study to the Governor,
83 the President of the Senate, and the Speaker of the House of
84 Representatives on or before November 13, 2015.

85 Section 3. Except as otherwise expressly provided in this
86 act, this act shall take effect July 1, 2015.

87
88 ===== T I T L E A M E N D M E N T =====

89 And the title is amended as follows:

90 Delete everything before the enacting clause
91 and insert:

92 A bill to be entitled
93 An act relating to aviation; amending s. 206.9825,
94 F.S.; revising the tax rate of the excise tax on
95 certain aviation fuels; deleting an excise tax
96 exemption for certain aviation fuel delivered by
97 licensed wholesalers or terminal suppliers that



829130

98 increase the state's workforce by certain amounts;
99 requiring the Florida Transportation Commission to
100 conduct a study on specified issues relating to
101 intrastate commercial air service and flight training
102 and education; requiring the commission to submit a
103 report on the study to the Governor and the
104 Legislature by a specified date; providing effective
105 dates.



826098

LEGISLATIVE ACTION

Senate

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House

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

1 **Senate Amendment to Amendment (829130) (with title**
2 **amendment)**

3
4 Before line 5
5 insert:

6 Section 1. Paragraph (b) of subsection (1) of section
7 206.9825, Florida Statutes, is amended to read:

8 206.9825 Aviation fuel tax.—

9 (1)

10 (b) Any licensed wholesaler or terminal supplier that



826098

11 delivers aviation fuel to an air carrier offering
12 ~~transcontinental~~ jet service and that, after January 1, 1996,
13 increases the air carrier's Florida workforce by more than 1000
14 percent and by 250 or more full-time equivalent employee
15 positions, may receive a credit or refund as the ultimate vendor
16 of the aviation fuel for the 6.9 cents excise tax previously
17 paid, provided that the air carrier has no facility for fueling
18 highway vehicles from the tank in which the aviation fuel is
19 stored. In calculating the new or additional Florida full-time
20 equivalent employee positions, any full-time equivalent employee
21 positions of parent or subsidiary corporations which existed
22 before January 1, 1996, shall not be counted toward reaching the
23 Florida employment increase thresholds. The refund allowed under
24 this paragraph is in furtherance of the goals and policies of
25 the State Comprehensive Plan set forth in s. 187.201(16) (a),
26 (b)1., 2., (17) (a), (b)1., 4., (19) (a), (b)5., (21) (a), (b)1.,
27 2., 4., 7., 9., and 12.

28
29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 Delete lines 94 - 98

32 and insert:

33 F.S.; revising eligibility for an excise tax credit
34 for certain aviation fuel delivered by licensed
35 wholesalers or terminal suppliers that increase the
36 state's workforce by certain amounts; revising the
37 rate of the excise tax on certain aviation fuels on a
38 specified future date; deleting the excise tax credit
39 for certain aviation fuel on a specified future date;

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 7072

INTRODUCER: Transportation Committee

SUBJECT: Specialty License Plates

DATE: April 14, 2015 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Jones	Eichin		TR Submitted as Committee Bill
1.	Wells	Miller	ATD	Pre-meeting
2.			FP	

I. Summary:

SB 7072 makes revisions to the specialty license plate program. Specifically, it:

- Removes certain obsolete requirements for establishing a specialty license plate;
- Directs the Department of Highway Safety and Motor Vehicles (DHSMV) to develop 18 new specialty license plates;
- Provides established annual use fees and distribution of fees for each new specialty license plate;
- Raises the minimum pre-sale requirement for a new specialty license plate from 1,000 to 4,000 vouchers;
- Provides that, beginning July 1, 2020, the DHSMV must discontinue the issuance of a specialty license plate if the number of such specialty plate registrations falls below 4,000 for at least 12 consecutive months;
- Modifies the distribution and use of annual use fees for the “In God We Trust” specialty license plate;
- Adds Major League Soccer and the North American Soccer League to the Florida Professional Sports Team license plates;
- Removes three specialty license plates that have been discontinued by the DHSMV; and
- Provides conforming cross-references to reflect the changes made in this bill.

According to the DHSMV, the cost for the minimum required number of each specialty license plate to be designed and manufactured is \$11,280. The department also estimates that the programming costs to develop all 18 specialty license plates is \$108,640. The DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.

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

II. Present Situation:

Presently, there are over 120 specialty license plates available for purchase, and seven in the pre-sale phase. Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.¹ The annual use fees are distributed to an organization in support of a particular cause or charity signified in the plate's design and designated in statute.²

The specialty plate application process, as it existed in 2009, was found to be unconstitutional.³ That process included an application fee and a short and long-term marketing strategy. The pre-sale methodology, established in 2010⁴, replaced the application process. However, the application process including the fee and marketing strategy language still exists in statute.⁵

Currently, the recognized process for establishing a specialty license plate requires the plate to first be approved by law. Upon being approved by law:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue pre-sale vouchers for the approved specialty license plate; and
- Within 24 months after the pre-sale vouchers are established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing may begin.

If, at the end of the 24-month pre-sale period, the minimum sales requirements have not been met, the department will de-authorize the specialty plate, discontinue development, and discontinue issuance of the pre-sale voucher.

Department of Highway Safety and Motor Vehicles (DHSMV) Costs Defrayed

The DHSMV retains sufficient annual use fees, from the sale of the specialty license plates, to defray its costs for inventory, distribution, and other direct costs associated with the specialty license plate program. The remainder of the proceeds collected are distributed as provided by law.⁶

Discontinuance of Specialty Plate

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 1,000 plates. Collegiate plates are exempt from the 1,000 minimum plate requirement.⁷ Additionally, the specialty license plate

¹ Section 320.08056, F.S.

² Section 320.08058, F.S.

³ Middle District Court of Florida (Orlando Division), Mar. 30, 2011, Case No. 6:09-cv-134-Orl-28KRS

⁴ Ch. 2010-223, s. 22, Laws of Fla.

⁵ See s. 320.08053(1), F.S.

⁶ Section 320.08056(7), F.S.

⁷ Section 320.08056(8)(a), F.S.

must be discontinued if the organization no longer exists, stops providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.⁸

Organizations must adhere to certain accountability requirements, including an annual attestation document affirming that funds received have been spent in accordance with applicable statutes.⁹

Moratorium

Currently, there is a statutory moratorium on the issuance of new specialty license plates. Except for a specialty license plate proposal which has submitted a letter of intent to the DHSMV prior to May 2, 2008, and which has submitted a survey, marketing strategy, and application fee prior to October 1, 2008, or which was included in a bill filed during the 2008 Legislative Session, the DHSMV may not issue any new specialty license plates pursuant to ss. 320.08056 and 320.08058, F.S., between July 1, 2008, and July 1, 2016.¹⁰ However, in recent years the Legislature has approved numerous new specialty license plates by notwithstanding the moratorium provisions.

Florida Professional Sports Team License Plates

Section 320.08058(9), F.S., directs the DHSMV to develop Florida Professional Sports Team license plates for Major League Baseball, National Basketball Association, National Football League, Arena Football League, and National Hockey teams domiciled in this state. Fifty-five percent of the annual use fee proceeds from these plates is distributed to the Professional Sports Development Trust Fund within the Department of Economic Opportunity to attract and support major sports events in the state. The remaining proceeds are allocated to Enterprise Florida, Inc., to:

- Promote the economic development of the sports industry;
- Distribute licensing and royalty fees to participating professional sports teams;
- Promote education programs in Florida schools that provide an awareness of the benefits of physical activity and nutrition standards;
- Recognize schools whose students demonstrate excellent physical fitness or fitness improvement;
- Institute a grant program for communities bidding on minor sporting events that create an economic impact for the state;
- Distribute funds to Florida based charities designated by Enterprise Florida and the participating professional sports teams; and
- Fulfill the sports promotion responsibilities of the Department of Economic Opportunity.

⁸ Section 320.08056(8)(b), F.S.

⁹ Section 320.08062, F.S.

¹⁰ Section 45, ch. 2008-176, Laws of Fla., as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws of Fla.

Organizations

*Bonefish and Tarpon Trust*¹¹

The Bonefish and Tarpon Trust is a non-profit organization dedicated to conserving and enhancing global bonefish, tarpon, and permit fisheries and their environments. The Trust does this through stewardship, research, education, and advocacy, including funding studies and providing educational materials to the public and fisherman on bonefish, tarpon, and permit fisheries. The Trust also works with regulatory authorities and the public to ensure protection of these species is enforced.

*Rotary's Camp Florida*¹²

Rotary's Camp Florida is a non-profit organization providing camping facilities to children and adults with special needs. The facility is a 21-acre camp located in Brandon, Florida, which provides user groups with clean, safe, and barrier-free camping. The facility meets the full standards of the Americans with Disabilities Act. Half of the cost to rent the camp is paid by the disability user group and half is subsidized by Rotary Clubs throughout Florida. There is no charge to a child attending the camp.

*Olivia's Angels Foundation, Inc. (Support Down Syndrome)*¹³

Olivia's Angels Foundation is a Florida non-profit organization focused on education, awareness, and support for the Down Syndrome community. Its stated mission is to bring awareness of challenges associated with Down Syndrome, faced by parents and caretakers, through the development of advocacy programs and funding support for self-sustenance educational programs.

Statewide Council on Human Trafficking (Safe and Free Florida)

The Statewide Council on Human Trafficking is a 15-member council chaired by Florida's Attorney General.¹⁴ The council was created by legislation passed in 2014, and is outlined in s. 16.617, F.S.¹⁵ Membership includes law enforcement, prosecutors, legislators, and experts in the fields of health, education, and social services. The council's purpose is to:

- Develop recommendations for comprehensive programs and services for victims of human trafficking;
- Make recommendations for apprehending and prosecuting traffickers and enhancing coordination of responses;
- Hold an annual statewide policy summit with an institute of higher learning;
- Work with the Department of Children and Families to create and maintain an inventory of human trafficking programs and services in each county; and
- Develop policy recommendations that further the efforts to combat human trafficking in this state.

¹¹ See Bonefish & Tarpon Trust website at <https://www.bonefishtarpontrust.org/> (last visited Mar. 20, 2015).

¹² See Rotary's Camp Florida website at <http://www.rotaryscampflorida.org/> (last visited Mar. 20, 2015).

¹³ See Olivia's Angels Foundation website at <http://www.oafl.org/> (last visited Mar. 20, 2015).

¹⁴ Office of the Attorney General, *Statewide Council on Human Trafficking*, <http://myfloridalegal.com/pages.nsf/Main/8AEA5858B1253D0D85257D34005AFA72> (last visited Mar. 20, 2015).

¹⁵ Ch. 2014-161, s. 6, Laws of Fla.

Florida Caribbean, Haitian, and Jamaican Organizations (Sun Sea Smiles)

The Florida Caribbean Charitable Foundation, Inc., a civic and social organization, is a domestic non-profit corporation located in North Miami Beach, established in 2007.

American Friends of Jamaica, Inc., is a non-profit organization “dedicated to supporting Jamaican charitable organizations and social initiatives targeted at improving the lives of Jamaicans through systemic development in the areas of education, healthcare, and economic development.”¹⁶

The mission of Haitian Neighborhood Center Sant La, Inc., is to “empower, strengthen, and stabilize South Florida’s Haitian community, through access for free services and resources, to ensure its successful integration.”¹⁷ This is accomplished through services such as citizenship assistance, college scholarships, community outreach, employment services, community partnerships, and educational services.¹⁸

Fanm Ayisyen nan Miyami, Inc., also known as Haitian Women of Miami, has a mission to empower Haitian women and their families socially and politically, and to facilitate their adjustments to South Florida.¹⁹ The organization has provided counseling, outreach, education, and access to care and advocacy service to low and moderate-income families for the last 16 years.²⁰

The Greater Caribbean American Cultural Coalition, Inc., is “an umbrella organization serving the Caribbean people and other members of the community, by bringing together the various Caribbean countries and islands, and their rich cultural heritage.”²¹ The coalition’s mission is to enrich the cultural environment by fostering multicultural understanding through an appreciation of Caribbean cultures.²²

Little Haiti Optimist Foundation, Inc., is a charitable organization located in Miami, established in 2010 to provide assistance, guidance, and programs to the youth of Little Haiti.²³ The mission of the foundation is “to make a difference in the lives of youth by providing education, mentorship, athletics, arts and cultural programming.”²⁴

¹⁶ See The American Friends of Jamaica website at <http://www.theamericanfriendsofjamaica.org/> (last visited Mar. 21, 2015).

¹⁷ See Haitian Neighborhood Center Sant La website at <http://santla.org> (last visited Mar. 21, 2015).

¹⁸ *Id.*

¹⁹ See Fanm Ayisyen Miyami website at <http://www.fanm.org/> (last visited Mar. 21, 2015).

²⁰ *Id.*

²¹ See Greater Caribbean American Cultural Coalition website at <http://unifestlive.com/about-gcacc/> (last visited Mar. 21, 2015).

²² *Id.*

²³ See The Little Haiti Optimist Foundation website at <http://www.littlehaitioptimist.org/> (last visited Mar. 21, 2015).

²⁴ *Id.*

Take Stock in Children, Inc.²⁵

Take Stock in Children, Inc., is a non-profit organization in Florida, established in 1995, that offers low-income students volunteer mentors and college scholarships. The organization works with low-income and at-risk students starting in middle school, through high school, and their transition into college, to provide support, motivation, and accountability. To date, Take Stock in Children has served over 24,000 children throughout Florida, has over 8,200 mentors, and is the largest non-profit purchaser of Florida Prepaid Foundation Scholarships.

Paddle Florida, Inc.²⁶

Paddle Florida, Inc., is a non-profit organization that supports canoeing and kayaking in Florida. The organization holds events to “expose paddlers to Florida’s natural beauty and rich cultural heritage while promoting water conservation, wildlife preservation, springs restoration, and waterways protection.” Paddle Florida also promotes Florida as an international destination for nature-based tourism, by providing trips featuring Florida’s most scenic rivers, canoe trails, and coastal environments.

Orlando City Soccer Club²⁷

The Orlando City Soccer Club is a professional Major League Soccer team based in Orlando, Florida. The team was formed in 2010, and became the league’s twenty-first franchise on November 19, 2013.

Southeastern Guide Dogs, Inc.²⁸ (*Dogs Making a Difference*)

Southeastern Guide Dogs, Inc., is a non-profit organization located in Palmetto, Florida. The organization is accredited by the International Guide Dog Federation and Assistance Dogs International. It was founded in 1982, and “employs the latest in canine development and behavior research to create and nurture partnerships between visually impaired individuals and extraordinary guide dogs.” Southeastern Guide Dogs has matched over 2,700 guide dogs with individuals, and continues to place more than 100 dogs each year to help people with visual impairments, and veterans. The charity provides its services free of charge and receives no government funding.

Ducks Unlimited, Inc.²⁹

Ducks Unlimited, Inc., is a non-profit and volunteer-based organization whose mission is to conserve, restore, and manage wetlands and associated habitats for North America’s waterfowl. According to the Ducks Unlimited website, it is the world’s largest and most effective waterfowl and wetlands conservation organization. In the past fiscal year, 82 percent of the organization’s expenditures went to waterfowl and wetlands conservation and education. The organization currently has habitat projects in all 50 states, every Canadian province, and key areas of Mexico.

²⁵ See Take Stock in Children website at <http://www.takestockinchildren.org/index> (last visited Mar. 21, 2015).

²⁶ See Paddle Florida website at <http://www.paddleflorida.org/> (last visited Mar. 21, 2015).

²⁷ See Orlando City Soccer Club website at <http://www.orlandocitysc.com/> (last visited Mar. 21, 2015).

²⁸ See Southeastern Guide Dogs website at <http://www.guidedogs.org/> (last visited Mar. 21, 2015).

²⁹ See Ducks Unlimited website at <http://www.ducks.org/> (last visited Mar. 21, 2015).

Team Hammy³⁰

Team Hammy is an organization created in the name of Hamilton Vance Paris, who was diagnosed with amyotrophic lateral sclerosis (ALS) in July of 2010. Team Hammy strives to bring awareness, education, and hope to people with ALS and their families through fundraising and participating in events.

Florida National Park Association, Inc.³¹ (*Florida Bay Forever*)

The Florida National Park Association, also known as the Everglades Association, is a non-profit organization founded in 1951 to support educational, interpretive, and historical and scientific research responsibilities to help support the Everglades National Park, Big Cypress National Preserve, Biscayne National Park, and Dry Tortugas National Park. The association has provided more than 2.5 million dollars in aid to the National Park Service areas of south Florida.

Jacksonville Armada Football Club³²

The Jacksonville Armada Football Club is an American professional soccer team. The team is part of the NASL and based in Jacksonville, Florida. The team was established in 2013, and will be competing in the 2015 spring season.

Tampa Bay Rowdies³³

The Tampa Bay Rowdies is an American professional soccer team. The Rowdies are part of the North American Soccer League (NASL), and play home games in St. Petersburg, Florida. The team was originally established in 1975 and won the NASL Soccer Bowl in its inaugural year. It was reestablished in 2008, began playing in 2010, and won the NASL Soccer Bowl Championship in 2012.

Alpha Kappa Alpha Sorority, Inc.³⁴

Alpha Kappa Alpha Sorority, Inc., was started at Howard University in 1908. It now has over 283,000 college-trained members. The sorority's mission is:

to cultivate and encourage high scholastic and ethical standards, to promote unity and friendship among college women, to study and help alleviate problems concerning girls and women in order to improve their social stature, to maintain a progressive interest in college life, and to be of "Service to All Mankind."

³⁰ See Team Hammy website at <http://teamhammy.org/about-us/> (last visited Mar. 21, 2015).

³¹ See Florida National Parks Association, *Everglades Association* website at <http://www.evergladesassociation.org/index.html> (last visited Mar. 21, 2015).

³² See Jacksonville Armada Football Club website at <http://www.armadafc.com/page/slug/history#.VRMhwfnF91A> (last visited Mar. 26, 2015).

³³ See Tampa Bay Rowdies website at <http://www.rowdiessoccer.com/> (last visited Mar. 26, 2015).

³⁴ See Alpha Kappa Alpha Sorority website at <http://www.aka1908.com/about> (last visited Mar. 26, 2015).

Alpha Kappa Alpha established the Alpha Kappa Alpha Educational Advancement Foundation, Inc., in 1980, which promotes lifelong learning by providing fellowships, scholarships, and grants.³⁵

Furry Friends of Florida, Inc.³⁶

According to corporate filings with the Department of State, the principal address of Furry Friends of Florida, Inc. is 180 Park Avenue, N., Suite 2A, Winter Park, Florida. The articles of incorporation of the organization state that it is a not-for-profit corporation whose purpose is “to conduct activities that are charitable, religious, educational, scientific, literary, testing for public safety, fostering national or international amateur sports competition, or preventing cruelty to children or animals.”

Adore the Shore, Inc.³⁷

According to corporate filings with the Department of State, the principal address of Adore the Shore, Inc. is 180 Park Avenue, N., Suite 2A, Winter Park, Florida. The articles of incorporation of the organization state that it is a not-for-profit corporation whose purpose is “to conduct activities that are charitable, religious, educational, scientific, literary, testing for public safety, fostering national or international amateur sports competition, or preventing cruelty to children or animals.”

The Constitution Foundation, Inc.³⁸

The Constitution Foundation, Inc., is a non-partisan educational organization founded in 2011 in Kissimmee, Florida. The foundation’s mission is to increase awareness and understanding of the United States Constitution in Florida’s schools, recruit and train leaders to make presentations in each school district, and provide to each student, at no cost, learning materials and a pocket Constitution.

³⁵ See Alpha Kappa Alpha Sorority Educational Advancement Foundation website at <http://www.akaef.org/default.htm> (last visited Mar. 26, 2015).

³⁶ See Department of State website at <http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=FURRYFRIENDSFLORIDA%20N150000014680&aggregateId=domnp-n15000001468-5f3d3312-7531-405e-98bc-81930943daa7&searchTerm=furry%20friends&listNameOrder=FURRYFRIENDS%20J092690> (last visited on Apr. 7, 2014).

³⁷ See Department of State website at <http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=ADORESHORES%20N150000014610&aggregateId=domnp-n15000001461-ca990b64-7f04-41d4-bb5b-Ice89a9b6e12&searchTerm=adore%20the%20shore&listNameOrder=ADORESHORES%20N150000014610> (last visited on Apr. 7, 2014).

³⁸ See Department of State website at <http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=CONSTITUTIONFOUNDATION%20N110000068000&aggregateId=domnp-n11000006800-d8207f93-d428-411a-8b36-8b44d8f86161&searchTerm=The%20constitution%20foundation&listNameOrder=CONSTITUTIONFOUNDATION%20N110000068000> (last visited on Apr. 7, 2015).

III. Effect of Proposed Changes:

The bill repeals specialty license plate application requirements listed in s. 320.08053(1), F.S., which include:

- A request from an organization to the Department of Highway Safety and Motor Vehicles (DHSMV) to establish a new specialty license plate;
- A marketing strategy outlining short and long-term marketing plans for the specialty plate;
- A financial analysis outlining the anticipating revenues and planned expenditures to be derived from the sale of the plate; and
- An application fee.

Three specialty license plates are removed from statute because they have been discontinued by the DHSMV for failure to maintain 1,000 active plates or not meeting pre-sale requirements.

Those plates are the:

- Corrections Foundation license plate;
- Children First license plate; and
- Veterans of Foreign Wars license plate.

The minimum pre-sale requirement for a new specialty license plate is changed from 1,000 plates to 4,000 plates. Beginning, July 1, 2020, the DHSMV must discontinue the issuance of an approved specialty plate if the number of valid specialty plate registrations falls below 4,000 plates for at least 12 consecutive months.

The distribution and use of annual use fees of the “In God We Trust” specialty license plate³⁹ are modified to allow a *maximum* of ten percent of annual use fees to be used to offset marketing, administration, and promotion of the specialty license plate. The bill removes provisions requiring the fees to be used for the children of public safety employees and U.S. military members who have died in the line of duty who are not covered by existing state law. Instead, the fees will be used to address the needs of military service members and public safety employees, their spouses, and dependents, in addition to uses already in statute.

The bill adds Major League Soccer and the North American Soccer League to the Florida Professional Sports Team specialty license plates.

Additionally, the bill directs the DHSMV to establish 18 new specialty plates, each having an annual use fee of \$25.

Proposed Specialty Plates

Florida Professional Sports Team License Plates

The bill directs the DHSMV to create three new Florida Professional Sports Team specialty license plates for the:

- Orlando City Soccer Club;
- Jacksonville Armada Football Club; and

³⁹ Section 320.08058(67), F.S.

- Tampa Bay Rowdies.

Annual use fees are to be distributed under the provisions of existing professional sports teams plates.

Bonefish and Tarpon Trust License Plate

Specialty plate annual use fees will be distributed to the Bonefish Tarpon Trust to conserve and enhance Florida bonefish and tarpon fisheries and their respective environments.

Rotary's Camp Florida

Specialty plate annual use fees will be distributed to Rotary's Camp Florida to be used as grants for Florida Rotary Districts that provide camp services to children throughout Florida, and direct support to the programs and services provided to children who attend the camp.

Support Down Syndrome

Specialty plate annual use fees will be distributed to Olivia's Angels Foundation, Inc., to fund its activities, programs, and projects within the state.

Safe and Free Florida

Specialty plate annual use fees will be distributed to the Statewide Council on Human Trafficking, to distribute to nongovernmental, not-for-profit agencies within each Florida county which assists sexually abused, exploited, or trafficked victims. Funds may not be distributed to an agency that charges victims for services received. An agency receiving such funds must use them to provide material needs, detoxification services, prenatal and postnatal care, safe houses or recovery care centers, or counseling programs for victims.

Sun Sea Smiles

Specialty plate annual use fees will be distributed as follows:

- 5 percent to the Florida Caribbean Charitable Foundation, Inc., strictly for marketing the specialty license plate;
- 30 percent to the Florida Caribbean Charitable Foundation, Inc., to be used for a college scholarship program, promotion of health and wellness among Florida residents of Caribbean descent, and to promote awareness of Caribbean culture within the state;
- 20 percent to the American Friends of Jamaica, Inc., for use as grants to promote social and community development among Florida residents;
- 10 percent to the Haitian Neighborhood Center Sant La, Inc., to promote social and community development;
- 10 percent to Fanm Ayisyen Nan Miyami, Inc., to promote social and community development;
- 20 percent to Greater Caribbean American Cultural Coalition, Inc., to promote awareness of Caribbean culture within the state; and
- 5 percent to Little Haiti Optimist Foundation, Inc., to promote awareness of Caribbean culture and youth development within the state.

Take Stock in Children

Specialty plate annual use fees will be distributed to Take Stock in Children, Inc., to fund its activities, scholarship and mentoring programs, and projects.

Paddle Florida

Specialty plate annual use fees will be distributed to Paddle Florida, Inc., to be used by the Florida Forever grant program to support activities that further outdoor recreation and natural resource protection.

Dogs Making a Difference

Specialty plate annual use fees will be distributed to Southeastern Guide Dogs for the training and promotion of dogs for use by veterans and citizens who are blind.

Ducks Unlimited

Specialty plate annual use fees will be distributed to Ducks Unlimited, Inc., to support the organization's mission and efforts for the conservation, restoration, and management of Florida wetlands and associated habitats for the benefit of waterfowl, other wildlife, and people.

Team Hammy

Specialty plate annual use fees will be distributed to Team Hammy, Inc., to grant wishes to families living with ALS, provide continuing education to caretakers and physicians, and create awareness of ALS in the community.

Florida Bay Forever

Specialty plate annual use fees will be distributed to the Florida National Park Association, Inc., to supplement the Everglades National Park service's budgets and to support educational, interpretive, historical, and scientific research relating to the Everglades National Park.

Alpha Kappa Alpha Sorority

Special plate annual use fees will be distributed to the Alpha Kappa Alpha Sorority, Inc., who will use such fees to supplement the Alpha Kappa Alpha Educational Advancement Foundation, Inc., budgets and to promote lifelong learning by awarding scholarships, fellowships, and grants.

Furry Friends

Specialty plate annual use fees will be distributed to Furry Friends of Florida, Inc., who will use such fees for activities, programs, and projects, including pet rescue, animal shelters, pet vaccination, veterinary services, and service animals.

Save Our Shores Florida

Specialty plate annual use fees will be distributed to Adore the Shore, Inc. to be used to fund activities, programs, and projects that provide for clean-up activities on Florida's beaches following natural or man-made occurrences and any other legal purpose.

Support Our Constitution

Specialty plate annual use fees will be distributed to The Constitution Foundation, Inc., to fund the activities, programs, and projects of the foundation.

Except as otherwise expressly provided, this act takes effect July 1, 2015.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

Individuals who choose to purchase a specialty license plate created in SB 7072 will pay a \$25 annual use fee in addition to appropriate license taxes and fees. The organization designated to receive those fees, after retention of funds by the DHSMV to defray departmental expenditures, will receive revenue from each purchase.

Proposed specialty plates must meet the new minimum pre-sale requirements. Furthermore, existing specialty plates that do not meet the new minimum sale requirements by July 1, 2020, will be discontinued by the DHSMV.

C. Government Sector Impact:

According to the DHSMV, the cost for the minimum required number of each specialty license plate to be designed and manufactured is \$11,280. The department also estimates that the programming costs to develop all 18 specialty license plates is \$108,640. The DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.⁴⁰

⁴⁰ Section 320.0856(7), F.S.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.08053, 320.08056, and 320.08058.

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.

By the Committee on Transportation

596-02922-15

20157072__

1 A bill to be entitled
2 An act relating to specialty license plates; amending
3 s. 320.08053, F.S., relating to requirements for
4 requests to establish a specialty license plate;
5 deleting application requirements; revising presale
6 requirements; amending s. 320.08056, F.S.; deleting
7 certain specialty license plates from the list of
8 license plates for which an annual use fee must be
9 collected; revising the minimum requirements to
10 continue issuance of certain specialty plates;
11 conforming cross-references; amending s. 320.08058,
12 F.S.; deleting specified specialty license plates;
13 revising provisions relating to specified specialty
14 license plates; conforming cross-references; amending
15 ss. 320.08056 and 320.08058, F.S.; directing the
16 Department of Highway Safety and Motor Vehicles to
17 develop certain specialty license plates; establishing
18 an annual use fee for the plates; providing for
19 distribution and use of fees collected from the sale
20 of the plates; providing effective dates.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Section 320.08053, Florida Statutes, is amended
25 to read:

26 320.08053 Establishment of Requirements for requests to
27 establish specialty license plates.—

28 ~~(1) An organization that seeks authorization to establish a~~
29 ~~new specialty license plate for which an annual use fee is to be~~

596-02922-15

20157072__

30 ~~charged must submit to the department:~~

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

36 ~~(b) An application fee, not to exceed \$60,000, to defray~~
37 ~~the department's cost for reviewing the application and~~
38 ~~developing the specialty license plate, if authorized. State~~
39 ~~funds may not be used to pay the application fee, except for~~
40 ~~collegiate specialty license plates authorized in s.~~
41 ~~320.08058(3) and (13). All applications requested on or after~~
42 ~~the effective date of this act must meet the requirements of~~
43 ~~this act.~~

44 ~~(c) A marketing strategy outlining short term and long term~~
45 ~~marketing plans for the requested specialty license plate and a~~
46 ~~financial analysis outlining the anticipated revenues and the~~
47 ~~planned expenditures of the revenues to be derived from the sale~~
48 ~~of the requested specialty license plates.~~

49
50 ~~The information required under this subsection must be submitted~~
51 ~~to the department at least 90 days before the convening of the~~
52 ~~next regular session of the Legislature.~~

53 ~~(1)(2)~~ If a the specialty license plate requested by an the
54 organization is approved by law, the organization must submit
55 the proposed art design for the specialty license plate to the
56 department, in a medium prescribed by the department, as soon as
57 practicable, but no later than 60 days after the act approving
58 the specialty license plate becomes a law. ~~If the specialty~~

596-02922-15

20157072__

59 ~~license plate requested by the organization is not approved by~~
60 ~~the Legislature or does not meet the presale requirements in~~
61 ~~subsection (3), the application fee shall be refunded to the~~
62 ~~requesting organization.~~

63 (2)~~(3)~~ (a) Within 120 days following the specialty license
64 plate becoming law, the department shall establish a method to
65 issue a specialty license plate voucher to allow for the presale
66 of the specialty license plate. The processing fee as prescribed
67 in s. 320.08056, the service charge and branch fee as prescribed
68 in s. 320.04, and the annual use fee as prescribed in s.
69 320.08056 shall be charged for the voucher. All other applicable
70 fees shall be charged at the time of issuance of the license
71 plates.

72 (b) Within 24 months after the presale specialty license
73 plate voucher is established, the approved specialty license
74 plate organization must record with the department a minimum of
75 4,000 ~~1,000~~ voucher sales before manufacture of the license
76 plate may commence. If, at the conclusion of the 24-month
77 presale period, the minimum sales requirements have not been
78 met, the specialty plate is deauthorized and the department
79 shall discontinue development of the plate and discontinue
80 issuance of the presale vouchers. Upon deauthorization of the
81 license plate, a purchaser of the license plate voucher may use
82 the annual use fee collected as a credit towards any other
83 specialty license plate or apply for a refund on a form
84 prescribed by the department.

85 ~~(c) An organization that meets the requirements of this~~
86 ~~subsection shall be deemed to have submitted a valid survey for~~
87 ~~purposes of s. 45, chapter 2008-176, Laws of Florida, as~~

596-02922-15

20157072__

88 ~~amended.~~

89 Section 2. Subsection (3), paragraphs (iii), (ttt), and
90 (uuu) of subsection (4), subsection (8), and paragraph (a) of
91 subsection (10) of section 320.08056, Florida Statutes, are
92 amended to read:

93 320.08056 Specialty license plates.—

94 (3) Each request must be made annually to the department or
95 an authorized agent serving on behalf of the department,
96 accompanied by the following tax and fees:

97 (a) The license tax required for the vehicle as set forth
98 in s. 320.08.

99 (b) A processing fee of \$5, to be deposited into the
100 Highway Safety Operating Trust Fund.

101 (c) A license plate fee as required by s. 320.06(1)(b).

102 (d) A license plate annual use fee as required in
103 subsection (4).

104

105 A request may be made any time during a registration period. If
106 a request is made for a specialty license plate to replace a
107 current valid license plate, the specialty license plate must be
108 issued with appropriate decals attached at no tax for the plate,
109 but all fees and service charges must be paid. If a request is
110 made for a specialty license plate at the beginning of the
111 registration period, the tax, together with all applicable fees
112 and service charges, must be paid.

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

115 ~~(iii) Corrections Foundation license plate, \$25.~~

116 ~~(ttt) Children First license plate, \$25.~~

596-02922-15

20157072__

117 ~~(uuu) Veterans of Foreign Wars license plate, \$25.~~

118 (8) (a) The department must discontinue the issuance of an
119 approved specialty license plate if the number of valid
120 specialty plate registrations falls below 1,000 plates for at
121 least 12 consecutive months. A warning letter shall be mailed to
122 the sponsoring organization following the first month in which
123 the total number of valid specialty plate registrations is below
124 1,000 plates. Beginning July 1, 2020, the department shall
125 discontinue the issuance of an approved specialty license plate
126 if the number of valid specialty plate registrations falls below
127 4,000 for at least 12 consecutive months. A warning letter shall
128 be mailed to the sponsoring organization following the first
129 month in which the total number of valid specialty plate
130 registrations is below 4,000 plates. This paragraph does not
131 apply to collegiate license plates established under s.
132 320.08058(3).

133 (b) The department is authorized to discontinue the
134 issuance of a specialty license plate and distribution of
135 associated annual use fee proceeds if the organization no longer
136 exists, if the organization has stopped providing services that
137 are authorized to be funded from the annual use fee proceeds, if
138 the organization does not meet the presale requirements as
139 prescribed in s. 320.08053(2) ~~s. 320.08053(3)~~, or pursuant to an
140 organizational recipient's request. Organizations shall notify
141 the department immediately to stop all warrants for plate sales
142 if any of the conditions in this section exist and must meet the
143 requirements of s. 320.08062 for any period of operation during
144 a fiscal year.

145 (10) (a) A specialty license plate annual use fee collected

596-02922-15

20157072__

146 and distributed under this chapter, or any interest earned from
 147 those fees, may not be used for commercial or for-profit
 148 activities nor for general or administrative expenses, except as
 149 authorized by s. 320.08058 or to pay the cost of the audit or
 150 report required by s. 320.08062(1). The fees and any interest
 151 earned from the fees may be expended only for use in this state
 152 unless the annual use fee is derived from the sale of United
 153 States Armed Forces and veterans-related specialty license
 154 plates pursuant to paragraphs (4) (d), (bb), (ll), (kk), and
 155 (yy) ~~(lll)~~, ~~(uuu)~~, and ~~(bbb)~~ and s. 320.0891.

156 Section 3. Subsection (61), paragraph (b) of present
 157 subsection (67), paragraph (b) of present subsection (70),
 158 paragraph (d) of present subsection (71), present subsections
 159 (72) and (73), paragraph (a) of present subsection (79),
 160 paragraph (a) of present subsection (80), paragraph (a) of
 161 present subsection (81), paragraph (a) of present subsection
 162 (82), paragraph (a) of present subsection (83), paragraph (a) of
 163 present subsection (84), paragraph (a) of present subsection
 164 (85), and paragraph (a) of present subsection (86) of section
 165 320.08058, Florida Statutes, are amended to read:

166 320.08058 Specialty license plates.—

167 ~~(61) CORRECTIONS FOUNDATION LICENSE PLATES.—~~

168 ~~(a) The department shall develop a Corrections Foundation~~
 169 ~~license plate as provided in this section. The word "Florida"~~
 170 ~~must appear at the top of the plate, the words "Corrections~~
 171 ~~Foundation" must appear at the bottom of the plate, and the~~
 172 ~~Corrections Foundation logo must appear to the left of the~~
 173 ~~numerals.~~

174 ~~(b) The annual use fees shall be distributed to Corrections~~

596-02922-15

20157072__

175 ~~Foundation, Inc., a direct support organization created pursuant~~
176 ~~to s. 944.802, and shall be used to continue and expand the~~
177 ~~charitable work of the foundation, as provided in s. 944.802 and~~
178 ~~the articles of incorporation of the foundation.~~

179 ~~(66)(67) IN GOD WE TRUST LICENSE PLATES.-~~

180 (b) The annual use fees from the plate shall be distributed
181 as a charitable donation to the In God We Trust Foundation,
182 Inc., which may use a maximum of 10 percent to offset marketing,
183 administration, and promotion expenses and which may use the
184 balance of the fees to address the needs of military
185 servicemembers and their spouses and dependents, provide
186 education in public and private schools regarding the historical
187 significance of religion in American and Florida history,
188 provide educational grants in public and private schools,
189 address the needs of public safety employees and their spouses
190 and dependents, and foster self-reliance and stability in
191 Florida's children and families.

192 ~~(b) The license plate annual use fees shall be distributed~~
193 ~~to the In God We Trust Foundation, Inc., to fund educational~~
194 ~~scholarships for the children of Florida residents who are~~
195 ~~members of the United States Armed Forces, the National Guard,~~
196 ~~and the United States Armed Forces Reserve and for the children~~
197 ~~of public safety employees who have died in the line of duty who~~
198 ~~are not covered by existing state law. Funds shall also be~~
199 ~~distributed to other s. 501(c)(3) organizations that may apply~~
200 ~~for grants and scholarships and to provide educational grants to~~
201 ~~public and private schools to promote the historical and~~
202 ~~religious significance of American and Florida history. The In~~
203 ~~God We Trust Foundation, Inc., shall distribute the license~~

596-02922-15

20157072__

204 ~~plate annual use fees in the following manner:~~

205 ~~1. The In God We Trust Foundation, Inc., shall retain all~~
206 ~~revenues from the sale of such plates until all startup costs~~
207 ~~for developing and establishing the plate have been recovered.~~

208 ~~2. Ten percent of the funds received by the In God We Trust~~
209 ~~Foundation, Inc., shall be expended for administrative costs,~~
210 ~~promotion, and marketing of the license plate directly~~
211 ~~associated with the operations of the In God We Trust~~
212 ~~Foundation, Inc.~~

213 ~~3. All remaining funds shall be expended by the In God We~~
214 ~~Trust Foundation, Inc., for programs.~~

215 ~~(69)(70) ST. JOHNS RIVER LICENSE PLATES.-~~

216 (b) The requirements of s. 320.08053 must be met prior to
217 the issuance of the plate. Thereafter, the license plate annual
218 use fees shall be distributed to the St. Johns River Alliance,
219 Inc., a s. 501(c)(3) nonprofit organization, which shall
220 administer the fees as follows:

221 1. The St. Johns River Alliance, Inc., shall retain the
222 first \$60,000 of the annual use fees as direct reimbursement for
223 administrative costs, startup costs, and costs incurred in the
224 development and approval process. Thereafter, up to 10 percent
225 of the annual use fee revenue may be used for administrative
226 costs directly associated with education programs, conservation,
227 research, and grant administration of the organization, and up
228 to 10 percent may be used for promotion and marketing of the
229 specialty license plate.

230 2. At least 30 percent of the fees shall be available for
231 competitive grants for targeted community-based or county-based
232 research or projects for which state funding is limited or not

596-02922-15

20157072__

233 currently available. The remaining 50 percent shall be directed
234 toward community outreach and access programs. The competitive
235 grants shall be administered and approved by the board of
236 directors of the St. Johns River Alliance, Inc. A grant advisory
237 committee shall be composed of six members chosen by the St.
238 Johns River Alliance board members.

239 3. Any remaining funds shall be distributed with the
240 approval of and accountability to the board of directors of the
241 St. Johns River Alliance, Inc., and shall be used to support
242 activities contributing to education, outreach, and springs
243 conservation.

244 4. Effective July 1, 2014, the St. Johns River license
245 plate will shift into the presale voucher phase, as provided in
246 s. 320.08053(2)(b) ~~s. 320.08053(3)(b)~~. The St. Johns River
247 Alliance, Inc., shall have 24 months to record a minimum of
248 1,000 sales of the license plates. Sales include existing active
249 plates and vouchers sold subsequent to July 1, 2014. During the
250 voucher period, new plates may not be issued, but existing
251 plates may be renewed. If, at the conclusion of the 24-month
252 presale period, the requirement of a minimum of 1,000 sales has
253 been met, the department shall resume normal distribution of the
254 St. Johns River specialty plate. If, after 24 months, the
255 minimum of 1,000 sales has not been met, the department shall
256 discontinue the development and issuance of the plate. This
257 subparagraph is repealed June 30, 2016.

258 ~~(70)-(71)~~ HISPANIC ACHIEVERS LICENSE PLATES.-

259 (d) Effective July 1, 2014, the Hispanic Achievers license
260 plate will shift into the presale voucher phase, as provided in
261 s. 320.08053(2)(b) ~~s. 320.08053(3)(b)~~. National Hispanic

596-02922-15

20157072__

262 Corporate Achievers, Inc., shall have 24 months to record a
263 minimum of 1,000 sales. Sales include existing active plates and
264 vouchers sold subsequent to July 1, 2014. During the voucher
265 period, new plates may not be issued, but existing plates may be
266 renewed. If, at the conclusion of the 24-month presale period,
267 the requirement of a minimum of 1,000 sales has been met, the
268 department shall resume normal distribution of the Hispanic
269 Achievers license plate. If, after 24 months, the minimum of
270 1,000 sales has not been met, the department shall discontinue
271 the Hispanic Achievers license plate. This subsection is
272 repealed June 30, 2016.

273 ~~(72) CHILDREN FIRST LICENSE PLATES.—~~

274 ~~(a) Upon Children First Florida, Inc., meeting the~~
275 ~~requirements of s. 320.08053, the department shall develop a~~
276 ~~Children First license plate as provided in this section. The~~
277 ~~plate must bear the colors and design approved by the~~
278 ~~department. The word "Florida" must appear at the top of the~~
279 ~~plate, and the words "Children First" must appear at the bottom~~
280 ~~of the plate.~~

281 ~~(b) The proceeds from the license plate annual use fee~~
282 ~~shall be distributed to Children First Florida, Inc., which~~
283 ~~shall retain all proceeds until the startup costs to develop and~~
284 ~~establish the plates have been recovered. Thereafter, the~~
285 ~~proceeds shall be used as follows:~~

286 ~~1. A maximum of 10 percent of the proceeds may be used to~~
287 ~~administer the license plate program, for direct administrative~~
288 ~~costs associated with the operations of Children First Florida,~~
289 ~~Inc., and to promote and market the license plates.~~

290 ~~2. The remaining fees shall be used by Children First~~

596-02922-15

20157072__

291 ~~Florida, Inc., to fund public schools in this state, including~~
292 ~~teacher salaries.~~

293 ~~(73) VETERANS OF FOREIGN WARS LICENSE PLATES.—~~

294 ~~(a) Upon Veterans of Foreign Wars, Department of Florida,~~
295 ~~meeting the requirements of s. 320.08053, the department shall~~
296 ~~develop a Veterans of Foreign Wars license plate as provided in~~
297 ~~this section. The plates must bear the colors and design~~
298 ~~approved by the department and must incorporate the Great Seal~~
299 ~~of the Veterans of Foreign Wars of the United States as~~
300 ~~described in Art. VIII, s. 801 of the Congressional Charter and~~
301 ~~By-Laws of the Veterans of Foreign Wars of the United States.~~
302 ~~The word "Florida" must appear at the top of the plate, and the~~
303 ~~words "Veterans of Foreign Wars" must appear at the bottom of~~
304 ~~the plate.~~

305 ~~(b) The Veterans of Foreign Wars, Department of Florida~~
306 ~~shall retain all revenues from the sale of such plates until all~~
307 ~~startup costs for developing and issuing the plates have been~~
308 ~~recovered. Thereafter, 60 percent of the annual revenues shall~~
309 ~~be distributed to the Veterans of Foreign Wars, Department of~~
310 ~~Florida to support the Voice of Democracy and Patriots' Pen~~
311 ~~Scholarship programs, to support high school and college ROTC~~
312 ~~programs, and for administration and marketing the plate; 20~~
313 ~~percent of the annual revenues shall be distributed to the~~
314 ~~direct support organization created under s. 292.055 under the~~
315 ~~Florida Department of Veterans' Affairs; and 20 percent of the~~
316 ~~annual revenues shall be distributed to the direct support~~
317 ~~organization created under s. 250.115 under the Department of~~
318 ~~Military Affairs. From the funds distributed to the Veterans of~~
319 ~~Foreign Wars, Department of Florida, an amount not to exceed 10~~

596-02922-15

20157072__

320 ~~percent of the annual revenues received from the sale of the~~
321 ~~plate may be used for administration and marketing the plate.~~

322 (76)~~(79)~~ FREEMASONRY LICENSE PLATES.—

323 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
324 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
325 and ~~s. 320.08053(1)~~, the department shall develop a Freemasonry
326 license plate as provided in this section and s. 320.08053 ~~s.~~
327 ~~320.08053(2) and (3)~~. The word "Florida" must appear at the top
328 of the plate, and the words "In God We Trust" must appear at the
329 bottom of the plate.

330 (77)~~(80)~~ AMERICAN LEGION LICENSE PLATES.—

331 (a) Notwithstanding ~~s. 320.08053(1)~~ and s. 45, chapter
332 2008-176, Laws of Florida, as amended by s. 21, chapter 2010-
333 223, Laws of Florida, the department shall develop an American
334 Legion license plate as provided in s. 320.08053 ~~s. 320.08053(2)~~
335 ~~and (3)~~ and this section. The plate must bear the colors and
336 design approved by the department. The word "Florida" must
337 appear at the top of the plate, and the words "American Legion"
338 must appear at the bottom of the plate.

339 (78)~~(81)~~ LAUREN'S KIDS LICENSE PLATES.—

340 (a) Notwithstanding ~~s. 320.08053(1)~~ and s. 45, chapter
341 2008-176, Laws of Florida, as amended by s. 21, chapter 2010-
342 223, Laws of Florida, the department shall develop a Lauren's
343 Kids, Prevent Child Sexual Abuse license plate as provided in s.
344 320.08053 ~~s. 320.08053(2) and (3)~~, and this section. The plate
345 must bear the colors and design approved by the department. The
346 word "Florida" must appear at the top of the plate, and the
347 words "Lauren's Kids" must appear at the bottom of the plate.

348 (79)~~(82)~~ BIG BROTHERS BIG SISTERS LICENSE PLATES.—

596-02922-15

20157072__

349 (a) Notwithstanding ~~s. 320.08053(1)~~ and s. 45, chapter
350 2008-176, Laws of Florida, as amended by s. 21, chapter 2010-
351 223, Laws of Florida, the department shall develop a Big
352 Brothers Big Sisters license plate as provided in s. 320.08053
353 ~~s. 320.08053(2) and (3)~~, and this section. The plate must bear
354 the colors and design approved by the department. The word
355 "Florida" must appear at the top of the plate, and the words
356 "Big Brothers Big Sisters" must appear at the bottom of the
357 plate.

358 (80) ~~(83)~~ FALLEN LAW ENFORCEMENT OFFICERS LICENSE PLATES.—

359 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
360 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
361 and ~~s. 320.08053(1)~~, the department shall develop a Fallen Law
362 Enforcement Officers license plate as provided in s. 320.08053
363 ~~s. 320.08053(2) and (3)~~ and this section. The plate must bear
364 the colors and design approved by the department. The word
365 "Florida" must appear at the top of the plate, and the words "A
366 Hero Remembered Never Dies" must appear at the bottom of the
367 plate.

368 (81) ~~(84)~~ FLORIDA SHERIFFS ASSOCIATION LICENSE PLATES.—

369 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
370 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
371 and ~~s. 320.08053(1)~~, the department shall develop a Florida
372 Sheriffs Association license plate as provided in s. 320.08053
373 ~~s. 320.08053(2) and (3)~~ and this section. The plate must bear
374 the colors and design approved by the department. A sheriff's
375 star must appear on the left side of the plate, the word
376 "Florida" must appear at the top of the plate, and the words
377 "Florida Sheriffs Association" must appear at the bottom of the

596-02922-15

20157072__

378 plate.

379 (82)~~(85)~~ KEISER UNIVERSITY LICENSE PLATES.—

380 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 381 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
 382 and ~~s. 320.08053(1)~~, the department shall develop a Keiser
 383 University license plate as provided in s. 320.08053 ~~s.~~
 384 ~~320.08053(2) and (3)~~ and this section. The plate must bear the
 385 colors and design approved by the department. The word "Florida"
 386 must appear at the top of the plate, and the words "Keiser
 387 University" must appear at the bottom of the plate.

388 (83)~~(86)~~ MOFFITT CANCER CENTER LICENSE PLATES.—

389 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 390 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
 391 and ~~s. 320.08053(1)~~, the department shall develop a Moffitt
 392 Cancer Center license plate as provided in s. 320.08053 ~~s.~~
 393 ~~320.08053(2) and (3)~~ and this section. The word "Florida" must
 394 appear at the top of the plate, and the words "Moffitt Cancer
 395 Center" must appear at the bottom of the plate.

396 Section 4. Effective October 1, 2015, paragraphs (ffff)
 397 through (www) are added to subsection (4) of section 320.08056,
 398 Florida Statutes, to read:

399 320.08056 Specialty license plates.—

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

402 (ffff) Bonfish and Tarpon Trust license plate, \$25.

403 (gggg) Rotary's Camp Florida license plate, \$25.

404 (hhhh) Support Down Syndrome license plate, \$25.

405 (iiii) Safe and Free Florida license plate, \$25.

406 (jjjj) Sun Sea Smiles license plate, \$25.

596-02922-15

20157072__

- 407 (kkkk) Take Stock in Children license plate, \$25.
- 408 (llll) Paddle Florida license plate, \$25.
- 409 (mmmm) Orlando City Soccer Club license plate, \$25.
- 410 (nnnn) Dogs Making a Difference license plate, \$25.
- 411 (oooo) Ducks Unlimited license plate, \$25.
- 412 (pppp) Team Hammy license plate, \$25.
- 413 (qqqq) Florida Bay Forever license plate, \$25.
- 414 (rrrr) Jacksonville Armada Football Club license plate,
- 415 \$25.
- 416 (ssss) Tampa Bay Rowdies license plate, \$25.
- 417 (tttt) Alpha Kappa Alpha Sorority license plate, \$25.
- 418 (uuuu) Furry Friends license plate, \$25.
- 419 (vvvv) Save Our Shores Florida license plate, \$25
- 420 (wwww) Support Our Constitution license plate, \$25.

421 Section 5. Effective October 1, 2015, subsection (9) of
 422 section 320.08058, Florida Statutes, is amended, and subsections
 423 (84) through (101) are added to that section, to read:

424 320.08058 Specialty license plates.—

425 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

426 (a) The Department of Highway Safety and Motor Vehicles
 427 shall develop a Florida Professional Sports Team license plate
 428 as provided in this section for Major League Baseball, National
 429 Basketball Association, National Football League, Arena Football
 430 League Teams, and National Hockey League, Major League Soccer,
 431 and North American Soccer League teams domiciled in this state.
 432 However, any Florida Professional Sports Team license plate
 433 created or established after January 1, 1997, must comply with
 434 the requirements of s. 320.08053 and be specifically authorized
 435 by an act of the Legislature. Florida Professional Sports Team

596-02922-15

20157072__

436 license plates must bear the colors and design approved by the
437 department and must include the official league or team logo, or
438 both, as appropriate for each team. The word "Florida" must
439 appear at the top of the plate.

440 (b) The license plate annual use fees are to be annually
441 distributed as follows:

442 1. Fifty-five percent of the proceeds from the Florida
443 Professional Sports Team plate must be deposited into the
444 Professional Sports Development Trust Fund within the Department
445 of Economic Opportunity. These funds must be used solely to
446 attract and support major sports events in this state. As used
447 in this subparagraph, the term "major sports events" means, but
448 is not limited to, championship or all-star contests of Major
449 League Baseball, the National Basketball Association, the
450 National Football League, the National Hockey League, Major
451 League Soccer, the North American Soccer League, the men's and
452 women's National Collegiate Athletic Association Final Four
453 basketball championship, or a horseracing or dogracing Breeders'
454 Cup. All funds must be used to support and promote major
455 sporting events, and the uses must be approved by the Department
456 of Economic Opportunity.

457 2. The remaining proceeds of the Florida Professional
458 Sports Team license plate must be allocated to Enterprise
459 Florida, Inc. These funds must be deposited into the
460 Professional Sports Development Trust Fund within the Department
461 of Economic Opportunity. These funds must be used by Enterprise
462 Florida, Inc., to promote the economic development of the sports
463 industry; to distribute licensing and royalty fees to
464 participating professional sports teams; to promote education

596-02922-15

20157072__

465 programs in Florida schools that provide an awareness of the
466 benefits of physical activity and nutrition standards; to
467 partner with the Department of Education and the Department of
468 Health to develop a program that recognizes schools whose
469 students demonstrate excellent physical fitness or fitness
470 improvement; to institute a grant program for communities
471 bidding on minor sporting events that create an economic impact
472 for the state; to distribute funds to Florida-based charities
473 designated by Enterprise Florida, Inc., and the participating
474 professional sports teams; and to fulfill the sports promotion
475 responsibilities of the Department of Economic Opportunity.

476 3. Enterprise Florida, Inc., shall provide an annual
477 financial audit in accordance with s. 215.981 of its financial
478 accounts and records by an independent certified public
479 accountant pursuant to the contract established by the
480 Department of Economic Opportunity. The auditor shall submit the
481 audit report to the Department of Economic Opportunity for
482 review and approval. If the audit report is approved, the
483 Department of Economic Opportunity shall certify the audit
484 report to the Auditor General for review.

485 4. Notwithstanding the provisions of subparagraphs 1. and
486 2., proceeds from the Professional Sports Development Trust Fund
487 may also be used for operational expenses of Enterprise Florida,
488 Inc., and financial support of the Sunshine State Games.

489 (84) BONEFISH AND TARPON TRUST LICENSE PLATES.-

490 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
491 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
492 and s. 45, chapter 2014-216, Laws of Florida, the department
493 shall develop a Bonefish and Tarpon Trust license plate as

596-02922-15

20157072__

494 provided in this section and s. 320.08053. The word "Florida"
495 must appear at the top of the plate, and the words "Bonefish and
496 Tarpon Trust" must appear at the bottom of the plate.

497 (b) The department shall retain all annual use fees from
498 the sale of such plates until all startup costs for developing
499 and issuing the plates have been recovered. Thereafter, the
500 license plate annual use fees shall be distributed to the
501 Bonefish and Tarpon Trust, which:

502 1. May use a maximum of 10 percent of the proceeds to
503 promote and market the Bonefish and Tarpon Trust license plate.

504 2. Shall invest and reinvest the remainder of the proceeds
505 and use the interest earnings to conserve and enhance Florida
506 bonefish and tarpon fisheries and their respective environments
507 through stewardship, research, education, and advocacy.

508 (85) ROTARY'S CAMP FLORIDA LICENSE PLATES.-

509 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
510 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
511 and s. 45, chapter 2014-216, Laws of Florida, the department
512 shall develop a Rotary's Camp Florida license plate as provided
513 in this section and s. 320.08053. The plate must bear the colors
514 and design approved by the department. The word "Florida" must
515 appear at the top of the plate, and the words "Rotary's Camp
516 Florida" must appear at the bottom of the plate.

517 (b) The license plate annual use fees shall be distributed
518 to Rotary's Camp Florida, which may use a maximum of 10 percent
519 of the proceeds for administrative costs and for marketing the
520 plate. Up to 23 percent shall be distributed as grants for
521 Florida Rotary Districts that provide camp services to children
522 in this state, and the balance of the proceeds shall be used by

596-02922-15

20157072__

523 Rotary's Camp Florida for direct support to the programs and
524 services provided to children who attend the camp.

525 (86) SUPPORT DOWN SYNDROME LICENSE PLATES.-

526 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
527 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
528 and s. 45, chapter 2014-216, Laws of Florida, the department
529 shall develop a Support Down Syndrome license plate as provided
530 in this section and s. 320.08053. Support Down Syndrome license
531 plates must bear the colors and design approved by the
532 department. The word "Florida" must appear at the top of the
533 plate, and the words "Support Down Syndrome" must appear at the
534 bottom of the plate.

535 (b) The license plate annual use fees shall be distributed
536 to Olivia's Angels Foundation, Inc., to fund its activities,
537 programs, and projects within this state. Olivia's Angels
538 Foundation, Inc., may retain all revenues from the annual use
539 fees until all startup costs for developing and establishing the
540 plate have been recovered. Thereafter, up to 10 percent of the
541 annual use fee revenues may be used for administrative costs and
542 promotion and marketing of the specialty license plate.

543 (87) SAFE AND FREE FLORIDA LICENSE PLATES.-

544 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
545 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
546 and s. 45, chapter 2014-216, Laws of Florida, the department
547 shall develop a Safe and Free Florida license plate as provided
548 in this section and s. 320.08053. Safe and Free Florida license
549 plates must bear the colors and design approved by the
550 department. The word "Florida" must appear at the bottom of the
551 plate, and the words "End Human Trafficking" must appear at the

596-02922-15

20157072__

552 top of the plate.

553 (b) The license plate annual use fees shall be distributed
554 to the Statewide Council on Human Trafficking, with a report
555 that specifies the ratio that the annual use fees collected by
556 each county bear to the total fees collected for the plates
557 statewide. The council may retain all revenues from the annual
558 use fees until all startup costs for developing and establishing
559 the plate have been recovered. Thereafter, up to 15 percent of
560 the annual use fee revenues may be used for administrative costs
561 and for promotion and marketing of the specialty license plate.
562 The council shall distribute the remaining funds to
563 nongovernmental, not-for-profit agencies within each county in
564 this state which assist sexually abused, exploited, or
565 trafficked victims. Funds may not be distributed to an agency
566 that charges victims for services received.

567 1. An agency that receives the funds must use the funds
568 for:

569 a. The material needs of sexually abused, exploited, or
570 trafficked victims, including, but not limited to, clothing,
571 housing, medical care, food, utilities, and transportation.

572 b. Detoxification services.

573 c. Prenatal and postnatal care and services for infants
574 awaiting placement with adoptive parents.

575 d. Real estate purchases to facilitate a safe house or a
576 transitional care or recovery care center.

577 e. Counseling, training, awareness, and prevention programs
578 and advertisement.

579 2. An agency that receives funds may not use the funds for
580 administrative or legal expenses, or for capital expenditures

596-02922-15

20157072__

581 other than those specified in sub-subparagraph 1.d.

582 3. Each year, any unused funds that exceed 10 percent of
583 the total amount received by an agency must be returned to the
584 Statewide Council on Human Trafficking to be redistributed by
585 the council to other qualified agencies.

586 4. Each agency that receives funds from the Statewide
587 Council on Human Trafficking must submit an annual attestation
588 to the council.

589 5. If no qualified agency applies to receive funds in a
590 county in any year, that county's share of the funds shall be
591 distributed pro rata to the qualified agencies that apply and
592 maintain a place of business within a 100-mile radius of the
593 county seat of that county. If no qualified agency within the
594 100-mile radius applies, the funds shall be distributed to other
595 qualified agencies within the state.

596 (88) SUN SEA SMILES LICENSE PLATES.—

597 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
598 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
599 and s. 45, chapter 2014-216, Laws of Florida, the department
600 shall develop a Sun Sea Smiles license plate as provided in this
601 section and s. 320.08053. The plate must bear the colors and
602 design approved by the department. The word "Florida" must
603 appear at the top of the plate, and the words "Sun Sea Smiles"
604 must appear at the bottom of the plate.

605 (b) The department shall retain all annual use fees from
606 the sale of such plates until all startup costs for developing
607 and issuing the plates have been recovered. Thereafter, the
608 license plate annual use fees shall be distributed as follows:

609 1. Five percent shall be distributed to the Florida

596-02922-15

20157072__

610 Caribbean Charitable Foundation, Inc., for marketing the Sun Sea
611 Smiles license plate.

612 2. Thirty percent shall be distributed to the Florida
613 Caribbean Charitable Foundation, Inc. Of this amount, up to 5
614 percent may be used for administrative expenses, and the
615 remainder shall be used as follows:

616 a. Sixty percent shall be used for a college scholarship
617 program.

618 b. Fifteen percent shall be used to promote health and
619 wellness among Florida residents of Caribbean descent.

620 c. Twenty-five percent shall be used to promote awareness
621 of Caribbean culture within the state.

622 3. Twenty percent shall be distributed to the American
623 Friends of Jamaica, Inc., a charitable, not-for-profit
624 organization under s. 501(c)(3) of the Internal Revenue Code
625 registered with the Department of Agriculture and Consumer
626 Services and incorporated in New York, for use as grants to
627 promote social and community development among residents of this
628 state. Of this amount, up to 5 percent may be used for
629 administrative and marketing expenses.

630 4. Ten percent shall be distributed to Haitian Neighborhood
631 Center Sant La, Inc., to promote social and community
632 development. Of this amount, up to 5 percent may be used for
633 administrative expenses.

634 5. Ten percent shall be distributed to Fanm Ayisyen nan
635 Miyami, Inc., to promote social and community development. Of
636 this amount, up to 10 percent may be used for administrative
637 expenses.

638 6. Twenty percent shall be distributed to Greater Caribbean

596-02922-15

20157072__

639 American Cultural Coalition, Inc., to promote awareness of
640 Caribbean culture within this state. Of this amount, up to 5
641 percent may be used for administrative expenses.

642 7. Five percent shall be distributed to Little Haiti
643 Optimist Foundation, Inc., to promote awareness of Caribbean
644 culture and youth development within this state. Of this amount,
645 up to 5 percent may be used for administrative expenses.

646 (89) TAKE STOCK IN CHILDREN LICENSE PLATES.-

647 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
648 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
649 and s. 45, chapter 2014-216, Laws of Florida, the department
650 shall develop a Take Stock in Children license plate as provided
651 in this section and s. 320.08053. Take Stock in Children license
652 plates must bear the colors and design approved by the
653 department. The word "Florida" must appear at the top of the
654 plate, and the words "Take Stock in Children" must appear at the
655 bottom of the plate.

656 (b) The license plate annual use fees shall be distributed
657 to Take Stock in Children, Inc., to fund its activities,
658 scholarship and mentoring programs, and projects. Take Stock in
659 Children, Inc., may retain all revenues from the annual use fees
660 until all startup costs for developing and establishing the
661 plate have been recovered. Thereafter, up to 10 percent of the
662 annual use fee revenue may be used for administrative costs
663 directly associated with the corporation's programs and the
664 specialty license plate, and up to 15 percent may be used for
665 promotion and marketing of the specialty license plate.

666 (90) PADDLE FLORIDA LICENSE PLATES.-

667 (a) Notwithstanding s. 45, chapter 2008-176, Laws of

596-02922-15

20157072__

668 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
669 and s. 45, chapter 2014-216, Laws of Florida, the department
670 shall develop a Paddle Florida license plate as provided in this
671 section and s. 320.08053. The word "Florida" must appear at the
672 top of the plate, and words approved by the department must
673 appear at the bottom of the plate.

674 (b) The department shall retain all license plate annual
675 use fees until the startup costs for developing and issuing the
676 plates have been recovered. Thereafter, the annual use fees
677 shall be distributed to Paddle Florida, Inc., which may use up
678 to 10 percent of the proceeds for administrative costs and
679 marketing of the plate. The balance of the fees shall be used by
680 the Florida Forever grant program to support activities that
681 further outdoor recreation and natural resource protection.

682 (91) ORLANDO CITY SOCCER CLUB LICENSE PLATES.-
683 Notwithstanding s. 45, chapter 2008-176, Laws of Florida, as
684 amended by s. 21, chapter 2010-223, Laws of Florida, and s. 45,
685 chapter 2014-216, Laws of Florida, the department shall develop
686 an Orlando City Soccer Club license plate as provided in
687 subsection (9).

688 (92) DOGS MAKING A DIFFERENCE LICENSE PLATES.-

689 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
690 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
691 and s. 45, chapter 2014-216, Laws of Florida, the department
692 shall develop a Dogs Making a Difference license plate as
693 provided in this section and s. 320.08053. The plate must bear
694 the colors and design approved by the department. The word
695 "Florida" must appear at the top of the plate, and the words
696 "Dogs Making a Difference" must appear at the bottom of the

596-02922-15

20157072__

697 plate.

698 (b) The department may retain all license plate annual use
699 fees until the startup costs for developing and issuing the
700 plates have been recovered. Thereafter, the annual use fees
701 shall be distributed to Southeastern Guide Dogs, Inc., which may
702 use up to 10 percent of the proceeds for administrative costs
703 and marketing of the plate. The balance of the fees shall be
704 used by Southeastern Guide Dogs, Inc., for the training and
705 promotion of dogs for use by veterans and citizens who are
706 blind.

707 (93) DUCKS UNLIMITED LICENSE PLATES.-

708 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
709 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
710 and s. 45, chapter 2014-216, Laws of Florida, the department
711 shall develop a Ducks Unlimited license plate as provided in
712 this section and s. 320.08053. Ducks Unlimited license plates
713 must bear the colors and design approved by the department. The
714 word "Florida" must appear at the top of the plate, and the
715 words "Conserving Florida's Wetlands" must appear at the bottom
716 of the plate.

717 (b) The license plate annual use fees shall be distributed
718 to Ducks Unlimited, Inc., a nonprofit corporation under s.
719 501(c)(3) of the Internal Revenue Code. The proceeds must be
720 used to support Ducks Unlimited's mission and conservation
721 efforts in this state as follows:

722 1. Up to 5 percent may be used for administrative costs and
723 marketing of the plate.

724 2. A minimum of 95 percent shall be used to support Ducks
725 Unlimited's mission and efforts for the conservation,

596-02922-15

20157072__

726 restoration, and management of Florida wetlands and associated
727 habitats for the benefit of waterfowl, other wildlife, and
728 people.

729 (94) TEAM HAMMY LICENSE PLATES.-

730 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
731 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
732 and s. 45, chapter 2014-216, Laws of Florida, the department
733 shall develop a Team Hammy license plate as provided in this
734 section and s. 320.08053. The word "Florida" must appear at the
735 top of the plate, and the words "Team Hammy" must appear at the
736 bottom of the plate.

737 (b) The department shall retain all license plate annual
738 use fees until all startup costs for developing and issuing the
739 plates have been recovered. Thereafter, the license plate annual
740 use fees shall be distributed to Team Hammy, Inc., a Florida
741 nonprofit corporation, which may use up to 10 percent of such
742 fees for administrative costs and marketing of the plate. The
743 balance of the fees shall be used by Team Hammy, Inc., to grant
744 wishes to families living with amyotrophic lateral sclerosis
745 (ALS), provide continuing education to caregivers and
746 physicians, and create awareness of ALS in the community.

747 (95) FLORIDA BAY FOREVER LICENSE PLATES.-

748 (a) Notwithstanding s. 45 of chapter 2008-176, Laws of
749 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
750 and s. 45, chapter 2014-216, Laws of Florida, the department
751 shall develop a Florida Bay Forever license plate as provided in
752 this section and s. 320.08053. The word "Florida" must appear at
753 the top of the plate, and the words "Florida Bay Forever" must
754 appear at the bottom of the plate.

596-02922-15

20157072__

755 (b) The department shall retain all license plate annual
756 use fees until all startup costs for developing and issuing the
757 plates have been recovered. Thereafter, the annual use fees
758 shall be distributed to the Florida National Park Association,
759 Inc., which may use up to 10 percent of such fees for
760 administrative costs and marketing of the plate. The balance of
761 the fees shall be used to supplement the Everglades National
762 Park service's budgets and to support educational, interpretive,
763 historical, and scientific research relating to the Everglades
764 National Park.

765 (96) JACKSONVILLE ARMADA FOOTBALL CLUB LICENSE PLATES.—
766 Notwithstanding s. 45, chapter 2008-176, Laws of Florida, as
767 amended by s. 21, chapter 2010-223, Laws of Florida, and s. 45,
768 chapter 2014-216, Laws of Florida, the department shall develop
769 a Jacksonville Armada Football Club license plate as provided in
770 subsection (9).

771 (97) TAMPA BAY ROWDIES LICENSE PLATES.—Notwithstanding s.
772 45, chapter 2008-176, Laws of Florida, as amended by s. 21,
773 chapter 2010-223, Laws of Florida, and s. 45, chapter 2014-216,
774 Laws of Florida, the department shall develop a Tampa Bay
775 Rowdies license plate as provided in subsection (9).

776 (98) ALPHA KAPPA ALPHA SORORITY LICENSE PLATES.—

777 (a) Notwithstanding s. 45 of chapter 2008-176, Laws of
778 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
779 and s. 45, chapter 2014-216, Laws of Florida, the department
780 shall develop an Alpha Kappa Alpha Sorority license plate as
781 provided in this section and s. 320.08053. The word "Florida"
782 must appear at the top of the plate, and the words "Alpha Kappa
783 Alpha Sorority" must appear at the bottom of the plate.

596-02922-15

20157072__

784 (b) The department shall retain all annual use fees from
785 the sale of such plates until all startup costs for developing
786 and issuing the plates have been recovered. Thereafter, the
787 annual use fees shall be distributed to Alpha Kappa Alpha
788 Sorority, Inc., which may use up to 10 percent of such fees for
789 administrative costs and marketing of the plate. The balance of
790 the fees shall be used to supplement the Alpha Kappa Alpha
791 Educational Advancement Foundation, Inc., budgets and to promote
792 lifelong learning by awarding scholarships, fellowships, and
793 grants.

794 (99) FURRY FRIENDS LICENSE PLATES.—

795 (a) Notwithstanding s. 45 of chapter 2008-176, Laws of
796 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
797 and s. 45, chapter 2014-216, Laws of Florida, the department
798 shall develop a Furry Friends license plate as provided in this
799 section and s. 320.08053, upon application by Furry Friends of
800 Florida, Inc. The word "Florida" must appear at the top of the
801 plate, and words approved by the department must appear at the
802 bottom of the plate.

803 (b) The department shall retain all revenue from the sale
804 of such plates until the startup costs for developing and
805 issuing the plates have been recovered. Thereafter, the annual
806 use fees shall be distributed monthly to Furry Friends of
807 Florida, Inc., which may use up to 15 percent of such revenue
808 for administrative, handling, and disbursement contracts and
809 expenses, and up to 10 percent for promotion, advertising, and
810 marketing contracts and costs. The balance of the fees shall be
811 used by Furry Friends of Florida, Inc., for activities,
812 programs, and projects, including, but not limited to, pet

596-02922-15

20157072__

813 rescue, animal shelters, pet vaccination, veterinary services,
814 and service animals.

815 (100) SAVE OUR SHORES FLORIDA LICENSE PLATES.—

816 Notwithstanding s. 45, chapter 2008-176, Laws of Florida, as
817 amended by s. 21, chapter 2010-223, Laws of Florida, and s. 45,
818 chapter 2014-216, Laws of Florida, the department shall develop
819 a Save Our Shores Florida license plate as provided in this
820 section.

821 (a) Save Our Shores Florida license plates must bear the
822 colors and design approved by the department. The word "Florida"
823 must appear at the top of the plate, and the words "Save Our
824 Shores" must appear at the bottom of the plate.

825 (b) The department shall retain all annual use fees from
826 the sale of such plates until startup costs for developing and
827 issuing the plates have been recovered. Thereafter, the annual
828 use fees shall be distributed to Adore the Shore, Inc., which
829 may retain all of such revenue until the startup costs to
830 develop and establish the license plate program have been
831 recovered. Thereafter, Adore the Shore, Inc., may use the
832 proceeds as follows:

833 1. A maximum of 15 percent may be used for administrative
834 costs of the organization.

835 2. A maximum of 10 percent may be used for promotion and
836 the marketing costs of the license plate program.

837 3. The remainder shall be used to fund activities,
838 programs, and projects that provide for cleanup activities on
839 Florida's beaches following natural or manmade occurrences that
840 threaten the pristine nature of Florida's beaches and any other
841 legal purpose as allowed by the Internal Revenue Code.

596-02922-15

20157072__

- 842 (101) SUPPORT OUR CONSTITUTION LICENSE PLATES.-
843 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
844 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
845 and s. 45, chapter 2014-216, Laws of Florida, the department
846 shall develop a Support Our Constitution license plate as
847 provided in this section and s. 320.08053. Support Our
848 Constitution license plates must bear the colors and design
849 approved by the department. The word "Florida" must appear at
850 the top of the plate, and the words "Support Our Constitution"
851 must appear at the bottom of the plate.
- 852 (b) The annual use fees shall be distributed to The
853 Constitution Foundation, Inc., which may retain all proceeds
854 from the annual use fees until the startup costs for developing
855 and issuing the license plates have been recovered. Thereafter,
856 The Constitution Foundation, Inc., may use the proceeds as
857 follows:
- 858 1. A maximum of 15 percent may be used for administrative
859 costs of the organization.
 - 860 2. A maximum of 10 percent may be used for promotion and
861 marketing costs of the license plate.
 - 862 3. The remainder shall be used to fund the activities,
863 programs, and projects of The Constitution Foundation, Inc.
- 864 Section 6. Except as otherwise expressly provided in this
865 act, this act shall take effect July 1, 2015.



678046

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 84 - 132

and insert:

prescribed by the department. This paragraph does not apply to
specialty license plates that have statutory eligibility
limitations for purchase.

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



678046

11 ~~amended.~~

12 Section 2. Subsection (3), paragraphs (iii), (ttt), and
13 (uuu) of subsection (4), subsection (8), and paragraph (a) of
14 subsection (10) of section 320.08056, Florida Statutes, are
15 amended to read:

16 320.08056 Specialty license plates.—

17 (3) Each request must be made annually to the department or
18 an authorized agent serving on behalf of the department,

19 accompanied by the following tax and fees:

20 (a) The license tax required for the vehicle as set forth
21 in s. 320.08.

22 (b) A processing fee of \$5, to be deposited into the
23 Highway Safety Operating Trust Fund.

24 (c) A license plate fee as required by s. 320.06(1)(b).

25 (d) A license plate annual use fee as required in
26 subsection (4).

27
28 A request may be made any time during a registration period. If
29 a request is made for a specialty license plate to replace a
30 current valid license plate, the specialty license plate must be
31 issued with appropriate decals attached at no tax for the plate,
32 but all fees and service charges must be paid. If a request is
33 made for a specialty license plate at the beginning of the
34 registration period, the tax, together with all applicable fees
35 and service charges, must be paid.

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

38 ~~(iii) Corrections Foundation license plate, \$25.~~

39 ~~(ttt) Children First license plate, \$25.~~



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40 ~~(uuu) Veterans of Foreign Wars license plate, \$25.~~
41 (8) (a) The department must discontinue the issuance of an
42 approved specialty license plate if the number of valid
43 specialty plate registrations falls below 1,000 plates for at
44 least 12 consecutive months. A warning letter shall be mailed to
45 the sponsoring organization following the first month in which
46 the total number of valid specialty plate registrations is below
47 1,000 plates. Beginning July 1, 2020, the department shall
48 discontinue the issuance of an approved specialty license plate
49 if the number of valid specialty plate registrations falls below
50 4,000 for at least 12 consecutive months. A warning letter shall
51 be mailed to the sponsoring organization following the first
52 month in which the total number of valid specialty plate
53 registrations is below 4,000 plates. This paragraph does not
54 apply to collegiate license plates established under s.
55 320.08058(3) or specialty license plates that have statutory
56 eligibility limitations for purchase.

57
58 ===== T I T L E A M E N D M E N T =====

59 And the title is amended as follows:

60 Delete lines 6 - 10

61 and insert:

62 requirements; providing an exception to the presale
63 requirements for certain specialty plates; amending s.
64 320.08056, F.S.; deleting certain specialty license
65 plates from the list of license plates for which an
66 annual use fee must be collected; revising the minimum
67 requirements to continue issuance of certain specialty
68 plates; providing an exception to the minimum



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69

requirements for certain specialty plates;



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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

Delete line 181
and insert:
to the In God We Trust Foundation,



483172

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 417 - 863

and insert:

(tttt) Furry Friends license plate, \$25.

(uuuu) Save Our Shores Florida license plate, \$25

(vvvv) Support Our Constitution license plate, \$25.

(www) Alpha Phi Alpha Fraternity license plate, \$25.

(xxxx) Omega Psi Phi Fraternity license plate, \$25.

(yyyy) Kappa Alpha Psi Fraternity license plate, \$25.



483172

- 11 (zzzz) Phi Beta Sigma Fraternity license plate, \$25.
- 12 (aaaaa) Zeta Phi Beta Sorority license plate, \$25.
- 13 (bbbbb) Delta Sigma Theta Sorority license plate, \$25.
- 14 (ccccc) Alpha Kappa Alpha Sorority license plate, \$25.
- 15 (ddddd) Sigma Gamma Rho Sorority license plate, \$25.

16 Section 5. Effective October 1, 2015, subsection (9) of
17 section 320.08058, Florida Statutes, is amended, and subsections
18 (84) through (101) are added to that section, to read:

19 320.08058 Specialty license plates.—

20 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

21 (a) The Department of Highway Safety and Motor Vehicles
22 shall develop a Florida Professional Sports Team license plate
23 as provided in this section for Major League Baseball, National
24 Basketball Association, National Football League, Arena Football
25 League Teams, and National Hockey League, Major League Soccer,
26 and North American Soccer League teams domiciled in this state.
27 However, any Florida Professional Sports Team license plate
28 created or established after January 1, 1997, must comply with
29 the requirements of s. 320.08053 and be specifically authorized
30 by an act of the Legislature. Florida Professional Sports Team
31 license plates must bear the colors and design approved by the
32 department and must include the official league or team logo, or
33 both, as appropriate for each team. The word "Florida" must
34 appear at the top of the plate.

35 (b) The license plate annual use fees are to be annually
36 distributed as follows:

37 1. Fifty-five percent of the proceeds from the Florida
38 Professional Sports Team plate must be deposited into the
39 Professional Sports Development Trust Fund within the Department



483172

40 of Economic Opportunity. These funds must be used solely to
41 attract and support major sports events in this state. As used
42 in this subparagraph, the term "major sports events" means, but
43 is not limited to, championship or all-star contests of Major
44 League Baseball, the National Basketball Association, the
45 National Football League, the National Hockey League, Major
46 League Soccer, the North American Soccer League, the men's and
47 women's National Collegiate Athletic Association Final Four
48 basketball championship, or a horseracing or dogracing Breeders'
49 Cup. All funds must be used to support and promote major
50 sporting events, and the uses must be approved by the Department
51 of Economic Opportunity.

52 2. The remaining proceeds of the Florida Professional
53 Sports Team license plate must be allocated to Enterprise
54 Florida, Inc. These funds must be deposited into the
55 Professional Sports Development Trust Fund within the Department
56 of Economic Opportunity. These funds must be used by Enterprise
57 Florida, Inc., to promote the economic development of the sports
58 industry; to distribute licensing and royalty fees to
59 participating professional sports teams; to promote education
60 programs in Florida schools that provide an awareness of the
61 benefits of physical activity and nutrition standards; to
62 partner with the Department of Education and the Department of
63 Health to develop a program that recognizes schools whose
64 students demonstrate excellent physical fitness or fitness
65 improvement; to institute a grant program for communities
66 bidding on minor sporting events that create an economic impact
67 for the state; to distribute funds to Florida-based charities
68 designated by Enterprise Florida, Inc., and the participating



483172

69 professional sports teams; and to fulfill the sports promotion
70 responsibilities of the Department of Economic Opportunity.

71 3. Enterprise Florida, Inc., shall provide an annual
72 financial audit in accordance with s. 215.981 of its financial
73 accounts and records by an independent certified public
74 accountant pursuant to the contract established by the
75 Department of Economic Opportunity. The auditor shall submit the
76 audit report to the Department of Economic Opportunity for
77 review and approval. If the audit report is approved, the
78 Department of Economic Opportunity shall certify the audit
79 report to the Auditor General for review.

80 4. Notwithstanding the provisions of subparagraphs 1. and
81 2., proceeds from the Professional Sports Development Trust Fund
82 may also be used for operational expenses of Enterprise Florida,
83 Inc., and financial support of the Sunshine State Games.

84 (84) BONEFISH AND TARPON TRUST LICENSE PLATES.-

85 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
86 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
87 and s. 45, chapter 2014-216, Laws of Florida, the department
88 shall develop a Bonefish and Tarpon Trust license plate as
89 provided in this section and s. 320.08053. Bonefish and Tarpon
90 Trust license plates must bear the colors and design approved by
91 the department. The word "Florida" must appear at the top of the
92 plate, and the words "Bonefish and Tarpon Trust" must appear at
93 the bottom of the plate.

94 (b) The department shall retain all annual use fees from
95 the sale of such plates until all startup costs for developing
96 and issuing the plates have been recovered. Thereafter, the
97 balance of the fees shall be distributed to the Bonefish and



483172

98 Tarpon Trust, which:

99 1. May use a maximum of 10 percent of the proceeds to
100 promote and market the Bonefish and Tarpon Trust license plate.

101 2. Shall invest and reinvest the remainder of the proceeds
102 and use the interest earnings to conserve and enhance Florida
103 bonefish and tarpon fisheries and their respective environments
104 through stewardship, research, education, and advocacy.

105 (85) ROTARY'S CAMP FLORIDA LICENSE PLATES.-

106 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
107 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
108 and s. 45, chapter 2014-216, Laws of Florida, the department
109 shall develop a Rotary's Camp Florida license plate as provided
110 in this section and s. 320.08053. Rotary's Camp Florida license
111 plates must bear the colors and design approved by the
112 department. The word "Florida" must appear at the top of the
113 plate, and the words "Rotary's Camp Florida" must appear at the
114 bottom of the plate.

115 (b) The license plate annual use fees shall be distributed
116 to Rotary's Camp Florida, which may use a maximum of 10 percent
117 of the proceeds for administrative costs and for marketing the
118 plate. Thereafter, up to 23 percent shall be distributed as
119 grants for Florida Rotary Districts that provide camp services
120 to children in this state, and the balance of the proceeds shall
121 be used by Rotary's Camp Florida for direct support to the
122 programs and services provided to children who attend the camp.

123 (86) SUPPORT DOWN SYNDROME LICENSE PLATES.-

124 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
125 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
126 and s. 45, chapter 2014-216, Laws of Florida, the department



483172

127 shall develop a Support Down Syndrome license plate as provided
128 in this section and s. 320.08053. Support Down Syndrome license
129 plates must bear the colors and design approved by the
130 department. The word "Florida" must appear at the top of the
131 plate, and the words "Support Down Syndrome" must appear at the
132 bottom of the plate.

133 (b) The license plate annual use fees shall be distributed
134 to Olivia's Angels Foundation, Inc., to fund its activities,
135 programs, and projects within this state. Olivia's Angels
136 Foundation, Inc., may retain all revenues from the annual use
137 fees until all startup costs for developing and establishing the
138 plate have been recovered. Thereafter, up to 10 percent of the
139 annual use fee revenues may be used for administrative costs and
140 promotion and marketing of the specialty license plate.

141 (87) SAFE AND FREE FLORIDA LICENSE PLATES.—

142 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
143 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
144 and s. 45, chapter 2014-216, Laws of Florida, the department
145 shall develop a Safe and Free Florida license plate as provided
146 in this section and s. 320.08053. Safe and Free Florida license
147 plates must bear the colors and design approved by the
148 department. The word "Florida" must appear at the bottom of the
149 plate, and the words "End Human Trafficking" must appear at the
150 top of the plate.

151 (b) The license plate annual use fees shall be distributed
152 to the Statewide Council on Human Trafficking, with a report
153 that specifies the ratio that the annual use fees collected by
154 each county bear to the total fees collected for the plates
155 statewide. The council may retain all revenues from the annual



483172

156 use fees until all startup costs for developing and establishing
157 the plate have been recovered. Thereafter, up to 15 percent of
158 the annual use fee revenues may be used for administrative costs
159 and for promotion and marketing of the specialty license plate.
160 The council shall distribute the remaining funds to
161 nongovernmental, not-for-profit agencies within each county in
162 this state which assist sexually abused, exploited, or
163 trafficked victims. Funds may not be distributed to an agency
164 that charges victims for services received.

165 1. An agency that receives the funds must use the funds
166 for:

167 a. The material needs of sexually abused, exploited, or
168 trafficked victims, including, but not limited to, clothing,
169 housing, medical care, food, utilities, and transportation.

170 b. Detoxification services.

171 c. Prenatal and postnatal care and services for infants
172 awaiting placement with adoptive parents.

173 d. Real estate purchases to facilitate a safe house or a
174 transitional care or recovery care center.

175 e. Counseling, training, awareness, and prevention programs
176 and advertisement.

177 2. An agency that receives funds may not use the funds for
178 administrative or legal expenses, or for capital expenditures
179 other than those specified in sub-subparagraph 1.d.

180 3. Each year, any unused funds that exceed 10 percent of
181 the total amount received by an agency must be returned to the
182 Statewide Council on Human Trafficking to be redistributed by
183 the council to other qualified agencies.

184 4. Each agency that receives funds from the Statewide



483172

185 Council on Human Trafficking must submit an annual attestation
186 to the council.

187 5. If no qualified agency applies to receive funds in a
188 county in any year, that county's share of the funds shall be
189 distributed pro rata to the qualified agencies that apply and
190 maintain a place of business within a 100-mile radius of the
191 county seat of that county. If no qualified agency within the
192 100-mile radius applies, the funds shall be distributed to other
193 qualified agencies within the state.

194 (88) SUN SEA SMILES LICENSE PLATES.—

195 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
196 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
197 and s. 45, chapter 2014-216, Laws of Florida, the department
198 shall develop a Sun Sea Smiles license plate as provided in this
199 section and s. 320.08053. Sun Sea Smiles license plates must
200 bear the colors and design approved by the department. The word
201 "Florida" must appear at the top of the plate, and the words
202 "Sun Sea Smiles" must appear at the bottom of the plate.

203 (b) The department shall retain all annual use fees from
204 the sale of such plates until all startup costs for developing
205 and issuing the plates have been recovered. Thereafter, the
206 license plate annual use fees shall be distributed as follows:

207 1. Five percent shall be distributed to the Florida
208 Caribbean Charitable Foundation, Inc., for marketing the Sun Sea
209 Smiles license plate.

210 2. Thirty percent shall be distributed to the Florida
211 Caribbean Charitable Foundation, Inc. Of this amount, up to 5
212 percent may be used for administrative expenses, and the
213 remainder shall be used as follows:



483172

- 214 a. Sixty percent shall be used for a college scholarship
215 program.
- 216 b. Fifteen percent shall be used to promote health and
217 wellness among Florida residents of Caribbean descent.
- 218 c. Twenty-five percent shall be used to promote awareness
219 of Caribbean culture within the state.
- 220 3. Twenty percent shall be distributed to the American
221 Friends of Jamaica, Inc., a charitable, not-for-profit
222 organization under s. 501(c)(3) of the Internal Revenue Code
223 registered with the Department of Agriculture and Consumer
224 Services and incorporated in New York, for use as grants to
225 promote social and community development among residents of this
226 state. Of this amount, up to 5 percent may be used for
227 administrative and marketing expenses.
- 228 4. Ten percent shall be distributed to Haitian Neighborhood
229 Center Sant La, Inc., to promote social and community
230 development. Of this amount, up to 5 percent may be used for
231 administrative expenses.
- 232 5. Ten percent shall be distributed to Fanm Ayisyen nan
233 Miyami, Inc., to promote social and community development. Of
234 this amount, up to 10 percent may be used for administrative
235 expenses.
- 236 6. Twenty percent shall be distributed to Greater Caribbean
237 American Cultural Coalition, Inc., to promote awareness of
238 Caribbean culture within this state. Of this amount, up to 5
239 percent may be used for administrative expenses.
- 240 7. Five percent shall be distributed to Little Haiti
241 Optimist Foundation, Inc., to promote awareness of Caribbean
242 culture and youth development within this state. Of this amount,



483172

243 up to 5 percent may be used for administrative expenses.

244 (89) TAKE STOCK IN CHILDREN LICENSE PLATES.—

245 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
246 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
247 and s. 45, chapter 2014-216, Laws of Florida, the department
248 shall develop a Take Stock in Children license plate as provided
249 in this section and s. 320.08053. Take Stock in Children license
250 plates must bear the colors and design approved by the
251 department. The word "Florida" must appear at the top of the
252 plate, and the words "Take Stock in Children" must appear at the
253 bottom of the plate.

254 (b) The license plate annual use fees shall be distributed
255 to Take Stock in Children, Inc., to fund its activities,
256 scholarship and mentoring programs, and projects. Take Stock in
257 Children, Inc., may retain all revenues from the annual use fees
258 until all startup costs for developing and establishing the
259 plate have been recovered. Thereafter, up to 10 percent of the
260 annual use fee revenue may be used for administrative costs
261 directly associated with the corporation's programs and the
262 specialty license plate, and up to 15 percent may be used for
263 promotion and marketing of the specialty license plate.

264 (90) PADDLE FLORIDA LICENSE PLATES.—

265 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
266 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
267 and s. 45, chapter 2014-216, Laws of Florida, the department
268 shall develop a Paddle Florida license plate as provided in this
269 section and s. 320.08053. Paddle Florida license plates must
270 bear the colors and design approved by the department. The word
271 "Florida" must appear at the top of the plate, and words



483172

272 approved by the department must appear at the bottom of the
273 plate.

274 (b) The department shall retain all license plate annual
275 use fees until the startup costs for developing and issuing the
276 plates have been recovered. Thereafter, the annual use fees
277 shall be distributed to Paddle Florida, Inc., which may use up
278 to 10 percent of the proceeds for administrative costs and
279 marketing of the plate. The balance of the fees shall be used by
280 the Florida Forever grant program to support activities that
281 further outdoor recreation and natural resource protection.

282 (91) ORLANDO CITY SOCCER CLUB LICENSE PLATES.—

283 Notwithstanding s. 45, chapter 2008-176, Laws of Florida, as
284 amended by s. 21, chapter 2010-223, Laws of Florida, and s. 45,
285 chapter 2014-216, Laws of Florida, the department shall develop
286 an Orlando City Soccer Club license plate as provided in
287 subsection (9).

288 (92) DOGS MAKING A DIFFERENCE LICENSE PLATES.—

289 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
290 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
291 and s. 45, chapter 2014-216, Laws of Florida, the department
292 shall develop a Dogs Making a Difference license plate as
293 provided in this section and s. 320.08053. Dogs Making a
294 Difference license plates must bear the colors and design
295 approved by the department. The word "Florida" must appear at
296 the top of the plate, and the words "Dogs Making a Difference"
297 must appear at the bottom of the plate.

298 (b) The department may retain all license plate annual use
299 fees until the startup costs for developing and issuing the
300 plates have been recovered. Thereafter, the annual use fees



483172

301 shall be distributed to Southeastern Guide Dogs, Inc., which may
302 use up to 10 percent of the proceeds for administrative costs
303 and marketing of the plate. The balance of the fees shall be
304 used by Southeastern Guide Dogs, Inc., for the training and
305 promotion of dogs for use by veterans and citizens who are
306 blind.

307 (93) DUCKS UNLIMITED LICENSE PLATES.-

308 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
309 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
310 and s. 45, chapter 2014-216, Laws of Florida, the department
311 shall develop a Ducks Unlimited license plate as provided in
312 this section and s. 320.08053. Ducks Unlimited license plates
313 must bear the colors and design approved by the department. The
314 word "Florida" must appear at the top of the plate, and the
315 words "Conserving Florida's Wetlands" must appear at the bottom
316 of the plate.

317 (b) The license plate annual use fees shall be distributed
318 to Ducks Unlimited, Inc., a not-for-profit corporation under s.
319 501(c)(3) of the Internal Revenue Code. The proceeds must be
320 used to support Ducks Unlimited's mission and conservation
321 efforts in this state as follows:

322 1. Up to 5 percent may be used for administrative costs and
323 marketing of the plate.

324 2. A minimum of 95 percent shall be used to support Ducks
325 Unlimited's mission and efforts for the conservation,
326 restoration, and management of Florida wetlands and associated
327 habitats for the benefit of waterfowl, other wildlife, and
328 people.

329 (94) TEAM HAMMY LICENSE PLATES.-



483172

330 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
331 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
332 and s. 45, chapter 2014-216, Laws of Florida, the department
333 shall develop a Team Hammy license plate as provided in this
334 section and s. 320.08053. Team Hammy license plates must bear
335 the colors and design approved by the department. The word
336 "Florida" must appear at the top of the plate, and the words
337 "Team Hammy" must appear at the bottom of the plate.

338 (b) The department shall retain all license plate annual
339 use fees until all startup costs for developing and issuing the
340 plates have been recovered. Thereafter, the license plate annual
341 use fees shall be distributed to Team Hammy, Inc., a Florida
342 not-for-profit corporation, which may use up to 10 percent of
343 such fees for administrative costs and marketing of the plate.
344 The balance of the fees shall be used by Team Hammy, Inc., to
345 grant wishes to families living with amyotrophic lateral
346 sclerosis (ALS), to provide continuing education to caregivers
347 and physicians, and to increase awareness of ALS in the
348 community.

349 (95) FLORIDA BAY FOREVER LICENSE PLATES.—

350 (a) Notwithstanding s. 45 of chapter 2008-176, Laws of
351 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
352 and s. 45, chapter 2014-216, Laws of Florida, the department
353 shall develop a Florida Bay Forever license plate as provided in
354 this section and s. 320.08053. Florida Bay Forever license
355 plates must bear the colors and design approved by the
356 department. The word "Florida" must appear at the top of the
357 plate, and the words "Florida Bay Forever" must appear at the
358 bottom of the plate.



483172

359 (b) The department shall retain all license plate annual
360 use fees until all startup costs for developing and issuing the
361 plates have been recovered. Thereafter, the annual use fees
362 shall be distributed to the Florida National Park Association,
363 Inc., which may use up to 10 percent of such fees for
364 administrative costs and marketing of the plate. The balance of
365 the fees shall be used to supplement the Everglades National
366 Park budgets and to support educational, interpretive,
367 historical, and scientific research relating to the Everglades
368 National Park.

369 (96) JACKSONVILLE ARMADA FOOTBALL CLUB LICENSE PLATES.—
370 Notwithstanding s. 45, chapter 2008-176, Laws of Florida, as
371 amended by s. 21, chapter 2010-223, Laws of Florida, and s. 45,
372 chapter 2014-216, Laws of Florida, the department shall develop
373 a Jacksonville Armada Football Club license plate as provided in
374 subsection (9).

375 (97) TAMPA BAY ROWDIES LICENSE PLATES.—Notwithstanding s.
376 45, chapter 2008-176, Laws of Florida, as amended by s. 21,
377 chapter 2010-223, Laws of Florida, and s. 45, chapter 2014-216,
378 Laws of Florida, the department shall develop a Tampa Bay
379 Rowdies license plate as provided in subsection (9).

380 (98) FURRY FRIENDS LICENSE PLATES.—

381 (a) Notwithstanding s. 45 of chapter 2008-176, Laws of
382 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
383 and s. 45, chapter 2014-216, Laws of Florida, the department
384 shall develop a Furry Friends license plate as provided in this
385 section and s. 320.08053, upon application by Furry Friends of
386 Florida, Inc. Furry Friends license plates must bear the colors
387 and design approved by the department. The word "Florida" must



483172

388 appear at the top of the plate, and words approved by the
389 department must appear at the bottom of the plate.

390 (b) The department shall retain all revenue from the sale
391 of such plates until the startup costs for developing and
392 issuing the plates have been recovered. Thereafter, the annual
393 use fees shall be distributed monthly to Furry Friends of
394 Florida, Inc., which may use up to 15 percent of such revenue
395 for administrative, handling, and disbursement contracts and
396 expenses, and up to 10 percent for promotion, advertising, and
397 marketing contracts and costs. The balance of the fees shall be
398 used by Furry Friends of Florida, Inc., for activities,
399 programs, and projects, including, but not limited to, pet
400 rescue, animal shelters, pet vaccination, veterinary services,
401 and service animals.

402 (99) SAVE OUR SHORES FLORIDA LICENSE PLATES.—

403 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
404 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
405 and s. 45, chapter 2014-216, Laws of Florida, the department
406 shall develop a Save Our Shores Florida license plate as
407 provided in this section and s. 320.08053. Save Our Shores
408 Florida license plates must bear the colors and design approved
409 by the department. The word "Florida" must appear at the top of
410 the plate, and the words "Save Our Shores" must appear at the
411 bottom of the plate.

412 (b) The department shall retain all annual use fees from
413 the sale of such plates until startup costs for developing and
414 issuing the plates have been recovered. Thereafter, the annual
415 use fees shall be distributed to Adore the Shore, Inc., which
416 may retain all of such revenue until the startup costs to



483172

417 develop and establish the license plate program have been
418 recovered. Thereafter, Adore the Shore, Inc., may use the
419 proceeds as follows:

420 1. A maximum of 15 percent may be used for administrative
421 costs of the organization.

422 2. A maximum of 10 percent may be used for promotion and
423 marketing costs of the license plate program.

424 3. The remainder shall be used to fund activities,
425 programs, and projects that provide for cleanup activities on
426 Florida's beaches following natural or manmade occurrences that
427 threaten the pristine nature of Florida's beaches and any other
428 legal purpose as allowed by the Internal Revenue Code.

429 (100) SUPPORT OUR CONSTITUTION LICENSE PLATES.-

430 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
431 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
432 and s. 45, chapter 2014-216, Laws of Florida, the department
433 shall develop a Support Our Constitution license plate as
434 provided in this section and s. 320.08053. Support Our
435 Constitution license plates must bear the colors and design
436 approved by the department. The word "Florida" must appear at
437 the top of the plate, and the words "Support Our Constitution"
438 must appear at the bottom of the plate.

439 (b) The annual use fees shall be distributed to The
440 Constitution Foundation, Inc., which may retain all proceeds
441 from the annual use fees until the startup costs for developing
442 and issuing the license plates have been recovered. Thereafter,
443 The Constitution Foundation, Inc., may use the proceeds as
444 follows:

445 1. A maximum of 15 percent may be used for administrative



483172

446 costs of the organization.

447 2. A maximum of 10 percent may be used for promotion and
448 marketing costs of the license plate.

449 3. The remainder shall be used to fund the activities,
450 programs, and projects of The Constitution Foundation, Inc.

451 (101) PAN-HELLENIC LICENSE PLATES.—Notwithstanding s. 45,
452 chapter 2008-176, Laws of Florida, as amended by s. 21, chapter
453 2010-223 and s. 45, chapter 2014-216, Laws of Florida, the
454 department shall develop a Pan-Hellenic Sorority or Fraternity
455 license plate as provided in this section and s. 320.08053 for
456 each of the following sororities and fraternities. Pan-Hellenic
457 Sorority or Fraternity license plates must bear the colors and
458 design approved by the department. The word "Florida" must
459 appear at the top of the plate, and the name of the respective
460 sorority or fraternity must appear at the bottom of the plate:

461 (a) Alpha Phi Alpha Fraternity, Inc.—The department shall
462 retain all annual use fees from the sale of such plates until
463 all startup costs for developing and issuing plates have been
464 recovered. Thereafter, the annual use fees from the sale of the
465 plate shall be distributed as follows:

466 1. Ten percent shall be distributed to the Florida
467 Federation of Alpha Phi Alpha Fraternity Foundation, Inc., a
468 charitable, not-for-profit organization under s. 501(c)(3) of
469 the Internal Revenue Code registered with the Department of
470 Agriculture and Consumer Services and incorporated in Florida,
471 strictly for marketing the Alpha Phi Alpha Fraternity, Inc.,
472 license plate.

473 2. Eighty-five percent shall be distributed to the Florida
474 Federation of Alpha Phi Alpha Fraternity Foundation, Inc., to



483172

475 promote community awareness and action through educational,
476 economic, and cultural service activities.

477 3. Five percent shall be distributed to the United Negro
478 College Fund to be used for college scholarships for Florida
479 residents attending historically black colleges and
480 universities.

481 (b) Omega Psi Phi Fraternity, Inc.—The department shall
482 retain all annual use fees from the sale of such plates until
483 all startup costs for developing and issuing plates have been
484 recovered. Thereafter, the annual use fees from the sale of the
485 plate shall be distributed as follows:

486 1. Ten percent shall be distributed to Omega Friendship
487 Foundation, Inc., a charitable, not-for-profit organization
488 under s. 501(c) (3) of the Internal Revenue Code registered with
489 the Department of Agriculture and Consumer Services and
490 incorporated in Florida, strictly for marketing the Omega Psi
491 Phi Fraternity, Inc., license plate.

492 2. Eighty-five percent shall be distributed to Omega
493 Friendship Foundation, Inc., to promote community awareness and
494 action through educational, economic, and cultural service
495 activities.

496 3. Five percent shall be distributed to the United Negro
497 College Fund to be used for college scholarships for Florida
498 residents attending historically black colleges and
499 universities.

500 (c) Kappa Alpha Psi Fraternity, Inc.—The department shall
501 retain all annual use fees from the sale of such plates until
502 all startup costs for developing and issuing plates have been
503 recovered. Thereafter, the annual use fees from the sale of the



483172

504 plate shall be distributed as follows:

505 1. Ten percent shall be distributed to the Southern
506 Province Kappa Alpha Psi Fraternity, Inc., a charitable, not-
507 for-profit organization under s. 501(c)(3) of the Internal
508 Revenue Code registered with the Department of Agriculture and
509 Consumer Services and incorporated in Florida, strictly for
510 marketing the Kappa Alpha Psi Fraternity, Inc., license plate.

511 2. Eighty-five percent shall be distributed to the Southern
512 Province Kappa Alpha Psi Fraternity, Inc., to promote community
513 awareness and action through educational, economic, and cultural
514 service activities.

515 3. Five percent shall be distributed to the United Negro
516 College Fund to be used for college scholarships for the Florida
517 residents attending historically black colleges and
518 universities.

519 (d) *Phi Beta Sigma Fraternity, Inc.*—The department shall
520 retain all annual use fees from the sale of such plates until
521 all startup costs for developing and issuing plates have been
522 recovered. Thereafter, the annual use fees from the sale of the
523 plate shall be distributed as follows:

524 1. Ten percent shall be distributed to TmB Charitable
525 Foundation, Inc., a charitable, not-for-profit organization
526 under s. 501(c)(3) of the Internal Revenue Code registered with
527 the Department of Agriculture and Consumer Services and
528 incorporated in Florida, strictly for marketing the Phi Beta
529 Sigma Fraternity, Inc., license plate.

530 2. Eighty-five percent shall be distributed to the TmB
531 Charitable Foundation, Inc., to promote community awareness and
532 action through educational, economic, and cultural service



483172

533 activities.

534 3. Five percent shall be distributed to the United Negro
535 College Fund to be used for college scholarships for Florida
536 residents attending historically black colleges and
537 universities.

538 (e) Zeta Phi Beta Sorority, Inc.—The department shall
539 retain all annual use fees from the sale of such plates until
540 all startup costs for developing and issuing plates have been
541 recovered. Thereafter, the annual use fees from the sale of the
542 plate shall be distributed as follows:

543 a. Ten percent shall be distributed to Florida Pearls,
544 Inc., a charitable, not-for-profit organization under s.
545 501(c)(3) of the Internal Revenue Code registered with the
546 Department of Agriculture and Consumer Services and incorporated
547 in Florida, strictly for marketing the Zeta Phi Beta Sorority,
548 Inc., license plate.

549 b. Eighty-five percent shall be distributed to Florida
550 Pearls, Inc., to promote community awareness and action through
551 educational, economic, and cultural service activities.

552 c. Five percent shall be distributed to the United Negro
553 College Fund to be used for college scholarships for Florida
554 residents attending historically black colleges and
555 universities.

556 (f) Delta Sigma Theta Sorority, Inc.—The department shall
557 retain all annual use fees from the sale of such plates until
558 all startup costs for developing and issuing plates have been
559 recovered. Thereafter, the annual use fees from the sale of the
560 plate shall be distributed as follows:

561 a. Ten percent shall be distributed to Delta Research and



483172

562 Educational Foundation, a charitable, not-for-profit
563 organization under s. 501(c)(3) of the Internal Revenue Code,
564 strictly for marketing the Delta Sigma Theta Sorority, Inc.,
565 license plate.

566 b. Eighty-five percent shall be distributed to Delta
567 Research and Educational Foundation to promote community
568 awareness and action through educational, economic, and cultural
569 service activities.

570 c. Five percent shall be distributed to the United Negro
571 College Fund to be used for college scholarships for Florida
572 residents attending historically black colleges and
573 universities.

574 (g) Alpha Kappa Alpha Sorority, Inc.—The department shall
575 retain all annual use fees from the sale of such plates until
576 all startup costs for developing and issuing plates have been
577 recovered. Thereafter, the annual use fees from the sale of the
578 plate shall be distributed as follows:

579 a. A maximum of 10 percent shall be distributed to Alpha
580 Kappa Alpha Sorority Foundation, Inc., a charitable, not-for-
581 profit organization under s. 501(c)(3) of the Internal Revenue
582 Code registered with the Department of Agriculture and Consumer
583 Services and incorporated in Florida, for administrative costs
584 and marketing the Alpha Kappa Alpha Sorority, Inc., license
585 plate.

586 b. The balance of the fees shall be used to supplement the
587 Alpha Kappa Alpha Educational Advancement Foundation, Inc.,
588 budgets and to promote lifelong learning by awarding
589 scholarships, fellowships, and grants.

590 (h) Sigma Gamma Rho Sorority, Inc.—The department shall



591 retain all annual use fees from the sale of such plates until
592 all startup costs for developing and issuing plates have been
593 recovered. Thereafter, the annual use fees from the sale of the
594 plate shall be distributed as follows:

595 a. Ten percent shall be distributed to National Education
596 Fund, Inc., a charitable, not-for-profit organization under s.
597 501(c) (3) of the Internal Revenue Code, strictly for marketing
598 the Sigma Gamma Rho Sorority, Inc., license plate.

599 b. Eighty-five percent shall be distributed to National
600 Education Fund, Inc., to promote community awareness and action
601 through educational, economic, and cultural service activities.

602 c. Five percent shall be distributed to the United Negro
603 College Fund to be used for college scholarships for Florida
604 residents attending historically black colleges and
605 universities.

606
607 ===== T I T L E A M E N D M E N T =====

608 And the title is amended as follows:

609 Delete line 397

610 and insert:

611 through (dddd) are added to subsection (4) of section

612 320.08056,



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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with directory amendment)

Delete lines 421 - 863

and insert:

(xxxx) Play Ball license plate, \$25.

Section 5. Effective October 1, 2015, subsection (9) of
section 320.08058, Florida Statutes, is amended, and subsections
(84) through (102) are added to that section, to read:

320.08058 Specialty license plates.—



486788

10 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

11 (a) The Department of Highway Safety and Motor Vehicles
12 shall develop a Florida Professional Sports Team license plate
13 as provided in this section for Major League Baseball, National
14 Basketball Association, National Football League, Arena Football
15 League Teams, and National Hockey League, Major League Soccer,
16 and North American Soccer League teams domiciled in this state.
17 However, any Florida Professional Sports Team license plate
18 created or established after January 1, 1997, must comply with
19 the requirements of s. 320.08053 and be specifically authorized
20 by an act of the Legislature. Florida Professional Sports Team
21 license plates must bear the colors and design approved by the
22 department and must include the official league or team logo, or
23 both, as appropriate for each team. The word "Florida" must
24 appear at the top of the plate.

25 (b) The license plate annual use fees are to be annually
26 distributed as follows:

27 1. Fifty-five percent of the proceeds from the Florida
28 Professional Sports Team plate must be deposited into the
29 Professional Sports Development Trust Fund within the Department
30 of Economic Opportunity. These funds must be used solely to
31 attract and support major sports events in this state. As used
32 in this subparagraph, the term "major sports events" means, but
33 is not limited to, championship or all-star contests of Major
34 League Baseball, the National Basketball Association, the
35 National Football League, the National Hockey League, Major
36 League Soccer, the North American Soccer League, the men's and
37 women's National Collegiate Athletic Association Final Four
38 basketball championship, or a horseracing or dogracing Breeders'



39 Cup. All funds must be used to support and promote major
40 sporting events, and the uses must be approved by the Department
41 of Economic Opportunity.

42 2. The remaining proceeds of the Florida Professional
43 Sports Team license plate must be allocated to Enterprise
44 Florida, Inc. These funds must be deposited into the
45 Professional Sports Development Trust Fund within the Department
46 of Economic Opportunity. These funds must be used by Enterprise
47 Florida, Inc., to promote the economic development of the sports
48 industry; to distribute licensing and royalty fees to
49 participating professional sports teams; to promote education
50 programs in Florida schools that provide an awareness of the
51 benefits of physical activity and nutrition standards; to
52 partner with the Department of Education and the Department of
53 Health to develop a program that recognizes schools whose
54 students demonstrate excellent physical fitness or fitness
55 improvement; to institute a grant program for communities
56 bidding on minor sporting events that create an economic impact
57 for the state; to distribute funds to Florida-based charities
58 designated by Enterprise Florida, Inc., and the participating
59 professional sports teams; and to fulfill the sports promotion
60 responsibilities of the Department of Economic Opportunity.

61 3. Enterprise Florida, Inc., shall provide an annual
62 financial audit in accordance with s. 215.981 of its financial
63 accounts and records by an independent certified public
64 accountant pursuant to the contract established by the
65 Department of Economic Opportunity. The auditor shall submit the
66 audit report to the Department of Economic Opportunity for
67 review and approval. If the audit report is approved, the



486788

68 Department of Economic Opportunity shall certify the audit
69 report to the Auditor General for review.

70 4. Notwithstanding the provisions of subparagraphs 1. and
71 2., proceeds from the Professional Sports Development Trust Fund
72 may also be used for operational expenses of Enterprise Florida,
73 Inc., and financial support of the Sunshine State Games.

74 (84) BONEFISH AND TARPON TRUST LICENSE PLATES.-

75 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
76 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
77 and s. 45, chapter 2014-216, Laws of Florida, the department
78 shall develop a Bonefish and Tarpon Trust license plate as
79 provided in this section and s. 320.08053. Bonefish and Tarpon
80 Trust license plates must bear the colors and design approved by
81 the department. The word "Florida" must appear at the top of the
82 plate, and the words "Bonefish and Tarpon Trust" must appear at
83 the bottom of the plate.

84 (b) The department shall retain all annual use fees from
85 the sale of such plates until all startup costs for developing
86 and issuing the plates have been recovered. Thereafter, the
87 balance of the fees shall be distributed to the Bonefish and
88 Tarpon Trust, which:

89 1. May use a maximum of 10 percent of the proceeds to
90 promote and market the Bonefish and Tarpon Trust license plate.

91 2. Shall invest and reinvest the remainder of the proceeds
92 and use the interest earnings to conserve and enhance Florida
93 bonefish and tarpon fisheries and their respective environments
94 through stewardship, research, education, and advocacy.

95 (85) ROTARY'S CAMP FLORIDA LICENSE PLATES.-

96 (a) Notwithstanding s. 45, chapter 2008-176, Laws of



486788

97 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
98 and s. 45, chapter 2014-216, Laws of Florida, the department
99 shall develop a Rotary's Camp Florida license plate as provided
100 in this section and s. 320.08053. Rotary's Camp Florida license
101 plates must bear the colors and design approved by the
102 department. The word "Florida" must appear at the top of the
103 plate, and the words "Rotary's Camp Florida" must appear at the
104 bottom of the plate.

105 (b) The license plate annual use fees shall be distributed
106 to Rotary's Camp Florida, which may use a maximum of 10 percent
107 of the proceeds for administrative costs and for marketing the
108 plate. Thereafter, up to 23 percent shall be distributed as
109 grants for Florida Rotary Districts that provide camp services
110 to children in this state, and the balance of the proceeds shall
111 be used by Rotary's Camp Florida for direct support to the
112 programs and services provided to children who attend the camp.

113 (86) SUPPORT DOWN SYNDROME LICENSE PLATES.-

114 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
115 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
116 and s. 45, chapter 2014-216, Laws of Florida, the department
117 shall develop a Support Down Syndrome license plate as provided
118 in this section and s. 320.08053. Support Down Syndrome license
119 plates must bear the colors and design approved by the
120 department. The word "Florida" must appear at the top of the
121 plate, and the words "Support Down Syndrome" must appear at the
122 bottom of the plate.

123 (b) The license plate annual use fees shall be distributed
124 to Olivia's Angels Foundation, Inc., to fund its activities,
125 programs, and projects within this state. Olivia's Angels



486788

126 Foundation, Inc., may retain all revenues from the annual use
127 fees until all startup costs for developing and establishing the
128 plate have been recovered. Thereafter, up to 10 percent of the
129 annual use fee revenues may be used for administrative costs and
130 promotion and marketing of the specialty license plate.

131 (87) SAFE AND FREE FLORIDA LICENSE PLATES.-

132 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
133 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
134 and s. 45, chapter 2014-216, Laws of Florida, the department
135 shall develop a Safe and Free Florida license plate as provided
136 in this section and s. 320.08053. Safe and Free Florida license
137 plates must bear the colors and design approved by the
138 department. The word "Florida" must appear at the bottom of the
139 plate, and the words "End Human Trafficking" must appear at the
140 top of the plate.

141 (b) The license plate annual use fees shall be distributed
142 to the Statewide Council on Human Trafficking, with a report
143 that specifies the ratio that the annual use fees collected by
144 each county bear to the total fees collected for the plates
145 statewide. The council may retain all revenues from the annual
146 use fees until all startup costs for developing and establishing
147 the plate have been recovered. Thereafter, up to 15 percent of
148 the annual use fee revenues may be used for administrative costs
149 and for promotion and marketing of the specialty license plate.
150 The council shall distribute the remaining funds to
151 nongovernmental, not-for-profit agencies within each county in
152 this state which assist sexually abused, exploited, or
153 trafficked victims. Funds may not be distributed to an agency
154 that charges victims for services received.



486788

- 155 1. An agency that receives the funds must use the funds
156 for:
- 157 a. The material needs of sexually abused, exploited, or
158 trafficked victims, including, but not limited to, clothing,
159 housing, medical care, food, utilities, and transportation.
- 160 b. Detoxification services.
- 161 c. Prenatal and postnatal care and services for infants
162 awaiting placement with adoptive parents.
- 163 d. Real estate purchases to facilitate a safe house or a
164 transitional care or recovery care center.
- 165 e. Counseling, training, awareness, and prevention programs
166 and advertisement.
- 167 2. An agency that receives funds may not use the funds for
168 administrative or legal expenses, or for capital expenditures
169 other than those specified in sub-subparagraph 1.d.
- 170 3. Each year, any unused funds that exceed 10 percent of
171 the total amount received by an agency must be returned to the
172 Statewide Council on Human Trafficking to be redistributed by
173 the council to other qualified agencies.
- 174 4. Each agency that receives funds from the Statewide
175 Council on Human Trafficking must submit an annual attestation
176 to the council.
- 177 5. If no qualified agency applies to receive funds in a
178 county in any year, that county's share of the funds shall be
179 distributed pro rata to the qualified agencies that apply and
180 maintain a place of business within a 100-mile radius of the
181 county seat of that county. If no qualified agency within the
182 100-mile radius applies, the funds shall be distributed to other
183 qualified agencies within the state.



486788

184 (88) SUN SEA SMILES LICENSE PLATES.-

185 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
186 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
187 and s. 45, chapter 2014-216, Laws of Florida, the department
188 shall develop a Sun Sea Smiles license plate as provided in this
189 section and s. 320.08053. Sun Sea Smiles license plates must
190 bear the colors and design approved by the department. The word
191 "Florida" must appear at the top of the plate, and the words
192 "Sun Sea Smiles" must appear at the bottom of the plate.

193 (b) The department shall retain all annual use fees from
194 the sale of such plates until all startup costs for developing
195 and issuing the plates have been recovered. Thereafter, the
196 license plate annual use fees shall be distributed as follows:

197 1. Five percent shall be distributed to the Florida
198 Caribbean Charitable Foundation, Inc., for marketing the Sun Sea
199 Smiles license plate.

200 2. Thirty percent shall be distributed to the Florida
201 Caribbean Charitable Foundation, Inc. Of this amount, up to 5
202 percent may be used for administrative expenses, and the
203 remainder shall be used as follows:

204 a. Sixty percent shall be used for a college scholarship
205 program.

206 b. Fifteen percent shall be used to promote health and
207 wellness among Florida residents of Caribbean descent.

208 c. Twenty-five percent shall be used to promote awareness
209 of Caribbean culture within the state.

210 3. Twenty percent shall be distributed to the American
211 Friends of Jamaica, Inc., a charitable, not-for-profit
212 organization under s. 501(c)(3) of the Internal Revenue Code



486788

213 registered with the Department of Agriculture and Consumer
214 Services and incorporated in New York, for use as grants to
215 promote social and community development among residents of this
216 state. Of this amount, up to 5 percent may be used for
217 administrative and marketing expenses.

218 4. Ten percent shall be distributed to Haitian Neighborhood
219 Center Sant La, Inc., to promote social and community
220 development. Of this amount, up to 5 percent may be used for
221 administrative expenses.

222 5. Ten percent shall be distributed to Fanm Ayisyen nan
223 Miyami, Inc., to promote social and community development. Of
224 this amount, up to 10 percent may be used for administrative
225 expenses.

226 6. Twenty percent shall be distributed to Greater Caribbean
227 American Cultural Coalition, Inc., to promote awareness of
228 Caribbean culture within this state. Of this amount, up to 5
229 percent may be used for administrative expenses.

230 7. Five percent shall be distributed to Little Haiti
231 Optimist Foundation, Inc., to promote awareness of Caribbean
232 culture and youth development within this state. Of this amount,
233 up to 5 percent may be used for administrative expenses.

234 (89) TAKE STOCK IN CHILDREN LICENSE PLATES.-

235 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
236 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
237 and s. 45, chapter 2014-216, Laws of Florida, the department
238 shall develop a Take Stock in Children license plate as provided
239 in this section and s. 320.08053. Take Stock in Children license
240 plates must bear the colors and design approved by the
241 department. The word "Florida" must appear at the top of the



486788

242 plate, and the words "Take Stock in Children" must appear at the
243 bottom of the plate.

244 (b) The license plate annual use fees shall be distributed
245 to Take Stock in Children, Inc., to fund its activities,
246 scholarship and mentoring programs, and projects. Take Stock in
247 Children, Inc., may retain all revenues from the annual use fees
248 until all startup costs for developing and establishing the
249 plate have been recovered. Thereafter, up to 10 percent of the
250 annual use fee revenue may be used for administrative costs
251 directly associated with the corporation's programs and the
252 specialty license plate, and up to 15 percent may be used for
253 promotion and marketing of the specialty license plate.

254 (90) PADDLE FLORIDA LICENSE PLATES.—

255 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
256 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
257 and s. 45, chapter 2014-216, Laws of Florida, the department
258 shall develop a Paddle Florida license plate as provided in this
259 section and s. 320.08053. Paddle Florida license plates must
260 bear the colors and design approved by the department. The word
261 "Florida" must appear at the top of the plate, and words
262 approved by the department must appear at the bottom of the
263 plate.

264 (b) The department shall retain all license plate annual
265 use fees until the startup costs for developing and issuing the
266 plates have been recovered. Thereafter, the annual use fees
267 shall be distributed to Paddle Florida, Inc., which may use up
268 to 10 percent of the proceeds for administrative costs and
269 marketing of the plate. The balance of the fees shall be used by
270 the Florida Forever grant program to support activities that



486788

271 further outdoor recreation and natural resource protection.

272 (91) ORLANDO CITY SOCCER CLUB LICENSE PLATES.—

273 Notwithstanding s. 45, chapter 2008-176, Laws of Florida, as
274 amended by s. 21, chapter 2010-223, Laws of Florida, and s. 45,
275 chapter 2014-216, Laws of Florida, the department shall develop
276 an Orlando City Soccer Club license plate as provided in
277 subsection (9).

278 (92) DOGS MAKING A DIFFERENCE LICENSE PLATES.—

279 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
280 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
281 and s. 45, chapter 2014-216, Laws of Florida, the department
282 shall develop a Dogs Making a Difference license plate as
283 provided in this section and s. 320.08053. Dogs Making a
284 Difference license plates must bear the colors and design
285 approved by the department. The word "Florida" must appear at
286 the top of the plate, and the words "Dogs Making a Difference"
287 must appear at the bottom of the plate.

288 (b) The department may retain all license plate annual use
289 fees until the startup costs for developing and issuing the
290 plates have been recovered. Thereafter, the annual use fees
291 shall be distributed to Southeastern Guide Dogs, Inc., which may
292 use up to 10 percent of the proceeds for administrative costs
293 and marketing of the plate. The balance of the fees shall be
294 used by Southeastern Guide Dogs, Inc., for the training and
295 promotion of dogs for use by veterans and citizens who are
296 blind.

297 (93) DUCKS UNLIMITED LICENSE PLATES.—

298 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
299 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,



486788

300 and s. 45, chapter 2014-216, Laws of Florida, the department
301 shall develop a Ducks Unlimited license plate as provided in
302 this section and s. 320.08053. Ducks Unlimited license plates
303 must bear the colors and design approved by the department. The
304 word "Florida" must appear at the top of the plate, and the
305 words "Conserving Florida's Wetlands" must appear at the bottom
306 of the plate.

307 (b) The license plate annual use fees shall be distributed
308 to Ducks Unlimited, Inc., a not-for-profit corporation under s.
309 501(c)(3) of the Internal Revenue Code. The proceeds must be
310 used to support Ducks Unlimited's mission and conservation
311 efforts in this state as follows:

312 1. Up to 5 percent may be used for administrative costs and
313 marketing of the plate.

314 2. A minimum of 95 percent shall be used to support Ducks
315 Unlimited's mission and efforts for the conservation,
316 restoration, and management of Florida wetlands and associated
317 habitats for the benefit of waterfowl, other wildlife, and
318 people.

319 (94) TEAM HAMMY LICENSE PLATES.—

320 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
321 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
322 and s. 45, chapter 2014-216, Laws of Florida, the department
323 shall develop a Team Hammy license plate as provided in this
324 section and s. 320.08053. Team Hammy license plates must bear
325 the colors and design approved by the department. The word
326 "Florida" must appear at the top of the plate, and the words
327 "Team Hammy" must appear at the bottom of the plate.

328 (b) The department shall retain all license plate annual



329 use fees until all startup costs for developing and issuing the
330 plates have been recovered. Thereafter, the license plate annual
331 use fees shall be distributed to Team Hammy, Inc., a Florida
332 not-for-profit corporation, which may use up to 10 percent of
333 such fees for administrative costs and marketing of the plate.
334 The balance of the fees shall be used by Team Hammy, Inc., to
335 grant wishes to families living with amyotrophic lateral
336 sclerosis (ALS), to provide continuing education to caregivers
337 and physicians, and to increase awareness of ALS in the
338 community.

339 (95) FLORIDA BAY FOREVER LICENSE PLATES.-

340 (a) Notwithstanding s. 45 of chapter 2008-176, Laws of
341 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
342 and s. 45, chapter 2014-216, Laws of Florida, the department
343 shall develop a Florida Bay Forever license plate as provided in
344 this section and s. 320.08053. Florida Bay Forever license
345 plates must bear the colors and design approved by the
346 department. The word "Florida" must appear at the top of the
347 plate, and the words "Florida Bay Forever" must appear at the
348 bottom of the plate.

349 (b) The department shall retain all license plate annual
350 use fees until all startup costs for developing and issuing the
351 plates have been recovered. Thereafter, the annual use fees
352 shall be distributed to the Florida National Park Association,
353 Inc., which may use up to 10 percent of such fees for
354 administrative costs and marketing of the plate. The balance of
355 the fees shall be used to supplement the Everglades National
356 Park budgets and to support educational, interpretive,
357 historical, and scientific research relating to the Everglades



486788

358 National Park.

359 (96) JACKSONVILLE ARMADA FOOTBALL CLUB LICENSE PLATES.—
360 Notwithstanding s. 45, chapter 2008-176, Laws of Florida, as
361 amended by s. 21, chapter 2010-223, Laws of Florida, and s. 45,
362 chapter 2014-216, Laws of Florida, the department shall develop
363 a Jacksonville Armada Football Club license plate as provided in
364 subsection (9).

365 (97) TAMPA BAY ROWDIES LICENSE PLATES.—Notwithstanding s.
366 45, chapter 2008-176, Laws of Florida, as amended by s. 21,
367 chapter 2010-223, Laws of Florida, and s. 45, chapter 2014-216,
368 Laws of Florida, the department shall develop a Tampa Bay
369 Rowdies license plate as provided in subsection (9).

370 (98) ALPHA KAPPA ALPHA SORORITY LICENSE PLATES.—

371 (a) Notwithstanding s. 45 of chapter 2008-176, Laws of
372 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
373 and s. 45, chapter 2014-216, Laws of Florida, the department
374 shall develop an Alpha Kappa Alpha Sorority license plate as
375 provided in this section and s. 320.08053. Alpha Kappa Alpha
376 Sorority license plates must bear the colors and design approved
377 by the department. The word "Florida" must appear at the top of
378 the plate, and the words "Alpha Kappa Alpha Sorority" must
379 appear at the bottom of the plate.

380 (b) The department shall retain all annual use fees from
381 the sale of such plates until all startup costs for developing
382 and issuing the plates have been recovered. Thereafter, the
383 annual use fees shall be distributed to Alpha Kappa Alpha
384 Sorority, Inc., which may use up to 10 percent of such fees for
385 administrative costs and marketing of the plate. The balance of
386 the fees shall be used to supplement the Alpha Kappa Alpha



486788

387 Educational Advancement Foundation, Inc., budgets and to promote
388 lifelong learning by awarding scholarships, fellowships, and
389 grants.

390 (99) FURRY FRIENDS LICENSE PLATES.—

391 (a) Notwithstanding s. 45 of chapter 2008-176, Laws of
392 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
393 and s. 45, chapter 2014-216, Laws of Florida, the department
394 shall develop a Furry Friends license plate as provided in this
395 section and s. 320.08053, upon application by Furry Friends of
396 Florida, Inc. Furry Friends license plates must bear the colors
397 and design approved by the department. The word "Florida" must
398 appear at the top of the plate, and words approved by the
399 department must appear at the bottom of the plate.

400 (b) The department shall retain all revenue from the sale
401 of such plates until the startup costs for developing and
402 issuing the plates have been recovered. Thereafter, the annual
403 use fees shall be distributed monthly to Furry Friends of
404 Florida, Inc., which may use up to 15 percent of such revenue
405 for administrative, handling, and disbursement contracts and
406 expenses, and up to 10 percent for promotion, advertising, and
407 marketing contracts and costs. The balance of the fees shall be
408 used by Furry Friends of Florida, Inc., for activities,
409 programs, and projects, including, but not limited to, pet
410 rescue, animal shelters, pet vaccination, veterinary services,
411 and service animals.

412 (100) SAVE OUR SHORES FLORIDA LICENSE PLATES.—

413 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
414 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
415 and s. 45, chapter 2014-216, Laws of Florida, the department



486788

416 shall develop a Save Our Shores Florida license plate as
417 provided in this section and s. 320.08053. Save Our Shores
418 Florida license plates must bear the colors and design approved
419 by the department. The word "Florida" must appear at the top of
420 the plate, and the words "Save Our Shores" must appear at the
421 bottom of the plate.

422 (b) The department shall retain all annual use fees from
423 the sale of such plates until startup costs for developing and
424 issuing the plates have been recovered. Thereafter, the annual
425 use fees shall be distributed to Adore the Shore, Inc., which
426 may retain all of such revenue until the startup costs to
427 develop and establish the license plate program have been
428 recovered. Thereafter, Adore the Shore, Inc., may use the
429 proceeds as follows:

430 1. A maximum of 15 percent may be used for administrative
431 costs of the organization.

432 2. A maximum of 10 percent may be used for promotion and
433 the marketing costs of the license plate program.

434 3. The remainder shall be used to fund activities,
435 programs, and projects that provide for cleanup activities on
436 Florida's beaches following natural or manmade occurrences that
437 threaten the pristine nature of Florida's beaches and any other
438 legal purpose as allowed by the Internal Revenue Code.

439 (101) SUPPORT OUR CONSTITUTION LICENSE PLATES.-

440 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
441 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
442 and s. 45, chapter 2014-216, Laws of Florida, the department
443 shall develop a Support Our Constitution license plate as
444 provided in this section and s. 320.08053. Support Our



486788

445 Constitution license plates must bear the colors and design
446 approved by the department. The word "Florida" must appear at
447 the top of the plate, and the words "Support Our Constitution"
448 must appear at the bottom of the plate.

449 (b) The annual use fees shall be distributed to The
450 Constitution Foundation, Inc., which may retain all proceeds
451 from the annual use fees until the startup costs for developing
452 and issuing the license plates have been recovered. Thereafter,
453 The Constitution Foundation, Inc., may use the proceeds as
454 follows:

455 1. A maximum of 15 percent may be used for administrative
456 costs of the organization.

457 2. A maximum of 10 percent may be used for promotion and
458 marketing costs of the license plate.

459 3. The remainder shall be used to fund the activities,
460 programs, and projects of The Constitution Foundation, Inc.

461 (102) PLAY BALL LICENSE PLATES.-

462 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
463 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
464 and s. 45, chapter 2014-216, Laws of Florida, the department
465 shall develop a Play Ball license plate as provided in this
466 section and s. 320.08053. Play Ball license plates must bear the
467 colors and design approved by the department. The word "Florida"
468 must appear at the top of the plate, and the words "Play Ball"
469 must appear at the bottom of the plate.

470 (b) The license plate annual use fees shall be distributed
471 to American Dream Baseball, Inc., which may retain all proceeds
472 from the annual use fees until the startup costs for developing
473 and issuing the license plates have been recovered. Thereafter,



486788

474 American Dream Baseball, Inc., may use the proceeds as follows:

475 1. A maximum of 15 percent may be used for administrative
476 costs of the organization associated with implementing the
477 programs funded by proceeds derived from sales of the specialty
478 license plate.

479 2. A maximum of 10 percent may be used for promotion and
480 marketing costs of the license plate.

481 3. The remainder shall be used to fund the activities,
482 programs, and projects of American Dream Baseball, Inc.

483

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

485 And the directory clause is amended as follows:

486 Delete line 397

487 and insert:

488 through (xxxx) are added to subsection (4) of section 320.08056,



259594

LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with directory amendment)

Delete lines 421 - 863

and insert:

(xxxx) Medical Professionals Who Care license plate, \$25.

Section 5. Effective October 1, 2015, subsection (9) of
section 320.08058, Florida Statutes, is amended, and subsections
(84) through (102) are added to that section, to read:

320.08058 Specialty license plates.—

(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—



259594

11 (a) The Department of Highway Safety and Motor Vehicles
12 shall develop a Florida Professional Sports Team license plate
13 as provided in this section for Major League Baseball, National
14 Basketball Association, National Football League, Arena Football
15 League Teams, and National Hockey League, Major League Soccer,
16 and North American Soccer League teams domiciled in this state.
17 However, any Florida Professional Sports Team license plate
18 created or established after January 1, 1997, must comply with
19 the requirements of s. 320.08053 and be specifically authorized
20 by an act of the Legislature. Florida Professional Sports Team
21 license plates must bear the colors and design approved by the
22 department and must include the official league or team logo, or
23 both, as appropriate for each team. The word "Florida" must
24 appear at the top of the plate.

25 (b) The license plate annual use fees are to be annually
26 distributed as follows:

27 1. Fifty-five percent of the proceeds from the Florida
28 Professional Sports Team plate must be deposited into the
29 Professional Sports Development Trust Fund within the Department
30 of Economic Opportunity. These funds must be used solely to
31 attract and support major sports events in this state. As used
32 in this subparagraph, the term "major sports events" means, but
33 is not limited to, championship or all-star contests of Major
34 League Baseball, the National Basketball Association, the
35 National Football League, the National Hockey League, Major
36 League Soccer, the North American Soccer League, the men's and
37 women's National Collegiate Athletic Association Final Four
38 basketball championship, or a horseracing or dogracing Breeders'
39 Cup. All funds must be used to support and promote major



259594

40 sporting events, and the uses must be approved by the Department
41 of Economic Opportunity.

42 2. The remaining proceeds of the Florida Professional
43 Sports Team license plate must be allocated to Enterprise
44 Florida, Inc. These funds must be deposited into the
45 Professional Sports Development Trust Fund within the Department
46 of Economic Opportunity. These funds must be used by Enterprise
47 Florida, Inc., to promote the economic development of the sports
48 industry; to distribute licensing and royalty fees to
49 participating professional sports teams; to promote education
50 programs in Florida schools that provide an awareness of the
51 benefits of physical activity and nutrition standards; to
52 partner with the Department of Education and the Department of
53 Health to develop a program that recognizes schools whose
54 students demonstrate excellent physical fitness or fitness
55 improvement; to institute a grant program for communities
56 bidding on minor sporting events that create an economic impact
57 for the state; to distribute funds to Florida-based charities
58 designated by Enterprise Florida, Inc., and the participating
59 professional sports teams; and to fulfill the sports promotion
60 responsibilities of the Department of Economic Opportunity.

61 3. Enterprise Florida, Inc., shall provide an annual
62 financial audit in accordance with s. 215.981 of its financial
63 accounts and records by an independent certified public
64 accountant pursuant to the contract established by the
65 Department of Economic Opportunity. The auditor shall submit the
66 audit report to the Department of Economic Opportunity for
67 review and approval. If the audit report is approved, the
68 Department of Economic Opportunity shall certify the audit



259594

69 report to the Auditor General for review.

70 4. Notwithstanding the provisions of subparagraphs 1. and
71 2., proceeds from the Professional Sports Development Trust Fund
72 may also be used for operational expenses of Enterprise Florida,
73 Inc., and financial support of the Sunshine State Games.

74 (84) BONEFISH AND TARPON TRUST LICENSE PLATES.-

75 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
76 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
77 and s. 45, chapter 2014-216, Laws of Florida, the department
78 shall develop a Bonefish and Tarpon Trust license plate as
79 provided in this section and s. 320.08053. The word "Florida"
80 must appear at the top of the plate, and the words "Bonefish and
81 Tarpon Trust" must appear at the bottom of the plate.

82 (b) The department shall retain all annual use fees from
83 the sale of such plates until all startup costs for developing
84 and issuing the plates have been recovered. Thereafter, the
85 license plate annual use fees shall be distributed to the
86 Bonefish and Tarpon Trust, which:

87 1. May use a maximum of 10 percent of the proceeds to
88 promote and market the Bonefish and Tarpon Trust license plate.

89 2. Shall invest and reinvest the remainder of the proceeds
90 and use the interest earnings to conserve and enhance Florida
91 bonefish and tarpon fisheries and their respective environments
92 through stewardship, research, education, and advocacy.

93 (85) ROTARY'S CAMP FLORIDA LICENSE PLATES.-

94 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
95 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
96 and s. 45, chapter 2014-216, Laws of Florida, the department
97 shall develop a Rotary's Camp Florida license plate as provided



259594

98 in this section and s. 320.08053. The plate must bear the colors
99 and design approved by the department. The word "Florida" must
100 appear at the top of the plate, and the words "Rotary's Camp
101 Florida" must appear at the bottom of the plate.

102 (b) The license plate annual use fees shall be distributed
103 to Rotary's Camp Florida, which may use a maximum of 10 percent
104 of the proceeds for administrative costs and for marketing the
105 plate. Up to 23 percent shall be distributed as grants for
106 Florida Rotary Districts that provide camp services to children
107 in this state, and the balance of the proceeds shall be used by
108 Rotary's Camp Florida for direct support to the programs and
109 services provided to children who attend the camp.

110 (86) SUPPORT DOWN SYNDROME LICENSE PLATES.-

111 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
112 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
113 and s. 45, chapter 2014-216, Laws of Florida, the department
114 shall develop a Support Down Syndrome license plate as provided
115 in this section and s. 320.08053. Support Down Syndrome license
116 plates must bear the colors and design approved by the
117 department. The word "Florida" must appear at the top of the
118 plate, and the words "Support Down Syndrome" must appear at the
119 bottom of the plate.

120 (b) The license plate annual use fees shall be distributed
121 to Olivia's Angels Foundation, Inc., to fund its activities,
122 programs, and projects within this state. Olivia's Angels
123 Foundation, Inc., may retain all revenues from the annual use
124 fees until all startup costs for developing and establishing the
125 plate have been recovered. Thereafter, up to 10 percent of the
126 annual use fee revenues may be used for administrative costs and



259594

127 promotion and marketing of the specialty license plate.

128 (87) SAFE AND FREE FLORIDA LICENSE PLATES.-

129 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
130 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
131 and s. 45, chapter 2014-216, Laws of Florida, the department
132 shall develop a Safe and Free Florida license plate as provided
133 in this section and s. 320.08053. Safe and Free Florida license
134 plates must bear the colors and design approved by the
135 department. The word "Florida" must appear at the bottom of the
136 plate, and the words "End Human Trafficking" must appear at the
137 top of the plate.

138 (b) The license plate annual use fees shall be distributed
139 to the Statewide Council on Human Trafficking, with a report
140 that specifies the ratio that the annual use fees collected by
141 each county bear to the total fees collected for the plates
142 statewide. The council may retain all revenues from the annual
143 use fees until all startup costs for developing and establishing
144 the plate have been recovered. Thereafter, up to 15 percent of
145 the annual use fee revenues may be used for administrative costs
146 and for promotion and marketing of the specialty license plate.
147 The council shall distribute the remaining funds to
148 nongovernmental, not-for-profit agencies within each county in
149 this state which assist sexually abused, exploited, or
150 trafficked victims. Funds may not be distributed to an agency
151 that charges victims for services received.

152 1. An agency that receives the funds must use the funds
153 for:

154 a. The material needs of sexually abused, exploited, or
155 trafficked victims, including, but not limited to, clothing,



259594

156 housing, medical care, food, utilities, and transportation.
157 b. Detoxification services.
158 c. Prenatal and postnatal care and services for infants
159 awaiting placement with adoptive parents.
160 d. Real estate purchases to facilitate a safe house or a
161 transitional care or recovery care center.
162 e. Counseling, training, awareness, and prevention programs
163 and advertisement.
164 2. An agency that receives funds may not use the funds for
165 administrative or legal expenses, or for capital expenditures
166 other than those specified in sub-subparagraph 1.d.
167 3. Each year, any unused funds that exceed 10 percent of
168 the total amount received by an agency must be returned to the
169 Statewide Council on Human Trafficking to be redistributed by
170 the council to other qualified agencies.
171 4. Each agency that receives funds from the Statewide
172 Council on Human Trafficking must submit an annual attestation
173 to the council.
174 5. If no qualified agency applies to receive funds in a
175 county in any year, that county's share of the funds shall be
176 distributed pro rata to the qualified agencies that apply and
177 maintain a place of business within a 100-mile radius of the
178 county seat of that county. If no qualified agency within the
179 100-mile radius applies, the funds shall be distributed to other
180 qualified agencies within the state.
181 (88) SUN SEA SMILES LICENSE PLATES.—
182 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
183 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
184 and s. 45, chapter 2014-216, Laws of Florida, the department



259594

185 shall develop a Sun Sea Smiles license plate as provided in this
186 section and s. 320.08053. The plate must bear the colors and
187 design approved by the department. The word "Florida" must
188 appear at the top of the plate, and the words "Sun Sea Smiles"
189 must appear at the bottom of the plate.

190 (b) The department shall retain all annual use fees from
191 the sale of such plates until all startup costs for developing
192 and issuing the plates have been recovered. Thereafter, the
193 license plate annual use fees shall be distributed as follows:

194 1. Five percent shall be distributed to the Florida
195 Caribbean Charitable Foundation, Inc., for marketing the Sun Sea
196 Smiles license plate.

197 2. Thirty percent shall be distributed to the Florida
198 Caribbean Charitable Foundation, Inc. Of this amount, up to 5
199 percent may be used for administrative expenses, and the
200 remainder shall be used as follows:

201 a. Sixty percent shall be used for a college scholarship
202 program.

203 b. Fifteen percent shall be used to promote health and
204 wellness among Florida residents of Caribbean descent.

205 c. Twenty-five percent shall be used to promote awareness
206 of Caribbean culture within the state.

207 3. Twenty percent shall be distributed to the American
208 Friends of Jamaica, Inc., a charitable, not-for-profit
209 organization under s. 501(c)(3) of the Internal Revenue Code
210 registered with the Department of Agriculture and Consumer
211 Services and incorporated in New York, for use as grants to
212 promote social and community development among residents of this
213 state. Of this amount, up to 5 percent may be used for



259594

214 administrative and marketing expenses.

215 4. Ten percent shall be distributed to Haitian Neighborhood
216 Center Sant La, Inc., to promote social and community
217 development. Of this amount, up to 5 percent may be used for
218 administrative expenses.

219 5. Ten percent shall be distributed to Fanm Ayisyen nan
220 Miyami, Inc., to promote social and community development. Of
221 this amount, up to 10 percent may be used for administrative
222 expenses.

223 6. Twenty percent shall be distributed to Greater Caribbean
224 American Cultural Coalition, Inc., to promote awareness of
225 Caribbean culture within this state. Of this amount, up to 5
226 percent may be used for administrative expenses.

227 7. Five percent shall be distributed to Little Haiti
228 Optimist Foundation, Inc., to promote awareness of Caribbean
229 culture and youth development within this state. Of this amount,
230 up to 5 percent may be used for administrative expenses.

231 (89) TAKE STOCK IN CHILDREN LICENSE PLATES.—

232 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
233 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
234 and s. 45, chapter 2014-216, Laws of Florida, the department
235 shall develop a Take Stock in Children license plate as provided
236 in this section and s. 320.08053. Take Stock in Children license
237 plates must bear the colors and design approved by the
238 department. The word "Florida" must appear at the top of the
239 plate, and the words "Take Stock in Children" must appear at the
240 bottom of the plate.

241 (b) The license plate annual use fees shall be distributed
242 to Take Stock in Children, Inc., to fund its activities,



259594

243 scholarship and mentoring programs, and projects. Take Stock in
244 Children, Inc., may retain all revenues from the annual use fees
245 until all startup costs for developing and establishing the
246 plate have been recovered. Thereafter, up to 10 percent of the
247 annual use fee revenue may be used for administrative costs
248 directly associated with the corporation's programs and the
249 specialty license plate, and up to 15 percent may be used for
250 promotion and marketing of the specialty license plate.

251 (90) PADDLE FLORIDA LICENSE PLATES.—

252 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
253 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
254 and s. 45, chapter 2014-216, Laws of Florida, the department
255 shall develop a Paddle Florida license plate as provided in this
256 section and s. 320.08053. The word "Florida" must appear at the
257 top of the plate, and words approved by the department must
258 appear at the bottom of the plate.

259 (b) The department shall retain all license plate annual
260 use fees until the startup costs for developing and issuing the
261 plates have been recovered. Thereafter, the annual use fees
262 shall be distributed to Paddle Florida, Inc., which may use up
263 to 10 percent of the proceeds for administrative costs and
264 marketing of the plate. The balance of the fees shall be used by
265 the Florida Forever grant program to support activities that
266 further outdoor recreation and natural resource protection.

267 (91) ORLANDO CITY SOCCER CLUB LICENSE PLATES.—

268 Notwithstanding s. 45, chapter 2008-176, Laws of Florida, as
269 amended by s. 21, chapter 2010-223, Laws of Florida, and s. 45,
270 chapter 2014-216, Laws of Florida, the department shall develop
271 an Orlando City Soccer Club license plate as provided in



259594

272 subsection (9).

273 (92) DOGS MAKING A DIFFERENCE LICENSE PLATES.—

274 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
275 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
276 and s. 45, chapter 2014-216, Laws of Florida, the department
277 shall develop a Dogs Making a Difference license plate as
278 provided in this section and s. 320.08053. The plate must bear
279 the colors and design approved by the department. The word
280 “Florida” must appear at the top of the plate, and the words
281 “Dogs Making a Difference” must appear at the bottom of the
282 plate.

283 (b) The department may retain all license plate annual use
284 fees until the startup costs for developing and issuing the
285 plates have been recovered. Thereafter, the annual use fees
286 shall be distributed to Southeastern Guide Dogs, Inc., which may
287 use up to 10 percent of the proceeds for administrative costs
288 and marketing of the plate. The balance of the fees shall be
289 used by Southeastern Guide Dogs, Inc., for the training and
290 promotion of dogs for use by veterans and citizens who are
291 blind.

292 (93) DUCKS UNLIMITED LICENSE PLATES.—

293 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
294 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
295 and s. 45, chapter 2014-216, Laws of Florida, the department
296 shall develop a Ducks Unlimited license plate as provided in
297 this section and s. 320.08053. Ducks Unlimited license plates
298 must bear the colors and design approved by the department. The
299 word “Florida” must appear at the top of the plate, and the
300 words “Conserving Florida’s Wetlands” must appear at the bottom



259594

301 of the plate.

302 (b) The license plate annual use fees shall be distributed
303 to Ducks Unlimited, Inc., a nonprofit corporation under s.
304 501(c)(3) of the Internal Revenue Code. The proceeds must be
305 used to support Ducks Unlimited's mission and conservation
306 efforts in this state as follows:

307 1. Up to 5 percent may be used for administrative costs and
308 marketing of the plate.

309 2. A minimum of 95 percent shall be used to support Ducks
310 Unlimited's mission and efforts for the conservation,
311 restoration, and management of Florida wetlands and associated
312 habitats for the benefit of waterfowl, other wildlife, and
313 people.

314 (94) TEAM HAMMY LICENSE PLATES.-

315 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
316 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
317 and s. 45, chapter 2014-216, Laws of Florida, the department
318 shall develop a Team Hammy license plate as provided in this
319 section and s. 320.08053. The word "Florida" must appear at the
320 top of the plate, and the words "Team Hammy" must appear at the
321 bottom of the plate.

322 (b) The department shall retain all license plate annual
323 use fees until all startup costs for developing and issuing the
324 plates have been recovered. Thereafter, the license plate annual
325 use fees shall be distributed to Team Hammy, Inc., a Florida
326 nonprofit corporation, which may use up to 10 percent of such
327 fees for administrative costs and marketing of the plate. The
328 balance of the fees shall be used by Team Hammy, Inc., to grant
329 wishes to families living with amyotrophic lateral sclerosis



259594

330 (ALS), provide continuing education to caregivers and
331 physicians, and create awareness of ALS in the community.

332 (95) FLORIDA BAY FOREVER LICENSE PLATES.—

333 (a) Notwithstanding s. 45 of chapter 2008-176, Laws of
334 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
335 and s. 45, chapter 2014-216, Laws of Florida, the department
336 shall develop a Florida Bay Forever license plate as provided in
337 this section and s. 320.08053. The word "Florida" must appear at
338 the top of the plate, and the words "Florida Bay Forever" must
339 appear at the bottom of the plate.

340 (b) The department shall retain all license plate annual
341 use fees until all startup costs for developing and issuing the
342 plates have been recovered. Thereafter, the annual use fees
343 shall be distributed to the Florida National Park Association,
344 Inc., which may use up to 10 percent of such fees for
345 administrative costs and marketing of the plate. The balance of
346 the fees shall be used to supplement the Everglades National
347 Park service's budgets and to support educational, interpretive,
348 historical, and scientific research relating to the Everglades
349 National Park.

350 (96) JACKSONVILLE ARMADA FOOTBALL CLUB LICENSE PLATES.—
351 Notwithstanding s. 45, chapter 2008-176, Laws of Florida, as
352 amended by s. 21, chapter 2010-223, Laws of Florida, and s. 45,
353 chapter 2014-216, Laws of Florida, the department shall develop
354 a Jacksonville Armada Football Club license plate as provided in
355 subsection (9).

356 (97) TAMPA BAY ROWDIES LICENSE PLATES.—Notwithstanding s.
357 45, chapter 2008-176, Laws of Florida, as amended by s. 21,
358 chapter 2010-223, Laws of Florida, and s. 45, chapter 2014-216,



259594

359 Laws of Florida, the department shall develop a Tampa Bay
360 Rowdies license plate as provided in subsection (9).

361 (98) ALPHA KAPPA ALPHA SORORITY LICENSE PLATES.—

362 (a) Notwithstanding s. 45 of chapter 2008-176, Laws of
363 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
364 and s. 45, chapter 2014-216, Laws of Florida, the department
365 shall develop an Alpha Kappa Alpha Sorority license plate as
366 provided in this section and s. 320.08053. The word "Florida"
367 must appear at the top of the plate, and the words "Alpha Kappa
368 Alpha Sorority" must appear at the bottom of the plate.

369 (b) The department shall retain all annual use fees from
370 the sale of such plates until all startup costs for developing
371 and issuing the plates have been recovered. Thereafter, the
372 annual use fees shall be distributed to Alpha Kappa Alpha
373 Sorority, Inc., which may use up to 10 percent of such fees for
374 administrative costs and marketing of the plate. The balance of
375 the fees shall be used to supplement the Alpha Kappa Alpha
376 Educational Advancement Foundation, Inc., budgets and to promote
377 lifelong learning by awarding scholarships, fellowships, and
378 grants.

379 (99) FURRY FRIENDS LICENSE PLATES.—

380 (a) Notwithstanding s. 45 of chapter 2008-176, Laws of
381 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
382 and s. 45, chapter 2014-216, Laws of Florida, the department
383 shall develop a Furry Friends license plate as provided in this
384 section and s. 320.08053, upon application by Furry Friends of
385 Florida, Inc. The word "Florida" must appear at the top of the
386 plate, and words approved by the department must appear at the
387 bottom of the plate.



259594

388 (b) The department shall retain all revenue from the sale
389 of such plates until the startup costs for developing and
390 issuing the plates have been recovered. Thereafter, the annual
391 use fees shall be distributed monthly to Furry Friends of
392 Florida, Inc., which may use up to 15 percent of such revenue
393 for administrative, handling, and disbursement contracts and
394 expenses, and up to 10 percent for promotion, advertising, and
395 marketing contracts and costs. The balance of the fees shall be
396 used by Furry Friends of Florida, Inc., for activities,
397 programs, and projects, including, but not limited to, pet
398 rescue, animal shelters, pet vaccination, veterinary services,
399 and service animals.

400 (100) SAVE OUR SHORES FLORIDA LICENSE PLATES.—
401 Notwithstanding s. 45, chapter 2008-176, Laws of Florida, as
402 amended by s. 21, chapter 2010-223, Laws of Florida, and s. 45,
403 chapter 2014-216, Laws of Florida, the department shall develop
404 a Save Our Shores Florida license plate as provided in this
405 section.

406 (a) Save Our Shores Florida license plates must bear the
407 colors and design approved by the department. The word "Florida"
408 must appear at the top of the plate, and the words "Save Our
409 Shores" must appear at the bottom of the plate.

410 (b) The department shall retain all annual use fees from
411 the sale of such plates until startup costs for developing and
412 issuing the plates have been recovered. Thereafter, the annual
413 use fees shall be distributed to Adore the Shore, Inc., which
414 may retain all of such revenue until the startup costs to
415 develop and establish the license plate program have been
416 recovered. Thereafter, Adore the Shore, Inc., may use the



259594

417 proceeds as follows:

418 1. A maximum of 15 percent may be used for administrative
419 costs of the organization.

420 2. A maximum of 10 percent may be used for promotion and
421 the marketing costs of the license plate program.

422 3. The remainder shall be used to fund activities,
423 programs, and projects that provide for cleanup activities on
424 Florida's beaches following natural or manmade occurrences that
425 threaten the pristine nature of Florida's beaches and any other
426 legal purpose as allowed by the Internal Revenue Code.

427 (101) SUPPORT OUR CONSTITUTION LICENSE PLATES.-

428 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
429 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
430 and s. 45, chapter 2014-216, Laws of Florida, the department
431 shall develop a Support Our Constitution license plate as
432 provided in this section and s. 320.08053. Support Our
433 Constitution license plates must bear the colors and design
434 approved by the department. The word "Florida" must appear at
435 the top of the plate, and the words "Support Our Constitution"
436 must appear at the bottom of the plate.

437 (b) The annual use fees shall be distributed to The
438 Constitution Foundation, Inc., which may retain all proceeds
439 from the annual use fees until the startup costs for developing
440 and issuing the license plates have been recovered. Thereafter,
441 The Constitution Foundation, Inc., may use the proceeds as
442 follows:

443 1. A maximum of 15 percent may be used for administrative
444 costs of the organization.

445 2. A maximum of 10 percent may be used for promotion and



259594

446 marketing costs of the license plate.

447 3. The remainder shall be used to fund the activities,
448 programs, and projects of The Constitution Foundation, Inc.

449 (102) MEDICAL PROFESSIONALS WHO CARE.-

450 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
451 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
452 and s. 45, chapter 2014-216, Laws of Florida, the department
453 shall develop a Medical Professionals Who Care license plate as
454 provided in this section and s. 320.08053. The plate must bear
455 the colors and design approved by the department. The word
456 "Florida" must appear at the top of the plate, and the words
457 "Medical Professionals Who Care" must appear at the bottom of
458 the plate.

459 (b) The department shall retain all annual use fees from
460 the sale of the plate until all startup costs for developing and
461 issuing the plate have been recovered. Thereafter, the annual
462 use fees from the sale of the plate shall be distributed to
463 Florida Benevolent Group, Inc., a Florida nonprofit corporation,
464 which may use up to 10 percent of such fees for administrative
465 costs and marketing of the plate. The balance of the fees shall
466 be used by Florida Benevolent Group, Inc., to assist low income
467 individuals in obtaining a medical education and career through
468 scholarships, support, and guidance.

469
470 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

471 And the directory clause is amended as follows:

472 Delete line 397

473 and insert:

474 through (xxxx) are added to subsection (4) of section 320.08056,

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 1500

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Latvala

SUBJECT: Housing for the Homeless

DATE: April 14, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Preston</u>	<u>Hendon</u>	<u>CF</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>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1500 makes numerous changes to laws related to housing for individuals and families who are homeless. The bill amends the State Apartment Incentive Loan (SAIL) Program, to remove the difference in the percentage of available funds that must be reserved between specified tenant groups. It requires the State Office on Homelessness to establish a task force to make recommendations related to the implementation of a statewide Homeless Management Information System (HMIS). The bill requires that expenditures of leveraged funds or resources are permitted only for eligible activities committed on one project which have not been used as leverage or match for another project.

The bill also expresses legislative intent to encourage homeless continuums of care to adopt the Rapid ReHousing approach to preventing homelessness for individuals and families who do not require the intense level of supports provided in the Permanent Supportive Housing model and requires Rapid ReHousing to be added to the components of a continuum of care plan.

The bill provides for exceptions to the restriction on counties and eligible municipalities related to expenditures of local housing distributions on ongoing rent subsidies. The bill also requires that four percent of the total amount to be distributed in each fiscal year from the Local Government Housing Trust Fund be distributed to the Department of Children and Families (DCF or department) and the Department of Economic Opportunity (DEO), with DCF receiving 95 percent and DEO receiving five percent of the amount distributed.

The bill also removes the provision applicable to awards made through the State Housing Initiatives Partnership program (SHIP) that requires at least 65 percent of funds made available from local housing distributions be reserved for home ownership.

The bill expresses legislative intent to encourage the state entity that administers funds from the National Housing Trust Fund to propose an allocation plan that includes strategies to reduce statewide homelessness.

The bill is not anticipated to have a fiscal impact on state government and has an effective date of July 1, 2015.

II. Present Situation:

Housing for the Individuals with Lower Incomes

In 1986¹ the Legislature found that:

- Decent, safe, and sanitary housing for individuals of very low income, low income, and moderate income is a critical need in the state;
- New and rehabilitated housing must be provided at a cost affordable to such persons in order to alleviate this critical need;
- Special programs are needed to stimulate private enterprise to build and rehabilitate housing in order to help eradicate slum conditions and provide housing for very-low-income persons, low-income persons, and moderate-income persons as a matter of public purpose; and
- Public-private partnerships are an essential means of bringing together resources to provide affordable housing.²

As a result of these findings, the Legislature determined that legislation was urgently needed to alleviate crucial problems related to housing shortages for individuals with very low,³ low⁴ and moderate⁵ incomes. In 1986, part VI of ch. 420, F.S., was titled as the “Florida Affordable Care Act of 1986”⁶ and programs and funding mechanisms were created over the years to help remedy low income housing issues.

¹ Chapter 86-192, Laws of Fla.

² Section 420.6015, F.S.

³ “Very-low-income persons” means one or more persons or a family, the total annual adjusted gross household income of which does not exceed 50 percent of the median annual adjusted gross income for households within the state, or 50 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or within the county in which the person or family resides, whichever is greater.

⁴ “Low-income persons” means one or more persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or within the county in which the person or family resides, whichever is greater.

⁵ “Moderate-income persons” means one or more persons or a family, the total annual adjusted gross household income of which is less than 120 percent of the median annual adjusted gross income for households within the state, or 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or within the county in which the household is located, whichever is greater.

⁶ Chapter 86-192, Laws of Fla. Part VI was subsequently renamed the “Affordable Housing Planning and Community Assistance Act.” Chapter 92-317, Laws of Fla.

State Apartment Incentive Loan (SAIL) Program

The SAIL program was created by the Legislature in 1988⁷ for the purpose of providing first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons.⁸

The SAIL program provides low-interest loans on a competitive basis to affordable housing developers each year. This funding often serves to bridge the gap between the development’s primary financing and the total cost of the development and is available to individuals, public entities, not-for-profit or for-profit organizations that propose the construction or substantial rehabilitation of multifamily units affordable to very low income individuals and families.⁹

SAIL program funds must be distributed in a manner that meets the need and demand for very low-income housing throughout the state. The need and demand must be determined by using the most recent statewide low income rental housing market studies available. SAIL program funding is reserved for use within statutorily defined counties (large, medium, and small)¹⁰ and for properties providing units for specified tenant groups. The University of Florida’s Shimberg Center for Housing Studies prepares the rental housing market study for the Florida Finance Housing Corporation (FHFC).¹¹ Below is a comparison of the actual need based on the 2013 Rental Market Study compared to the current statutory reservation requirements for the specified tenant groups.

Specified Tenant Group	Actual Percentage of Total Households in Need	Current Statutory Reservation Requirements
Commercial fishing workers and farmworker households	4 percent	Not less than 10 percent
Persons who are homeless	10 percent	Not less than 5 percent
Persons with special needs	13 percent	Not more than 10 percent
Elder persons	20 percent	Not less than 10 percent
Families	53 percent	Not less than 10 percent

During the first 6 months of loan or loan guarantee availability, SAIL program funds are required to be reserved for use by sponsors who provide the required housing set-aside for specified tenant groups. Under current law, the statutory requirement to reserve funds for the commercial fishing worker and farmworker household tenant group significantly exceeds the actual housing need for this group. The current statutory “cap” on the reservation for the persons with special needs (no more than 10 percent) does not allow the program to address the actual housing need for this group (13 percent) during the first 6 months of loan or loan guarantee availability.

⁷ Chapter 88-376, Laws of Florida.

⁸ Section 420.5087, F.S.

⁹ Florida Housing Finance Corporation, *State Apartment Incentive Loan Program*, available at: http://apps.floridahousing.org/StandAlone/FHFC_ECM/ContentPage.aspx?PAGE=0173. (last visited Mar. 10, 2015).

¹⁰ Section 420.5087(1), F.S., provides that funds must be allocated to the following categories of counties: counties that have a population of 845,000 or more (“large”); counties that have a population of more than 100,000 but less than 825,000 (“medium”); and counties that have a population of 100,000 or less (“small”).

¹¹ Shimberg Center for Housing Studies, University of Florida, *2013 Rental Market Study: Affordable Rental Housing Needs*, April 7, 2013.

Funding for the SAIL Program is subject to an annual appropriation.¹²

State Office on Homelessness

In 2001, the Florida Legislature created the State Office on Homelessness (office) within the DCF to serve as a central point of contact within state government on homelessness. The office is responsible for coordinating resources and programs across all levels of government, and with private providers that serve the homeless. It also manages targeted state grants to support the implementation of local homeless service continuum of care plans.¹³

Council on Homelessness

The inter-agency Council on Homelessness (council) was also created in 2001. The 17-member council is charged with developing recommendations on how to reduce homelessness statewide and advising the State Office on Homelessness.¹⁴

Local Coalitions for the Homeless

The DCF is required to establish local coalitions to plan, network, coordinate, and monitor the delivery of services to the homeless.¹⁵ Groups and organizations provided the opportunity to participate in such coalitions include: organizations and agencies providing mental health and substance abuse services; county health departments and community health centers; organizations and agencies providing food, shelter, or other services targeted to the homeless; local law enforcement agencies; regional workforce boards; county and municipal governments; local public housing authorities; local school districts; local organizations and agencies serving specific subgroups of the homeless population such as veterans, victims of domestic violence, persons with HIV/AIDS, runaway youth; and local community-based care alliances.¹⁶

Continuum of Care

The local coalition serves as the lead agency for the local homeless assistance continuum of care (CoC).¹⁷ A local CoC is a framework for a comprehensive and seamless array of emergency, transitional, and permanent housing, and services to address the various needs of the homeless and those at risk of homelessness.¹⁸ The purpose of a CoC is to help communities or regions envision, plan, and implement comprehensive and long-term solutions.¹⁹

The department interacts with the state's 28 CoCs through the office, which serves as the state's central point of contact on homelessness. The office has designated local entities to serve as lead agencies for local planning efforts to create homeless assistance CoC systems. The office has

¹² Section 420.5087, F.S.

¹³ Section 420.622(1), F.S.

¹⁴ *Id.*

¹⁵ Section 420.623, F.S.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Section 420.624, F.S.

¹⁹ *Id.*

made these designations in consultation with the local homeless coalitions and the Florida offices of the federal Department of Housing and Urban Development (HUD).

The CoC planning effort is an ongoing process that addresses all subpopulations of the homeless. The development of a local CoC plan is a prerequisite to applying for federal housing grants through HUD. The plan also makes the community eligible to compete for the state's Challenge Grant and Homeless Housing Assistance Grant.²⁰

“Challenge Grants”

The office is authorized to accept and administer moneys appropriated to it to provide “Challenge Grants” annually to designated lead agencies of homeless assistance continuums of care.²¹ The office may award grants in an amount of up to \$500,000 per lead agency.²² A lead agency may spend a maximum of eight percent of its funding on administrative costs. To qualify for the grant, a lead agency must develop and implement a local homeless assistance continuum of care plan for its designated area.²³

Pursuant to s. 420.624, F.S., the DCF provides funding for local homeless assistance continuum of care, which is a framework for providing an array of emergency, transitional, and permanent housing and services to address the various needs of homeless persons and persons at risk of becoming homeless. There is no statutorily identified funding source for this program.²⁴

Pursuant to s. 420.606(3), F.S., the DEO provides training and technical assistance to staff of state and local government entities, community-based organizations, and persons forming such organizations for the purpose of developing new housing and rehabilitating existing housing that is affordable for very-low-income persons, low-income persons, and moderate-income persons. There is no statutorily identified funding source for this program.²⁵

Homeless Housing Assistance Grants

The office is authorized to accept and administer moneys appropriated to it to provide Homeless Housing Assistance Grants annually to lead agencies of local homeless assistance continuum of care. The grants may not exceed \$750,000 per project and an applicant may spend a maximum of five percent of its funding on administrative costs. The grant funds must be used to acquire, construct, or rehabilitate transitional or permanent housing units for homeless persons. The funds available for the eligible grant activities may be appropriated, received from donations, gifts, or from any public or private source.²⁶

²⁰ Florida Department of Children and Families, *Lead Agencies*, available at: <http://www.myflfamilies.com/service-programs/homelessness/lead-agencies>. (last visited Mar. 16, 2015).

²¹ “Section 420.621(1), F.S., defines “Continuum of Care” to mean the community components needed to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and maximum self-sufficiency. It includes action steps to end homelessness and prevent a return to homelessness.”

²² Section 420.622, F.S.

²³ *Id.*

²⁴ Department of Economic Opportunity, *House Bill 379 Analysis*, (January 22, 2015.)

²⁵ *Id.*

²⁶ *Id.*

Rapid Re-Housing

Rapid re-housing is a model for providing housing for individuals and families who are homeless. The model places a priority on moving a family or individual experiencing homelessness into permanent housing as quickly as possible, hopefully within 30 days of a client becoming homeless and entering a program. While originally focused primarily on people experiencing homelessness due to short-term financial crises, programs across the country have begun to assist individuals and families who are traditionally perceived as more difficult to serve. This includes people with limited or no income, survivors of domestic violence, and those with substance abuse issues. Although the duration of financial assistance may vary, many programs find that, on average, four to six months of financial assistance is sufficient to stably re-house a household.²⁷

Since federal funding for rapid re-housing first became available in 2008, a number of communities, including Palm Beach County, Florida, that prioritized rapid re-housing as a response to homelessness have seen decreases in the amount of time that households spend homeless, less recidivism, and improved permanent housing outcomes relative to other available interventions.²⁸

There are three core components of rapid re-housing: housing identification, rent and move-in assistance (financial), and rapid re-housing case management and services. While all three components are present and available in effective rapid re-housing programs, there are instances where the components are provided by different entities or agencies, or where a household does not utilize all three.²⁹ A key element of rapid re-housing is the “Housing First” philosophy, which offers housing without preconditions such as employment, income, lack of a criminal background, or sobriety. If issues such as these need to be addressed, the household can address them most effectively once they are in housing.³⁰

State Housing Initiatives Partnership (SHIP) Program

The State Housing Initiatives Partnership (SHIP) Program, was created in 1992³¹ to provide funds to local governments as an incentive to create partnerships that produce and preserve affordable homeownership and multifamily housing. The program was designed to serve very low, low and moderate income families and is administered by the Florida Housing Finance Corporation (corporation). A dedicated funding source for this program was established by the passage of the 1992 William E. Sadowski Affordable Housing Act. The SHIP Program is funded through a statutory distribution of documentary stamp tax revenues, which are deposited into the Local Government Housing Trust Fund. Subject to specific appropriation, funds are distributed quarterly to local governments participating in the program under an established formula.³²

²⁷ National Alliance to End Homelessness, *Rapid Re-Housing: A History and Core Components*, (2014), available at: <http://www.endhomelessness.org/library/entry/rapid-re-housing-a-history-and-core-components> (last visited Mar. 11, 2015).

²⁸ *Id.*

²⁹ *Id.*

³⁰ The Florida Legislature expressed the intent to encourage homeless continuums of care to adopt the Housing First approach to ending homelessness for individuals and families in 2009. See s. 420.6275, F.S.

³¹ Chapter 92-317, Laws of Fla.

³² Section 420.9073, F.S.

National Housing Trust Fund

In July 2008, the Housing and Economic Recovery Act was signed into law,³³ establishing a National Housing Trust Fund (NHTF or trust fund), among other housing-related provisions. Although the National Housing Trust Fund has been established, a permanent funding stream has not been secured.³⁴

The goal of the trust fund is to provide ongoing, permanent, dedicated, and sufficient sources of revenue to build, rehabilitate, and preserve 1.5 million units of housing for the lowest-income families, including people experiencing homelessness, over the next 10 years. The NHTF particularly aims to increase and preserve the supply of rental housing that is affordable for extremely³⁵ and very low-income households, and increase homeownership opportunities for those households. To prevent funding for the NHTF from competing with existing U.S. Department of Housing and Urban Development programs, this revenue is expected to be generated separately from the current appropriations process.³⁶

III. Effect of Proposed Changes:

Section 1 amends s. 420.5087, F.S., relating to the SAIL Program, to change the reservation requirements for two of the five tenant groups. The set-aside for the persons who are homeless tenant group is increased from not less than 5 percent to at least 10 percent. The cap of “may not be more than 10 percent” for the persons with special needs tenant group is replaced with at least 10 percent. The bill requires that at least 10 percent of SAIL Program funds available must be reserved for all five tenant groups.

Section 2 amends s. 420.622, F.S., relating to the State Office on Homelessness (office) and the Council on Homelessness (council), to:

- Require the office, in coordination with other entities, to produce an inventory of state homeless programs instead of the currently required program and financial plan.
- Require the office to establish a task force to make recommendations related to the implementation of a statewide HMIS. The task force must make its recommendations to the council by December 31, 2015.
- Require, rather than allow, the office and the council to accept and administer moneys appropriated for annual “Challenge Grants.”
- Remove the requirement that award levels for “Challenge Grants” be based upon the total population within the continuum of care catchment area and reflect the differing degrees of homelessness in the catchment planning areas.

³³ Public Law 110-289.

³⁴ The National Alliance to End Homelessness. *National Housing Trust Fund*, available at: http://www.endhomelessness.org/pages/national_housing_trust_fund. (last visited Mar. 15, 2015).

³⁵ “Extremely-low-income persons” means one or more persons or a family, the total annual adjusted gross household income of which does not exceed 30 percent of the median annual adjusted gross income for households within the state, or 50 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or within the county in which the person or family resides, whichever is greater.

³⁶ The National Alliance to End Homelessness, *National Housing Trust Fund*, available at: http://www.endhomelessness.org/pages/national_housing_trust_fund. (last visited Mar. 15, 2015).

- Provide requirements related to expenditures of leveraged funds or resources. They may only be used for eligible activities committed on one project which have not been used as leverage or match for any other project.
- Require the office, in conjunction with the council, to establish performance measures and specific objectives to evaluate the performance and outcomes of lead agencies that receive grant funds.
- Require any funding distributed to the lead agencies be based on overall performance and achievement of specified objectives, including the number of persons or households that are no longer homeless, the rate of recidivism to homelessness, and the number of persons who obtain gainful employment.

Section 3 amends s. 420.624, F.S., relating to the local homeless assistance continuum of care, to require the office and the council to include a methodology for assessing performance and outcomes and data reporting in the plan that communities seeking to implement a local homeless assistance continuum of care are encouraged to develop. The bill also requires Rapid ReHousing to be added to the components of a continuum of care plan.

Section 4 creates s. 420.6265, F.S., relating to Rapid ReHousing, to express legislative intent to encourage homeless continuums of care to adopt the Rapid ReHousing approach to preventing homelessness for individuals and families who do not require the intense level of supports provided in the Permanent Supportive Housing model.³⁷ The bill also statutorily prescribes the Rapid Rehousing Methodology.

Section 5 amends s. 402.9071(26), F.S., relating to the definition of “rent subsidies”, to allow initial assistance for tenants, such as grants or loans for security and utility deposits.

Section 6 amends s. 420.9072, F.S., relating to the SHIP Program, to provide that counties or eligible municipalities may not spend its portion of the local housing distribution to provide ongoing rent subsidies with the exception of:

- Security and utility deposit assistance.
- Eviction prevention not to exceed rent for 6 months.
- A rent subsidy program for very low income households that meet specified qualifications.

Section 7 amends s. 420.9073, F.S., relating to local housing distributions, to distribute four percent of the total amount appropriated to the FHFC for the SHIP Program from the Local Government Housing Trust Fund as follows:

- Ninety-five percent of the four percent is to be provided to the DCF to provide operating and other support to the designated lead agency in each continuum of care; and
- Five percent of the four percent is to be provided to the DEO to provide training and technical assistance to lead agencies that received funding from DCF. The training and

³⁷ Permanent Supportive Housing is for individuals who need long-term housing assistance with supportive services in order to stay housed. Individuals and families living in supportive housing often have long histories of homelessness and face persistent obstacles to maintaining housing, such as a serious mental illness, a substance use disorder, or a chronic medical problem. Many supportive housing tenants face more than one of these serious conditions. See United States Interagency Council on Homelessness, *Permanent Supportive Housing*, available at http://usich.gov/usich_resources/solutions/explore/permanent_supportive_housing/. (last visited Mar 11, 2015).

technical assistance must be provided by a nonprofit entity that meets the specific requirements.

Section 8 amends s. 420.9075, F.S., relating to local housing assistance plans and partnerships, to:

- Add “Lead agencies of local homeless assistance continuums of care” as part of the partnership process to participate in the SHIP Program.
- Add language to encourage eligible municipalities to develop a strategy for providing program funds to reduce homelessness.
- Remove the requirement that at least 65 percent of the funds made available in a county or eligible municipality must be reserved for home ownership.
- Require a county or eligible municipality to include a description of efforts to reduce homelessness in the annual report that must be submitted to the FHFC.

Section 9 creates s. 420.9089, F.S., relating to the National Housing Trust Fund (NHTF), to express legislative intent to encourage the state entity that administers funds from the NHTF to propose an allocation plan that includes strategies to reduce statewide homelessness.

Section 10 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:

The private sector impact of CS/SB 1500 is indeterminate. Programs that serve homeless persons could receive additional resources.

C. Government Sector Impact:

None anticipated.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 420.5087, 420.622, 420.624, 420.9071, 420.9073, and 420.9075.

This bill creates the following sections of the Florida Statutes: 420.6265 and 420.9089.

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 Children, Families, and Elder Affairs on March 19, 2015:

- Requires the office to establish a task force to make recommendations related to the implementation of a statewide HMIS instead of requiring the immediate development of a management system.
- Provides requirements related to expenditures of leveraged funds or resources. They may only be used for eligible activities committed on one project which have not been used as leverage or match for any other project.
- Removes the restriction of not including initial rental assistance from the definition of the term “rent subsidies”.
- Provides that, under the SHIP Program, counties or eligible municipalities may not spend its portion of the local housing distribution to provide ongoing rent subsidies with the exception of:
 - Security and utility deposit assistance.
 - Eviction prevention not to exceed rent for 6 months.
 - A rent subsidy program for very low income households that meet specified qualifications.
- Removes the requirement that at least 65 percent of the funds made available in a county or eligible municipality must be reserved for home ownership.
- Expresses legislative intent to encourage the state entity that administers funds from the National Housing Trust Fund to propose an allocation plan that includes strategies to reduce statewide homelessness.

B. Amendments:

None.

By the Committee on Children, Families, and Elder Affairs; and
Senator Latvala

586-02545A-15

20151500c1

1 A bill to be entitled
2 An act relating to housing for the homeless; amending
3 s. 420.5087, F.S.; requiring that the reservation of
4 funds within each notice of fund availability to
5 persons who are homeless and persons with special
6 needs be at least 10 percent of the funds available at
7 the time of the notice; amending s. 420.622, F.S.;
8 requiring that the State Office on Homelessness
9 coordinate among certain agencies and providers to
10 produce a statewide consolidated inventory for the
11 state's entire system of homeless programs which
12 incorporates regionally developed plans; directing the
13 State Office on Homelessness to create a task force to
14 make recommendations regarding the implementation of a
15 statewide Homeless Management Information System
16 (HMIS) subject to certain requirements; requiring the
17 task force to include in its recommendations the
18 development of a statewide, centralized coordinated
19 assessment system; requiring the task force to submit
20 a report to the Council on Homelessness by a specified
21 date; deleting the requirement that the Council on
22 Homelessness explore the potential of creating a
23 statewide Management Information System and encourage
24 future participation of certain award or grant
25 recipients; requiring the State Office on Homelessness
26 to accept and administer moneys appropriated to it to
27 provide annual Challenge Grants to certain lead
28 agencies of homeless assistance continuums of care;
29 removing the requirement that levels of grant awards

586-02545A-15

20151500c1

30 be based upon the total population within the
31 continuum of care catchment area and reflect the
32 differing degrees of homelessness in the respective
33 areas; allowing expenditures of leveraged funds or
34 resources only for eligible activities subject to
35 certain requirements; providing that preference for a
36 grant award must be given to those lead agencies that
37 have demonstrated the ability to leverage specified
38 federal homeless-assistance funding with local
39 government funding, as well as private funding, for
40 the provision of services to homeless persons;
41 revising preference conditions relating to grant
42 applicants; requiring the State Office on
43 Homelessness, in conjunction with the Council on
44 Homelessness, to establish specific objectives by
45 which it may evaluate the outcomes of certain lead
46 agencies; requiring that any funding through the State
47 Office on Homelessness be distributed to lead agencies
48 based on their performance and achievement of
49 specified objectives; revising the factors that may be
50 included as criteria for evaluating the performance of
51 lead agencies; amending s. 420.624, F.S.; revising
52 requirements for the local homeless assistance
53 continuum of care plan; providing that the components
54 of a continuum of care plan should include Rapid
55 ReHousing; requiring that specified components of a
56 continuum of care plan be coordinated and integrated
57 with other specified services and programs; creating
58 s. 420.6265, F.S.; providing legislative findings and

586-02545A-15

20151500c1

59 intent relating to Rapid ReHousing; providing a Rapid
60 ReHousing methodology; amending s. 420.9071, F.S.;
61 redefining the term "rent subsidies"; conforming a
62 provision to changes made by the act; amending s.
63 420.9072, F.S.; prohibiting a county or an eligible
64 municipality from expending its portion of the local
65 housing distribution to provide ongoing rent
66 subsidies; specifying exceptions; amending s.
67 420.9073, F.S.; requiring the Florida Housing Finance
68 Corporation to first distribute a certain percentage
69 of the total amount to be distributed each fiscal year
70 from the Local Government Housing Trust Fund to the
71 Department of Children and Families and to the
72 Department of Economic Opportunity, respectively,
73 subject to certain requirements; amending s. 420.9075,
74 F.S.; providing that a certain partnership process of
75 the State Housing Initiatives Partnership Program
76 should involve lead agencies of local homeless
77 assistance continuums of care; encouraging counties
78 and eligible municipalities to develop a strategy
79 within their local housing assistance plans which
80 provides program funds for reducing homelessness;
81 revising the criteria that apply to awards made to
82 sponsors or persons for the purpose of providing
83 housing; requiring that a specified report submitted
84 by counties and municipalities include a description
85 of efforts to reduce homelessness; creating s.
86 420.9089, F.S.; providing legislative findings and
87 intent; providing an effective date.

586-02545A-15

20151500c1

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

90

91 Section 1. Subsection (3) of section 420.5087, Florida
92 Statutes, is amended to read:

93 420.5087 State Apartment Incentive Loan Program.—There is
94 hereby created the State Apartment Incentive Loan Program for
95 the purpose of providing first, second, or other subordinated
96 mortgage loans or loan guarantees to sponsors, including for-
97 profit, nonprofit, and public entities, to provide housing
98 affordable to very-low-income persons.

99 (3) During the first 6 months of loan or loan guarantee
100 availability, program funds shall be reserved for use by
101 sponsors who provide the housing set-aside required in
102 subsection (2) for the tenant groups designated in this
103 subsection. The reservation of funds to each of these groups
104 shall be determined using the most recent statewide very-low-
105 income rental housing market study available at the time of
106 publication of each notice of fund availability required by
107 paragraph (6)(b). The reservation of funds within each notice of
108 fund availability to the tenant groups specified in this
109 subsection must be at least ~~in paragraphs (a), (b), and (c) may~~
110 ~~not be less than~~ 10 percent of the funds available at that time.
111 Any increase in funding required to reach the 10-percent minimum
112 must be taken from the tenant group that has the largest
113 reservation. ~~The reservation of funds within each notice of fund~~
114 ~~availability to the tenant group in paragraph (c) may not be~~
115 ~~less than 5 percent of the funds available at that time. The~~
116 ~~reservation of funds within each notice of fund availability to~~

586-02545A-15

20151500c1

117 ~~the tenant group in paragraph (d) may not be more than 10~~
118 ~~percent of the funds available at that time.~~ The tenant groups
119 are:

- 120 (a) Commercial fishing workers and farmworkers;
121 (b) Families;
122 (c) Persons who are homeless;
123 (d) Persons with special needs; and
124 (e) Elderly persons. Ten percent of the amount reserved for
125 the elderly shall be reserved to provide loans to sponsors of
126 housing for the elderly for the purpose of making building
127 preservation, health, or sanitation repairs or improvements
128 which are required by federal, state, or local regulation or
129 code, or lifesafety or security-related repairs or improvements
130 to such housing. Such a loan may not exceed \$750,000 per housing
131 community for the elderly. In order to receive the loan, the
132 sponsor of the housing community must make a commitment to match
133 at least 5 percent of the loan amount to pay the cost of such
134 repair or improvement. The corporation shall establish the rate
135 of interest on the loan, which may not exceed 3 percent, and the
136 term of the loan, which may not exceed 15 years; however, if the
137 lien of the corporation's encumbrance is subordinate to the lien
138 of another mortgagee, then the term may be made coterminous with
139 the longest term of the superior lien. The term of the loan
140 shall be based on a credit analysis of the applicant. The
141 corporation may forgive indebtedness for a share of the loan
142 attributable to the units in a project reserved for extremely-
143 low-income elderly by nonprofit organizations, as defined in s.
144 420.0004(5), where the project has provided affordable housing
145 to the elderly for 15 years or more. The corporation shall

586-02545A-15

20151500c1

146 establish, by rule, the procedure and criteria for receiving,
147 evaluating, and competitively ranking all applications for loans
148 under this paragraph. A loan application must include evidence
149 of the first mortgagee's having reviewed and approved the
150 sponsor's intent to apply for a loan. A nonprofit organization
151 or sponsor may not use the proceeds of the loan to pay for
152 administrative costs, routine maintenance, or new construction.

153 Section 2. Paragraphs (a) and (b) of subsection (3) and
154 subsections (4), (5), and (6) of section 420.622, Florida
155 Statutes, are amended to read:

156 420.622 State Office on Homelessness; Council on
157 Homelessness.—

158 (3) The State Office on Homelessness, pursuant to the
159 policies set by the council and subject to the availability of
160 funding, shall:

161 (a) Coordinate among state, local, and private agencies and
162 providers to produce a statewide consolidated inventory program
163 ~~and financial plan~~ for the state's entire system of homeless
164 programs which incorporates regionally developed plans. Such
165 programs include, but are not limited to:

166 1. Programs authorized under the Stewart B. McKinney
167 Homeless Assistance Act of 1987, 42 U.S.C. ss. 11371 et seq.,
168 and carried out under funds awarded to this state; and

169 2. Programs, components thereof, or activities that assist
170 persons who are homeless or at risk for homelessness.

171 (b) Collect, maintain, and make available information
172 concerning persons who are homeless or at risk for homelessness,
173 including demographics information, current services and
174 resources available, the cost and availability of services and

586-02545A-15

20151500c1

175 programs, and the met and unmet needs of this population. All
176 entities that receive state funding must provide access to all
177 data they maintain in summary form, with no individual
178 identifying information, to assist the council in providing this
179 information. The State Office on Homelessness shall establish a
180 task force to make recommendations regarding the implementation
181 of a statewide Homeless Management Information System (HMIS).
182 The task force shall define the conceptual framework of such a
183 system; study existing statewide HMIS models; establish an
184 inventory of local HMIS systems, including providers and license
185 capacity; examine the aggregated reporting being provided by
186 local continuums of care; complete an analysis of current
187 continuum of care resources; and provide recommendations on the
188 costs and benefits of implementing a statewide HMIS. The task
189 force shall also make recommendations regarding the development
190 of a statewide, centralized coordinated assessment system in
191 conjunction with the implementation of a statewide HMIS. The
192 task force findings must be reported to the Council on
193 Homelessness no later than December 31, 2015. ~~The council shall~~
194 ~~explore the potential of creating a statewide Management~~
195 ~~Information System (MIS), encouraging the future participation~~
196 ~~of any bodies that are receiving awards or grants from the~~
197 ~~state, if such a system were adopted, enacted, and accepted by~~
198 ~~the state.~~

199 (4) The State Office on Homelessness, with the concurrence
200 of the Council on Homelessness, shall ~~may~~ accept and administer
201 moneys appropriated to it to provide annual "Challenge Grants"
202 to lead agencies of homeless assistance continuums of care
203 designated by the State Office on Homelessness pursuant to s.

586-02545A-15

20151500c1

204 420.624. The department shall establish varying levels of grant
205 awards up to \$500,000 per lead agency. ~~Award levels shall be~~
206 ~~based upon the total population within the continuum of care~~
207 ~~catchment area and reflect the differing degrees of homelessness~~
208 ~~in the catchment planning areas.~~ The department, in consultation
209 with the Council on Homelessness, shall specify a grant award
210 level in the notice of the solicitation of grant applications.

211 (a) To qualify for the grant, a lead agency must develop
212 and implement a local homeless assistance continuum of care plan
213 for its designated catchment area. The continuum of care plan
214 must implement a coordinated assessment or central intake system
215 to screen, assess, and refer persons seeking assistance to the
216 appropriate service provider. The lead agency shall also
217 document the commitment of local government and private
218 organizations to provide matching funds or in-kind support in an
219 amount equal to the grant requested. Expenditures of leveraged
220 funds or resources, including third-party cash or in-kind
221 contributions, are permitted only for eligible activities
222 committed on one project which have not been used as leverage or
223 match for any other project or program and must be certified
224 through a written commitment.

225 (b) Preference must be given to those lead agencies that
226 have demonstrated the ability of their continuum of care to
227 provide quality services to homeless persons and the ability to
228 leverage federal homeless-assistance funding under the Stewart
229 B. McKinney Act with local government and private funding for
230 the provision of services to homeless persons.

231 (c) Preference must be given to lead agencies in catchment
232 areas with the greatest need for the provision of housing and

586-02545A-15

20151500c1

233 services to the homeless, relative to the population of the
234 catchment area.

235 (d) The grant may be used to fund any of the housing,
236 program, or service needs included in the local homeless
237 assistance continuum of care plan. The lead agency may allocate
238 the grant to programs, services, or housing providers that
239 implement the local homeless assistance continuum care plan. The
240 lead agency may provide subgrants to a local agency to implement
241 programs or services or provide housing identified for funding
242 in the lead agency's application to the department. A lead
243 agency may spend a maximum of 8 percent of its funding on
244 administrative costs.

245 (e) The lead agency shall submit a final report to the
246 department documenting the outcomes achieved by the grant in
247 enabling persons who are homeless to return to permanent housing
248 thereby ending such person's episode of homelessness.

249 (5) The State Office on Homelessness, with the concurrence
250 of the Council on Homelessness, may administer moneys
251 appropriated to it to provide homeless housing assistance grants
252 annually to lead agencies for local homeless assistance
253 continuum of care, as recognized by the State Office on
254 Homelessness, to acquire, construct, or rehabilitate
255 transitional or permanent housing units for homeless persons.
256 These moneys shall consist of any sums that the state may
257 appropriate, as well as money received from donations, gifts,
258 bequests, or otherwise from any public or private source, which
259 are intended to acquire, construct, or rehabilitate transitional
260 or permanent housing units for homeless persons.

261 (a) Grant applicants shall be ranked competitively.

586-02545A-15

20151500c1

262 Preference must be given to applicants who leverage additional
263 private funds and public funds, particularly federal funds
264 designated for the acquisition, construction, or rehabilitation
265 of transitional or permanent housing for homeless persons; who
266 acquire, build, or rehabilitate the greatest number of units; or
267 ~~and~~ who acquire, build, or rehabilitate in catchment areas
268 having the greatest need for housing for the homeless relative
269 to the population of the catchment area.

270 (b) Funding for any particular project may not exceed
271 \$750,000.

272 (c) Projects must reserve, for a minimum of 10 years, the
273 number of units acquired, constructed, or rehabilitated through
274 homeless housing assistance grant funding to serve persons who
275 are homeless at the time they assume tenancy.

276 (d) No more than two grants may be awarded annually in any
277 given local homeless assistance continuum of care catchment
278 area.

279 (e) A project may not be funded which is not included in
280 the local homeless assistance continuum of care plan, as
281 recognized by the State Office on Homelessness, for the
282 catchment area in which the project is located.

283 (f) The maximum percentage of funds that the State Office
284 on Homelessness and each applicant may spend on administrative
285 costs is 5 percent.

286 (6) The State Office on Homelessness, in conjunction with
287 the Council on Homelessness, shall establish performance
288 measures and specific objectives by which it may ~~to~~ evaluate the
289 ~~effective~~ performance and outcomes of lead agencies that receive
290 grant funds. Any funding through the State Office on

586-02545A-15

20151500c1

291 Homelessness shall be distributed to lead agencies based on
292 their overall performance and their achievement of specified
293 objectives. Each lead agency for which grants are made under
294 this section shall provide the State Office on Homelessness a
295 thorough evaluation of the effectiveness of the program in
296 achieving its stated purpose. In evaluating the performance of
297 the lead agencies, the State Office on Homelessness shall base
298 its criteria upon the program objectives, goals, and priorities
299 that were set forth by the lead agencies in their proposals for
300 funding. Such criteria may include, but not be limited to, the
301 number of persons or households that are no longer homeless, the
302 rate of recidivism to homelessness, and the number of persons
303 who obtain gainful employment ~~homeless individuals provided~~
304 ~~shelter, food, counseling, and job training.~~

305 Section 3. Subsections (3), (7), and (8) of section
306 420.624, Florida Statutes, are amended to read:

307 420.624 Local homeless assistance continuum of care.—

308 (3) Communities or regions seeking to implement a local
309 homeless assistance continuum of care are encouraged to develop
310 and annually update a written plan that includes a vision for
311 the continuum of care, an assessment of the supply of and demand
312 for housing and services for the homeless population, and
313 specific strategies and processes for providing the components
314 of the continuum of care. The State Office on Homelessness, in
315 conjunction with the Council on Homelessness, shall include in
316 the plan a methodology for assessing performance and outcomes.
317 The State Office on Homelessness shall supply a standardized
318 format for written plans, including the reporting of data.

319 (7) The components of a continuum of care plan should

586-02545A-15

20151500c1

320 include:

321 (a) Outreach, intake, and assessment procedures in order to
322 identify the service and housing needs of an individual or
323 family and to link them with appropriate housing, services,
324 resources, and opportunities;

325 (b) Emergency shelter, in order to provide a safe, decent
326 alternative to living in the streets;

327 (c) Transitional housing;

328 (d) Supportive services, designed to assist with the
329 development of the skills necessary to secure and retain
330 permanent housing;

331 (e) Permanent supportive housing;

332 (f) Rapid ReHousing, as specified in s. 420.6265;

333 (g)~~(f)~~ Permanent housing;

334 (h)~~(g)~~ Linkages and referral mechanisms among all
335 components to facilitate the movement of individuals and
336 families toward permanent housing and self-sufficiency;

337 (i)~~(h)~~ Services and resources to prevent housed persons
338 from becoming or returning to homelessness; and

339 (j)~~(i)~~ An ongoing planning mechanism to address the needs
340 of all subgroups of the homeless population, including but not
341 limited to:

- 342 1. Single adult males;
- 343 2. Single adult females;
- 344 3. Families with children;
- 345 4. Families with no children;
- 346 5. Unaccompanied children and youth;
- 347 6. Elderly persons;
- 348 7. Persons with drug or alcohol addictions;

586-02545A-15

20151500c1

349 8. Persons with mental illness;

350 9. Persons with dual or multiple physical or mental
351 disorders;

352 10. Victims of domestic violence; and

353 11. Persons living with HIV/AIDS.

354 (8) Continuum of care plans must promote participation by
355 all interested individuals and organizations and may not exclude
356 individuals and organizations on the basis of race, color,
357 national origin, sex, handicap, familial status, or religion.
358 Faith-based organizations must be encouraged to participate. To
359 the extent possible, these components shall ~~should~~ be
360 coordinated and integrated with other mainstream health, social
361 services, and employment programs for which homeless populations
362 may be eligible, including Medicaid, State Children's Health
363 Insurance Program, Temporary Assistance for Needy Families, Food
364 Assistance Program, and services funded through the Mental
365 Health and Substance Abuse Block Grant, the Workforce Investment
366 Act, and the welfare-to-work grant program.

367 Section 4. Section 420.6265, Florida Statutes, is created
368 to read:

369 420.6265 Rapid ReHousing.-

370 (1) LEGISLATIVE FINDINGS AND INTENT.-

371 (a) The Legislature finds that Rapid ReHousing is a
372 strategy of using temporary financial assistance and case
373 management to quickly move an individual or family out of
374 homelessness and into permanent housing.

375 (b) The Legislature also finds that, for most of the past
376 two decades, public and private solutions to homelessness have
377 focused on providing individuals and families who are

586-02545A-15

20151500c1

378 experiencing homelessness with emergency shelter, transitional
379 housing, or a combination of both. While emergency shelter and
380 transitional housing programs may provide critical access to
381 services for individuals and families in crisis, they often fail
382 to address their long-term needs.

383 (c) The Legislature further finds that most households
384 become homeless as a result of a financial crisis that prevents
385 individuals and families from paying rent or a domestic conflict
386 that results in one member being ejected or leaving without
387 resources or a plan for housing.

388 (d) The Legislature further finds that Rapid ReHousing is
389 an alternative approach to the current system of emergency
390 shelter or transitional housing which tends to reduce the length
391 of time of homelessness and has proven to be cost effective.

392 (e) It is therefore the intent of the Legislature to
393 encourage homeless continuums of care to adopt the Rapid
394 ReHousing approach to preventing homelessness for individuals
395 and families who do not require the intense level of supports
396 provided in the Permanent Supportive Housing model.

397 (2) RAPID REHOUSING METHODOLOGY.—

398 (a) The Rapid ReHousing approach to homelessness differs
399 from traditional approaches to addressing homelessness by
400 focusing on each individual's or family's barriers to returning
401 to housing. By using this approach, communities can
402 significantly reduce the amount of time that individuals and
403 families are homeless and prevent further episodes of
404 homelessness.

405 (b) In Rapid ReHousing, an individual or family is
406 identified as being homeless, temporary assistance is provided

586-02545A-15

20151500c1

407 to allow the individual or family to obtain permanent housing as
408 quickly as possible, and, if needed, assistance is provided to
409 allow the individual or family to retain housing.

410 (c) The objective of Rapid ReHousing is to provide
411 assistance for as short a term as possible so that the
412 individual or family receiving assistance does not develop a
413 dependency on the assistance.

414 Section 5. Subsections (25) and (26) of section 420.9071,
415 Florida Statutes, are amended to read:

416 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
417 term:

418 (25) "Recaptured funds" means funds that are recouped by a
419 county or eligible municipality in accordance with the recapture
420 provisions of its local housing assistance plan pursuant to s.
421 420.9075(5)(g) ~~s. 420.9075(5)(h)~~ from eligible persons or
422 eligible sponsors, which funds were not used for assistance to
423 an eligible household for an eligible activity, when there is a
424 default on the terms of a grant award or loan award.

425 (26) "Rent subsidies" means ongoing monthly rental
426 assistance. ~~The term does not include initial assistance to~~
427 ~~tenants, such as grants or loans for security and utility~~
428 ~~deposits.~~

429 Section 6. Subsection (7) of section 420.9072, Florida
430 Statutes, is amended, present subsections (8) and (9) of that
431 section are redesignated as subsections (9) and (10),
432 respectively, and a new subsection (8) is added to that section,
433 to read:

434 420.9072 State Housing Initiatives Partnership Program.—The
435 State Housing Initiatives Partnership Program is created for the

586-02545A-15

20151500c1

436 purpose of providing funds to counties and eligible
437 municipalities as an incentive for the creation of local housing
438 partnerships, to expand production of and preserve affordable
439 housing, to further the housing element of the local government
440 comprehensive plan specific to affordable housing, and to
441 increase housing-related employment.

442 (7) A county or an eligible municipality must expend its
443 portion of the local housing distribution only to implement a
444 local housing assistance plan or as provided in this subsection.
445 ~~A county or an eligible municipality may not expend its portion~~
446 ~~of the local housing distribution to provide rent subsidies;~~
447 ~~however, this does not prohibit the use of funds for security~~
448 ~~and utility deposit assistance.~~

449 (8) A county or an eligible municipality may not expend its
450 portion of the local housing distribution to provide ongoing
451 rent subsidies, except for:

452 (a) Security and utility deposit assistance.

453 (b) Eviction prevention not to exceed 6 months' rent.

454 (c) A rent subsidy program for very-low-income households
455 with at least one adult who is a person with special needs as
456 defined in s. 420.0004 or homeless as defined in s. 420.621. The
457 period of rental assistance may not exceed 24 months for any
458 eligible household.

459 Section 7. Present subsections (5) through (7) of section
460 420.9073, Florida Statutes, are redesignated as subsections (6)
461 through (8), and a new subsection (5) is added to that section,
462 to read:

463 420.9073 Local housing distributions.—

464 (5) Notwithstanding subsections (1) through (4), the

586-02545A-15

20151500c1

465 corporation shall first distribute 4 percent of the total amount
466 to be distributed in a given fiscal year from the Local
467 Government Housing Trust Fund to the Department of Children and
468 Families and the Department of Economic Opportunity as follows:

469 (a) The Department of Children and Families shall receive
470 95 percent of such amount to provide operating funds and other
471 support to the designated lead agency in each continuum of care
472 for the benefit of the designated catchment area as described in
473 s. 420.624.

474 (b) The Department of Economic Opportunity shall receive 5
475 percent of such amount to provide training and technical
476 assistance to lead agencies receiving operating funds and other
477 support under paragraph (a) in accordance with s. 420.606(3).
478 Training and technical assistance funded by this distribution
479 shall be provided by a nonprofit entity that meets the
480 requirements of s. 420.531.

481 Section 8. Paragraph (a) of subsection (2) of section
482 420.9075, Florida Statutes, is amended, paragraph (f) is added
483 to subsection (3), subsection (5) of that section is amended,
484 and paragraph (i) is added to subsection (10) of that section,
485 to read:

486 420.9075 Local housing assistance plans; partnerships.—

487 (2) (a) Each county and each eligible municipality
488 participating in the State Housing Initiatives Partnership
489 Program shall encourage the involvement of appropriate public
490 sector and private sector entities as partners in order to
491 combine resources to reduce housing costs for the targeted
492 population. This partnership process should involve:

493 1. Lending institutions.

586-02545A-15

20151500c1

- 494 2. Housing builders and developers.
- 495 3. Nonprofit and other community-based housing and service
496 organizations.
- 497 4. Providers of professional services relating to
498 affordable housing.
- 499 5. Advocates for low-income persons, including, but not
500 limited to, homeless people, the elderly, and migrant
501 farmworkers.
- 502 6. Real estate professionals.
- 503 7. Other persons or entities who can assist in providing
504 housing or related support services.
- 505 8. Lead agencies of local homeless assistance continuums of
506 care.
- 507 (3)
- 508 (f) Each county and each eligible municipality is
509 encouraged to develop a strategy within its local housing
510 assistance plan which provides program funds for reducing
511 homelessness.
- 512 (5) The following criteria apply to awards made to eligible
513 sponsors or eligible persons for the purpose of providing
514 eligible housing:
- 515 ~~(a) At least 65 percent of the funds made available in each~~
516 ~~county and eligible municipality from the local housing~~
517 ~~distribution must be reserved for home ownership for eligible~~
518 ~~persons.~~
- 519 (a) ~~(b)~~ At least 75 percent of the funds made available in
520 each county and eligible municipality from the local housing
521 distribution must be reserved for construction, rehabilitation,
522 or emergency repair of affordable, eligible housing.

586-02545A-15

20151500c1

523 (b)~~(e)~~ Not more than 20 percent of the funds made available
524 in each county and eligible municipality from the local housing
525 distribution may be used for manufactured housing.

526 (c)~~(d)~~ The sales price or value of new or existing eligible
527 housing may not exceed 90 percent of the average area purchase
528 price in the statistical area in which the eligible housing is
529 located. Such average area purchase price may be that calculated
530 for any 12-month period beginning not earlier than the fourth
531 calendar year prior to the year in which the award occurs or as
532 otherwise established by the United States Department of the
533 Treasury.

534 (d)~~(e)~~1. All units constructed, rehabilitated, or otherwise
535 assisted with the funds provided from the local housing
536 assistance trust fund must be occupied by very-low-income
537 persons, low-income persons, and moderate-income persons except
538 as otherwise provided in this section.

539 2. At least 30 percent of the funds deposited into the
540 local housing assistance trust fund must be reserved for awards
541 to very-low-income persons or eligible sponsors who will serve
542 very-low-income persons and at least an additional 30 percent of
543 the funds deposited into the local housing assistance trust fund
544 must be reserved for awards to low-income persons or eligible
545 sponsors who will serve low-income persons. This subparagraph
546 does not apply to a county or an eligible municipality that
547 includes, or has included within the previous 5 years, an area
548 of critical state concern designated or ratified by the
549 Legislature for which the Legislature has declared its intent to
550 provide affordable housing. The exemption created by this act
551 expires on July 1, 2013, and shall apply retroactively.

586-02545A-15

20151500c1

552 (e)~~(f)~~ Loans shall be provided for periods not exceeding 30
553 years, except for deferred payment loans or loans that extend
554 beyond 30 years which continue to serve eligible persons.

555 (f)~~(g)~~ Loans or grants for eligible rental housing
556 constructed, rehabilitated, or otherwise assisted from the local
557 housing assistance trust fund must be subject to recapture
558 requirements as provided by the county or eligible municipality
559 in its local housing assistance plan unless reserved for
560 eligible persons for 15 years or the term of the assistance,
561 whichever period is longer. Eligible sponsors that offer rental
562 housing for sale before 15 years or that have remaining
563 mortgages funded under this program must give a first right of
564 refusal to eligible nonprofit organizations for purchase at the
565 current market value for continued occupancy by eligible
566 persons.

567 (g)~~(h)~~ Loans or grants for eligible owner-occupied housing
568 constructed, rehabilitated, or otherwise assisted from proceeds
569 provided from the local housing assistance trust fund shall be
570 subject to recapture requirements as provided by the county or
571 eligible municipality in its local housing assistance plan.

572 (h)~~(i)~~ The total amount of monthly mortgage payments or the
573 amount of monthly rent charged by the eligible sponsor or her or
574 his designee must be made affordable.

575 (i)~~(j)~~ The maximum sales price or value per unit and the
576 maximum award per unit for eligible housing benefiting from
577 awards made pursuant to this section must be established in the
578 local housing assistance plan.

579 (j)~~(k)~~ The benefit of assistance provided through the State
580 Housing Initiatives Partnership Program must accrue to eligible

586-02545A-15

20151500c1

581 persons occupying eligible housing. This provision shall not be
582 construed to prohibit use of the local housing distribution
583 funds for a mixed income rental development.

584 (k)~~(l)~~ Funds from the local housing distribution not used
585 to meet the criteria established in paragraph (a) ~~or paragraph~~
586 ~~(b)~~ or not used for the administration of a local housing
587 assistance plan must be used for housing production and finance
588 activities, including, but not limited to, financing
589 preconstruction activities or the purchase of existing units,
590 providing rental housing, and providing home ownership training
591 to prospective home buyers and owners of homes assisted through
592 the local housing assistance plan.

593 1. Notwithstanding the provisions of paragraph ~~paragraphs~~
594 (a) ~~and (b)~~, program income as defined in s. 420.9071(24) may
595 also be used to fund activities described in this paragraph.

596 2. When preconstruction due-diligence activities conducted
597 as part of a preservation strategy show that preservation of the
598 units is not feasible and will not result in the production of
599 an eligible unit, such costs shall be deemed a program expense
600 rather than an administrative expense if such program expenses
601 do not exceed 3 percent of the annual local housing
602 distribution.

603 3. If both an award under the local housing assistance plan
604 and federal low-income housing tax credits are used to assist a
605 project and there is a conflict between the criteria prescribed
606 in this subsection and the requirements of s. 42 of the Internal
607 Revenue Code of 1986, as amended, the county or eligible
608 municipality may resolve the conflict by giving precedence to
609 the requirements of s. 42 of the Internal Revenue Code of 1986,

586-02545A-15

20151500c1

610 as amended, in lieu of following the criteria prescribed in this
611 subsection with the exception of paragraph (d) ~~paragraphs (a)~~
612 ~~and (e)~~ of this subsection.

613 4. Each county and each eligible municipality may award
614 funds as a grant for construction, rehabilitation, or repair as
615 part of disaster recovery or emergency repairs or to remedy
616 accessibility or health and safety deficiencies. Any other
617 grants must be approved as part of the local housing assistance
618 plan.

619 (10) Each county or eligible municipality shall submit to
620 the corporation by September 15 of each year a report of its
621 affordable housing programs and accomplishments through June 30
622 immediately preceding submittal of the report. The report shall
623 be certified as accurate and complete by the local government's
624 chief elected official or his or her designee. Transmittal of
625 the annual report by a county's or eligible municipality's chief
626 elected official, or his or her designee, certifies that the
627 local housing incentive strategies, or, if applicable, the local
628 housing incentive plan, have been implemented or are in the
629 process of being implemented pursuant to the adopted schedule
630 for implementation. The report must include, but is not limited
631 to:

632 (i) A description of efforts to reduce homelessness.

633 Section 9. Section 420.9089, Florida Statutes, is created
634 to read:

635 420.9089 National Housing Trust Fund.—The Legislature finds
636 that more funding for housing to assist the homeless is needed
637 and encourages the state entity designated to administer funds
638 made available to the state from the National Housing Trust Fund

586-02545A-15

20151500c1

639 to propose an allocation plan that includes strategies to reduce
640 homelessness in this state. These strategies to address
641 homelessness shall be in addition to strategies under s.
642 420.5087.

643 Section 10. This act shall take effect July 1, 2015.

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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Between lines 90 and 91

insert:

Section 1. Section 420.57, Florida Statutes, is created to
read:

420.57 Affordable Housing; the Florida Keys.-

(1) The requirements herein provide incentives and
authorize a process for leveraging resources to provide
affordable rental and home ownership opportunities for essential



847062

11 services personnel in the Florida Keys who are affected by the
12 area's uniquely high housing costs.

13 (2) For purposes of this section, the term:

14 (a) "Essential services personnel" means persons in need of
15 affordable housing who are employed in occupations or
16 professions in which they are considered essential services
17 personnel, including, but not limited to, teachers and
18 educators, other school district, community college and
19 university employees, police and fire personnel, health care
20 personnel, skilled building trades personnel, and other public
21 or private job categories and who derive at least 70 percent of
22 their income from employment in the Florida Keys area of
23 critical state concern.

24 (b) "Innovative project" means those projects that
25 incorporate one or more of the following design features: green
26 building principles, alternative energy and water sources,
27 storm-resistant construction, or other elements that reduce the
28 long-term costs relating to maintenance, utilities, and
29 insurance. The term applies to new construction or
30 rehabilitation of an existing structure.

31 (c) "Project" means, for purposes of an application, the
32 construction or rehabilitation of workforce housing by a
33 qualified developer which includes a single site or scattered
34 sites within the Florida Keys area of critical state concern. A
35 scattered site is a project developed on noncontiguous parcels
36 or parcels divided by a street or easement in which the
37 qualified developer has a leasehold interest or demonstrates
38 ownership or control of all of the parcels. The sites could be
39 located in different parts of the county, regardless of the



847062

40 number of building permits required.

41 (d) "Public-private partnership" means a partnership that
42 includes substantial involvement of at least one county, one
43 municipality, or one public sector entity, such as a school
44 district or other unit of local government, in which a project
45 is to be located, and at least one private sector for-profit or
46 not-for-profit business or charitable organization, including a
47 joint venture or other business entity.

48 (e) "Qualified developer" means a private person or entity
49 that undertakes a development activity and demonstrates it has
50 adequate financial resources to provide the necessary guarantees
51 for the underwriting of the project for which it makes
52 application. The term does not include a governmental agency
53 that undertakes a development project.

54 (f) "Workforce housing" means multifamily or single-family
55 rental housing affordable to natural persons or families whose
56 total annual household income for rental units does not exceed
57 120 percent of the annual area median income (AMI) for Monroe
58 County, as determined by the United States Department of Housing
59 and Urban Development (HUD), and for home ownership, 160 percent
60 of the annual AMI for Monroe County as determined by HUD.

61 (3) The Florida Housing Finance Corporation, hereinafter
62 referred to as the "corporation," may provide loans to a
63 qualified developer for construction or rehabilitation of
64 workforce housing in the Florida Keys area of critical state
65 concern. Any eligible project shall qualify for a low-interest
66 loan of up to 50 percent of the total project cost, including
67 land, based on a minimum loan amount of \$1 million. This funding
68 is intended to be used with other public and private sector



69 resources.

70 (4) The corporation shall establish a loan application
71 process by rule which includes selection criteria, an expedited
72 application review process, and a funding process, and shall
73 select the credit underwriter for each project.

74 (a) The selection criteria and application review process
75 must include a procedure for curing errors in the loan
76 applications which do not make a substantial change to the
77 proposed project.

78 (b) The staff of the corporation shall make recommendations
79 concerning program participation and funding to the
80 corporation's board of directors and may accept any application
81 that meets all threshold requirements. Applications shall be
82 limited to one submission per project.

83 (c) The corporation board of directors shall approve or
84 reject loan applications, determine the tentative loan amount
85 available to each applicant, and rank all approved applications.

86 (d) The corporation board of directors shall decide which
87 approved applicants will become program participants and
88 determine the maximum loan amount for each project. Awards may
89 be made to one or more applicants. The board of directors
90 annually shall fund at least one eligible project, consistent
91 with this program's goals.

92 (e) Requests for proposals or applications shall be made by
93 the corporation no less than annually and shall begin as soon as
94 possible after the beginning of the new fiscal year. Applicants
95 shall be given no more than a 2-month response time. The
96 corporation shall conclude its evaluation and award or approve
97 an application no later than 9 months after the start of the



847062

98 state's fiscal year. Notwithstanding this paragraph, the
99 corporation may expedite the time frames associated with a
100 review process, provided the expedited review allows for
101 responses to requests for proposal, sufficient project
102 evaluation, and award of a project.

103 (5) Priority consideration for funding will be provided for
104 projects that:

105 (a) Set aside the highest percent of units for workforce
106 housing.

107 (b) Require the least amount of program funding compared to
108 the overall housing cost of the project.

109 (c) Are consistent with the workforce housing objectives
110 and strategies set forth in the local comprehensive plan or land
111 development regulations.

112 (d) Are innovative projects.

113 (6) The processing of approvals of development orders or
114 development permits, as defined in s. 163.3164, for workforce
115 housing projects under this program shall be expedited.

116 (7) The corporation shall award loans with interest rates
117 set at 1 to 3 percent, which shall be made forgivable when long-
118 term affordability is provided and guaranteed and when at least
119 80 percent of the units are set aside for workforce housing for
120 essential services personnel. Projects shall be deed restricted
121 for 99 years to remain compliant with the definition of
122 affordable housing in the Monroe County, Florida Land
123 Development Code, section 101-1.

124 (8) All eligible applications must demonstrate the
125 following:

126 (a) For workforce housing units offered for sale to



847062

127 essential services personnel, the sale or resale will be limited
128 for a detached unit, townhouse, or condominium unit to not more
129 than 3.75 times the AMI for studio or one bedroom units; not
130 more than 4.25 times AMI for two bedroom units; and not more
131 than 4.75 times AMI for three or more bedroom units, and require
132 that all eligible purchasers occupy the homes as their primary
133 residence. Such residences may not be used for tourist housing
134 or vacation rentals.

135 (b) For rental units of workforce housing serving essential
136 services personnel, the monthly rent will be limited to not more
137 than 30 percent of the amount that represents 120 percent of the
138 monthly AMI for Monroe County. Such residences may not be used
139 for tourist housing or vacation rentals.

140 (c) The applicant is a public-private partnership as
141 established in an contract, partnership agreement, memorandum of
142 understanding, or other written instrument signed by all the
143 project partners.

144 (d) Any combination of grants, donations of land, or
145 contributions from the public-private partnership or other
146 sources must total at least 10 percent of the project
147 development cost. Such grants, donations of land, or
148 contributions must be evidenced by a letter of commitment,
149 agreement, contract, deed, memorandum of understanding, or other
150 written instrument at the time of application.

151 (e) The applicant must have title to or site control of the
152 land and evidence of required infrastructure.

153 (f) The applicant must have adequate financial resources to
154 provide the necessary guarantees for the underwriting of a
155 project.



847062

156 (9) Eligible projects that may be otherwise subject to a
157 local rate of growth ordinance are exempt from such ordinances.
158 Eligible projects may also include manufactured housing
159 constructed after June 1994 and installed in accordance with
160 mobile home installation standards of the Department of Highway
161 Safety and Motor Vehicles.

162 (10) The corporation may adopt only those rules as
163 necessary to implement this section and ensure proper
164 administration of the program, consistent with the requirements
165 of s. 120.536(1) and s. 120.54. The corporation may use a
166 maximum of 2 percent of the annual program appropriation for
167 administration and compliance monitoring.

168
169 ===== T I T L E A M E N D M E N T =====

170 And the title is amended as follows:

171 Delete line 2

172 and insert:

173 An act relating to housing assistance; creating s.
174 420.57, F.S.; providing legislative intent; defining
175 terms; authorizing the Florida Housing Finance
176 Corporation to provide loans to a qualified developer
177 for construction or rehabilitation of workforce
178 housing in the Florida Keys area of critical state
179 concern, subject to certain requirements; requiring
180 the corporation to establish a loan application
181 process by rule; requiring the corporation to select
182 the credit underwriter for each project; specifying
183 criteria for projects that will be provided priority
184 consideration for funding; requiring that the



847062

185 processing of approvals of development orders or
186 development permits for workforce housing projects be
187 expedited; requiring the corporation to award loans
188 with interest rates set at a specified range;
189 requiring projects to be deed restricted for a
190 specified period of time; specifying requirements for
191 eligible applications; exempting eligible projects
192 from local rate of growth ordinances; authorizing
193 eligible projects to include manufactured housing
194 subject to certain requirements; authorizing the
195 corporation to adopt rules subject to certain
196 requirements and restrictions; authorizing the
197 corporation to use a certain percent of the annual
198 program appropriation for administration and
199 compliance monitoring; amending



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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete lines 99 - 152

and insert:

(3) During the first 6 months of loan or loan guarantee
availability, program funds shall be reserved for use by
sponsors who provide the housing set-aside required in
subsection (2) for the tenant groups designated in this
subsection. The reservation of funds to each of these groups
shall be determined using the most recent statewide very-low-



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11 income rental housing market study available at the time of
12 publication of each notice of fund availability required by
13 paragraph (6)(b). The reservation of funds within each notice of
14 fund availability to the tenant groups in paragraphs (b)-(e)
15 ~~(a), (b), and (e)~~ may not be less than 10 percent of the funds
16 available at that time. Any increase in funding required to
17 reach the 10-percent minimum must be taken from the tenant group
18 that has the largest reservation. The reservation of funds
19 within each notice of fund availability to the tenant group in
20 paragraph (a) ~~(e)~~ may not be less than 5 percent of the funds
21 available at that time. ~~The reservation of funds within each~~
22 ~~notice of fund availability to the tenant group in paragraph (d)~~
23 ~~may not be more than 10 percent of the funds available at that~~
24 ~~time.~~ The tenant groups are:

- 25 (a) Commercial fishing workers and farmworkers;
- 26 (b) Families;
- 27 (c) Persons who are homeless;
- 28 (d) Persons with special needs; and
- 29 (e) Elderly persons. Ten percent of the amount reserved for
30 the elderly shall be reserved to provide loans to sponsors of
31 housing for the elderly for the purpose of making building
32 preservation, health, or sanitation repairs or improvements
33 which are required by federal, state, or local regulation or
34 code, or lifesafety or security-related repairs or improvements
35 to such housing. Such a loan may not exceed \$750,000 per housing
36 community for the elderly. In order to receive the loan, the
37 sponsor of the housing community must make a commitment to match
38 at least 5 percent of the loan amount to pay the cost of such
39 repair or improvement. The corporation shall establish the rate



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40 of interest on the loan, which may not exceed 3 percent, and the
41 term of the loan, which may not exceed 15 years; however, if the
42 lien of the corporation's encumbrance is subordinate to the lien
43 of another mortgagee, then the term may be made coterminous with
44 the longest term of the superior lien. The term of the loan
45 shall be based on a credit analysis of the applicant. The
46 corporation may forgive indebtedness for a share of the loan
47 attributable to the units in a project reserved for extremely-
48 low-income elderly by nonprofit organizations, as defined in s.
49 420.0004(5), where the project has provided affordable housing
50 to the elderly for 15 years or more. The corporation shall
51 establish, by rule, the procedure and criteria for receiving,
52 evaluating, and competitively ranking all applications for loans
53 under this paragraph. A loan application must include evidence
54 of the first mortgagee's having reviewed and approved the
55 sponsor's intent to apply for a loan. A nonprofit organization
56 or sponsor may not use the proceeds of the loan to pay for
57 administrative costs, routine maintenance, or new construction.

58
59 ===== T I T L E A M E N D M E N T =====

60 And the title is amended as follows:

61 Delete lines 3 - 7

62 and insert:

63 s. 420.5087, F.S.; revising the reservation of funds
64 within each notice of fund availability to specified
65 tenant groups; amending s. 420.622, F.S.;



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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete line 229

and insert:

B. McKinney Act and private funding for

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

And the title is amended as follows:

Delete lines 38 - 39



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11 and insert:
12 federal homeless-assistance funding, as well as
13 private funding, for



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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment

Delete lines 421 - 612

and insert:

420.9075(5)(i) ~~s. 420.9075(5)(h)~~ from eligible persons or
eligible sponsors, which funds were not used for assistance to
an eligible household for an eligible activity, when there is a
default on the terms of a grant award or loan award.

(26) "Rent subsidies" means ongoing monthly rental
assistance. ~~The term does not include initial assistance to~~



813134

11 ~~tenants, such as grants or loans for security and utility~~
12 ~~deposits.~~

13 Section 6. Subsection (7) of section 420.9072, Florida
14 Statutes, is amended, present subsections (8) and (9) of that
15 section are redesignated as subsections (9) and (10),
16 respectively, and a new subsection (8) is added to that section,
17 to read:

18 420.9072 State Housing Initiatives Partnership Program.—The
19 State Housing Initiatives Partnership Program is created for the
20 purpose of providing funds to counties and eligible
21 municipalities as an incentive for the creation of local housing
22 partnerships, to expand production of and preserve affordable
23 housing, to further the housing element of the local government
24 comprehensive plan specific to affordable housing, and to
25 increase housing-related employment.

26 (7) A county or an eligible municipality must expend its
27 portion of the local housing distribution only to implement a
28 local housing assistance plan or as provided in this subsection.
29 ~~A county or an eligible municipality may not expend its portion~~
30 ~~of the local housing distribution to provide rent subsidies;~~
31 ~~however, this does not prohibit the use of funds for security~~
32 ~~and utility deposit assistance.~~

33 (8) A county or an eligible municipality may not expend its
34 portion of the local housing distribution to provide ongoing
35 rent subsidies, except for:

36 (a) Security and utility deposit assistance.

37 (b) Eviction prevention not to exceed 6 months' rent.

38 (c) A rent subsidy program for very-low-income households
39 with at least one adult who is a person with special needs as



813134

40 defined in s. 420.0004 or homeless as defined in s. 420.621. The
41 period of rental assistance may not exceed 12 months for any
42 eligible household.

43 Section 7. Present subsections (5) through (7) of section
44 420.9073, Florida Statutes, are redesignated as subsections (6)
45 through (8), and a new subsection (5) is added to that section,
46 to read:

47 420.9073 Local housing distributions.—

48 (5) Notwithstanding subsections (1) through (4), the
49 corporation shall first distribute 4 percent of the total amount
50 to be distributed in a given fiscal year from the Local
51 Government Housing Trust Fund to the Department of Children and
52 Families and the Department of Economic Opportunity as follows:

53 (a) The Department of Children and Families shall receive
54 95 percent of such amount to provide operating funds and other
55 support to the designated lead agency in each continuum of care
56 for the benefit of the designated catchment area as described in
57 s. 420.624.

58 (b) The Department of Economic Opportunity shall receive 5
59 percent of such amount to provide training and technical
60 assistance to lead agencies receiving operating funds and other
61 support under paragraph (a) in accordance with s. 420.606(3).
62 Training and technical assistance funded by this distribution
63 shall be provided by a nonprofit entity that meets the
64 requirements of s. 420.531.

65 Section 8. Paragraph (a) of subsection (2) of section
66 420.9075, Florida Statutes, is amended, paragraph (f) is added
67 to subsection (3), subsection (5) of that section is amended,
68 and paragraph (i) is added to subsection (10) of that section,



813134

69 to read:

70 420.9075 Local housing assistance plans; partnerships.—

71 (2) (a) Each county and each eligible municipality
72 participating in the State Housing Initiatives Partnership
73 Program shall encourage the involvement of appropriate public
74 sector and private sector entities as partners in order to
75 combine resources to reduce housing costs for the targeted
76 population. This partnership process should involve:

77 1. Lending institutions.

78 2. Housing builders and developers.

79 3. Nonprofit and other community-based housing and service
80 organizations.

81 4. Providers of professional services relating to
82 affordable housing.

83 5. Advocates for low-income persons, including, but not
84 limited to, homeless people, the elderly, and migrant
85 farmworkers.

86 6. Real estate professionals.

87 7. Other persons or entities who can assist in providing
88 housing or related support services.

89 8. Lead agencies of local homeless assistance continuums of
90 care.

91 (3)

92 (f) Each county and each eligible municipality is
93 encouraged to develop a strategy within its local housing
94 assistance plan which provides program funds for reducing
95 homelessness.

96 (5) The following criteria apply to awards made to eligible
97 sponsors or eligible persons for the purpose of providing



813134

98 eligible housing:

99 (a) At least 65 percent of the funds made available in each
100 county and eligible municipality from the local housing
101 distribution must be reserved for home ownership for eligible
102 persons.

103 (b) Up to 25 percent of the funds made available in each
104 county and eligible municipality from the local housing
105 distribution may be reserved for rental housing for eligible
106 persons or for the purposes enumerated in s. 420.9072(8).

107 (c)~~(b)~~ At least 75 percent of the funds made available in
108 each county and eligible municipality from the local housing
109 distribution must be reserved for construction, rehabilitation,
110 or emergency repair of affordable, eligible housing.

111 (d)~~(e)~~ Not more than 20 percent of the funds made available
112 in each county and eligible municipality from the local housing
113 distribution may be used for manufactured housing.

114 (e)~~(d)~~ The sales price or value of new or existing eligible
115 housing may not exceed 90 percent of the average area purchase
116 price in the statistical area in which the eligible housing is
117 located. Such average area purchase price may be that calculated
118 for any 12-month period beginning not earlier than the fourth
119 calendar year prior to the year in which the award occurs or as
120 otherwise established by the United States Department of the
121 Treasury.

122 (f)~~(e)~~ 1. All units constructed, rehabilitated, or otherwise
123 assisted with the funds provided from the local housing
124 assistance trust fund must be occupied by very-low-income
125 persons, low-income persons, and moderate-income persons except
126 as otherwise provided in this section.



813134

127 2. At least 30 percent of the funds deposited into the
128 local housing assistance trust fund must be reserved for awards
129 to very-low-income persons or eligible sponsors who will serve
130 very-low-income persons and at least an additional 30 percent of
131 the funds deposited into the local housing assistance trust fund
132 must be reserved for awards to low-income persons or eligible
133 sponsors who will serve low-income persons. This subparagraph
134 does not apply to a county or an eligible municipality that
135 includes, or has included within the previous 5 years, an area
136 of critical state concern designated or ratified by the
137 Legislature for which the Legislature has declared its intent to
138 provide affordable housing. The exemption created by this act
139 expires on July 1, 2013, and shall apply retroactively.

140 (g)~~(f)~~ Loans shall be provided for periods not exceeding 30
141 years, except for deferred payment loans or loans that extend
142 beyond 30 years which continue to serve eligible persons.

143 (h)~~(g)~~ Loans or grants for eligible rental housing
144 constructed, rehabilitated, or otherwise assisted from the local
145 housing assistance trust fund must be subject to recapture
146 requirements as provided by the county or eligible municipality
147 in its local housing assistance plan unless reserved for
148 eligible persons for 15 years or the term of the assistance,
149 whichever period is longer. Eligible sponsors that offer rental
150 housing for sale before 15 years or that have remaining
151 mortgages funded under this program must give a first right of
152 refusal to eligible nonprofit organizations for purchase at the
153 current market value for continued occupancy by eligible
154 persons.

155 (i)~~(h)~~ Loans or grants for eligible owner-occupied housing



813134

156 constructed, rehabilitated, or otherwise assisted from proceeds
157 provided from the local housing assistance trust fund shall be
158 subject to recapture requirements as provided by the county or
159 eligible municipality in its local housing assistance plan.

160 (j)~~(i)~~ The total amount of monthly mortgage payments or the
161 amount of monthly rent charged by the eligible sponsor or her or
162 his designee must be made affordable.

163 (k)~~(j)~~ The maximum sales price or value per unit and the
164 maximum award per unit for eligible housing benefiting from
165 awards made pursuant to this section must be established in the
166 local housing assistance plan.

167 (l)~~(k)~~ The benefit of assistance provided through the State
168 Housing Initiatives Partnership Program must accrue to eligible
169 persons occupying eligible housing. This provision shall not be
170 construed to prohibit use of the local housing distribution
171 funds for a mixed income rental development.

172 (m)~~(l)~~ Funds from the local housing distribution not used
173 to meet the criteria established in paragraph (a) or paragraph
174 (c) ~~(b)~~ or not used for the administration of a local housing
175 assistance plan must be used for housing production and finance
176 activities, including, but not limited to, financing
177 preconstruction activities or the purchase of existing units,
178 providing rental housing, and providing home ownership training
179 to prospective home buyers and owners of homes assisted through
180 the local housing assistance plan.

181 1. Notwithstanding the provisions of paragraphs (a) and (c)
182 ~~(b)~~, program income as defined in s. 420.9071(24) may also be
183 used to fund activities described in this paragraph.

184 2. When preconstruction due-diligence activities conducted



813134

185 as part of a preservation strategy show that preservation of the
186 units is not feasible and will not result in the production of
187 an eligible unit, such costs shall be deemed a program expense
188 rather than an administrative expense if such program expenses
189 do not exceed 3 percent of the annual local housing
190 distribution.

191 3. If both an award under the local housing assistance plan
192 and federal low-income housing tax credits are used to assist a
193 project and there is a conflict between the criteria prescribed
194 in this subsection and the requirements of s. 42 of the Internal
195 Revenue Code of 1986, as amended, the county or eligible
196 municipality may resolve the conflict by giving precedence to
197 the requirements of s. 42 of the Internal Revenue Code of 1986,
198 as amended, in lieu of following the criteria prescribed in this
199 subsection with the exception of paragraphs (a) and (f) ~~(e)~~ of
200 this subsection.



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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Between lines 642 and 643

insert:

Section 10. Subsection (4) is added to section 421.04,
Florida Statutes, to read:

421.04 Creation of housing authorities.—

(4) Regardless of the date of its creation, a housing
authority may not apply to the Federal Government to seize any
projects, units, or vouchers of another established housing



577610

11 authority, irrespective of each housing authority's areas of
12 operation.

13 Section 11. Subsection (2) of section 421.05, Florida
14 Statutes, is amended to read:

15 421.05 Appointment, qualifications, and tenure of
16 commissioners; hiring of employees.—

17 (2) The powers of each authority shall be vested in the
18 commissioners thereof in office from time to time. A majority of
19 the commissioners shall constitute a quorum of the authority for
20 the purpose of conducting its business and exercising its powers
21 and for all other purposes. Action may be taken by the authority
22 upon a vote of a majority of the commissioners present, unless
23 in any case the bylaws of the authority require a larger number.
24 The mayor with the concurrence of the governing body shall
25 designate ~~which of the commissioners appointed shall be the~~
26 first chair from among the appointed commissioners, but when the
27 office of the chair of the authority thereafter becomes vacant,
28 the authority shall select a chair from among the its
29 commissioners. An authority shall also select from among the its
30 commissioners a vice chair, ~~and~~ and it may employ a secretary, who
31 shall be the executive director, technical experts, and such
32 other officers, agents, and employees, permanent and temporary,
33 as it may require and shall determine their qualifications,
34 duties, and compensation. Accordingly, authorities are exempt
35 from s. 215.425. For such legal services as it may require, An
36 authority may call upon the chief law officer of the city or may
37 employ its own counsel and legal staff for legal services. An
38 authority may delegate to one or more of its agents or employees
39 such powers or duties as it may deem proper.



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40 Section 12. Subsection (1) of section 421.091, Florida
41 Statutes, is amended to read:

42 421.091 Financial accounting and investments; fiscal year.—

43 (1) A complete and full financial accounting and audit in
44 accordance with federal audit standards of public housing
45 agencies shall be made biennially by a certified public
46 accountant and submitted to the Federal Government in accordance
47 with its policies. Housing authorities are otherwise exempt from
48 the reporting requirements of s. 218.32. A copy of such audit
49 shall be filed with the governing body and with the Auditor
50 General.

51 Section 13. Section 421.281, Florida Statutes, is created
52 to read:

53 421.281 Consolidated Housing Authorities.—

54 (1) CREATION.—

55 (a) If the commissioners of at least two municipal or
56 municipal and county housing authorities of neighboring areas of
57 operation that are not under federal receivership declare by
58 identical resolution, after a public hearing and two consecutive
59 meetings at which such resolution is heard, that there is a need
60 for merging their authorities which serves the best interest of
61 their respective tenants and communities, one housing authority
62 shall be created for all of such authorities to exercise powers
63 and other functions herein prescribed in such areas of operation
64 through a public body corporate and politic to be known as a
65 consolidated housing authority.

66 (b) After the consolidation, each housing authority created
67 by s. 421.04 or s. 421.27 for each of the areas shall cease to
68 exist except for the purpose of winding up its affairs and



577610

69 executing a deed to the consolidated housing authority as
70 hereafter provided, if:

71 1. All obligees of such housing authorities and parties to
72 the contracts, bonds, notes, and other obligations of such
73 housing authorities agree to the substitution of the
74 consolidated housing authority; and

75 2. The commissioners of such housing authorities adopt a
76 resolution consenting to the transfer of all of the rights,
77 contracts, obligations, and property, real and personal, to the
78 consolidated housing authority.

79 (c) When any real property of a housing authority vests in
80 a consolidated housing authority as provided in subsection (2),
81 the housing authority shall execute a deed of such property to
82 the consolidated housing authority which thereupon shall file
83 such deed with the recorder of deeds of the county where such
84 real property is located.

85 (d) In any suit, action, or proceeding involving the
86 validity or enforcement of or relating to any contract of the
87 consolidated housing authority, the consolidated housing
88 authority shall be conclusively deemed to have become created,
89 established, and authorized to transact business and exercise
90 its powers hereunder upon proof of the adoption of a resolution
91 by the commissioners of each of the authorities creating the
92 consolidated housing authority.

93 (e) No more than three housing authorities may be
94 consolidated within a 10-year period, unless there is a
95 resolution of each housing authority and local government within
96 the area of operation in support of such additional
97 consolidation.



577610

98 (2) AREA OF OPERATION.—

99 (a) The area of operation of a consolidated housing
100 authority shall include the combined areas of operation of the
101 housing authorities which merged to form the consolidated
102 housing authority.

103 (b) In connection with the issuance of bonds or the
104 incurring of other obligations, a consolidated housing authority
105 may covenant as to limitations on its right to adopt resolutions
106 relating to the increase of its area of operation.

107 (3) COMMISSIONERS.—

108 (a) When a consolidated housing authority has been created,
109 the consolidation plan must include provision for the
110 distribution of appointments among the existing appointing
111 authorities. The appointing authorities shall thereupon appoint
112 seven persons, with at least one qualified elector from each
113 area of operation included therein, provided that there are
114 suitable candidates who are willing to serve from each area of
115 operation.

116 (b) When the area of operation of a consolidated housing
117 authority is increased to include an additional area of
118 operation as herein provided, the consolidation plan must
119 provide for the appointment of one qualified elector from each
120 such additional area of operation as a commissioner. The number
121 of commissioners of a consolidated housing authority may be
122 increased above seven only for the implementation of this
123 subsection.

124 (c) If any county is later excluded from the area of
125 operation of a consolidated housing authority, the office of the
126 commissioner of such housing authority appointed as provided in



577610

127 subsection (2) is abolished.

128 (d) If the area of operation of a consolidated housing
129 authority consists at any time of an even number of counties,
130 the Governor shall appoint one additional commissioner, who
131 shall be a qualified elector from one of the counties in such
132 area of operation.

133 (e) A certificate of the appointment of any commissioner of
134 a consolidated housing authority shall be filed with the county
135 clerk of the county from which the commissioner is appointed,
136 and such certificate shall be conclusive evidence of the due and
137 proper appointment of such commissioner.

138 (f) The commissioners of a consolidated housing authority
139 shall be appointed for staggered terms of 4 years, except that
140 the terms of the initial appointees may be truncated to stagger
141 them properly, and all vacancies shall be filled for the
142 unexpired terms. Each commissioner shall hold office until a
143 successor has been appointed and has qualified, except as
144 otherwise provided herein. The appointing authority shall
145 thereafter appoint the successor of each commissioner.

146 (g) The commissioners of a consolidated housing authority
147 shall elect a chair from among the commissioners and shall have
148 power to select or employ such other officers and employees as
149 the housing authority may require. A majority of the
150 commissioners of a consolidated housing authority shall
151 constitute a quorum of such authority for the purpose of
152 conducting its business and exercising its powers and for all
153 other purposes.

154 (4) POWERS AND DUTIES.—

155 (a) Except as otherwise provided herein, a consolidated



577610

156 housing authority and the commissioners thereof shall, within
157 the area of operation of such consolidated housing authority,
158 have the same functions, rights, powers, duties, privileges, and
159 immunities provided for housing authorities created for cities
160 or counties. A consolidated housing authority shall have power
161 to select any appropriate corporate name.

162 Section 14. Section 421.32, Florida Statutes, is amended to
163 read:

164 421.32 Rural housing projects.—County housing authorities,
165 consolidated housing authorities, and regional housing
166 authorities are specifically empowered and authorized to borrow
167 money, accept grants, and exercise their other powers to provide
168 housing for farmers of low income and domestic farm labor as
169 defined in s. 514 of the Federal Housing Act of 1949. In
170 connection with such projects, any such housing authority may
171 enter into such leases or purchase agreements, accept such
172 conveyances, and rent or sell dwellings forming part of such
173 projects to or for farmers of low income, as such housing
174 authority deems necessary in order to assure the achievement of
175 the objectives of this law. Such leases, agreements, or
176 conveyances may include such covenants as the housing authority
177 deems appropriate regarding such dwellings and the tracts of
178 land described in any such instrument, which covenants shall be
179 deemed to run with the land when ~~where~~ the housing authority
180 deems it necessary and the parties to such instrument so
181 stipulate. In providing housing for farmers of low income,
182 county housing authorities, consolidated housing authorities,
183 and regional housing authorities are ~~shall~~ not be subject to the
184 limitations provided in ss. 421.08(1)(c) ~~421.08(3)~~ and



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185 421.10(3). ~~Nothing contained in~~ This section does not limit
186 ~~shall be construed as limiting~~ any other powers of any housing
187 authority.

188 Section 15. Section 421.321, Florida Statutes, is amended
189 to read:

190 421.321 Execution of mortgages.—County, consolidated, and
191 regional housing authorities organized under this chapter are
192 authorized to execute mortgages encumbering real property as
193 security for loans made for providing facilities for domestic
194 farm labor pursuant to s. 514 of the Federal Housing Act of
195 1949.

196 Section 16. Section 421.33, Florida Statutes, is amended to
197 read:

198 421.33 Housing applications by farmers.—The owner of any
199 farm operated, or worked upon, by farmers of low income in need
200 of safe and sanitary housing may file an application with a
201 housing authority created for a county, consolidated, or a
202 regional housing authority requesting that it provide for a safe
203 and sanitary dwelling or dwellings for occupancy by such farmers
204 of low income. Such applications shall be received and examined
205 by housing authorities in connection with the formulation of
206 projects or programs to provide housing for farmers of low
207 income. ~~Provided,~~ However, ~~that~~ if it becomes necessary for an
208 applicant under this section to convey any portion of the
209 applicant's then homestead in order to take advantages as
210 provided herein, then in that event, the parting with title to a
211 portion of said homestead shall not affect the remaining portion
212 of same, but all rights that said owner may have in and to same
213 under and by virtue of the State Constitution ~~of the state~~ or



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214 any law passed pursuant thereto, shall be deemed and held to
215 apply to such remaining portion of said land, the title of which
216 remains in said applicant. ~~it being the intention of~~ The
217 Legislature intends to permit the owner of any farm operated or
218 worked upon by farmers of low income in need of safe and
219 sanitary housing to take advantage of the provisions of this law
220 without jeopardizing the owner's ~~their~~ rights in the owner's
221 ~~their~~ then homestead by reason of any requirement that may be
222 necessary in order ~~for them~~ to receive the benefits herein
223 provided, and no court shall ever construe that an applicant
224 who has taken advantage of this law has in any manner, shape, or
225 form abandoned his or her rights in any property that is the
226 applicant's then homestead by virtue of such action upon his or
227 her part, but it shall be held, construed, and deemed that such
228 action upon the part of any applicant hereunder was not any
229 abandonment of the applicant's then homestead, and that all
230 rights that the applicant then had therein shall be and remain
231 as provided by the State Constitution and any law enacted
232 pursuant thereto.

233
234 ===== T I T L E A M E N D M E N T =====

235 And the title is amended as follows:

236 Delete line 87

237 and insert:

238 intent; amending s. 421.04, F.S.; prohibiting a
239 housing authority from applying to the Federal
240 Government to seize projects, units, or vouchers of
241 another established housing authority; amending s.
242 421.05, F.S.; exempting authorities from s. 215.425,



577610

243 F.S.; amending s. 421.091, F.S.; requiring a full
244 financial accounting and audit of public housing
245 agencies to be submitted to the Federal Government
246 pursuant to certain requirements; exempting housing
247 authorities from specified reporting requirements;
248 creating s. 421.281, F.S.; creating consolidated
249 housing authorities subject to certain requirements
250 and restrictions; specifying the area of operation of
251 a consolidated housing authority; providing for the
252 appointment of commissioners subject to certain
253 requirements and restrictions; providing that a
254 majority of the commissioners constitutes a quorum;
255 specifying the powers and duties of a consolidated
256 housing authority and the commissioners thereof;
257 amending s. 421.32, F.S.; conforming provisions to
258 changes made by the act; conforming a cross-reference;
259 amending ss. 421.321 and s. 421.33, F.S.; conforming
260 provisions to changes made by the act; providing an
261 effective date.



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LEGISLATIVE ACTION

Senate

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House

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

1 **Senate Substitute for Amendment (577610) (with title**
2 **amendment)**

3
4 Between lines 90 and 91
5 insert:

6 Section 1. Subsection (4) is added to section 421.04,
7 Florida Statutes, to read:

8 421.04 Creation of housing authorities.—

9 (4) Regardless of the date of its creation, a housing
10 authority may not apply to the Federal Government to seize any



543284

11 projects, units, or vouchers of another established housing
12 authority, irrespective of each housing authority's areas of
13 operation.

14 Section 2. Subsection (2) of section 421.05, Florida
15 Statutes, is amended to read:

16 421.05 Appointment, qualifications, and tenure of
17 commissioners; hiring of employees.-

18 (2) The powers of each authority shall be vested in the
19 commissioners thereof in office from time to time. A majority of
20 the commissioners shall constitute a quorum of the authority for
21 the purpose of conducting its business and exercising its powers
22 and for all other purposes. Action may be taken by the authority
23 upon a vote of a majority of the commissioners present, unless
24 in any case the bylaws of the authority require a larger number.
25 The mayor with the concurrence of the governing body shall
26 designate ~~which of the commissioners appointed shall be the~~
27 first chair from among the appointed commissioners, but when the
28 office of the chair of the authority thereafter becomes vacant,
29 the authority shall select a chair from among the its
30 commissioners. An authority shall also select from among the its
31 commissioners a vice chair,~~r~~ and it may employ a secretary, who
32 shall be the executive director, technical experts, and such
33 other officers, agents, and employees, permanent and temporary,
34 as it may require and shall determine their qualifications,
35 duties, and compensation. Accordingly, authorities are exempt
36 from s. 215.425. For such legal services as it may require, An
37 authority may call upon the chief law officer of the city or may
38 employ its own counsel and legal staff for legal services. An
39 authority may delegate to one or more of its agents or employees



543284

40 such powers or duties as it may deem proper.

41 Section 3. Subsection (1) of section 421.091, Florida
42 Statutes, is amended to read:

43 421.091 Financial accounting and investments; fiscal year.-

44 (1) A complete and full financial accounting and audit in
45 accordance with federal audit standards of public housing
46 agencies shall be made biennially by a certified public
47 accountant and submitted to the Federal Government in accordance
48 with its policies. Housing authorities are otherwise exempt from
49 the reporting requirements of s. 218.32. A copy of such audit
50 shall be filed with the governing body and with the Auditor
51 General.

52 Section 4. Section 421.281, Florida Statutes, is created to
53 read:

54 421.281 Consolidated Housing Authorities.-

55 (1) CREATION.-

56 (a) If the commissioners of at least two municipal or
57 municipal and county housing authorities of neighboring areas of
58 operation that are not under federal receivership declare by
59 identical resolution, after a public hearing and two consecutive
60 meetings at which such resolution is heard, that there is a need
61 for merging their authorities which serves the best interest of
62 their respective tenants and communities, one housing authority
63 shall be created for all of such authorities to exercise powers
64 and other functions herein prescribed in such areas of operation
65 through a public body corporate and politic to be known as a
66 consolidated housing authority.

67 (b) After the consolidation, each housing authority created
68 by s. 421.04 or s. 421.27 for each of the areas shall cease to



543284

69 exist except for the purpose of winding up its affairs and
70 executing a deed to the consolidated housing authority as
71 hereafter provided, if:

72 1. All obligees of such housing authorities and parties to
73 the contracts, bonds, notes, and other obligations of such
74 housing authorities agree to the substitution of the
75 consolidated housing authority; and

76 2. The commissioners of such housing authorities adopt a
77 resolution consenting to the transfer of all of the rights,
78 contracts, obligations, and property, real and personal, to the
79 consolidated housing authority.

80 (c) When any real property of a housing authority vests in
81 a consolidated housing authority as provided in subsection (2),
82 the housing authority shall execute a deed of such property to
83 the consolidated housing authority which thereupon shall file
84 such deed with the recorder of deeds of the county where such
85 real property is located.

86 (d) In any suit, action, or proceeding involving the
87 validity or enforcement of or relating to any contract of the
88 consolidated housing authority, the consolidated housing
89 authority shall be conclusively deemed to have become created,
90 established, and authorized to transact business and exercise
91 its powers hereunder upon proof of the adoption of a resolution
92 by the commissioners of each of the authorities creating the
93 consolidated housing authority.

94 (e) No more than three housing authorities may be
95 consolidated within a 10-year period, unless there is a
96 resolution of each housing authority and local government within
97 the area of operation in support of such additional



543284

98 consolidation.

99 (2) AREA OF OPERATION.—

100 (a) The area of operation of a consolidated housing
101 authority shall include the combined areas of operation of the
102 housing authorities which merged to form the consolidated
103 housing authority.

104 (b) In connection with the issuance of bonds or the
105 incurring of other obligations, a consolidated housing authority
106 may covenant as to limitations on its right to adopt resolutions
107 relating to the increase of its area of operation.

108 (3) COMMISSIONERS.—

109 (a) When a consolidated housing authority has been created,
110 the consolidation plan must include provision for the
111 distribution of appointments among the existing appointing
112 authorities. The appointing authorities shall thereupon appoint
113 seven persons, with at least one qualified elector from each
114 area of operation included therein, provided that there are
115 suitable candidates who are willing to serve from each area of
116 operation.

117 (b) When the area of operation of a consolidated housing
118 authority is increased to include an additional area of
119 operation as herein provided, the consolidation plan must
120 provide for the appointment of one qualified elector from each
121 such additional area of operation as a commissioner. The number
122 of commissioners of a consolidated housing authority may be
123 increased above seven only for the implementation of this
124 subsection.

125 (c) If any county is later excluded from the area of
126 operation of a consolidated housing authority, the office of the



543284

127 commissioner of such housing authority appointed as provided in
128 subsection (2) is abolished.

129 (d) If the area of operation of a consolidated housing
130 authority consists at any time of an even number of counties,
131 the Governor shall appoint one additional commissioner, who
132 shall be a qualified elector from one of the counties in such
133 area of operation.

134 (e) A certificate of the appointment of any commissioner of
135 a consolidated housing authority shall be filed with the county
136 clerk of the county from which the commissioner is appointed,
137 and such certificate shall be conclusive evidence of the due and
138 proper appointment of such commissioner.

139 (f) The commissioners of a consolidated housing authority
140 shall be appointed for staggered terms of 4 years, except that
141 the terms of the initial appointees may be truncated to stagger
142 them properly, and all vacancies shall be filled for the
143 unexpired terms. Each commissioner shall hold office until a
144 successor has been appointed and has qualified, except as
145 otherwise provided herein. The appointing authority shall
146 thereafter appoint the successor of each commissioner.

147 (g) The commissioners of a consolidated housing authority
148 shall elect a chair from among the commissioners and shall have
149 power to select or employ such other officers and employees as
150 the housing authority may require. A majority of the
151 commissioners of a consolidated housing authority shall
152 constitute a quorum of such authority for the purpose of
153 conducting its business and exercising its powers and for all
154 other purposes.

155 (4) POWERS AND DUTIES.—Except as otherwise provided herein,



543284

156 a consolidated housing authority and the commissioners thereof
157 shall, within the area of operation of such consolidated housing
158 authority, have the same functions, rights, powers, duties,
159 privileges, and immunities provided for housing authorities
160 created for cities or counties. A consolidated housing authority
161 shall have power to select any appropriate corporate name.

162 Section 5. Section 421.32, Florida Statutes, is amended to
163 read:

164 421.32 Rural housing projects.—County housing authorities,
165 consolidated housing authorities, and regional housing
166 authorities are specifically empowered and authorized to borrow
167 money, accept grants, and exercise their other powers to provide
168 housing for farmers of low income and domestic farm labor as
169 defined in s. 514 of the Federal Housing Act of 1949. In
170 connection with such projects, any such housing authority may
171 enter into such leases or purchase agreements, accept such
172 conveyances, and rent or sell dwellings forming part of such
173 projects to or for farmers of low income~~,~~ as such housing
174 authority deems necessary in order to assure the achievement of
175 the objectives of this law. Such leases, agreements, or
176 conveyances may include such covenants as the housing authority
177 deems appropriate regarding such dwellings and the tracts of
178 land described in any such instrument, which covenants shall be
179 deemed to run with the land when ~~where~~ the housing authority
180 deems it necessary and the parties to such instrument so
181 stipulate. In providing housing for farmers of low income,
182 county housing authorities, consolidated housing authorities,
183 and regional housing authorities are ~~shall~~ not ~~be~~ subject to the
184 limitations provided in ss. 421.08(1)(c) ~~421.08(3)~~ and



543284

185 421.10(3). ~~Nothing contained in~~ This section does not limit
186 ~~shall be construed as limiting~~ any other powers of any housing
187 authority.

188 Section 6. Section 421.321, Florida Statutes, is amended to
189 read:

190 421.321 Execution of mortgages.—County, consolidated, and
191 regional housing authorities organized under this chapter are
192 authorized to execute mortgages encumbering real property as
193 security for loans made for providing facilities for domestic
194 farm labor pursuant to s. 514 of the Federal Housing Act of
195 1949.

196 Section 7. Section 421.33, Florida Statutes, is amended to
197 read:

198 421.33 Housing applications by farmers.—The owner of any
199 farm operated, or worked upon, by farmers of low income in need
200 of safe and sanitary housing may file an application with a
201 housing authority created for a county, consolidated, or a
202 regional housing authority requesting that it provide for a safe
203 and sanitary dwelling or dwellings for occupancy by such farmers
204 of low income. Such applications shall be received and examined
205 by housing authorities in connection with the formulation of
206 projects or programs to provide housing for farmers of low
207 income. ~~Provided,~~ However, ~~that~~ if it becomes necessary for an
208 applicant under this section to convey any portion of the
209 applicant's then homestead in order to take advantages as
210 provided herein, then in that event, the parting with title to a
211 portion of said homestead shall not affect the remaining portion
212 of same, but all rights that said owner may have in and to same
213 under and by virtue of the State Constitution ~~of the state~~ or



543284

214 any law passed pursuant thereto, shall be deemed and held to
215 apply to such remaining portion of said land, the title of which
216 remains in said applicant. ~~it being the intention of The~~
217 Legislature intends to permit the owner of any farm operated or
218 worked upon by farmers of low income in need of safe and
219 sanitary housing to take advantage of the provisions of this law
220 without jeopardizing the owner's ~~their~~ rights in the owner's
221 ~~their~~ then homestead by reason of any requirement that may be
222 necessary in order ~~for them~~ to receive the benefits herein
223 provided, and no court shall ever construe that an applicant
224 who has taken advantage of this law has in any manner, shape, or
225 form abandoned his or her rights in any property that is the
226 applicant's then homestead by virtue of such action upon his or
227 her part, but it shall be held, construed, and deemed that such
228 action upon the part of any applicant hereunder was not any
229 abandonment of the applicant's then homestead, and that all
230 rights that the applicant then had therein shall be and remain
231 as provided by the State Constitution and any law enacted
232 pursuant thereto.

233
234 ===== T I T L E A M E N D M E N T =====

235 And the title is amended as follows:

236 Delete line 2

237 and insert:

238 An act relating to housing for low-income persons;
239 amending s. 421.04, F.S.; prohibiting a housing
240 authority from applying to the Federal Government to
241 seize projects, units, or vouchers of another
242 established housing authority; amending s. 421.05,



543284

243 F.S.; exempting authorities from s. 215.425, F.S.;

244 amending s. 421.091, F.S.; requiring a full financial

245 accounting and audit of public housing agencies to be

246 submitted to the Federal Government pursuant to

247 certain requirements; exempting housing authorities

248 from specified reporting requirements; creating s.

249 421.281, F.S.; creating consolidated housing

250 authorities subject to certain requirements and

251 restrictions; specifying the area of operation of a

252 consolidated housing authority; providing for the

253 appointment of commissioners subject to certain

254 requirements and restrictions; providing that a

255 majority of the commissioners constitutes a quorum;

256 specifying the powers and duties of a consolidated

257 housing authority and the commissioners thereof;

258 amending s. 421.32, F.S.; conforming provisions to

259 changes made by the act; conforming a cross-reference;

260 amending ss. 421.321 and s. 421.33, F.S.; conforming

261 provisions to changes made by the act; amending