

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**TRANSPORTATION**  
**Senator Brandes, Chair**  
**Senator Margolis, Vice Chair**

**MEETING DATE:** Thursday, March 20, 2014  
**TIME:** 9:00 —10:00 a.m.  
**PLACE:** Mallory Horne Committee Room, 37 Senate Office Building

**MEMBERS:** Senator Brandes, Chair; Senator Margolis, Vice Chair; Senators Clemens, Diaz de la Portilla, Evers, Garcia, Joyner, Lee, Richter, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>CS/SB 132</b> Rules / Latvala (Compare H 65)	Specialty License Plates; Authorizing the collection of annual use fees for the Fallen Law Enforcement Officers license plate and the Florida Sheriffs Association license plate; revising provisions relating to the distribution of annual use funds to the Astronauts Memorial Foundation, Inc., for the Challenger/Columbia specialty license plate; requiring the St. Johns River Alliance, Inc., to record a certain number of sales within a specified timeframe; creating a Fallen Law Enforcement Officers license plate and a Florida Sheriffs Association license plate, etc.  TR 10/09/2013 Favorable RC 02/19/2014 Fav/CS TR 03/20/2014 Fav/CS AP	Fav/CS Yeas 9 Nays 0
2	<b>SB 1048</b> Latvala (Similar H 1161, Compare H 259, CS/H 345, CS/CS/S 218, CS/S 696, S 1152)	Department of Transportation; Authorizing the department to seek certain investors for certain leases; removing a provision exempting certain public information systems from local government review or approval; amending provisions relating to outdoor advertising signs; providing that an outdoor advertising license is not required solely to erect or construct outdoor signs or structures; exempting from permitting certain signs placed by tourist-oriented businesses, certain farm signs placed during harvest seasons, certain acknowledgment signs on publicly funded school premises, and certain displays on specific sports facilities, etc.  TR 03/20/2014 Fav/CS CA	Fav/CS Yeas 9 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Transportation

Thursday, March 20, 2014, 9:00 —10:00 a.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	<b>SB 1052</b> Evers (Identical H 999)	Department of Transportation; Citing this act as the "Northwest Florida Regional Transportation Finance Authority Act"; specifying the powers and duties of a regional transportation finance authority; authorizing certain counties to form a regional finance authority to construct, maintain, or operate transportation projects in a given region of the state; authorizing the authority to issue bonds that meet certain requirements; providing that the state will not limit or alter the vested rights of a bondholder with regard to any issued bonds or other rights relating to the bonds under certain conditions, etc.  TR 03/20/2014 Favorable CA AFT AP	Favorable Yeas 9 Nays 0
4	<b>SB 144</b> Brandes (Similar H 4009)	Traffic Infraction Detectors; Repealing provisions relating to the installation and use of traffic infraction detectors to enforce specified provisions when a driver fails to stop at a traffic signal; amending provisions relating to distribution of proceeds, enforcement by traffic infraction enforcement officers using such detectors, procedures for disposition of citations, compliance, registration and renewal of license plates, and penalties, etc.  TR 03/20/2014 Temporarily Postponed ATD AP	Temporarily Postponed
<b>Pending Reconsideration:</b>			
5	<b>SM 800</b> Evers (Similar HM 243)	Renewable Fuel Standard; Urging Congress to repeal the Renewable Fuel Standard established under the Energy Independence and Security Act of 2007, etc.  TR 03/13/2014 Pending reconsider (Unfavorable) TR 03/20/2014 Abandoned reconsider (Unfavorable) EP	Pending Motion to Reconsider Abandoned -- Final Vote: Unfavorable Yeas 4 Nays 4
Other Related Meeting Documents			

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**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: CS/CS/SB 132

INTRODUCER: Transportation Committee, Rules Committee, Senator Latvala, and others

SUBJECT: Specialty License Plates

DATE: March 20, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Everette	Eichin	TR	<b>Favorable</b>
2.	Everette	Phelps	RC	<b>Fav/CS</b>
3.	Everette	Eichin	TR	<b>Fav/CS</b>
4.			AP	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 132 creates two specialty license plates: the Fallen Law Enforcement Officers and the Florida Sheriffs Association. The bill establishes distribution of annual use fees, allows the Department of Highway Safety and Motor Vehicles (department) to develop and design the plates, and clarifies exemptions from the current moratorium for the issuance of the new specialty license plates.

The bill also:

- Extends the presale period for the St. Johns River specialty license plate;
- Revises the distribution of annual use fees collected from the sale of the Challenger/Columbia specialty license plate; and
- Shifts the Hispanic Achievers specialty license plate into presale voucher phase, allowing the plate to meet the minimum 1,000 sale requirement in the 24-month presale phase or repeal June 30, 2016.

**II. Present Situation:**

**Specialty License Plates**

Specialty license plates are available to any owner or lessee of a motor vehicle who is willing to pay an annual use fee for the privilege. Annual use fees ranging from \$15 to \$25, paid in addition

to required license taxes and service fees, are distributed to an organization in support of a particular cause or charity signified in the plate's design and designated in statute. The Legislature may create a specialty license plate under its own initiative or it can do so at the request of an organization.

### ***Pre-Development Requirements***

The sponsoring organization wishing to receive a specialty license plate is required to comply with the requirements of s. 320.0853, F.S., which include:

- Describing the proposed specialty license, and submit a sample plate that conforms to the specifications set by the department;
- Paying the \$60,000 processing fee which defrays the department's cost for reviewing the application and developing the specialty license plate, if authorized; and
- Providing a marketing strategy outlining short-term and long-term marketing plans and a projected financial analysis outlining the anticipated and planned revenues from the sale of the requested specialty license plate.

A March 2011 decision from the Florida Supreme Court declared that the approval process established in s. 320.0853, F.S., place "unfettered discretion in the hands of government officials to grant or deny access to public forum."

### ***Pre-Sale Requirements***

The approved specialty license plate organization must presell a minimum of 1,000 vouchers within 24 months before the department can begin manufacturing the specialty license plate. If, at the end of the 24-month presale period, the minimum sales requirements have not been met, the department will de-authorize the specialty plate, discontinue development, and discontinue issuance of the presale voucher.

### ***Department Costs Defrayed***

The department collects annual use fees from the sale of the specialty license plates and from these proceeds the department retains a sufficient amount to defray their 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.<sup>1</sup>

### ***Discontinuance of Specialty Plate***

The department 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 shall be 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 not included).<sup>2</sup>

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<sup>1</sup> [Section 320.08056\(7\)](#)

<sup>2</sup> [Section 320.08056\(8\)\(a\)](#)

### ***Moratorium***

Currently, there is a moratorium on the issuance of new specialty license plates. s. 45, ch. 2008-176, L.O.F., as amended by s. 21, ch. 2010-223, L.O.F., provides that “[e]xcept for a specialty license plate proposal which has submitted a letter of intent to the Department of Highway Safety and Motor Vehicles prior to May 2, 2008, and which has submitted a valid survey, marketing strategy, and application fee as required by s. 320.08053, F. S., prior to October 1, 2008, or which was included in a bill filed during the 2008 Legislative Session, the Department of Highway Safety and Motor Vehicles 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, 2014.”

### **Fallen Law Enforcement Officers**

On average, one law enforcement officer is killed in the line of duty somewhere in the United States every 57 hours. Since the first known line-of-duty death in 1791, more than 19,000 U.S. law enforcement officers have made the ultimate sacrifice.<sup>3</sup>

### **Police and Kids Foundation, Inc.**

The Police and Kids Foundation, Inc.,<sup>4</sup> is a non-profit 501(C) (3) charity, set up with two objectives: helping children in need, and creating the yearly scholarship given to at least one senior student at Pinellas Park High School Criminal Justice Academy.

The Police and Kids Foundation, Inc., generate funding to assist children in and around the Tampa Bay community. Local police officers provide assistance of food, infant supplies, clothing, and any other measures necessary to stabilize a situation and improve a child’s life.

### **Florida Sheriffs Association**

The Florida Sheriffs Association is composed of the 67 sheriffs in the 67 counties of the state. The Association is a 501 (c) (3) nonprofit organization with a mission of fostering effectiveness of the Office of Sheriff through leadership, innovative practices, legislative initiatives, education and training of its members.<sup>5</sup>

### **Challenger/Columbia**

Astronauts Memorial Foundation, Inc., honors and memorializes those astronauts who sacrificed his and her lives for the nation and the space program by sponsoring the national Space Mirror Memorial, and by implementing innovative educational technology programs.<sup>6</sup> The Space Mirror Memorial is a blend of art and science, a tribute to astronauts. The Space Mirror is 42.5 feet high and 50 feet wide and constructed of mirror-finished granite, consisting of 90 granite panels. In February 2000, the Astronauts Memorial Foundation unveiled the 6 foot by 6 foot granite wall that showcase photos and biographies of fallen U.S. astronauts.<sup>7</sup>

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<sup>3</sup> <http://www.nleomf.org/facts/> (last visited 2/19/2014)

<sup>4</sup> <http://www.policeandkids.com/about/> (last visited 2/19/2014)

<sup>5</sup> [http://www.flsheriffs.org/about\\_us/mission\\_and\\_values/](http://www.flsheriffs.org/about_us/mission_and_values/) (last visited 2/19/2014)

<sup>6</sup> <http://www.astronautsmemorial.org/home.html> (last visited 2/19/2014)

<sup>7</sup> i.d.

Section 320.08058, F.S., requires that the annual use fees from the sales of The Challenger/Columbia license plate be distributed to the Astronauts Memorial Foundation, Inc., to support the operations of the Center for Space Education and Education Technology Institute. Funds are used for operations of preservice and inservice technology training of the state's instructional personnel consistent with state training programs approved by the Department of Education. Up to 20 percent of the funds received by the Center for Space Education and the Education Technology Institute may be used for administrative costs.

The Challenger/Columbia specialty plate for the 2013 FY sold 20,340 plates, raising a total of \$508,500 in annual use fees. Of that amount, the foundation may use up to 20 percent or \$101,700 for administrative costs.

### **St Johns River License Plate**

A 501 (c) (3) not-for-profit organization was formed in 2003 and is governed by a regional 34 member board of directors that includes elected officials, agencies, citizens and businesses. The board members represent 310 miles of Florida's north flowing river.

Under s. 320.08058, F.S., the St. Johns River Alliance, Inc., is authorized to retain the first \$60,000 of the annual use fees as reimbursement for administrative and startup costs incurred in the development and approval process of obtaining the specialty license plate. Thereafter, up to 10 percent of the annual use fee revenue may be used for administrative costs for education programs, conservation, research, and grant administration of the organization, and up to 10 percent may be used for promotion and marketing of the plate.

At least 30 percent of the fees shall be available for competitive grants<sup>8</sup> for targeted community-based or county-based research projects when state funds are limited or not available. The remaining 50 percent shall be used for community outreach and access programs. Any remaining funds shall be distributed with the approval of and accountability to the board of directors of the St. Johns River Alliance, Inc., and used to support activities contributing to education, outreach and springs conservation.

St. Johns River specialty plate became available for issuance October 2010 and sold 28 plates that year. As of 2013 end, the plate has sold 587, requiring another 413 sales to meet the 1,000 minimum requirement.

### **Hispanic Achievers License Plate**

The National Hispanic Corporate Achievers, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to fund grants to nonprofit organizations to operate programs and provide scholarships and for marketing the Hispanic Achievers license plate. National Hispanic Corporate Achievers, Inc., shall establish a Hispanic Achievers Grant Council that shall provide recommendations for statewide grants from available Hispanic Achievers license plate proceeds to nonprofit organizations for programs and scholarships for Hispanic and minority Floridians.

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<sup>8</sup> See supra note 1.

National Hispanic Corporate Achievers, Inc., shall also establish a Hispanic Achievers License Plate Fund. Moneys in the fund shall be used by the grant council as provided in this paragraph. All funds received under this subsection must be used in this state.

The Hispanic Achievers specialty license plate became available by the passage of CS/HB 971 which was enacted in 2010. The bill specified the new plate was not subject to the presale requirements.<sup>9</sup> The department approved and developed the plate bearing the colors and design requested, the word “Florida” at the top and Hispanic Achievers at the bottom of the plate. The cost of the plate is \$25 plus applicable fees and service charges. The National Hispanic Corporate Achievers, Inc., retains all proceeds from the annual use fee.

To date, the Hispanic Achievers license plate has sold a total of 369 plates since its inception. This bill will afford the Hispanic Achievers plate the opportunity to take advantage of the presale requirements under s. 320.08053(b), F.S., allowing 24 months for the Hispanic Achievers to presale 1,000 vouchers, including the 369 currently sold. If at the end of the 24-month period the 1,000 minimum sales are not met the specialty plate will be deauthorized and the department shall discontinue issuance.

### **III. Effect of Proposed Changes:**

#### **Fall Law Enforcement Officers**

The bill provides that the department shall create and develop the Fallen Law Enforcement Officers specialty license plate despite the moratorium on the issuance of new specialty plates<sup>10</sup> and the pre-development requirements.<sup>11</sup> The moratorium will expire prior to the effective date of this bill. Nevertheless, the specialty license plate will have to meet department approval and meet the presell requirements.<sup>12</sup> The organization will have 24 months after the department’s approval to presell 1,000 vouchers.

In developing the Fallen Law Enforcement Officers specialty license plate, the department must approve the colors and design; the word “Florida” must appear at the top of the plate, and the words “A Hero Remembered Never Dies” at the bottom of the plate.

Drivers can purchase the specialty plate upon payment of the appropriate license taxes and fees, and the \$25 annual use fee.

Additionally, the bill allows that a maximum of 10 percent of the use fee proceeds collected from the sale of the Fallen Law Enforcement Officers specialty license plates be distributed to the Police and Kids Foundation, Inc., and may be used to promote and market the plate. The remainder of the proceeds received by the Police and Kids Foundation, Inc., may be used for operational purposes.

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<sup>9</sup> [Section 320.08053](#)

<sup>10</sup> Section 45 of 2008-176, L.O.F., as amended by section 21 of Ch. 2010-223, L.O.F.

<sup>11</sup> [Section/320.08053\(1\)](#)

<sup>12</sup> i.d.

### **Florida Sheriffs Association**

The bill directs the department to create and develop the Florida Sheriffs Association specialty license plate despite the moratorium on the issuance of new specialty plates<sup>13</sup> and the pre-development requirements.<sup>14</sup> The moratorium will expire prior to the effective date of this bill. The license plates does however, have to be approved by the department and meet the presell requirements of 1,000 vouchers.

In developing the Sheriffs Association specialty license plate, the department must approve the colors and design; the word “Florida” must appear at the top of the plate, with the sheriff’s star on the left side of the plate and the words “Florida Sheriffs Association” must appear at the bottom of the plate.

Drivers can purchase the specialty plate upon payment of the appropriate license taxes and fees, and the \$25 annual use fee.

The bill establishes that up to 10 percent of the annual use fee revenue be used for administrative and marketing costs and remainder must be used for continuing education for the sheriff’s office members.

The bill also make adjustments to three existing specialty license plates:

### **Challenger/Columbia**

The bill allows annual use fees from the sale of the Challenger/Columbia license plate currently being distributed to the Astronauts Memorial Foundation, Inc., supporting operations of the Center for Space Education to additionally support the Space Mirror Memorial located at the Kennedy Space Center (no longer supporting the Education Technology Institute). The funds received by the Foundation must be used for costs directly associated with the operation of the Center for Space Education and the Space Mirror Memorial, and must include programs and infrastructure that inform, inspire, and educate the public on the benefits of human space flight.

### **St. Johns River**

The bill shifts the St. Johns River specialty license plate into presale voucher phase, including existing active plates and vouchers sold subsequent to the July 1, 2014 will count towards the presell minimum. If at the end of the 24-month period the 1,000 minimum plates have not been met, the department will deauthorize and discontinue issuance. The provision will repeal on June 30, 2016.

### **Hispanic Achievers**

The bill shifts the Hispanic Achievers specialty license plate will shift into the presale voucher phase, allowing 24 months to record a minimum of 1,000 sales. Sales will include existing active plates and vouchers sold subsequent to July 1, 2014. During the voucher period, new plates may

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<sup>13</sup> See supra note 9.

<sup>14</sup> See supra note 10.



not be issued, but existing plates may be renewed. If at the end of the 24-month presale period the 1,000 sales requirement is met, the department shall resume normal distribution of the Hispanic Achievers license plate. However, if the 1,000 minimum sales requirement is not met, the department shall discontinue the plate. The bill will repeal June 30, 2016.

The bill, except as otherwise provided in this act, has an effective date of October 1, 2014.

#### **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:

Persons who purchase the Fallen Law Enforcement Officers, Florida Sheriffs Association, St. Johns River, or the Hispanic Achievers specialty license plate will pay the \$25 annual use fee. The Police and Kids Foundation, Inc., St. Johns River Alliance, the Florida Sheriffs Association, and the National Hispanic Corporate Achievers, Inc., will receive revenue from each voucher purchase, after retention of funds by the department. It is unknown how many vehicle owners will voluntarily purchase the plates.

C. Government Sector Impact:

The department will annually retain from the first proceeds derived from the annual use fees collected an amount sufficient to defray each specialty plate pro rata share of the department's costs directly related to the specialty license plate program. The remainder of these proceeds will be received by the Police and Kids Foundation, Inc., St. Johns River Alliance, the Florida Sheriffs Association, and the National Hispanic Corporate Achievers, Inc., as set forth in the bill.

The department's Information Systems Administration Office will require approximately 140 hours of non-recurring programming in order to develop, design, manufacture, distribute the specialty license plates, and implement the provisions of this bill.

ISA  
140 hours at \$40.00 = \$5,600.00.

Contractors  
None.

The department is not anticipating any additional appropriation to implement any of the specialty license plates.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 320.08056 and 320.08058 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS/CS by Transportation Committee on March 20, 2014:**

The CS allows a presell 24-month extension for the Hispanic Achievers specialty license plate to meet statutory requirements beginning July 1, 2014 and repealing June 30, 2016.

**CS by Rules Committee on February 19, 2014:**

The CS creates an additional specialty license plate, the Florida Sheriffs Association plate, at a cost of \$25 and requires that all statutory provisions are met prior to the issuance of the plates, including submission of:

- A description of the specialty plate;
- Payment of the \$60,000 processing fee; and
- A marketing strategy and financial analysis outlining the anticipated revenue from the sale of the plate.

The bill also allows a presell 24-month extension for the St. Johns River Alliance, Inc., to meet statutory requirements beginning July 1, 2014 and repealing June 30, 2016.

Further, the bill revises the distribution of annual use fees collected from the sale of the Challenger/Columbia specialty license plate.

- B. **Amendments:**

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/20/2014	.	
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The Committee on Transportation (Evers) recommended the following:

**Senate Amendment (with directory and title amendments)**

Delete lines 29 - 100

and insert:

(xxx) Guy Harvey Ocean Foundation ~~Catch Me, Release Me~~  
license plate, \$25.

(eeee) Fallen Law Enforcement Officers license plate, \$25.

(ffff) Florida Sheriffs Association license plate, \$25.

Section 2. Paragraph (b) of subsection (2), paragraph (b)  
of subsection (70), and subsection (76) of section 320.08058,



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11 Florida Statutes, are amended, and subsections (83) and (84) are  
12 added to that section, to read:

13 320.08058 Specialty license plates.—

14 (2) CHALLENGER/COLUMBIA LICENSE PLATES.—

15 (b) The Challenger/Columbia license plate annual use fee  
16 must be distributed to the Astronauts Memorial Foundation, Inc.,  
17 to support the operations of the Center for Space Education and  
18 the Space Mirror Memorial located at the Kennedy Space Center  
19 ~~Education Technology Institute~~. Funds received by the Astronauts  
20 Memorial Foundation, Inc., may be used for administrative costs  
21 directly associated with the operation of the center and the  
22 memorial institute. These funds must be used for the maintenance  
23 and support of the operations of the Center for Space Education  
24 and the Space Mirror Memorial ~~Education Technology Institute~~  
25 operated by the Astronauts Memorial Foundation, Inc. These  
26 operations must include programs and infrastructure that inform,  
27 inspire, and educate the public on the benefits of human space  
28 flight preservice and inservice training in the use of  
29 ~~technology for the state's instructional personnel in a manner~~  
30 ~~consistent with state training programs and approved by the~~  
31 ~~Department of Education~~. Up to 20 percent of funds received by  
32 the Astronauts Memorial Foundation, Inc., Center for Space  
33 ~~Education and the Education Technology Institute~~ may be expended  
34 for administrative costs ~~directly associated with the operation~~  
35 ~~of the center and the institute~~.

36 (70) ST. JOHNS RIVER LICENSE PLATES.—

37 (b) The requirements of s. 320.08053 must be met prior to  
38 the issuance of the plate. Thereafter, the license plate annual  
39 use fees shall be distributed to the St. Johns River Alliance,



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40 Inc., a s. 501(c)(3) nonprofit organization, which shall  
41 administer the fees as follows:

42 1. The St. Johns River Alliance, Inc., shall retain the  
43 first \$60,000 of the annual use fees as direct reimbursement for  
44 administrative costs, startup costs, and costs incurred in the  
45 development and approval process. Thereafter, up to 10 percent  
46 of the annual use fee revenue may be used for administrative  
47 costs directly associated with education programs, conservation,  
48 research, and grant administration of the organization, and up  
49 to 10 percent may be used for promotion and marketing of the  
50 specialty license plate.

51 2. At least 30 percent of the fees shall be available for  
52 competitive grants for targeted community-based or county-based  
53 research or projects for which state funding is limited or not  
54 currently available. The remaining 50 percent shall be directed  
55 toward community outreach and access programs. The competitive  
56 grants shall be administered and approved by the board of  
57 directors of the St. Johns River Alliance, Inc. A grant advisory  
58 committee shall be composed of six members chosen by the St.  
59 Johns River Alliance board members.

60 3. Any remaining funds shall be distributed with the  
61 approval of and accountability to the board of directors of the  
62 St. Johns River Alliance, Inc., and shall be used to support  
63 activities contributing to education, outreach, and springs  
64 conservation.

65 4. Effective July 1, 2014, the St. Johns River license  
66 plate will shift into the presale voucher phase, as provided in  
67 s. 320.08053(3)(b). The St. Johns River Alliance, Inc., shall  
68 have 24 months to record a minimum of 1,000 sales of the license



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69 plates. Sales include existing active plates and vouchers sold  
70 subsequent to July 1, 2014. During the voucher period, new  
71 plates may not be issued, but existing plates may be renewed.  
72 If, at the conclusion of the 24-month presale period, the  
73 requirement of a minimum of 1,000 sales has been met, the  
74 department shall resume normal distribution of the St. Johns  
75 River specialty plate. If, after 24 months, the minimum of 1,000  
76 sales has not been met, the department shall discontinue the  
77 development and issuance of the plate. This subparagraph is  
78 repealed June 30, 2016.

79 (76) GUY HARVEY OCEAN FOUNDATION ~~CATCH ME, RELEASE ME~~  
80 LICENSE PLATES.—

81 (a) The department shall develop a Guy Harvey Ocean  
82 Foundation ~~Catch Me, Release Me~~ license plate as provided in  
83 this section. Guy Harvey Ocean Foundation ~~Catch Me, Release Me~~  
84 license plates must bear the colors and design approved by the  
85 department. The word "Florida" must appear at the top of the  
86 plate, and the words "Guy Harvey Ocean Foundation" "~~Catch Me,~~  
87 ~~Release Me~~" must appear at the bottom of the plate.

88 (b) The license plate annual use fees shall be distributed  
89 to the Guy Harvey Ocean Foundation, Inc., to fund marine-related  
90 scientific research, including research of free-ranging pelagic  
91 marine species that inhabit, use, or migrate through Florida  
92 waters; conservation initiatives; and education and public  
93 outreach programs targeting school-aged children in the state.  
94 The Guy Harvey Ocean Foundation, Inc., may retain all revenue up  
95 to \$60,000 from the annual use fees until all startup costs for  
96 developing and establishing the plate have been recovered.  
97 Thereafter, up to 10 percent of the annual use fee revenue may



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98 be used for administrative costs directly associated with the  
99 operations of the Guy Harvey Ocean Foundation, Inc., and  
100 promotion and marketing of the specialty license plate.

101  
102 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

103 And the directory clause is amended as follows:

104 Delete lines 24 - 25

105 and insert:

106 Section 1. Paragraph (xxx) of subsection (4) of section  
107 320.08056, Florida Statutes, is amended, and paragraphs (eeee)  
108 and (ffff) are added to that subsection, to read:

109  
110 ===== T I T L E A M E N D M E N T =====

111 And the title is amended as follows:

112 Delete lines 3 - 15

113 and insert:

114 s. 320.08056, F.S.; revising the name of the Catch Me,  
115 Release Me license plate; authorizing the collection  
116 of annual use fees for the Fallen Law Enforcement  
117 Officers license plate and the Florida Sheriffs  
118 Association license plate; amending s. 320.08058,  
119 F.S.; revising provisions relating to the distribution  
120 of annual use funds to the Astronauts Memorial  
121 Foundation, Inc., for the Challenger/Columbia  
122 specialty license plate; requiring the St. Johns River  
123 Alliance, Inc., to record a certain number of sales  
124 within a specified timeframe; requiring the Department  
125 of Highway Safety and Motor Vehicles to discontinue  
126 the plate under certain circumstances; providing for





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127 repeal on a specified date; revising the name of the  
128 Catch Me, Release Me license plate; creating a Fallen  
129 Law



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/20/2014	.	
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The Committee on Transportation (Evers) recommended the following:

**Senate Amendment (with directory and title amendments)**

Between lines 100 and 101

insert:

(71) HISPANIC ACHIEVERS LICENSE PLATES.—

(d) Effective July 1, 2014, the Hispanic Achievers license plate will shift into the presale voucher phase, as provided in s. 320.08053(3)(b). National Hispanic Corporate Achievers, Inc., shall have 24 months to record a minimum of 1,000 sales. Sales include existing active plates and vouchers sold subsequent to



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11 July 1, 2014. During the voucher period, new plates may not be  
12 issued, but existing plates may be renewed. If, at the  
13 conclusion of the 24-month presale period, the requirement of a  
14 minimum of 1,000 sales has been met, the department shall resume  
15 normal distribution of the Hispanic Achievers license plate. If,  
16 after 24 months, the minimum of 1,000 sales has not been met,  
17 the department shall discontinue the Hispanic Achievers license  
18 plate. This subsection is repealed June 30, 2016.

19  
20 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

21 And the directory clause is amended as follows:

22 Delete line 33  
23 and insert:

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

27 And the title is amended as follows:

28 Delete lines 11 - 14  
29 and insert:  
30 Alliance, Inc., and National Hispanic Corporate  
31 Achievers, Inc., to each record a certain number of  
32 sales within a certain timeframe; requiring the  
33 Department of Highway Safety and Motor Vehicles to  
34 discontinue the plates under certain circumstances;  
35 providing for

By the Committee on Rules; and Senators Latvala, Grimsley, and Evers

595-01880-14

2014132c1

1 A bill to be entitled  
 2 An act relating to specialty license plates; amending  
 3 s. 320.08056, F.S.; authorizing the collection of  
 4 annual use fees for the Fallen Law Enforcement  
 5 Officers license plate and the Florida Sheriffs  
 6 Association license plate; amending s. 320.08058,  
 7 F.S.; revising provisions relating to the distribution  
 8 of annual use funds to the Astronauts Memorial  
 9 Foundation, Inc., for the Challenger/Columbia  
 10 specialty license plate; requiring the St. Johns River  
 11 Alliance, Inc., to record a certain number of sales  
 12 within a specified timeframe; requiring the Department  
 13 of Highway Safety and Motor Vehicles to discontinue  
 14 the plate under certain circumstances; providing for  
 15 repeal on a specified date; creating a Fallen Law  
 16 Enforcement Officers license plate and a Florida  
 17 Sheriffs Association license plate; establishing an  
 18 annual use fee for the plates; providing for the  
 19 distribution of use fees received from the sale of  
 20 such plates; providing effective dates.

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

23  
 24 Section 1. Paragraphs (eeee) and (ffff) are added to  
 25 subsection (4) of section 320.08056, Florida Statutes, to read:

26 320.08056 Specialty license plates.—

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

29 (eeee) Fallen Law Enforcement Officers license plate, \$25.

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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30 (ffff) Florida Sheriffs Association license plate, \$25.  
 31 Section 2. Paragraph (b) of subsection (2) and paragraph  
 32 (b) of subsection (70) of section 320.08058, Florida Statutes,  
 33 are amended, and subsections (83) and (84) are added to that  
 34 section, to read:  
 35 320.08058 Specialty license plates.—  
 36 (2) CHALLENGER/COLUMBIA LICENSE PLATES.—  
 37 (b) The Challenger/Columbia license plate annual use fee  
 38 must be distributed to the Astronauts Memorial Foundation, Inc.,  
 39 to support the operations of the Center for Space Education and  
 40 the Space Mirror Memorial located at the Kennedy Space Center  
 41 Education Technology Institute. Funds received by the Astronauts  
 42 Memorial Foundation, Inc., may be used for administrative costs  
 43 directly associated with the operation of the center and the  
 44 memorial institute. These funds must be used for the maintenance  
 45 and support of the operations of the Center for Space Education  
 46 and the Space Mirror Memorial Education Technology Institute  
 47 operated by the Astronauts Memorial Foundation, Inc. These  
 48 operations must include programs and infrastructure that inform,  
 49 inspire, and educate the public on the benefits of human space  
 50 flight preservice and inservice training in the use of  
 51 technology for the state's instructional personnel in a manner  
 52 consistent with state training programs and approved by the  
 53 Department of Education. Up to 20 percent of funds received by  
 54 the Astronauts Memorial Foundation, Inc., Center for Space  
 55 Education and the Education Technology Institute may be expended  
 56 for administrative costs ~~directly associated with the operation~~  
 57 ~~of the center and the institute~~.  
 58 (70) ST. JOHNS RIVER LICENSE PLATES.—

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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

64 1. The St. Johns River Alliance, Inc., shall retain the  
65 first \$60,000 of the annual use fees as direct reimbursement for  
66 administrative costs, startup costs, and costs incurred in the  
67 development and approval process. Thereafter, up to 10 percent  
68 of the annual use fee revenue may be used for administrative  
69 costs directly associated with education programs, conservation,  
70 research, and grant administration of the organization, and up  
71 to 10 percent may be used for promotion and marketing of the  
72 specialty license plate.

73 2. At least 30 percent of the fees shall be available for  
74 competitive grants for targeted community-based or county-based  
75 research or projects for which state funding is limited or not  
76 currently available. The remaining 50 percent shall be directed  
77 toward community outreach and access programs. The competitive  
78 grants shall be administered and approved by the board of  
79 directors of the St. Johns River Alliance, Inc. A grant advisory  
80 committee shall be composed of six members chosen by the St.  
81 Johns River Alliance board members.

82 3. Any remaining funds shall be distributed with the  
83 approval of and accountability to the board of directors of the  
84 St. Johns River Alliance, Inc., and shall be used to support  
85 activities contributing to education, outreach, and springs  
86 conservation.

87 4. Effective July 1, 2014, the St. Johns River license

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88 plate will shift into the presale voucher phase, as provided in  
89 s. 320.08053(3)(b). The St. Johns River Alliance, Inc., shall  
90 have 24 months to record a minimum of 1,000 sales of the license  
91 plates. Sales include existing active plates and vouchers sold  
92 subsequent to July 1, 2014. During the voucher period, new  
93 plates may not be issued, but existing plates may be renewed.  
94 If, at the conclusion of the 24-month presale period, the  
95 requirement of a minimum of 1,000 sales has been met, the  
96 department shall resume normal distribution of the St. Johns  
97 River specialty plate. If, after 24 months, the minimum of 1,000  
98 sales has not been met, the department shall discontinue the  
99 development and issuance of the plate. This subparagraph is  
100 repealed June 30, 2016.

101 (83) FALLEN LAW ENFORCEMENT OFFICERS LICENSE PLATES.—

102 (a) Notwithstanding s. 45, chapter 2008-176, Laws of  
103 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,  
104 and s. 320.08053(1), the department shall develop a Fallen Law  
105 Enforcement Officers license plate as provided in s.  
106 320.08053(2) and (3) and this section. The plate must bear the  
107 colors and design approved by the department. The word "Florida"  
108 must appear at the top of the plate, and the words "A Hero  
109 Remembered Never Dies" must appear at the bottom of the plate.

110 (b) The annual use fees shall be distributed to the Police  
111 and Kids Foundation, Inc., which may use a maximum of 10 percent  
112 of the proceeds to promote and market the plate. The remainder  
113 of the proceeds shall be used by the Police and Kids Foundation,  
114 Inc., to invest and reinvest, and the interest earnings shall be  
115 used for the operation of the Police and Kids Foundation, Inc.

116 (84) FLORIDA SHERIFFS ASSOCIATION LICENSE PLATES.—

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117 (a) Notwithstanding s. 45, chapter 2008-176, Laws of  
118 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,  
119 and s. 320.08053(1), the department shall develop a Florida  
120 Sheriffs Association license plate as provided in s.  
121 320.08053(2) and (3) and this section. The plate must bear the  
122 colors and design approved by the department. A sheriff's star  
123 must appear on the left side of the plate, the word "Florida"  
124 must appear at the top of the plate, and the words "Florida  
125 Sheriffs Association" must appear at the bottom of the plate.

126 (b) The annual use fees shall be distributed to the Florida  
127 Sheriffs Association, a s. 501(c)(3) nonprofit organization,  
128 which shall administer the fees as follows:

129 1. The Florida Sheriffs Association shall retain the first  
130 \$60,000 of the annual use fees as direct reimbursement for  
131 administrative costs, startup costs, and cost incurred in the  
132 development and approval process. Thereafter, up to 10 percent  
133 of the annual use fee revenue may be used for administrative and  
134 marketing costs.

135 2. All remaining collected revenue must be used for  
136 continuing education for sheriff's office members.

137 Section 3. Except as otherwise expressly provided in this  
138 act, this act shall take effect October 1, 2014.

**The Florida Senate**  
**COMMITTEE VOTE RECORD**

**COMMITTEE:** Transportation  
**ITEM:** CS/SB 132  
**FINAL ACTION:** Favorable with Committee Substitute  
**MEETING DATE:** Thursday, March 20, 2014  
**TIME:** 9:00 —10:00 a.m.  
**PLACE:** 37 Senate Office Building

FINAL VOTE		SENATORS	3/20/2014 1 Amendment 516126		3/20/2014 2 Amendment 713412		3/20/2014 3 Motion to report as Committee Substitute	
			Evers		Evers		Lee	
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Clemens						
X		Diaz de la Portilla						
X		Evers						
		Garcia						
X		Joyner						
X		Lee						
X		Richter						
X		Thompson						
X		Margolis, VICE CHAIR						
X		Brandes, CHAIR						
9	0	<b>TOTALS</b>	-	WD	RCS	-	FAV	-
<b>Yea</b>	<b>Nay</b>		<b>Yea</b>	<b>Nay</b>	<b>Yea</b>	<b>Nay</b>	<b>Yea</b>	<b>Nay</b>

CODES: FAV=Favorable      RCS=Replaced by Committee Substitute      TP=Temporarily Postponed      WD=Withdrawn  
 UNF=Unfavorable      RE=Replaced by Engrossed Amendment      VA=Vote After Roll Call      OO=Out of Order  
 -R=Reconsidered      RS=Replaced by Substitute Amendment      VC=Vote Change After Roll Call      AV=Abstain from Voting

**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 Committee on Transportation

BILL: CS/SB 1048

INTRODUCER: Transportation Committee and Senator Latvala

SUBJECT: Department of Transportation

DATE: March 20, 2014                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	<b>Fav/CS</b>
2.			CU	
3.				
4.				
5.				
6.				

**Please see Section IX. for Additional Information:**  
 COMMITTEE SUBSTITUTE - Substantial Changes

**I. Summary:**

CS/SB 1048 authorizes, but does not require the Florida Department of Transportation (FDOT) to provide for the monetization of the revenue stream from leases for wireless communication facilities on property owned or controlled by the FDOT, and to seek investors to purchase the monetized streams.

The bill also makes revisions to the control of outdoor advertising. The bill provides that Water Management District (WMD) public information systems are subject to the provisions of certain federal laws and agreements and effectively rewrites ch. 479, F.S., to relocate, revise, and repeal various definitions, and to revise various duties of the FDOT to modernize and streamline the administration and enforcement of state and federal outdoor advertising provisions. The substantive revisions:

- Provide criteria to be used in the permitting of signs in commercial or industrial zones, as determined by the local government, and require the FDOT to notify a sign applicant in writing if the FDOT disagrees with a local government determination that a proposed sign location is on a parcel that is in a commercial or industrial zone;
- Require removal of a signs within 30 days if the FDOT determines that the parcel does not meet sign permit requirements, and provide for a reduction in transportation funding to a local government if a local government fails to comply;



- Revise provisions relating to signs visible from more than one highway, make permanent a pilot program under which the distance between certain permitted signs may be reduced to 1,000 feet, revise provisions relating to vegetation management, and revise provisions relating to relocation or reconstruction of signs situated upon right-of-way acquired by the FDOT;
- Provide for additional signs that can be erected without a permit, revises provisions relating to increasing the height of a sign at its location if a noise-attenuation barrier is erected, and expand the logo sign program to the right-of-way of the limited-access system; and
- Repeal a pilot program authorized in 2012 for signs for tourist-oriented commerce signs, which is replaced by authority to erect such signs without a permit.

## II. Present Situation:

### **FDOT Wireless Communication Leases**

The FDOT advises it currently has two contracts related to the leasing of wireless communication facilities whereby the FDOT makes unused communication tower space available to a private party over time for a fee. One is with the Turnpike Enterprise, and payment is received through in-kind services. The FDOT advises it is unlikely the bill's monetization provisions (described below in Effect of Proposed Changes) would be applicable to that contract. The other contract, according to the FDOT, would be eligible for application of the bill's provisions allowing the FDOT to seek investors for agreements to purchase the lease revenue stream.<sup>1</sup> (See Section 1 under "Effect of Proposed Changes.")

### **Control of Outdoor Advertising**

Generally, since the passage of the Highway Beautification Act (HBA) in 1965, the Federal Highway Administration (FHWA) has established controls for outdoor advertising along Federal-aid Primary, Interstate, and National Highway System roads. The HBA allows the location of billboards in commercial or industrial areas, mandates a state compliance program, requires the development of state standards, promotes the expeditious removal of illegal signs, and requires just compensation for takings when appropriate.

The primary features of the HBA include:

- Billboards are allowed, by statute, in commercial and industrial areas consistent with size, lighting, and spacing provisions as agreed to by the state and federal governments. Billboard controls apply to all Interstates, Federal-Aid Primaries, and other highways that are part of the national Highway System.
- States have the discretion to remove legal nonconforming signs<sup>2</sup> along highways. However, the payment of just compensation is required for the removal of any lawfully erected billboard along the specified roads.
- States and localities may enact stricter laws than stipulated in the HBA.

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<sup>1</sup> The FDOT email, March 17, 2014, on file in the Senate Transportation Committee.

<sup>2</sup> A legal "nonconforming sign" is a sign that was legally erected according to the applicable laws and regulations of the time, but which does not meet current laws or regulations. (s. 479.01(17), F.S.)

The HBA mandates state compliance and the development of standards for certain signs as well as the removal of nonconforming signs. While the states are not directly forced to control signs, failure to impose the required controls can result in a substantial penalty. The penalty for noncompliance with the HBA is a 10 percent reduction of the state's annual federal-aid highway apportionment.<sup>3</sup>

Under the provisions of a 1972 agreement between the State of Florida and the U.S. Department of Transportation (USDOT)<sup>4</sup> incorporating the HBA's required controls, the FDOT requires commercial signs to meet certain requirements when they are within 660 feet of Interstate and Federal-Aid Primary highways in urban areas, or visible at any distance from the same roadways when outside of urban areas; *i.e.*, a "controlled area." The agreement embodies the federally-required "effective control of the erection and maintenance of outdoor advertising signs, displays, and devices." Absent this effective control, the non-compliance penalty of 10 percent of federal highway funds may be imposed.

Florida's outdoor advertising laws are found in ch. 479, F.S., and are based on federal law and regulations, and the 1972 agreement.

### ***Water Management District Public Information Systems***

Under ch. 2012-126, L.O.F., public information systems may be located on WMD property, provided certain terms and conditions are met. The systems must display messages to the general public concerning water management services, activities, events, watering restrictions, severe weather reports, amber alerts, and other essential public information. The law prohibits the use of WMDs funds to acquire, develop, construct, operate, or manage a public information system. Commercial messages are to be paid for by private sponsors.<sup>5</sup>

Section 479.02, F.S., requires the FDOT to regulate the size, height, lighting, and spacing of signs on the interstate highway system in accordance with state and federal regulations. A permit and annual fee are required by any individual that proposes to erect, operate, use, or maintain any sign on the State Highway System outside an urban area or on any portion of the interstate or federal-aid primary highway system. Certain signs do not require a permit as long as the signs are in compliance with the provisions in s. 479.11(4)-(8), F.S. However, WMD signs are not currently subject to the requirements of ch. 479, F.S., which governs outdoor advertising along roads throughout the state, or to the HBA or the 1972 agreement. Further, local government review and approval of such signs is not required.

Section 479.16, F.S, specifies that signs owned by a municipality or county that contain messages related to any commercial enterprise, a commercial sponsor of an event, personal messages, or political messages, are not considered information regarding government services. If WMD public information signs are located within a "controlled area," the FDOT may be subject to an annual loss of 10 percent of federal highway funding if the erection and maintenance of these signs is deemed to constitute loss of effective control of outdoor advertising. (See Section 2 under "Effect of Proposed Changes.")

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<sup>3</sup> 23 U.S.C. § 131(b)

<sup>4</sup> Copy on file in the Senate Transportation Committee.

<sup>5</sup> See s. 373.618, F.S.

### ***Commercial and Industrial Areas***

Outdoor advertising signs may legally be located in commercial or industrial areas. In conformance with the 1972 agreement, s. 479.01(4), F.S., currently defines “commercial or industrial zone” as a parcel of land designated for commercial or industrial use under both the Future Land Use Map (FLUM) of the local comprehensive plan and the land development regulations adopted pursuant to ch. 163, F.S. This allows the FDOT to consider both land development regulations and FLUMs in determining commercial and industrial land use areas and issuing permits for sign locations in such areas.

If a parcel is located in an area designated for multiple uses on the FLUM, and the land development regulations do not clearly designate the parcel for a specific use, the area will be considered an *unzoned* commercial or industrial area and outdoor advertising signs may be permitted there provided three or more separate commercial or industrial activities take place.<sup>6</sup> However, the following criteria must be met:

- One of the commercial or industrial activities must be located within 800 feet of the sign and on the same side of the highway,
- The commercial or industrial activity must be within 660 feet of the right-of-way, and
- The commercial or industrial activities must be within 1,600 feet of each other.

Regardless of whether the criteria above are met, the following activities are specifically excluded from being recognized as commercial or industrial activities and therefore cannot be considered when determining whether a parcel is an unzoned commercial or industrial area:

- Signs.
- Agricultural, forestry, ranching, grazing, farming, and related activities.
- Transient or temporary activities.
- Activities not visible from the main-traveled way.
- Activities conducted more than 660 feet from the right-of-way.
- Activities conducted in a building principally used as a residence.
- Railroad tracks and minor sidings.
- Communications towers.<sup>7</sup>

With the exception of communication towers, the exclusion of these activities is specifically required by the 1972 agreement between the State and the United States Department of Transportation (USDOT).(See Sections 3, 4, and 5 under “Effect of Proposed Changes.”)

### ***Entry Upon Privately Owned Lands***

For the purposes of ch. 479, F.S., all of the state is deemed as the territory under the FDOT’s jurisdiction.<sup>8</sup> Employees, agents, or independent contractors working for the FDOT are authorized to enter upon any land upon which a sign is displayed, is proposed to be erected, or is being erected and to make sign inspections, surveys, and removals. After receiving consent by the landowner, operator, or person in charge, or appropriate inspection warrant issued by an appropriate judge, that the removal of an illegal outdoor advertising sign is necessary, the FDOT

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<sup>6</sup> Section 479.01(26), F.S.

<sup>7</sup> Id.

<sup>8</sup> Section 479.03, F.S.

is authorized to enter upon any intervening privately-owned lands for the purpose of removal of illegal signs, provided the FDOT has determined that no other legal or economically feasible means of entry to the sign site are reasonably available. The FDOT is responsible for the repair or replacement in like manner of any physical damage or destruction of the private property. (See Section 6 under “Effect of Proposed Changes.”)

### ***License to Engage in the Business of Outdoor Advertising***

A person is prohibited from engaging in the business of outdoor advertising without first obtaining a license from the FDOT. A person is not required to obtain the license to erect outdoor advertising signs or structures as an incidental part of a building construction contract.<sup>9</sup> (See Section 7 under “Effect of Proposed Changes.”)

### ***Denial or Revocation of License***

The FDOT may deny or revoke any license requested or granted under ch. 479, F.S., in any case in which the FDOT determines that the application for the license contains knowingly false or misleading information, or that the licensee has violated any of the provisions of that chapter, unless such licensee corrects such false or misleading information or complies with the provisions of that chapter within 30 days after the receipt of the FDOT notice. Any person aggrieved by any FDOT action in denying or revoking a license is authorized to apply to the FDOT for an administrative hearing within 30 days from the receipt of the notice.<sup>10</sup> (See Sections 8 and 10 under “Effect of Proposed Changes.”)

### ***Sign Permits***

Section 479.07(1), F.S., provides that a person may not erect any sign on the State Highway System outside an urban area, or on any portion of the interstate or federal-aid primary highway system without first obtaining a permit for the sign from FDOT and paying the required annual fee. Subsection (2) prohibits a person from applying for a permit unless the person has first obtained the written permission of the owner of the site of the sign. As a part of the application, the applicant must certify in a notarized signed statement that he or she has obtained the written permission of the owner of the site.

The FDOT is required to establish by rule an annual permit fee for each sign facing<sup>11</sup> in an amount sufficient to offset the total cost to the FDOT for the program, but shall not exceed \$100.<sup>12</sup> The fee may not be prorated for a period less than the remainder of the permit year to accommodate short-term publicity features, but the first-year fee may be prorated by payment of one-fourth of the annual fee for each remaining whole quarter or partial quarter of the permit year.

The transfer of valid permits from one sign owner to another is currently authorized upon written acknowledgement from the current permittee and submittal of a transfer fee of \$5 for each permit

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<sup>9</sup> Section 479.04, F.S.

<sup>10</sup> Section 479.05, F.S.

<sup>11</sup> A “sign facing” includes all sign faces and automatic changeable faces displayed at the same location and facing the same direction. A “sign face” means the part of the sign, including trim and background, which contains the message or informative contents. (s. 479.01(22) and (23), F.S.)

<sup>12</sup> Section 479.07(3)(c), F.S.

to be transferred.<sup>13</sup> The maximum transfer fee for any multiple transfer between two outdoor advertisers in a single transaction is \$100. According to the FDOT, the \$100 fee is insufficient to cover its administrative costs in frequent cases of bulk transfers between two outdoor advertisers in a single transaction.

Current law provides a process for sign removal if a permittee has not submitted all permit renewal fees by the expiration date of the license or permit.<sup>14</sup> If at any time before removal of the sign, the permittee demonstrates that a good faith error resulted in cancellation of the permit, the FDOT is authorized to reinstate the permit if the reinstatement fee (of up to \$300 based on the size of the sign) is paid; all other permit fees due as of the reinstatement date are paid; and the permittee reimburses the FDOT for all actual costs resulting from the permit. The FDOT advises its administrative costs associated with reviewing reinstatement requests are the same regardless of the size of the sign.

The FDOT is currently required to furnish to a permittee a serially numbered permanent metal permit tag which the permittee is required to securely attach to the sign facing or on the pole nearest the highway. Further, effective July 1, 2012, the tag must be securely attached to the upper 50 percent of the pole nearest the highway and must be attached in such a manner as to be plainly visible from the main traveled way. In addition, the permit becomes void unless the permit tag is properly and permanently displayed at the permitted site within 30 days after the date of permit issuance.<sup>15</sup>

That section also provides for the FDOT to issue a replacement tag in the event a permit tag is lost, stolen, or destroyed and, alternatively, authorizes a permittee to provide its own replacement tag pursuant to the FDOT specifications that the FDOT shall adopt by rule at the time it establishes the service fee for replacement tags.<sup>16</sup>

If a sign is visible from the controlled area of more than one highway subject to the FDOT jurisdiction, the sign must meet the permitting requirements of the highway having the more stringent permitting requirements.<sup>17</sup>

Current law establishes a pilot program in Orange, Hillsborough, and Osceola Counties, and within the boundaries of the City of Miami, under which the distance between permitted signs on the same side of an interstate highway may be reduced to 1,000 feet under the specified conditions and directs the FDOT to maintain statistics tracking the use of the provisions of the pilot program based on notifications received by the FDOT from local governments.<sup>18</sup> (See Section 9 under "Effect of Proposed Changes.")

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<sup>13</sup> Section 479.07(6), F.S.

<sup>14</sup> Section 479.07(8), F.S.

<sup>15</sup> Section 479.07(5), F.S.

<sup>16</sup> Rule 14-10.004(5), F.A.C.

<sup>17</sup> Section 479.07(9)(a), F.S.

<sup>18</sup> Section 479.07(9)(c), F.S.

***Sign Removal Following Permit Revocation***

A sign permittee is currently required to remove a sign within 30 days after the date of revocation of the permit for the sign and, if the permittee fails to do so, the FDOT is required to remove the sign without further notice and without incurring any liability.<sup>19</sup> Further, all costs incurred by the FDOT in connection with the removal of a sign following the revocation of the permit shall be collected from the permittee.<sup>20</sup> (See Sections 11 and 23 under “Effect of Proposed Changes.”)

***Signs Erected or Maintained Without Required Permit/ Issuance of Permits for Conforming or Nonconforming Signs***

Any sign located adjacent to the right-of-way of any highway on the State Highway System outside an incorporated area or adjacent to the right-of-way on any portion of the interstate or federal-aid primary highway system without the required the FDOT permit must be removed. Prior to removal, the FDOT is required to prominently post on the sign face a notice that the sign is illegal and must be removed within 30 days. If the sign bears the name of the licensee or the name and address of the non-licensed sign owner, concurrently with and in addition to posting the notice, the FDOT must provide a written notice to the owner stating that the sign is illegal and must be permanently removed within the 30-day period; and that the sign owner has a right to request a hearing. If after notice the sign owner does not remove the sign, the FDOT is required to do so.<sup>21</sup>

If a sign owner demonstrates to FDOT that:

- A given sign has been unpermitted, structurally unchanged, and continuously maintained at the same location for a period of seven years or more;
- The sign would have met the criteria established in ch. 479, F.S., for issuance of a permit at any time during the period in which the sign has been erected;
- The FDOT has not initiated a notice of violation or taken other action to remove the sign during the initial seven-year period and the FDOT determines that the sign is not located on state right-of-way and is not a safety hazard; the FDOT is authorized to consider the sign a conforming or nonconforming sign and to issue a permit for the sign upon application and payment of a penalty fee of \$300 and all pertinent fees required by ch. 479, F.S., including annual permit renewal fees payable since the date of the erection of the sign.<sup>22</sup> (See Section 12 under “Effect of Proposed Changes.”)

***Vegetation Management and View Zones for Outdoor Advertising***

Section 479.106, F.S., addresses vegetation management and establishes “view zones” for lawfully permitted outdoor advertising signs on interstates, expressways, federal-aid primary highways, and the State Highway System, excluding privately or other publicly owned property. The intent of the section is to create partnering relationships which will have the effect of

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<sup>19</sup> Section 479.10, F.S.

<sup>20</sup> Section 479.313, F.S.

<sup>21</sup> Section 479.105(1)(a) and (b), F.S.

<sup>22</sup> Section 479.105(1)(e), F.S.

improving the appearance of Florida's highways and creating a net increase in the vegetative habitat along the roads.<sup>23</sup>

The section requires anyone desiring to remove, cut, or trim trees or vegetation on public right-of-way to improve the visibility of a sign or future sign to obtain written permission from the FDOT. To receive a permit to remove vegetation, the applicant must provide a plan for the removal and for the management of any vegetation planted as the result of a mitigation plan. Rule 14-10.057, F.A.C., requires mitigation where:

- Cutting, trimming, or damaging vegetation permanently detracts from the appearance or health of trees, shrubs, or herbaceous plants, or where such activity is not done in accordance with published standard practices. This does not apply to invasive exotic and other noxious plants;
- Trees taller than the surrounding shrubs and herbaceous plants are permanently damaged or destroyed;
- Species of trees or shrubs not likely to grow to interfere with visibility are damaged or removed;
- Trees or shrubs that are likely to interfere with visibility are trimmed improperly, permanently damaged, or removed; or
- Herbaceous plants are permanently damaged.

When the installation of a new sign requires the removal, cutting, or trimming of existing trees or vegetation on public right-of-way, the FDOT may only grant a permit for the new sign when the sign owner has removed at least two non-conforming signs of comparable size and surrendered those signs' permits for cancellation. For signs originally permitted after July 1, 1996,<sup>24</sup> the FDOT is prohibited from granting any permit where such trees or vegetation are part of a beautification project implemented before the date of the original sign permit application, as specified.

The FDOT is currently authorized to establish an application fee not to exceed \$25 for each individual application for the removal, cutting, or trimming of trees or vegetation on public right-of-way to defer the costs of processing such application and a fee not to exceed \$200 to defer the costs of processing an application for multiple sites.<sup>25</sup> Further, any person who violates or benefits from a violation of ch. 479, F.S., is subject to an administrative penalty of up to \$1,000 and is required to mitigate for the unauthorized removal, cutting, or trimming of trees or vegetation.<sup>26</sup> (See Section 13 under "Effect of Proposed Changes.")

### ***Cost of Sign Removal/Additional Fine for Violations***

Section 479.107(5), F.S., requires that the cost of removing a specified sign, whether by the FDOT or an independent contractor, shall be assessed by the FDOT against the owner of the sign. In addition, the FDOT is directed to assess a fine of \$75 against the sign owner for any sign which violates the requirements of that section. The FDOT advises assessment is infrequent and collection is rare. (See Section 14 under "Effect of Proposed Changes.")

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<sup>23</sup> Section 479.106(8), F.S.

<sup>24</sup> The date of enactment of s. 479.106, F.S.

<sup>25</sup> Section 479.106(4), F.S.

<sup>26</sup> Section 479.106(7), F.S.

### ***Relocation or Reconstruction of a Publicly Acquired Sign***

When the FDOT acquires land with a lawful nonconforming sign, the sign may, at the election of its owner and the FDOT, and subject to FHWA approval, be relocated or reconstructed adjacent to the new right-of-way along the roadway within 100 feet of the current location, provided the nonconforming sign is not relocate on a parcel zoned residential, and provided further that such relocation is subject to applicable setback requirements.<sup>27</sup> The relocation is required to be adjacent to the current site, and the face of the sign may not be increased in size or height or structurally modified at the point of relocation in conflict with the building codes of the jurisdiction in which the sign is located.<sup>28</sup> (See Section 16 under “Effect of Proposed Changes.”)

### ***Permits Not Required for Certain Signs***

Section 479.16, F.S., currently identifies a number of signs for which permits are not required, including without limitation:

- On-premise signs (signs on property stating only the name of the owner, lessee, or occupant of the premises and not exceeding eight square feet in area);
- Signs that are not in excess of eight square feet that are owned by and relate to the facilities or activities of churches, civic organizations, fraternal organizations, charitable organizations, or units or agencies of government;
- Signs place on benches, transit shelters, and waste receptacles; and
- Signs not in excess of 16 square feet placed at a road junction with the State Highway System denoting only the distance or direction of a residence or farm operation, or, in a rural area where a hardship is created because a small business is not visible from the road junction, one sign not in excess of 16 square feet, denoting only the name of, and the distance and direction to, the business. This provision does not apply to charter counties and may not be implemented if the federal government notifies the FDOT that implementation will adversely affect the allocation of federal funds to the FDOT. (See Section 18 under “Effect of Proposed Changes.”)

### ***Compensation for Removal of Signs***

The FDOT is currently required to pay just compensation upon its removal of a lawful nonconforming sign along any portion of the interstate or federal-aid primary highway system.<sup>29</sup> (See Section 19 under “Effect of Proposed Changes.”)

### ***Noise-Attenuation Barriers Blocking View of Signs***

The owner of a lawfully erected sign is authorized to increase the height above ground level of such sign at its permitted location if any governmental entity permits or erects a noise-attenuation barrier in such a way as to block visibility of the sign. If construction of a proposed noise-attenuation barrier will screen a lawfully permitted sign, the FDOT is required to provide notice to the local government or jurisdiction in which the sign is located before erection of the noise attenuation barrier. If it is determined that the increase in height will violate a local

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<sup>27</sup> Section 479.15(3), F.S.

<sup>28</sup> Section 479.15(4), F.S.

<sup>29</sup> Section 479.24, F.S.



ordinance or land development regulation, the local government or jurisdiction is required to notify the FDOT.

When notice has been received from the local government or jurisdiction prior to erection of the noise-attenuation barrier, the FDOT is required to conduct a written survey of all property owners identified as impacted by highway noise and who may benefit from the proposed barrier. The written survey must, in addition to stating the date, time, and location of a required public hearing, specifically advise the impacted property owners that:

- Erection of the noise-attenuation barrier may block the visibility of an existing outdoor advertising sign;
- The local government or local jurisdiction may restrict or prohibit increasing the height of the existing outdoor advertising sign to make it visible over the barrier; and
- If a majority of the impacted property owners vote for construction of the noise-attenuation barrier, the local government or local jurisdiction is required to:
  - Allow an increase in the height of the sign in violation of a local ordinance or land development regulation;
  - Allow the sign to be relocated or reconstructed at another location if the sign owner agrees; or
  - Pay the fair market value of the sign and its associated interest in the real property.

The FDOT must hold the public hearing and receive input on the proposed noise-attenuation barrier and its conflict with the local ordinance or land development regulations, and suggest or consider alternatives or modification to the proposed barrier to alleviate or minimize the conflict with the local ordinance or regulation or minimize any costs associated with relocating, reconstructing, or paying for the affected sign. Notice of the hearing, in addition to general provisions, must specifically state the same items specified for inclusion in the written survey above.

The FDOT is prohibited from permitting erection of the noise-attenuation barrier to the extent that the barrier screens or blocks visibility of the sign until after the public hearing and until such time as the survey has been conducted and a majority of the impacted property owners have indicated approval. When approved, the FDOT must notify the local governments or local jurisdictions, and the local government or jurisdiction must, notwithstanding any conflicting ordinance or regulation:

- Issue a permit by variance or otherwise for the reconstruction of a sign;
- Allow the relocation of a sign, or construction of another sign, at an alternative location that is permissible, if the sign owner agrees to relocate the sign or construct another sign; or
- Refuse to issue the required permits for reconstruction of a sign and pay fair market value of the sign and its associated interest in the real property to the sign owner.<sup>30</sup> (See Section 20 under “Effect of Proposed Changes.”)

### ***Logo Program***

The FDOT is required to establish a logo sign program for the rights-of-way of the interstate highway system to provide information to motorists about available gas, food, lodging, camping,

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<sup>30</sup> Section 479.25, F.S.

attractions, and other services, as approved by the FHWA, at interchanges through the use of business logos and may include additional interchanges under the program.<sup>31</sup> As indicated, the program is limited to the interstate highway system, but under the federal Manual on Uniform Traffic Control Devices (MUTCD),<sup>32</sup> the program may be extended to other limited-access facilities, thereby expanding opportunities for business participation in the program.

The FDOT is directed to incorporate into the logo sign program “RV-friendly” markers, as approved by the FHWA, for establishments that cater to the needs of persons driving recreational vehicles.<sup>33</sup> Current law requires the FDOT to adopt rules relating to RV-friendly markers, including requirements for large parking spaces, entrances, and exits that can easily accommodate recreational vehicles and facilities having appropriate overhead clearances, if applicable. (See Section 21 under “Effect of Proposed Changes.”)

### ***Tourist-Oriented Directional Sign Program***

Section 479.262, F.S., establishes a tourist-oriented directional (TOD) sign program for intersections on rural and conventional state, county, or municipal roads in rural counties identified by criteria and population in s. 288.0656, F.S., *i.e.*, rural areas of critical economic concern (RACEC). The program is intended to provide directions to tourist-oriented businesses, services, and activities in RACEC areas, when approved and permitted by county or local government entities.<sup>34</sup>

A county or local government that issues permits for a TOD sign program is responsible for sign construction, maintenance, and program operation for roads on the State Highway System and may establish permit fees sufficient to offset associated costs.<sup>35</sup> TOD signs installed on the State Highway System must comply with the requirements of the Manual on Uniform Traffic Control Devices (MUTCD) and rules established by the FDOT.<sup>36</sup> The MUTCD does not limit use of TOD signs to RACECs.

TOD signs may be installed on the State Highway System only after being permitted by the FDOT, and placement of TOD signs is limited to rural conventional roads, as required in the MUTCD.<sup>37</sup> TOD signs may *not* be placed within the right-of-way of limited access facilities; within the right-of-way of a limited access facility interchange, regardless of jurisdiction or local

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<sup>31</sup> Section 479.261, F.S.

<sup>32</sup> Adopted by FDOT pursuant to s. 316.0745, F.S.

<sup>33</sup> Section 479.261, F.S.

<sup>34</sup> Section 288.0656(2), F.S., defines a “rural area of critical economic concern” as a rural community, or a region composed of rural communities, designated by the Governor, that has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster or that presents a unique economic development opportunity of regional impact. “Rural community” is defined to mean a county with a population of 75,000 or fewer, a county with a population of 125,000 or fewer that is contiguous to a county with a population of 75,000 or fewer, or a municipality therein.

<sup>35</sup> Section 479.262(1), F.S.: “Prior to requesting a permit to install TODS on the state highway system, a local government shall have established, by ordinance, criteria for TODS program eligibility including participant qualifications and location regulations.” Rule 14-51.061(3), F.A.C.

<sup>36</sup> Section 479.262(1), F.S.: “Prior to requesting a permit to install TODS on the state highway system, a local government shall have established, by ordinance, criteria for TODS program eligibility including participant qualifications and location regulations.” *See also* Rule 14-51.061(3), F.A.C.

<sup>37</sup> Rule 14-51.063(1) and (2), F.A.C.

road classification; on conventional roads in urban areas; or at interchanges on freeways or expressways.<sup>38</sup> (See Section 22 under “Effect of Proposed Changes.”)

### III. Effect of Proposed Changes:

#### Section 1 - Wireless Communication Leases

Section 339.041, F.S., is created to authorize the monetization of existing FDOT wireless communication leases in order to increase funding for fixed capital expenditures for the statewide transportation system. The bill reflects the intent of the Legislature to create a mechanism for factoring future revenues received by the FDOT for wireless communication facilities on FDOT property. Further, the bill:

- Exempts the revenues from factoring from income taxation under federal law;
- Specifies the FDOT property which may be used for the purpose of factoring revenues;
- Authorizes the FDOT to solicit investors to enter into agreements for the purchase the revenue stream from one or more existing FDOT leases;
- Exempts such agreements from the competitive procurement provisions of ch. 287, F.S.
- Specifies that the obligations of the FDOT and investors under such agreements do not constitute a general obligation of the state or pledge of the full faith and credit or taxing power of the state;
- Requires an annual appropriation for the FDOT to make the lease payments to the investors in the manner established in the agreements between the FDOT and investors.
- Provides for the proceeds received from lease agreements for wireless communication facilities to be deposited into the State Transportation Trust Fund and used for fixed capital expenditures for the statewide transportation system.

The FDOT advises “[t]he Net Present Value of the estimated revenues through the end of the term of the existing contract (2039) at a discount rate of 5% would be approximately \$56 million. These firms generally discount that amount by 25-45%. Our estimated revenue is very subjective based on history.”<sup>39</sup>

The investors would receive all revenues from the FDOT lease, but the FDOT would continue to bear both the responsibility and the cost of administering the lease.<sup>40</sup>

#### Section 2 - Water Management District Public Information Systems

Section 373.618, F.S., is amended to provide that WMD public information systems are subject to the requirements of the HBA and all federal laws and agreements when applicable. The requirements of the provisions of ch. 479, F.S., remain inapplicable to such signs, and the provision that local government review and approval is not required remains in law.

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<sup>38</sup> *Id.* at (2); s. 2K.01 of Ch. 2K of the MUTCD (2009), available at <http://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part2ithu2n.pdf> (Last visited March 18, 2014).

<sup>39</sup> The FDOT email, March 17, 2014, on file in the Senate Transportation Committee.

<sup>40</sup> *Id.*

### Sections 3, 4, and 5 - Commercial and Industrial Areas

Section 479.01, F.S., is amended to revise various definitions as used in ch. 479, F.S., including, but not limited to, the following:

- Revises the definition of “allowable uses” to mean *the intended uses identified in a local government’s land development regulations* which are authorized within a zoning category *as a use by right*, without the requirement to obtain a variance or waiver, requiring uses to be present on the parcel in order to be qualified. This revisions clarify that uses must be present on the parcel in order to qualify.
- Repeals the definition of “commercial or industrial zone,” and relocates provisions to a new s. 479.024, F.S., under which local governments are required to determine the location of commercial or industrial zones in accordance with ch. 163, F.S.
- Repeals the definition of “unzoned commercial or industrial area,” and relocates the criteria for determination of such an area to a new s. 479.024, F.S.
- Relocates and revises provisions related to specified activities that may not be recognized as commercial or industrial activities.

Section 479.02, F.S., is amended to revise various duties of the FDOT, including, but not limited to, the following:

- Expressly incorporates specified law and agreements pertaining to nonconforming signs.
- Revises language to distinguish between commercial and industrial parcels and unzoned commercial or industrial areas.
- Directs the FDOT to determine such parcels and areas in the manner provided in the new s. 479.024, F.S.
- Requires the FDOT’s rules to provide for determination of such parcels and areas in the manner provided in the new s. 479.024, F.S.
- Makes various other streamlining, editorial, and grammatical changes.

Section 479.024, F.S., entitled “*Commercial and industrial parcels*,” is created to provide a framework for local government determinations as to zoning for a parcel, the bulk of which is taken from existing law. The bill:

- Requires that the FDOT permit signs only in commercial or industrial zones, as determined by the local government in compliance with ch. 163, F.S., unless otherwise provided in ch. 479, F.S.
- Provides that commercial and industrial zones are those areas appropriate for commerce, industry, or trade, regardless of how those areas are labeled.
- Defines “parcel” to mean the property where the sign is located or proposed to be located.
- Requires the local government determination as to zoning for a parcel to meet the following criteria:
  - The parcel is comprehensively zoned and includes commercial or industrial uses as allowable uses.
  - The parcel can reasonably accommodate a commercial or industrial use under the FLUM and land use development regulations, as specified.
  - The parcel is not being used exclusively for noncommercial or nonindustrial uses.

- Requires, if a local government has not designated zoning but has designated the parcel under the FLUM for uses that include commercial or industrial uses, the parcel to be considered an unzoned commercial or industrial area.
- Requires three or more distinct commercial or industrial activities within 1,600 feet of each other, with at least one of the commercial or industrial activities located on the same side of the highway as the sign location, and within 800 feet of the sign location for issuance of a permit in an unzoned commercial or industrial area; and requires multiple commercial or industrial activities enclosed in one building when all uses have only shared building entrances to be considered one use.
- Revises existing uses and activities that may not be independently recognized as commercial or industrial.
- Requires the FDOT to notify a sign applicant in writing if the local government has indicated that a proposed sign location is on a parcel that is in a commercial or industrial zone and the FDOT finds it is not.
- Authorizes an applicant whose application is denied to request an administrative hearing for a determination of whether the parcel is located in a commercial or industrial zone and requires the FDOT to notify the local government that the applicant has requested a hearing.
- Provides that if the FDOT in a final order determines that the parcel does not meet the specified permitting conditions and a sign structure exists on the parcel, the applicant shall remove the sign within 30 days after the date of the order and is responsible for all sign removal costs.
- Requires that if the FHWA reduces funds that would otherwise be apportioned to the FDOT due to a local government's failure to be compliant, the must FDOT reduce apportioned transportation funding to the local government by an equivalent amount.

Local governments would make the determination as to zoning, which initially defines whether an outdoor advertising sign is eligible for permitting, with the potential loss of apportioned transportation funding from the FDOT in an amount equivalent to the FDOT's reduced federal funds, should local governments inappropriately apply the provisions of the new section.

### **Section 6 - Entry Upon Privately Owned Lands**

Section 479.03, F.S., is amended to revise the FDOT's authority to enter upon privately owned lands to remove a sign by striking receipt of consent, inserting a specified written notice requirement, and expanding those to whom written notice must be alternatively given to include a person in charge of an intervening privately owned land. The FDOT must have been authorized by a final order or must have an uncontested notice to the sign owner before entering upon the intervening private land. These revisions ensure notice to interested parties and occurrence of appropriate preconditions to the FDOT's entry upon intervening private land.

### **Section 7 - License to Engage in the Business of Outdoor Advertising**

Section 479.04, F.S., is amended to provide that a person is not required to obtain a license solely to erect or construct outdoor advertising signs or structures, to conform to the revised definition of "business of outdoor advertising."

## Sections 8 and 10 - Denial or Revocation of License

Section 479.05, F.S., is amended to authorize suspension of any license, in addition to denial or revocation, when the FDOT determines the application for the license contains false or misleading information of material consequence, that the licensee has failed to pay fees or costs owed to the FDOT for outdoor advertising purposes, or that the licensee has violated any of the provisions of s. 479, F.S., unless such licensee, within 30 days after receipt of the FDOT notice, corrects such false or misleading information, pays the outstanding amounts, or complies with the provisions of s. 479, F.S. Suspension of a license allows the licensee to maintain existing sign permits, but the FDOT may not grant a transfer of an existing permit or issue an additional permit to a licensee with a suspended license.

Section 479.08, F.S., is amended to revise the FDOT's authority to deny or revoke any permit when it determines that the application contains false or misleading information of material consequence by eliminating that the information is *knowingly* false or misleading, and by requiring the false or misleading information to be *of material consequence*. This revision may result in fewer denials or revocations.

## Section 9 - Sign Permits

Section 479.07, F.S., which prohibits any sign on the State Highway System outside an urban area or on any portion of the interstate or federal-aid primary highway system without first obtaining a permit, is amended as follows:

- Streamlines processes by removing a requirement for a notarized affidavit in addition to certifying that all information contained in the application is true and correct and by removing an unnecessary certification of receipt of landowner written permission for the designated sign location.
- Removes a prohibition against prorating a fee for a period less than the remainder of the permit year to accommodate short-term publicity features.
- Clarifies that the FDOT must act on a permit application within 30 days after receipt of the application by granting, denying, or returning the incomplete application.
- Revises requirements for placement of permit tags on sign structures; removes a provision rendering a permit void unless the permit tag is properly and permanently displayed as specified; removes permittee authorization to provide its own replacement tag; and removes the FDOT authority to adopt by rule specifications for the replacement tags.
- Increases the maximum transfer fee for any multiple transfers between two outdoor advertisers in a single transaction from \$100 to \$1,000 to allow the FDOT to recover administrative costs in frequent cases of bulk transfers between two outdoor advertisers in a single transaction.
- Revises the permit reinstatement fee from up to \$300, based on the size of the sign, to a static \$300.
- Makes "plain language" revisions to provisions relating to permitting signs visible to more than one highway subject to the FDOT jurisdiction and within the controlled area of the highways.
- Makes permanent a pilot program in specified locations under which the distance between permitted signs on the same side of an interstate highway may be reduced to 1,000 feet under

specified and revised conditions and removes the FDOT's duty to maintain statistics on the pilot program.

- Deletes obsolete language.

These revisions streamline the permit application process, ease permittee ability to comply with permit tag placement requirements, allow the FDOT to cover administrative expenses relating to bulk transfers, provide increased opportunity for businesses to obtain sign permits under certain conditions, and generally provide language clarity.

### **Sections 11 and 23 - Sign Removal Following Permit Revocation**

Section 479.10, F.S., is amended to require a permittee to remove a sign within 30 days after the date of cancellation, in addition to revocation, of a sign permit and specifies removal of the sign is at the permittee's expense if the FDOT removes the sign because the permittee fails to do so.

Section 479.313, F.S., to provide that all costs incurred by the FDOT for the removal of a sign within a controlled area following permit cancellation, in addition to permit revocation, shall be assessed against and collected from the permittee.

### **Section 12 - Signs Erected or Maintained Without Required Permit/Issuance of Permits for Conforming or Nonconforming Signs**

Section 479.105, F.S., regarding signs erected or maintained without a required permit, is amended to:

- Revise provisions for placement of an FDOT notice of violation on a sign;
- Require the FDOT to provide a written notice of an illegal sign and its required removal to the advertiser displayed on the sign, or the owner of the property, in addition to the owner of the sign;
- Remove the condition that notice be given concurrently to the owner only if the sign bears the name of the licensee or the name and address of the non-licensed sign owner;
- Include the advertiser displayed on the sign or the owner of the property in the FDOT's duty to remove the sign if not removed by the sign owner, in addition to the sign owner; and
- Relocate and clarify existing provisions for the FDOT issuance of permits for conforming and nonconforming signs erected or maintained without the required permit.

These revisions ensure notice to interested parties; removal of unpermitted signs; and continued issuance of permits for previously unpermitted but erected signs.

### **Section 13 - Vegetation Management and View Zones for Outdoor Advertising**

Section 479.106, F.S., relating to vegetation management and sign visibility, is amended to:

- Require for signs originally permitted after July 1, 1996, the first application, or application for a change of view zone, for the removal, cutting, or trimming of trees or vegetation along the highway the sign is permitted to must require, in addition to mitigation or contribution to a plan of mitigation, the removal of two nonconforming signs; and
- Provide that the administrative penalty for engaging in removal, cutting, or trimming in violation of this section or benefiting from such actions is up to \$1,000 *per sign facing*.

The first revision may result in increased removal of nonconforming signs. No change in the FDOT's application of the statute is expected due to the second revision, as the FDOT has historically interpreted and continues to interpret and assess the administrative penalty per sign facing.

#### **Section 14 - Cost of Sign Removal/Additional Fine for Violations**

Section 479.107(5), F.S., is amended to repeal the \$75 fine rarely assessed against and collected from a sign owner who has been assessed the costs of removing a sign.

#### **Section 16 - Relocation or Reconstruction of a Publicly Acquired Sign**

Section 479.15, F.S., providing for harmony of state and local regulations, is amended to:

- Strike the definition of "federal-aid primary highway system," also defined in s. 479.01, F.S.;
- Eases the requirements for relocation of a sign located on land acquired by the FDOT, subject to the FHWA approval and the HBA;
- Provide the face of a *nonconforming* sign may not be increased in size or height or structurally modified at the point of relocation as specified; and
- Provide a neighboring sign that is already permitted and that is within the spacing requirements of s. 479.07(9)(a), F.S., is not caused to become nonconforming.

These revisions may ease the process for permittees who wish to relocate a permitted sign located on property acquired by the FDOT.

#### **Section 18 - Permits Not Required for Certain Signs**

Section 479.16, F.S., relating to signs for which permits are not required, is amended to:

- Provide that specified provisions allowing certain signs without a permit may not be implemented or continued if the federal government notifies FDOT that implementation or continuation will adversely affect the allocation of federal funds to the FDOT;
- Remove a requirement for FDOT rules relating to lighting restrictions, as the FDOT relies on the existing requirements listed in s. 479.11(5), F.S.;
- Remove a provision rendering the small business sign authorization inapplicable to charter counties and strike relocated language;
- Authorize local tourist-oriented business signs within rural areas of critical economic concern; temporary harvest signs; "acknowledgement signs" on publicly-funded school premises, and displays erected on a "sports facility," all under specified conditions;
- Provide that if the specified exemptions are not implemented or continued due to notice from the federal government that allocation of federal funds to the FDOT will be adversely impacted, the FDOT must provide notice to the sign owner that the sign must be removed within 30 days after receipt of the notice; and, if the sign is not so removed, the FDOT may remove the sign and assess against and collect from the owner the costs incurred.

These revisions eliminate an unnecessary rulemaking requirement and provide greater opportunity for installation and maintenance of the specified signs without obtaining a permit, while protecting against the potential 10 percent federal funds penalty.



**Section 19 - Compensation for Removal of Signs**

Section 479.24, F.S., is amended to require the FDOT to pay just compensation for acquisition (rather than removal) of a lawful conforming sign, in addition to a nonconforming sign.

**Section 20 - Noise-Attenuation Barriers Blocking View of Signs**

Section 479.25, F.S., relating to erection of noise-attenuation barriers (sound walls) blocking the view of a sign, is amended to:

- Make “plain language” and conforming changes;
- Require, upon a determination that an increase in height as allowed will violate a provision contained in an ordinance or land development regulation, before construction, the local government or jurisdiction shall provide a variance or waiver to allow an increase in the height of the sign (or allow the sign to be relocated, or pay the fair market value of the sign); and,
- Strike an FDOT requirement to conduct a written survey of all property owners impacted by noise who may benefit from the barrier.

These revisions revise the duties of the FDOT and local governments with respect to a proposed sound wall.

**Section 21 - Logo Program**

Section 479.261(1) and (1)(b), F.S., is revised to:

- Expand the logo sign program to the entire limited-access highway system, rather than just the interstate highway system, as is already authorized under the federal MUTCD; and
- Require the FDOT rules relating to “RV-friendly” markers on logo signs to establish minimum requirements for parking spaces, entrances and exits, and overhead clearance which must be met by establishments to qualify as RV-friendly.

Opportunities for business participation in the logo sign program are increased, and the FDOT rule requirements for RV-friendly establishments are minimally, but more specifically, established.

**Section 22 - Tourist-Oriented Direction Sign Program**

Section 479.262, F.S., is amended to expand the TOD sign program by repealing the restriction limiting the program to roads in a RACEC and providing that the program applies to intersections on rural and conventional state, county, or municipal roads. The bill also expressly states, consistent with Rule 14-51.063, F.A.C., and the MUTCD, that a TOD sign may not be used on roads in urban areas or at interchanges on freeways or expressways. Opportunities for business participation in the TOD sign program are increased.

The bill also makes the following revisions:

**Section 15** amends s. 479.111(2), F.S., to insert in a reference to the agreement between the state and the USDOT the year the agreement was entered into; *i.e.*, 1972.

**Section 17** amends s. 479.156, F.S., relating to wall murals, to replace references to the “Highway Beautification Act” with references to its statutory placement in federal law, 23 U.S.C. s. 131, and to correct cross-references.

**Section 24** repeals s. 76 of ch. 2012-174, L.O.F., which established a pilot program for tourist-oriented commerce outdoor advertising signs in rural areas of critical economic concern. The program is replaced by authority to erect such signs without a permit under certain conditions, as described in section 18 of the bill.

**Section 25** provides the act takes effect on July 1, 2014.

#### **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:

##### **Section 9**

The maximum transfer fee for any multiple transfer between two outdoor advertisers in a single transaction is increased from \$100 to \$1,000, a fee to which those requesting a multiple transfer would be subject. The FDOT notes the transfer fee of \$5 for each permit to be transferred is not changing; however, in many instances, the transfer requests are so numerous that the \$100 fee is not covering the FDOT’s actual costs to transfer the permits.

As to the permit reinstatement fee, the bill strikes the words “up to” and “based on the size of the sign,” leaving the fee at a static \$300. The FDOT currently charges \$300 for permit reinstatement; no private sector fiscal impact will occur.

## **Section 22**

Revision of the TOD sign program to eliminate restriction of the program to signs at intersections in a RACEC provides greater opportunity for business participation in the program. Participants may be subject to permit fees established by local governments.

### **C. Government Sector Impact:**

#### **Section 1**

According to the FDOT, existing lease payments for wireless communications total approximately \$1.4 million annually. Factoring the revenues from lease payments would provide a lump sum of cash that would be available for statewide transportation projects in the initial year of a factoring agreement with investors. However, the forecasted annual revenue for existing lease payments would be eliminated in later years of the transportation work program and an alternative fund source would be needed for existing commitments programmed to use those revenues. Factoring the revenues may result in a negative cash impact over time.

Although the bill subjects WMD public information signs to the HBA, all federal laws, and the 1972 agreement, s. 373.618, F.S., continues to authorize private sponsors to display commercial messages on WMD public information signs. Should such signs display commercial messages on WMD public information signs located within a “controlled area,” the potential for a federal funds penalty of 10 percent of federal highway funds still exists.

#### **Section 9**

The FDOT expects to recoup its administrative expenses associated with processing large requests for multiple transfers at the same fee of \$5 per transfer, but with the increased cap of \$1,000 for multiple transfers.

### **VI. Technical Deficiencies:**

Consistent with other revisions in the bill, the word “highway” should be inserted between “primary” and “system” on line 273 and on line 670.

### **VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends the following sections of the Florida Statutes: 373.618, 479.01, 479.02, 479.03, 479.04, 479.05, 479.07, 479.08, 479.10, 479.105, 479.106, 479.107, 479.111, 479.15, 479.156, 479.16, 479.24, 479.25, 479.261, 479.262, and 479.313.

This bill creates the following sections of the Florida Statutes: 339.041 and 479.024.

This bill repeals section 76 of chapter 2012-174, Laws of Florida.

**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 20, 2014:**

The committee substitute differs from the original bill as follows:

- Removes language from the bill that would have subjected WMD public information signs to the provisions of ch. 479, F.S., governing outdoor advertising.
- Removes from the bill stricken language that would have subjected such signs to local government review and approval.
- Provides that such signs are subject to certain federal laws and agreements when applicable.

The committee also adopted a technical amendment to restore use of the word “regulation,” rather than “rules,” as it relates to those established and enforced by municipalities and counties with respect to criteria governing wall murals in areas zoned for commercial and industrial use.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

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The Committee on Transportation (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 132 - 201.

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

And the title is amended as follows:

Delete lines 3 - 10

and insert:

amending s. 373.618, F.S.;



630396

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/20/2014	.	
	.	
	.	
	.	

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The Committee on Transportation (Evers) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 215 - 227

and insert:

essential information needed by the public. Local government review or approval is not required for a public information system owned or hereafter acquired, developed, or constructed by the water management district on its own property. A public information system is subject to ~~exempt from~~ the requirements of the Highway Beautification Act of 1965 and all federal laws and



630396

11 agreements when applicable ~~chapter 479~~. Water

12

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

14 And the title is amended as follows:

15 Delete lines 11 - 18

16 and insert:

17 providing that a public information system is subject  
18 to the requirements of the Highway Beautification Act  
19 of 1965 and all federal laws and agreements when  
20 applicable; deleting an exemption; amending s. 479.01,  
21 F.S.,



778438

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/20/2014	.	
	.	
	.	
	.	

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The Committee on Transportation (Evers) recommended the following:

**Senate Amendment**

Delete lines 1198 - 1199  
and insert:  
municipality or county shall establish and enforce regulations  
for such areas which ~~that~~, at a minimum, set forth



By Senator Latvala

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1 A bill to be entitled  
 2 An act relating to the Department of Transportation;  
 3 creating s. 339.041, F.S.; providing legislative  
 4 findings and intent; authorizing the department to  
 5 seek certain investors for certain leases; prohibiting  
 6 the department from pledging the credit, general  
 7 revenues, or taxing power of the state or any  
 8 political subdivision of the state; specifying the  
 9 collection and deposit of lease payments by agreement  
 10 with the department; amending s. 373.618, F.S.;  
 11 removing a provision exempting certain public  
 12 information systems from local government review or  
 13 approval; providing that a public information system  
 14 is subject to the requirements of ch. 479, F.S.;  
 15 requiring that certain public information systems be  
 16 approved by the United States Department of  
 17 Transportation and the Federal Highway Administration  
 18 under certain circumstances; amending s. 479.01, F.S.,  
 19 relating to outdoor advertising signs; revising and  
 20 deleting definitions; amending s. 479.02, F.S.;  
 21 revising duties of the Department of Transportation  
 22 relating to signs; deleting a requirement that the  
 23 department adopt certain rules; creating s. 479.024,  
 24 F.S.; limiting the placement of signs to commercial or  
 25 industrial zones; defining the terms "parcel" and  
 26 "utilities"; requiring a local government to use  
 27 specified criteria to determine zoning for commercial  
 28 or industrial parcels; providing that certain parcels  
 29 are considered unzoned commercial or industrial areas;

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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30 authorizing a permit for a sign in an unzoned  
 31 commercial or industrial area in certain  
 32 circumstances; prohibiting specified uses and  
 33 activities from being independently recognized as  
 34 commercial or industrial; providing an appeal process  
 35 for an applicant whose permit is denied; requiring an  
 36 applicant whose application is denied to remove an  
 37 existing sign pertaining to the application; requiring  
 38 the department to reduce certain transportation  
 39 funding in certain circumstances; amending s. 479.03,  
 40 F.S.; requiring notice to owners of intervening  
 41 privately owned lands before the department enters  
 42 upon such lands to remove an illegal sign; amending s.  
 43 479.04, F.S.; providing that an outdoor advertising  
 44 license is not required solely to erect or construct  
 45 outdoor signs or structures; amending s. 479.05, F.S.;  
 46 authorizing the department to suspend a license for  
 47 certain offenses and specifying activities that the  
 48 licensee may engage in during the suspension;  
 49 prohibiting the department from granting a transfer of  
 50 an existing permit or issuing an additional permit  
 51 during the suspension; amending s. 479.07, F.S.;  
 52 revising requirements for obtaining sign permits;  
 53 conforming and clarifying provisions; revising permit  
 54 tag placement requirements for signs; deleting a  
 55 provision that allows a permittee to provide its own  
 56 replacement tag; increasing the permit transfer fee  
 57 for any multiple transfers between two outdoor  
 58 advertisers in a single transaction; revising the

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59 permit reinstatement fee; revising requirements for  
 60 permitting certain signs visible to more than one  
 61 highway; deleting provisions limiting a pilot program  
 62 to specified locations; deleting redundant provisions  
 63 relating to certain new or replacement signs; deleting  
 64 provisions requiring maintenance of statistics on the  
 65 pilot program; amending s. 479.08, F.S.; revising  
 66 provisions relating to the denial or revocation of a  
 67 permit because of false or misleading information in  
 68 the permit application; amending s. 479.10, F.S.;  
 69 authorizing the cancellation of a permit; amending s.  
 70 479.105, F.S.; revising notice requirements to owners  
 71 and advertisers relating to signs erected or  
 72 maintained without a permit; revising procedures for  
 73 the department to issue a permit as a conforming or  
 74 nonconforming sign to the owner of an unpermitted  
 75 sign; providing a penalty; amending s. 479.106, F.S.;  
 76 revising provisions relating to the removal, cutting,  
 77 or trimming of trees or vegetation to increase sign  
 78 face visibility; providing that a specified penalty is  
 79 applied per sign facing; amending s. 479.107, F.S.;  
 80 deleting a fine for specified violations; amending s.  
 81 479.11, F.S.; prohibiting signs on specified portions  
 82 of the interstate highway system; amending s. 479.111,  
 83 F.S.; clarifying a reference to a certain agreement;  
 84 amending s. 479.15, F.S.; deleting a definition;  
 85 revising provisions relating to relocation of certain  
 86 signs on property subject to public acquisition;  
 87 amending s. 479.156, F.S.; clarifying provisions

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88 relating to the regulation of wall murals; amending s.  
 89 479.16, F.S.; exempting certain signs from ch. 479,  
 90 F.S.; exempting from permitting certain signs placed  
 91 by tourist-oriented businesses, certain farm signs  
 92 placed during harvest seasons, certain acknowledgment  
 93 signs on publicly funded school premises, and certain  
 94 displays on specific sports facilities; prohibiting  
 95 certain permit exemptions from being implemented or  
 96 continued if the implementations or continuations will  
 97 adversely impact the allocation of federal funds to  
 98 the Department of Transportation; directing the  
 99 department to notify a sign owner that the sign must  
 100 be removed if federal funds are adversely impacted;  
 101 authorizing the department to remove the sign and  
 102 assess costs to the sign owner under certain  
 103 circumstances; amending s. 479.24, F.S.; clarifying  
 104 provisions relating to compensation paid for the  
 105 department's acquisition of lawful signs; amending s.  
 106 479.25, F.S.; revising provisions relating to local  
 107 government action with respect to erection of noise-  
 108 attenuation barriers that block views of lawfully  
 109 erected signs; deleting provisions to conform to  
 110 changes made by the act; amending s. 479.261, F.S.;  
 111 expanding the logo program to the limited access  
 112 highway system; conforming provisions related to a  
 113 logo sign program on the limited access highway  
 114 system; amending s. 479.262, F.S.; clarifying  
 115 provisions relating to the tourist-oriented  
 116 directional sign program; limiting the placement of

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117 such signs to intersections on certain rural roads;  
 118 prohibiting such signs in urban areas or at  
 119 interchanges on freeways or expressways; amending s.  
 120 479.313, F.S.; requiring a permittee to pay the cost  
 121 of removing certain signs following the cancellation  
 122 of the permit for the sign; repealing s. 76 of chapter  
 123 2012-174, Laws of Florida, relating to authorizing the  
 124 department to seek Federal Highway Administration  
 125 approval of a tourist-oriented commerce sign pilot  
 126 program and directing the department to submit the  
 127 approved pilot program for legislative approval;  
 128 providing an effective date.

129  
 130 Be It Enacted by the Legislature of the State of Florida:

131  
 132 Section 1. Section 339.041, Florida Statutes, is created to  
 133 read:

134 339.041 Factoring of revenues from leases for wireless  
 135 communication facilities.-

136 (1) The Legislature finds that efforts to increase funding  
 137 for capital expenditures for the transportation system are  
 138 necessary for the protection of the public safety and general  
 139 welfare and for the preservation of transportation facilities in  
 140 this state. Therefore, it is the intent of the Legislature to:

141 (a) Create a mechanism for factoring future revenues  
 142 received by the department from leases for wireless  
 143 communication facilities on department property on a nonrecourse  
 144 basis;

145 (b) Fund fixed capital expenditures for the statewide

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146 transportation system from proceeds generated through this  
 147 mechanism; and

148 (c) Maximize revenues from factoring by ensuring that such  
 149 revenues are exempt from income taxation under federal law in  
 150 order to increase funds available for capital expenditures.

151 (2) For the purposes of factoring future revenues under  
 152 this section, department property includes real property located  
 153 within the department's limited access rights-of-way, real  
 154 property located outside the current operating right-of-way  
 155 limits which is not needed to support current transportation  
 156 facilities, other property owned by the Board of Trustees of the  
 157 Internal Improvement Trust Fund and leased by the department,  
 158 space on department telecommunications facilities, and space on  
 159 department structures.

160 (3) The department may seek investors willing to enter into  
 161 agreements to purchase the revenue stream from one or more  
 162 existing department leases for wireless communication facilities  
 163 on property owned or controlled by the department. Such  
 164 agreements are exempt from chapter 287 and, in order to provide  
 165 the largest possible payout, shall be structured as tax-exempt  
 166 financings for federal income tax purposes.

167 (4) The department may not pledge the credit, the general  
 168 revenues, or the taxing power of the state or of any political  
 169 subdivision of the state. The obligations of the department and  
 170 investors under the agreement do not constitute a general  
 171 obligation of the state or a pledge of the full faith and credit  
 172 or taxing power of the state. The agreement is payable from and  
 173 secured solely by payments received from department leases for  
 174 wireless communication facilities on property owned or

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175 controlled by the department, and neither the state nor any of  
 176 its agencies has any liability beyond such payments.

177 (5) The department may make any covenant or representation  
 178 necessary or desirable in connection with the agreement,  
 179 including a commitment by the department to take whatever  
 180 actions are necessary on behalf of investors to enforce the  
 181 department's rights to payments on property leased for wireless  
 182 communications facilities. However, the department may not  
 183 guarantee that actual revenues received in a future year will be  
 184 those anticipated in its leases for wireless communication  
 185 facilities. The department may agree to use its best efforts to  
 186 ensure that anticipated future-year revenues are protected. Any  
 187 risk that actual revenues received from department leases for  
 188 wireless communications facilities are lower than anticipated  
 189 shall be borne exclusively by investors.

190 (6) Subject to annual appropriation, investors shall  
 191 collect the lease payments on a schedule and in a manner  
 192 established in the agreements entered into by the department and  
 193 investors pursuant to this section. The agreements may provide  
 194 for lease payments to be made directly to investors by lessees  
 195 if the lease agreements entered into by the department and the  
 196 lessees pursuant to s. 365.172(12)(f) allow direct payment.

197 (7) Proceeds received by the department from leases for  
 198 wireless communication facilities shall be deposited in the  
 199 State Transportation Trust Fund created under s. 206.46 and used  
 200 for fixed capital expenditures for the statewide transportation  
 201 system.

202 Section 2. Section 373.618, Florida Statutes, is amended to  
 203 read:

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204 373.618 Public service warnings, alerts, and  
 205 announcements.—The Legislature believes it is in the public  
 206 interest that all water management districts created pursuant to  
 207 s. 373.069 own, acquire, develop, construct, operate, and manage  
 208 public information systems. Public information systems may be  
 209 located on property owned by the water management district, upon  
 210 terms and conditions approved by the water management district,  
 211 and must display messages to the general public concerning water  
 212 management services, activities, events, and sponsors, as well  
 213 as other public service announcements, including watering  
 214 restrictions, severe weather reports, amber alerts, and other  
 215 essential information needed by the public. ~~Local government~~  
 216 ~~review or approval is not required for a public information~~  
 217 ~~system owned or hereafter acquired, developed, or constructed by~~  
 218 ~~the water management district on its own property.~~ A public  
 219 information system is subject to ~~exempt from~~ the requirements of  
 220 chapter 479. However, a public information system that is  
 221 subject to the Highway Beautification Act of 1965 must be  
 222 approved by the United States Department of Transportation and  
 223 the Federal Highway Administration if such approval is required  
 224 by federal law and federal regulation under the agreement  
 225 between the state and the United States Department of  
 226 Transportation and by federal regulations enforced by the  
 227 Department of Transportation under s. 479.02(1). Water  
 228 management district funds may not be used to pay the cost to  
 229 acquire, develop, construct, operate, or manage a public  
 230 information system. Any necessary funds for a public information  
 231 system shall be paid for and collected from private sponsors who  
 232 may display commercial messages.

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233 Section 3. Section 479.01, Florida Statutes, is amended to  
234 read:

235 479.01 Definitions.—As used in this chapter, the term:

236 (1) "Allowable uses" means the intended uses identified in  
237 a local government's land development regulations which ~~those~~  
238 uses that are authorized within a zoning category as a use by  
239 right, without the requirement to obtain a variance or waiver.  
240 The term includes conditional uses and those allowed by special  
241 exception if such uses are a present and actual use, but does  
242 not include uses that are accessory, ancillary, incidental to  
243 the allowable uses, or allowed only on a temporary basis.

244 (2) "Automatic changeable facing" means a facing that is  
245 capable of delivering two or more advertising messages through  
246 an automated or remotely controlled process.

247 (3) "Business of outdoor advertising" means the business of  
248 ~~constructing, erecting,~~ operating, ~~using,~~ maintaining, leasing,  
249 or selling outdoor advertising structures, outdoor advertising  
250 signs, or outdoor advertisements.

251 ~~(4) "Commercial or industrial zone" means a parcel of land~~  
252 ~~designated for commercial or industrial uses under both the~~  
253 ~~future land use map of the comprehensive plan and the land use~~  
254 ~~development regulations adopted pursuant to chapter 163. If a~~  
255 ~~parcel is located in an area designated for multiple uses on the~~  
256 ~~future land use map of a comprehensive plan and the zoning~~  
257 ~~category of the land development regulations does not clearly~~  
258 ~~designate that parcel for a specific use, the area will be~~  
259 ~~considered an unzoned commercial or industrial area if it meets~~  
260 ~~the criteria of subsection (26).~~

261 (4)(5) "Commercial use" means activities associated with

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262 the sale, rental, or distribution of products or the performance  
263 of services. The term includes, but is not limited to ~~without~~  
264 ~~limitation~~, such uses or activities as retail sales; wholesale  
265 sales; rentals of equipment, goods, or products; offices;  
266 restaurants; food service vendors; sports arenas; theaters; and  
267 tourist attractions.

268 (5)(6) "Controlled area" means 660 feet or less from the  
269 nearest edge of the right-of-way of any portion of the State  
270 Highway System, interstate, or federal-aid primary highway  
271 system and beyond 660 feet of the nearest edge of the right-of-  
272 way of any portion of the State Highway System, interstate  
273 highway system, or federal-aid primary system outside an urban  
274 area.

275 (6)(7) "Department" means the Department of Transportation.

276 (7)(8) "Erect" means to construct, build, raise, assemble,  
277 place, affix, attach, create, paint, draw, or in any other way  
278 bring into being or establish. The term, ~~but it~~ does not include  
279 ~~such any of the foregoing~~ activities when performed as an  
280 incident to the change of advertising message or customary  
281 maintenance or repair of a sign.

282 (8)(9) "Federal-aid primary highway system" means the  
283 federal-aid primary highway system in existence on June 1, 1991,  
284 and any highway that was not a part of such system as of that  
285 date but that is, or became after June 1, 1991, a part of the  
286 National Highway System, including portions that have been  
287 accepted as part of the National Highway System but are unbuilt  
288 or unopened existing, unbuilt, or unopened system of highways or  
289 portions thereof, which shall include the National Highway  
290 System, designated as the federal-aid primary highway system by

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291 ~~the department.~~

292 ~~(9)(10)~~ "Highway" means any road, street, or other way open  
 293 or intended to be opened to the public for travel by motor  
 294 vehicles.

295 ~~(10)(11)~~ "Industrial use" means activities associated with  
 296 the manufacture, assembly, processing, or storage of products or  
 297 the performance of related services ~~relating thereto~~. The term  
 298 includes, but is not limited to ~~without limitation~~, such uses or  
 299 activities as automobile manufacturing or repair, boat  
 300 manufacturing or repair, junk yards, meat packing facilities,  
 301 citrus processing and packing facilities, produce processing and  
 302 packing facilities, electrical generating plants, water  
 303 treatment plants, sewage treatment plants, and solid waste  
 304 disposal sites.

305 ~~(11)(12)~~ "Interstate highway system" means the existing,  
 306 unbuilt, or unopened system of highways or portions thereof  
 307 designated as the national system of interstate and defense  
 308 highways by the department.

309 ~~(12)(13)~~ "Main-traveled way" means the traveled way of a  
 310 highway on which through traffic is carried. In the case of a  
 311 divided highway, the traveled way of each of the separate  
 312 roadways for traffic in opposite directions is a main-traveled  
 313 way. The term ~~It~~ does not include such facilities as frontage  
 314 roads, turning roadways which specifically include on-ramps or  
 315 off-ramps to the interstate highway system, or parking areas.

316 ~~(13)(14)~~ "Maintain" means to allow to exist.

317 ~~(14)(15)~~ "Motorist services directional signs" means signs  
 318 providing directional information about goods and services in  
 319 the interest of the traveling public where such signs were

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320 lawfully erected and in existence on or before May 6, 1976, and  
 321 continue to provide directional information to goods and  
 322 services in a defined area.

323 ~~(15)(16)~~ "New highway" means the construction of any road,  
 324 paved or unpaved, where no road previously existed or the act of  
 325 paving any previously unpaved road.

326 ~~(16)(17)~~ "Nonconforming sign" means a sign which was  
 327 lawfully erected but which does not comply with the land use,  
 328 setback, size, spacing, and lighting provisions of state or  
 329 local law, rule, regulation, or ordinance passed at a later date  
 330 or a sign which was lawfully erected but which later fails to  
 331 comply with state or local law, rule, regulation, or ordinance  
 332 due to changed conditions.

333 ~~(17)(18)~~ "Premises" means all the land areas under  
 334 ownership or lease arrangement to the sign owner which are  
 335 contiguous to the business conducted on the land except for  
 336 instances where such land is a narrow strip contiguous to the  
 337 advertised activity or is connected by such narrow strip, the  
 338 only viable use of such land is to erect or maintain an  
 339 advertising sign. If ~~When~~ the sign owner is a municipality or  
 340 county, the term means ~~"premises" shall mean~~ all lands owned or  
 341 leased by ~~the~~ such municipality or county within its  
 342 jurisdictional boundaries ~~as set forth by law~~.

343 ~~(18)(19)~~ "Remove" means to disassemble all sign materials  
 344 above ground level and, transport such materials from the site,  
 345 ~~and dispose of sign materials by sale or destruction.~~

346 ~~(19)(20)~~ "Sign" means any combination of structure and  
 347 message in the form of an outdoor sign, display, device, figure,  
 348 painting, drawing, message, placard, poster, billboard,

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349 advertising structure, advertisement, logo, symbol, or other  
 350 form, whether placed individually or on a V-type, back-to-back,  
 351 side-to-side, stacked, or double-faced display or automatic  
 352 changeable facing, designed, intended, or used to advertise or  
 353 inform, any part of the advertising message or informative  
 354 contents of which is visible from any place on the main-traveled  
 355 way. The term does not include an official traffic control sign,  
 356 official marker, or specific information panel erected, caused  
 357 to be erected, or approved by the department.

358 (20)~~(21)~~ "Sign direction" means the ~~that~~ direction from  
 359 which the message or informative contents are most visible to  
 360 oncoming traffic on the main-traveled way.

361 (21)~~(22)~~ "Sign face" means the part of a ~~the~~ sign,  
 362 including trim and background, which contains the message or  
 363 informative contents, including an automatic changeable face.

364 (22)~~(23)~~ "Sign facing" includes all sign faces and  
 365 automatic changeable faces displayed at the same location and  
 366 facing the same direction.

367 (23)~~(24)~~ "Sign structure" means all the interrelated parts  
 368 and material, such as beams, poles, and stringers, which are  
 369 constructed for the purpose of supporting or displaying a  
 370 message or informative contents.

371 (24)~~(25)~~ "State Highway System" has the same meaning as in  
 372 s. 334.03 ~~means the existing, unbuilt, or unopened system of~~  
 373 ~~highways or portions thereof designated as the State Highway~~  
 374 ~~System by the department.~~

375 ~~(26) "Unzoned commercial or industrial area" means a parcel~~  
 376 ~~of land designated by the future land use map of the~~  
 377 ~~comprehensive plan for multiple uses that include commercial or~~

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378 ~~industrial uses but are not specifically designated for~~  
 379 ~~commercial or industrial uses under the land development~~  
 380 ~~regulations, in which three or more separate and distinct~~  
 381 ~~conforming industrial or commercial activities are located.~~

382 ~~(a) These activities must satisfy the following criteria:~~

383 ~~1. At least one of the commercial or industrial activities~~  
 384 ~~must be located on the same side of the highway and within 800~~  
 385 ~~feet of the sign location;~~

386 ~~2. The commercial or industrial activities must be within~~  
 387 ~~660 feet from the nearest edge of the right-of-way; and~~

388 ~~3. The commercial industrial activities must be within~~  
 389 ~~1,600 feet of each other.~~

390 ~~Distances specified in this paragraph must be measured from the~~  
 391 ~~nearest outer edge of the primary building or primary building~~  
 392 ~~complex when the individual units of the complex are connected~~  
 393 ~~by covered walkways.~~

394 ~~(b) Certain activities, including, but not limited to, the~~  
 395 ~~following, may not be so recognized as commercial or industrial~~  
 396 ~~activities:~~

397 ~~1. Signs.~~

398 ~~2. Agricultural, forestry, ranching, grazing, farming, and~~  
 399 ~~related activities, including, but not limited to, wayside fresh~~  
 400 ~~produce stands.~~

401 ~~3. Transient or temporary activities.~~

402 ~~4. Activities not visible from the main-traveled way.~~

403 ~~5. Activities conducted more than 660 feet from the nearest~~  
 404 ~~edge of the right of way.~~

405 ~~6. Activities conducted in a building principally used as a~~  
 406

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407 ~~residence.~~408 ~~7. Railroad tracks and minor sidings.~~409 ~~8. Communication towers.~~410 ~~(25)-(27)~~ "Urban area" has the same meaning as ~~defined~~ in s.411 334.03~~(31)~~.

412 ~~(26)-(28)~~ "Visible commercial or industrial activity" means  
 413 a commercial or industrial activity that is capable of being  
 414 seen without visual aid by a person of normal visual acuity from  
 415 the main-traveled way and that is generally recognizable as  
 416 commercial or industrial.

417 ~~(27)-(29)~~ "Visible sign" means that the advertising message  
 418 or informative contents of a sign, whether or not legible, can  
 419 be is capable of being seen without visual aid by a person of  
 420 normal visual acuity.

421 ~~(28)-(30)~~ "Wall mural" means a sign that is a painting or an  
 422 artistic work composed of photographs or arrangements of color  
 423 and that displays a commercial or noncommercial message, relies  
 424 solely on the side of the building for rigid structural support,  
 425 and is painted on the building or depicted on vinyl, fabric, or  
 426 other similarly flexible material that is held in place flush or  
 427 flat against the surface of the building. The term excludes a  
 428 painting or work placed on a structure that is erected for the  
 429 sole or primary purpose of signage.

430 ~~(29)-(31)~~ "Zoning category" means the designation under the  
 431 land development regulations or other similar ordinance enacted  
 432 to regulate the use of land as provided in s. 163.3202(2)(b),  
 433 which designation sets forth the allowable uses, restrictions,  
 434 and limitations on use applicable to properties within the  
 435 category.

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436 Section 4. Section 479.02, Florida Statutes, is amended to  
 437 read:

438 479.02 Duties of the department. ~~It shall be the duty of~~  
 439 The department shall ~~to~~:

440 (1) Administer and enforce ~~the provisions of~~ this chapter,  
 441 ~~and~~ the 1972 agreement between the state and the United States  
 442 Department of Transportation ~~relating to the size, lighting, and~~  
 443 ~~spacing of signs in accordance with Title I of the Highway~~  
 444 ~~Beautification Act of 1965 and Title 23 of the~~, United States  
 445 Code, and federal regulations, including, but not limited to,  
 446 those pertaining to the maintenance, continuance, and removal of  
 447 nonconforming signs in effect as of the effective date of this  
 448 act.

449 (2) Regulate size, height, lighting, and spacing of signs  
 450 permitted on commercial and industrial parcels and in unzoned  
 451 commercial or industrial areas in zoned and unzoned commercial  
 452 areas and zoned and unzoned industrial areas on the interstate  
 453 highway system and the federal-aid primary highway system.

454 (3) Determine unzoned commercial and industrial parcels and  
 455 unzoned commercial or areas and unzoned industrial areas in the  
 456 manner provided in s. 479.024.

457 (4) Implement a specific information panel program on the  
 458 limited access interstate highway system to promote tourist-  
 459 oriented businesses by providing directional information safely  
 460 and aesthetically.

461 (5) Implement a rest area information panel or devices  
 462 program at rest areas along the interstate highway system and  
 463 the federal-aid primary highway system to promote tourist-  
 464 oriented businesses.



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465 (6) Test and, if economically feasible, implement  
 466 alternative methods of providing information in the specific  
 467 interest of the traveling public which allow the traveling  
 468 public freedom of choice, conserve natural beauty, and present  
 469 information safely and aesthetically.

470 (7) Adopt such rules as the department ~~it~~ deems necessary  
 471 or proper for the administration of this chapter, including  
 472 rules ~~that which~~ identify activities that may not be recognized  
 473 as industrial or commercial activities for purposes of  
 474 determination of a an area as an unzoned commercial or  
 475 industrial parcel or an unzoned commercial or industrial area in  
 476 the manner provided in s. 479.024.

477 (8) ~~Prior to July 1, 1998,~~ Inventory and determine the  
 478 location of all signs on the state highway system, interstate  
 479 highway system, and federal-aid primary highway system to be  
 480 used as systems. Upon completion of the inventory, it shall  
 481 become the database and permit information for all permitted  
 482 signs permitted at the time of completion, and the previous  
 483 records of the department shall be amended accordingly. The  
 484 inventory shall be updated at least no less than every 2 years.  
 485 ~~The department shall adopt rules regarding what information is~~  
 486 ~~to be collected and preserved to implement the purposes of this~~  
 487 ~~chapter.~~ The department may perform the inventory using  
 488 department staff, or may contract with a private firm to perform  
 489 the work, whichever is more cost efficient. The department shall  
 490 maintain a database of sign inventory information such as sign  
 491 location, size, height, and structure type, the permittee's  
 492 permitholder's name, and any other information the department  
 493 finds necessary to administer the program.

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494 Section 5. Section 479.024, Florida Statutes, is created to  
 495 read:

496 479.024 Commercial and industrial parcels.—Signs shall be  
 497 permitted by the department only in commercial or industrial  
 498 zones, as determined by the local government, in compliance with  
 499 chapter 163, unless otherwise provided in this chapter.  
 500 Commercial and industrial zones are those areas appropriate for  
 501 commerce, industry, or trade, regardless of how those areas are  
 502 labeled.

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

504 (a) "Parcel" means the property where the sign is located  
 505 or is proposed to be located.

506 (b) "Utilities" includes all privately, publicly, or  
 507 cooperatively owned lines, facilities, and systems for  
 508 producing, transmitting, or distributing communications, power,  
 509 electricity, light, heat, gas, oil, crude products, water,  
 510 steam, waste, and stormwater not connected with the highway  
 511 drainage, and other similar commodities.

512 (2) The determination as to zoning by the local government  
 513 for the parcel must meet all of the following criteria:

514 (a) The parcel is comprehensively zoned and includes  
 515 commercial or industrial uses as allowable uses.

516 (b) The parcel can reasonably accommodate a commercial or  
 517 industrial use under the future land use map of the  
 518 comprehensive plan and land use development regulations, as  
 519 follows:

520 1. Sufficient utilities are available to support commercial  
 521 or industrial development; and

522 2. The size, configuration, and public access of the parcel

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523 are sufficient to accommodate a commercial or industrial use,  
 524 given the requirements in the comprehensive plan and land  
 525 development regulations for vehicular access, on-site  
 526 circulation, building setbacks, buffering, parking, and other  
 527 applicable standards or the parcel consists of railroad tracks  
 528 or minor sidings abutting commercial or industrial property that  
 529 meets the criteria of this subsection.

530 (c) The parcel is not being used exclusively for  
 531 noncommercial or nonindustrial uses.

532 (3) If a local government has not designated zoning through  
 533 land development regulations in compliance with chapter 163 but  
 534 has designated the parcel under the future land use map of the  
 535 comprehensive plan for uses that include commercial or  
 536 industrial uses, the parcel shall be considered an unzoned  
 537 commercial or industrial area. For a permit to be issued for a  
 538 sign in an unzoned commercial or industrial area, there must be  
 539 three or more distinct commercial or industrial activities  
 540 within 1,600 feet of each other, with at least one of the  
 541 commercial or industrial activities located on the same side of  
 542 the highway as, and within 800 feet of, the sign location.  
 543 Multiple commercial or industrial activities enclosed in one  
 544 building shall be considered one use if all activities have only  
 545 shared building entrances.

546 (4) For purposes of this section, certain uses and  
 547 activities may not be independently recognized as commercial or  
 548 industrial, including, but not limited to:

549 (a) Signs.

550 (b) Agricultural, forestry, ranching, grazing, farming, and  
 551 related activities, including, but not limited to, wayside fresh

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552 produce stands.

553 (c) Transient or temporary activities.

554 (d) Activities not visible from the main-traveled way,  
 555 unless a department transportation facility is the only cause  
 556 for the activity not being visible.

557 (e) Activities conducted more than 660 feet from the  
 558 nearest edge of the right-of-way.

559 (f) Activities conducted in a building principally used as  
 560 a residence.

561 (g) Railroad tracks and minor sidings, unless the tracks  
 562 and sidings are abutted by a commercial or industrial property  
 563 that meets the criteria in subsection (2).

564 (h) Communication towers.

565 (i) Public parks, public recreation services, and  
 566 governmental uses and activities that take place in a structure  
 567 that serves as the permanent public meeting place for local,  
 568 state, or federal boards, commissions, or courts.

569 (5) If the local government has indicated that the proposed  
 570 sign location is on a parcel that is in a commercial or  
 571 industrial zone but the department finds that it is not, the  
 572 department shall notify the sign applicant in writing of its  
 573 determination.

574 (6) An applicant whose application for a permit is denied  
 575 may request, within 30 days after the receipt of the  
 576 notification of intent to deny, an administrative hearing  
 577 pursuant to chapter 120 for a determination of whether the  
 578 parcel is located in a commercial or industrial zone. Upon  
 579 receipt of such request, the department shall notify the local  
 580 government that the applicant has requested an administrative

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581 hearing pursuant to chapter 120.

582 (7) If the department determines in a final order that the  
 583 parcel does not meet the permitting conditions in this section  
 584 and a sign exists on the parcel, the applicant shall remove the  
 585 sign within 30 days after the date of the order. The applicant  
 586 is responsible for all sign removal costs.

587 (8) If the Federal Highway Administration reduces funds  
 588 that would otherwise be apportioned to the department due to a  
 589 local government's failure to comply with this section, the  
 590 department shall reduce transportation funding apportioned to  
 591 the local government by an equivalent amount.

592 Section 6. Section 479.03, Florida Statutes, is amended to  
 593 read:

594 479.03 Jurisdiction of the Department of Transportation;  
 595 entry upon privately owned lands.—The territory under the  
 596 jurisdiction of the department for the purpose of this chapter  
 597 includes shall include all the state. Employees, agents, or  
 598 independent contractors working for the department, in the  
 599 performance of their functions and duties under the provisions  
 600 of this chapter, may enter into and upon any land upon which a  
 601 sign is displayed, is proposed to be erected, or is being  
 602 erected and make such inspections, surveys, and removals as may  
 603 be relevant. Upon written notice to ~~After receiving consent by~~  
 604 the landowner, operator, or person in charge of an intervening  
 605 privately owned land that or appropriate inspection warrant  
 606 issued by a judge of any county court or circuit court of this  
 607 state which has jurisdiction of the place or thing to be  
 608 removed, that the removal of an illegal outdoor advertising sign  
 609 is necessary and has been authorized by a final order or results

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610 from an uncontested notice to the sign owner, the department may  
 611 ~~shall be authorized to~~ enter upon any intervening privately  
 612 owned lands for the purposes of effectuating removal of illegal  
 613 signs, ~~provided that~~ The department may enter intervening  
 614 privately owned lands shall only do so in circumstances where it  
 615 has determined that ~~no~~ other legal or economically feasible  
 616 means of entry to the sign site are not reasonably available.  
 617 Except as otherwise provided by this chapter, the department is  
 618 ~~shall be~~ responsible for the repair or replacement in a like  
 619 manner for any physical damage or destruction of private  
 620 property, other than the sign, incidental to the department's  
 621 entry upon such intervening privately owned lands.

622 Section 7. Section 479.04, Florida Statutes, is amended to  
 623 read:

624 479.04 Business of outdoor advertising; license  
 625 requirement; renewal; fees.—

626 (1) A ~~No~~ person may not shall engage in the business of  
 627 outdoor advertising in this state without first obtaining a  
 628 license ~~therefor~~ from the department. Such license shall be  
 629 renewed annually. The fee for such license, and for each annual  
 630 renewal, is \$300. License renewal fees are shall be payable as  
 631 provided for in s. 479.07.

632 (2) A ~~No~~ person is not shall be required to obtain the  
 633 license provided for in this section solely to erect or  
 634 construct outdoor advertising signs or structures ~~as an~~  
 635 ~~incidental part of a building construction contract.~~

636 Section 8. Section 479.05, Florida Statutes, is amended to  
 637 read:

638 479.05 Denial, suspension, or revocation of license.—The

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639 department ~~may have authority to deny, suspend, or revoke a~~ any  
 640 license requested or granted under this chapter in any case in  
 641 which it determines that the application for the license  
 642 contains ~~knowingly~~ false or misleading information of material  
 643 consequence, that the licensee has failed to pay fees or costs  
 644 owed to the department for outdoor advertising purposes, or that  
 645 the licensee has violated any of the provisions of this chapter,  
 646 unless such licensee, within 30 days after the receipt of notice  
 647 by the department, corrects such false or misleading  
 648 information, pays the outstanding amounts, or complies with the  
 649 provisions of this chapter. Suspension of a license allows the  
 650 licensee to maintain existing sign permits, but the department  
 651 may not grant a transfer of an existing permit or issue an  
 652 additional permit to a licensee with a suspended license. A Any  
 653 person aggrieved by an any action of the department which  
 654 denies, suspends, or revokes in denying or revoking a license  
 655 under this chapter may, within 30 days after ~~from~~ the receipt of  
 656 the notice, apply to the department for an administrative  
 657 hearing pursuant to chapter 120.

658 Section 9. Section 479.07, Florida Statutes, is amended to  
 659 read:

660 479.07 Sign permits.-

661 (1) Except as provided in ss. 479.105(1) ~~(e)~~ and 479.16, a  
 662 person may not erect, operate, use, or maintain, or cause to be  
 663 erected, operated, used, or maintained, any sign on the State  
 664 Highway System outside an urban area, ~~as defined in s.~~  
 665 ~~334.03(31),~~ or on any portion of the interstate or federal-aid  
 666 primary highway system without first obtaining a permit for the  
 667 sign from the department and paying the annual fee as provided

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668 in this section. As used in this section, the term "on any  
 669 portion of the State Highway System, interstate highway system,  
 670 or federal-aid primary system" means a sign located within the  
 671 controlled area which is visible from any portion of the main-  
 672 traveled way of such system.

673 (2) ~~A person may not apply for a permit unless he or she~~  
 674 ~~has first obtained the~~ Written permission of the owner or other  
 675 person in lawful possession or control of the site designated as  
 676 the location of the sign is required for issuance of a in the  
 677 application for the permit.

678 (3) (a) An application for a sign permit must be made on a  
 679 form prescribed by the department, and a separate application  
 680 must be submitted for each permit requested. A permit is  
 681 required for each sign facing.

682 (b) As part of the application, the applicant or his or her  
 683 authorized representative must certify ~~in a notarized signed~~  
 684 ~~statement~~ that all information provided in the application is  
 685 true and correct and that, ~~pursuant to subsection (2), he or she~~  
 686 ~~has obtained the written permission of the owner or other person~~  
 687 ~~in lawful possession of the site designated as the location of~~  
 688 ~~the sign in the permit application. Each~~ Every permit  
 689 application must be accompanied by the appropriate permit fee; a  
 690 signed statement by the owner or other person in lawful control  
 691 of the site on which the sign is located or will be erected,  
 692 authorizing the placement of the sign on that site; ~~and, where~~  
 693 ~~local governmental regulation of signs exists,~~ a statement from  
 694 the appropriate local governmental official indicating that the  
 695 sign complies with all local government ~~governmental~~  
 696 requirements; and, if a local government permit is required for

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697 a sign, a statement that the agency or unit of local government  
698 will issue a permit to that applicant upon approval of the state  
699 permit application by the department.

700 (c) The annual permit fee for each sign facing shall be  
701 established by the department by rule in an amount sufficient to  
702 offset the total cost to the department for the program, but may  
703 shall not be greater than exceed \$100. ~~The A fee may not be~~  
704 ~~prorated for a period less than the remainder of the permit year~~  
705 ~~to accommodate short-term publicity features; however, a first-~~  
706 ~~year fee may be prorated by payment of an amount equal to one-~~  
707 ~~fourth of the annual fee for each remaining whole quarter or~~  
708 ~~partial quarter of the permit year. Applications received after~~  
709 ~~the end of the third quarter of the permit year must include~~  
710 ~~fees for the last quarter of the current year and fees for the~~  
711 ~~succeeding year.~~

712 (4) An application for a permit shall be acted on by  
713 granting, denying, or returning the incomplete application the  
714 ~~department~~ within 30 days after receipt of the application by  
715 the department.

716 (5) (a) For each permit issued, the department shall furnish  
717 to the applicant a serially numbered permanent metal permit tag.  
718 The permittee is responsible for maintaining a valid permit tag  
719 on each permitted sign facing at all times. The tag shall be  
720 securely attached to the upper 50 percent of the sign structure,  
721 and sign facing or, if there is no facing, on the pole nearest  
722 ~~the highway; and it shall be~~ attached in such a manner as to be  
723 plainly visible from the main-traveled way. ~~Effective July 1,~~  
724 ~~2012, the tag must be securely attached to the upper 50 percent~~  
725 ~~of the pole nearest the highway and must be attached in such a~~

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726 ~~manner as to be plainly visible from the main-traveled way. The~~  
727 ~~permit becomes void unless the permit tag must be~~ ~~is~~ properly  
728 and permanently displayed at the permitted site within 30 days  
729 after the date of permit issuance. If the permittee fails to  
730 erect a completed sign on the permitted site within 270 days  
731 after the date on which the permit was issued, the permit will  
732 be void, and the department may not issue a new permit to that  
733 permittee for the same location for 270 days after the date on  
734 which the permit becomes ~~became~~ void.

735 (b) If a permit tag is lost, stolen, or destroyed, the  
736 permittee to whom the tag was issued must apply to the  
737 department for a replacement tag. The department shall adopt a  
738 rule establishing a service fee for replacement tags in an  
739 amount that will recover the actual cost of providing the  
740 replacement tag. Upon receipt of the application accompanied by  
741 the service fee, the department shall issue a replacement permit  
742 tag. ~~Alternatively, the permittee may provide its own~~  
743 ~~replacement tag pursuant to department specifications that the~~  
744 ~~department shall adopt by rule at the time it establishes the~~  
745 ~~service fee for replacement tags.~~

746 (6) A permit is valid only for the location specified in  
747 the permit. Valid permits may be transferred from one sign owner  
748 to another upon written acknowledgment from the current  
749 permittee and submittal of a transfer fee of \$5 for each permit  
750 to be transferred. However, the maximum transfer fee for any  
751 multiple transfer between two outdoor advertisers in a single  
752 transaction is \$1,000 ~~\$100~~.

753 (7) A permittee shall at all times maintain the permission  
754 of the owner or other person in lawful control of the sign site

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755 in order to have and maintain a sign at such site.

756 (8) (a) In order to reduce peak workloads, the department

757 may adopt rules providing for staggered expiration dates for

758 licenses and permits. Unless otherwise provided for by rule, all

759 licenses and permits expire annually on January 15. All license

760 and permit renewal fees are required to be submitted to the

761 department by no later than the expiration date. At least 105

762 days ~~before~~ prior to the expiration date of licenses and

763 permits, the department shall send to each permittee a notice of

764 fees due for all licenses and permits that ~~which~~ were issued to

765 him or her ~~before~~ prior to the date of the notice. Such notice

766 ~~must~~ shall list the permits and the permit fees due for each

767 sign facing. The permittee shall, no later than 45 days ~~before~~

768 ~~prior to~~ the expiration date, advise the department of any

769 additions, deletions, or errors contained in the notice. Permit

770 tags that ~~which~~ are not renewed shall be returned to the

771 department for cancellation by the expiration date. Permits that

772 ~~which~~ are not renewed or are canceled shall be certified in

773 writing at that time as canceled or not renewed by the

774 permittee, and permit tags for such permits shall be returned to

775 the department or shall be accounted for by the permittee in

776 writing, which writing shall be submitted with the renewal fee

777 payment or the cancellation certification. However, failure of a

778 permittee to submit a permit cancellation ~~does~~ shall not affect

779 the nonrenewal of a permit. ~~Before~~ Prior to cancellation of a

780 permit, the permittee shall provide written notice to all

781 persons or entities having a right to advertise on the sign that

782 the permittee intends to cancel the permit.

783 (b) If a permittee has not submitted his or her fee payment

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784 by the expiration date of the licenses or permits, the

785 department shall send a notice of violation to the permittee

786 within 45 days after the expiration date, requiring the payment

787 of the permit fee within 30 days after the date of the notice

788 and payment of a delinquency fee equal to 10 percent of the

789 original amount due or, in the alternative to these payments,

790 requiring the filing of a request for an administrative hearing

791 to show cause why the ~~his or her~~ sign should not be subject to

792 immediate removal due to expiration of his or her license or

793 permit. If the permittee submits payment as required by the

794 violation notice, the ~~his or her~~ license or permit shall ~~will~~ be

795 automatically reinstated and such reinstatement is ~~will~~ be

796 retroactive to the original expiration date. If the permittee

797 does not respond to the notice of violation within the 30-day

798 period, the department shall, within 30 days, issue a final

799 notice of sign removal and may, following 90 days after the date

800 of the department's final notice of sign removal, remove the

801 sign without incurring any liability as a result of such

802 removal. However, if at any time before removal of the sign, the

803 permittee demonstrates that a good faith error on the part of

804 the permittee resulted in cancellation or nonrenewal of the

805 permit, the department may reinstate the permit if:

806 1. The permit reinstatement fee of ~~up to~~ \$300 ~~based on the~~

807 ~~size of the sign~~ is paid;

808 2. All other permit renewal and delinquent permit fees due

809 as of the reinstatement date are paid; and

810 3. The permittee reimburses the department for all actual

811 costs resulting from the permit cancellation or nonrenewal.

812 (c) Conflicting applications filed by other persons for the

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813 same or competing sites covered by a permit subject to paragraph  
814 (b) may not be approved until after the sign subject to the  
815 expired permit has been removed.

816 (d) The cost for removing a sign, ~~whether~~ by the department  
817 or an independent contractor, shall be assessed by the  
818 department against the permittee.

819 (9) (a) A permit ~~may shall~~ not be granted for any sign for  
820 which a permit had not been granted by the effective date of  
821 this act unless such sign is located at least:

822 1. One thousand five hundred feet from any other permitted  
823 sign on the same side of the highway, if on an interstate  
824 highway.

825 2. One thousand feet from any other permitted sign on the  
826 same side of the highway, if on a federal-aid primary highway.

827

828 The minimum spacing provided in this paragraph does not preclude  
829 the permitting of V-type, back-to-back, side-to-side, stacked,  
830 or double-faced signs at the permitted sign site. If a sign is  
831 visible to more than one highway subject to the jurisdiction of  
832 the department and within the controlled area of the highways  
833 ~~from the controlled area of more than one highway subject to the~~  
834 ~~jurisdiction of the department~~, the sign ~~must shall~~ meet the  
835 permitting requirements of all highways, and, ~~if the sign meets~~  
836 ~~the applicable permitting requirements~~, be permitted to, the  
837 highway having the more stringent permitting requirements.

838 (b) A permit ~~may shall~~ not be granted for a sign pursuant  
839 to this chapter to locate such sign on any portion of the  
840 interstate or federal-aid primary highway system, which sign:

841 1. Exceeds 50 feet in sign structure height above the crown

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842 of the main-traveled way to which the sign is permitted, if  
843 outside an incorporated area;

844 2. Exceeds 65 feet in sign structure height above the crown  
845 of the main-traveled way to which the sign is permitted, if  
846 inside an incorporated area; or

847 3. Exceeds 950 square feet of sign facing including all  
848 embellishments.

849 (c) Notwithstanding subparagraph (a)1., ~~there is~~  
850 ~~established a pilot program in Orange, Hillsborough, and Osceola~~  
851 ~~Counties, and within the boundaries of the City of Miami, under~~  
852 ~~which the distance between permitted signs on the same side of~~  
853 ~~an interstate highway may be reduced to 1,000 feet if all other~~  
854 ~~requirements of this chapter are met and if:~~

855 1. The local government has adopted a plan, program,  
856 resolution, ordinance, or other policy encouraging the voluntary  
857 removal of signs in a downtown, historic, redevelopment, infill,  
858 or other designated area which also provides for a new or  
859 replacement sign to be erected on an interstate highway within  
860 that jurisdiction if a sign in the designated area is removed;

861 2. The sign owner and the local government mutually agree  
862 to the terms of the removal and replacement; and

863 3. The local government notifies the department of its  
864 intention to allow such removal and replacement as agreed upon  
865 pursuant to subparagraph 2.

866 4. ~~The new or replacement sign to be erected on an~~  
867 ~~interstate highway within that jurisdiction is to be located on~~  
868 ~~a parcel of land specifically designated for commercial or~~  
869 ~~industrial use under both the future land use map of the~~  
870 ~~comprehensive plan and the land use development regulations~~

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871 ~~adopted pursuant to chapter 163, and such parcel shall not be~~  
 872 ~~subject to an evaluation in accordance with the criteria set~~  
 873 ~~forth in s. 479.01(26) to determine if the parcel can be~~  
 874 ~~considered an unzoned commercial or industrial area.~~

875  
 876 ~~The department shall maintain statistics tracking the use of the~~  
 877 ~~provisions of this pilot program based on the notifications~~  
 878 ~~received by the department from local governments under this~~  
 879 ~~paragraph.~~

880 (d) This subsection does not cause a sign that was  
 881 conforming on October 1, 1984, to become nonconforming.

882 (10) Commercial or industrial zoning that ~~which~~ is not  
 883 comprehensively enacted or that ~~which~~ is enacted primarily to  
 884 permit signs may ~~shall~~ not be recognized as commercial or  
 885 industrial zoning for purposes of this provision, and permits  
 886 may ~~shall~~ not be issued for signs in such areas. The department  
 887 shall adopt rules that ~~within 180 days after this act takes~~  
 888 ~~effect which shall~~ provide criteria to determine whether such  
 889 zoning is comprehensively enacted or enacted primarily to permit  
 890 signs.

891 Section 10. Section 479.08, Florida Statutes, is amended to  
 892 read:

893 479.08 Denial or revocation of permit.—The department may  
 894 deny or revoke a ~~any~~ permit requested or granted under this  
 895 chapter in any case in which it determines that the application  
 896 for the permit contains ~~knowingly~~ false or misleading  
 897 information of material consequence. The department may revoke a  
 898 ~~any~~ permit granted under this chapter in any case in which the  
 899 permittee has violated ~~any of the provisions of this chapter,~~

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900 unless such permittee, within 30 days after the receipt of  
 901 notice by the department, complies with ~~the provisions of this~~  
 902 chapter. For the purpose of this section, the notice of  
 903 violation issued by the department must describe in detail the  
 904 alleged violation. A ~~Any~~ person aggrieved by any action of the  
 905 department in denying or revoking a permit under this chapter  
 906 may, within 30 days after receipt of the notice, apply to the  
 907 department for an administrative hearing pursuant to chapter  
 908 120. If a timely request for hearing has been filed and the  
 909 department issues a final order revoking a permit, such  
 910 revocation shall be effective 30 days after the date of  
 911 rendition. Except for department action pursuant to s.  
 912 479.107(1), the filing of a timely and proper notice of appeal  
 913 shall operate to stay the revocation until the department's  
 914 action is upheld.

915 Section 11. Section 479.10, Florida Statutes, is amended to  
 916 read:

917 479.10 Sign removal following permit revocation or  
 918 cancellation.—A sign shall be removed by the permittee within 30  
 919 days after the date of revocation or cancellation of the permit  
 920 for the sign. If the permittee fails to remove the sign within  
 921 the 30-day period, the department shall remove the sign at the  
 922 permittee's expense with or without further notice and without  
 923 incurring any liability as a result of such removal.

924 Section 12. Section 479.105, Florida Statutes, is amended  
 925 to read:

926 479.105 Signs erected or maintained without required  
 927 permit; removal.—

928 (1) A ~~Any~~ sign that ~~which~~ is located adjacent to the right-



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929 of-way of any highway on the State Highway System outside an  
 930 incorporated area or adjacent to the right-of-way on any portion  
 931 of the interstate or federal-aid primary highway system, which  
 932 sign was erected, operated, or maintained without the permit  
 933 required by s. 479.07(1) having been issued by the department,  
 934 is declared to be a public nuisance and a private nuisance and  
 935 shall be removed as provided in this section.

936 (a) Upon a determination by the department that a sign is  
 937 in violation of s. 479.07(1), the department shall prominently  
 938 post on the sign, or as close to the sign as possible for a  
 939 location in which the sign is not easily accessible, face a  
 940 notice stating that the sign is illegal and must be removed  
 941 within 30 days after the date on which the notice was posted.  
 942 ~~However, if the sign bears the name of the licensee or the name~~  
 943 ~~and address of the nonlicensed sign owner,~~ The department shall,  
 944 concurrently with and in addition to posting the notice on the  
 945 sign, provide a written notice to the owner of the sign, the  
 946 advertiser displayed on the sign, or the owner of the property,  
 947 stating that the sign is illegal and must be permanently removed  
 948 within the 30-day period specified on the posted notice. The  
 949 written notice shall further state that ~~the sign owner has a~~  
 950 ~~right to request~~ a hearing may be requested and that the, which  
 951 request must be filed with the department within 30 days after  
 952 ~~receipt the date~~ of the written notice. However, the filing of a  
 953 request for a hearing will not stay the removal of the sign.

954 (b) If, pursuant to the notice provided, the sign is not  
 955 removed by the ~~sign~~ owner of the sign, the advertiser displayed  
 956 on the sign, or the owner of the property within the prescribed  
 957 period, the department shall immediately remove the sign without

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958 further notice; and, for that purpose, the employees, agents, or  
 959 independent contractors of the department may enter upon private  
 960 property without incurring any liability for so entering.

961 (c) However, the department may issue a permit for a sign,  
 962 as a conforming or nonconforming sign, if the sign owner  
 963 demonstrates to the department one of the following:

964 1. If the sign meets the current requirements of this  
 965 chapter for a sign permit, the sign owner may submit the  
 966 required application package and receive a permit as a  
 967 conforming sign, upon payment of all applicable fees.

968 2. If the sign does not meet the current requirements of  
 969 this chapter for a sign permit and has never been exempt from  
 970 the requirement that a permit be obtained, the sign owner may  
 971 receive a permit as a nonconforming sign if the department  
 972 determines that the sign is not located on state right-of-way  
 973 and is not a safety hazard, and if the sign owner pays a penalty  
 974 fee of \$300 and all pertinent fees required by this chapter,  
 975 including annual permit renewal fees payable since the date of  
 976 the erection of the sign, and attaches to the permit application  
 977 package documentation that demonstrates that:

978 a. The sign has been unpermitted, structurally unchanged,  
 979 and continuously maintained at the same location for 7 years or  
 980 more;

981 b. During the initial 7 years in which the sign has been  
 982 subject to the jurisdiction of the department, the sign would  
 983 have met the criteria established in this chapter which were in  
 984 effect at that time for issuance of a permit; and

985 c. The department has not initiated a notice of violation  
 986 or taken other action to remove the sign during the initial 7-

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987 year period in which the sign has been subject to the  
988 jurisdiction of the department.

989 (d) This subsection does not cause a neighboring sign that  
990 is permitted and that is within the spacing requirements under  
991 s. 479.07(9) (a) to become nonconforming.

992 (e)~~(e)~~ For purposes of this subsection, a notice to the  
993 sign owner, when required, constitutes sufficient notice, ~~and~~  
994 Notice is not required to be provided to the lessee, advertiser,  
995 or the owner of the real property on which the sign is located.

996 (f)~~(d)~~ If, after a hearing, it is determined that a sign  
997 has been wrongfully or erroneously removed pursuant to this  
998 subsection, the department, at the sign owner's discretion,  
999 shall either pay just compensation to the owner of the sign or  
1000 rerect the sign in kind at the expense of the department.

1001 (e) However, if the sign owner demonstrates to the  
1002 department that:

1003 1. ~~The sign has been unpermitted, structurally unchanged,~~  
1004 ~~and continuously maintained at the same location for a period of~~  
1005 ~~7 years or more;~~

1006 2. ~~At any time during the period in which the sign has been~~  
1007 ~~erected, the sign would have met the criteria established in~~  
1008 ~~this chapter for issuance of a permit;~~

1009 3. ~~The department has not initiated a notice of violation~~  
1010 ~~or taken other action to remove the sign during the initial 7-~~  
1011 ~~year period described in subparagraph 1.; and~~

1012 4. ~~The department determines that the sign is not located~~  
1013 ~~on state right of way and is not a safety hazard;~~

1014 ~~the sign may be considered a conforming or nonconforming sign~~  
1015

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1016 ~~and may be issued a permit by the department upon application in~~  
1017 ~~accordance with this chapter and payment of a penalty fee of~~  
1018 ~~\$300 and all pertinent fees required by this chapter, including~~  
1019 ~~annual permit renewal fees payable since the date of the~~  
1020 ~~erection of the sign.~~

1021 (2) (a) If a sign is under construction and the department  
1022 determines that a permit has not been issued for the sign as  
1023 required under ~~the provisions of~~ this chapter, the department  
1024 may ~~is authorized to~~ require that all work on the sign cease  
1025 until the sign owner shows that the sign does not violate ~~the~~  
1026 ~~provisions of~~ this chapter. The order to cease work shall be  
1027 prominently posted on the sign structure, and ~~no~~ further notice  
1028 is not required ~~to be given~~. The failure of a sign owner or her  
1029 or his agents to immediately comply with the order subjects  
1030 ~~shall subject~~ the sign to prompt removal by the department.

1031 (b) For the purposes of this subsection only, a sign is  
1032 under construction when it is in any phase of initial  
1033 construction before ~~prior to~~ the attachment and display of the  
1034 advertising message in final position for viewing by the  
1035 traveling public. A sign that is undergoing routine maintenance  
1036 or change of the advertising message only is not considered to  
1037 be under construction for the purposes of this subsection.

1038 (3) The cost of removing a sign, ~~whether~~ by the department  
1039 or an independent contractor, shall be assessed against the  
1040 owner of the sign by the department.

1041 Section 13. Subsections (5) and (7) of section 479.106,  
1042 Florida Statutes, are amended to read:

1043 479.106 Vegetation management.—

1044 (5) The department may only grant a permit pursuant to s.

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1045 479.07 for a new sign ~~that which~~ requires the removal, cutting,  
 1046 or trimming of existing trees or vegetation on public right-of-  
 1047 way for the sign face to be visible from the highway the sign  
 1048 will be permitted to when the sign owner has removed at least  
 1049 two nonconforming signs of approximate comparable size and  
 1050 surrendered the permits for the nonconforming signs to the  
 1051 department for cancellation. For signs originally permitted  
 1052 after July 1, 1996, the first application, or application for a  
 1053 change of view zone, no permit for the removal, cutting, or  
 1054 trimming of trees or vegetation along the highway the sign is  
 1055 permitted to shall require the removal of two nonconforming  
 1056 signs, in addition to mitigation or contribution to a plan of  
 1057 mitigation. The department may not grant a permit for the  
 1058 removal, cutting, or trimming of trees for a sign permitted  
 1059 after July 1, 1996, if the shall be granted where such trees are  
 1060 or the vegetation is are part of a beautification project  
 1061 implemented before prior to the date of the original sign permit  
 1062 application and if, when the beautification project is  
 1063 specifically identified in the department's construction plans,  
 1064 permitted landscape projects, or agreements.

1065 (7) Any person engaging in removal, cutting, or trimming of  
 1066 trees or vegetation in violation of this section or benefiting  
 1067 from such actions shall be subject to an administrative penalty  
 1068 of up to \$1,000 per sign facing and required to mitigate for the  
 1069 unauthorized removal, cutting, or trimming in such manner and in  
 1070 such amount as may be required under the rules of the  
 1071 department.

1072 Section 14. Subsection (5) of section 479.107, Florida  
 1073 Statutes, is amended to read:

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1074 479.107 Signs on highway rights-of-way; removal.-  
 1075 (5) The cost of removing a sign, ~~whether~~ by the department  
 1076 or an independent contractor, shall be assessed by the  
 1077 department against the owner of the sign. ~~Furthermore, the~~  
 1078 ~~department shall assess a fine of \$75 against the sign owner for~~  
 1079 ~~any sign which violates the requirements of this section.~~

1080 Section 15. Section 479.111, Florida Statutes, is amended  
 1081 to read:

1082 479.111 Specified signs allowed within controlled portions  
 1083 of the interstate and federal-aid primary highway system.—Only  
 1084 the following signs shall be allowed within controlled portions  
 1085 of the interstate highway system and the federal-aid primary  
 1086 highway system as set forth in s. 479.11(1) and (2):

1087 (1) Directional or other official signs and notices that  
 1088 which conform to 23 C.F.R. ss. 750.151-750.155.

1089 (2) Signs in commercial-zoned and industrial-zoned areas or  
 1090 commercial-unzoned and industrial-unzoned areas and within 660  
 1091 feet of the nearest edge of the right-of-way, subject to the  
 1092 requirements set forth in the 1972 agreement between the state  
 1093 and the United States Department of Transportation.

1094 (3) Signs for which permits are not required under s.  
 1095 479.16.

1096 Section 16. Section 479.15, Florida Statutes, is amended to  
 1097 read:

1098 479.15 Harmony of regulations.—

1099 (1) A ~~No~~ zoning board or commission or other public officer  
 1100 or agency may not shall issue a permit to erect a any sign that  
 1101 which is prohibited under ~~the provisions of~~ this chapter or the  
 1102 rules of the department, and nor shall the department may not

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1103 issue a permit for a ~~any~~ sign ~~that~~ which is prohibited by any  
 1104 other public board, officer, or agency in the lawful exercise of  
 1105 its powers.

1106 (2) A municipality, county, local zoning authority, or  
 1107 other local governmental entity may not remove, or cause to be  
 1108 removed, a ~~any~~ lawfully erected sign along any portion of the  
 1109 interstate or federal-aid primary highway system without first  
 1110 paying just compensation for such removal. A local governmental  
 1111 entity may not cause in any way the alteration of a ~~any~~ lawfully  
 1112 erected sign located along any portion of the interstate or  
 1113 federal-aid primary highway system without payment of just  
 1114 compensation if such alteration constitutes a taking under state  
 1115 law. The municipality, county, local zoning authority, or other  
 1116 local governmental ~~government~~ entity that adopts requirements  
 1117 for such alteration shall pay just compensation to the sign  
 1118 owner if such alteration constitutes a taking under state law.  
 1119 This subsection applies only to a lawfully erected sign the  
 1120 subject matter of which relates to premises other than the  
 1121 premises on which it is located or to merchandise, services,  
 1122 activities, or entertainment not sold, produced, manufactured,  
 1123 or furnished on the premises on which the sign is located. ~~As~~  
 1124 ~~used in this subsection, the term "federal-aid primary highway~~  
 1125 ~~system" means the federal-aid primary highway system in~~  
 1126 ~~existence on June 1, 1991, and any highway that was not a part~~  
 1127 ~~of such system as of that date but that is or becomes after June~~  
 1128 ~~1, 1991, a part of the National Highway System.~~ This subsection  
 1129 may shall not be interpreted as explicit or implicit legislative  
 1130 recognition that alterations do or do not constitute a taking  
 1131 under state law.

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1132 (3) It is the express intent of the Legislature to limit  
 1133 the state right-of-way acquisition costs on state and federal  
 1134 roads in eminent domain proceedings, ~~the provisions of ss.~~  
 1135 479.07 and 479.155 notwithstanding. Subject to approval by the  
 1136 Federal Highway Administration, ~~if whenever~~ public acquisition  
 1137 of land upon which is situated a lawful permitted nonconforming  
 1138 sign occurs, as provided in this chapter, the sign may, at the  
 1139 election of its owner and the department, be relocated or  
 1140 reconstructed adjacent to the new right-of-way and in close  
 1141 proximity to the current site if along the roadway within 100  
 1142 feet of the current location, provided the nonconforming sign is  
 1143 not relocated in an area inconsistent with s. 479.024. on a  
 1144 parcel zoned residential, and provided further that Such  
 1145 relocation is shall be subject to the applicable setback  
 1146 requirements in the 1972 agreement between the state and the  
 1147 United States Department of Transportation. The sign owner shall  
 1148 pay all costs associated with relocating or reconstructing a ~~any~~  
 1149 sign under this subsection, and ~~neither~~ the state or ~~nor~~ any  
 1150 local government may not shall reimburse the sign owner for such  
 1151 costs, unless part of such relocation costs is are required by  
 1152 federal law. If ~~no~~ adjacent property is not available for the  
 1153 relocation, the department is shall be responsible for paying  
 1154 the owner of the sign just compensation for its removal.

1155 (4) ~~For a nonconforming sign, such relocation shall be~~  
 1156 ~~adjacent to the current site and the face of the sign may shall~~  
 1157 not be increased in size or height or structurally modified at  
 1158 the point of relocation in a manner inconsistent with the  
 1159 current building codes of the jurisdiction in which the sign is  
 1160 located.

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1161 (5) ~~If in the event that~~ relocation can be accomplished but  
 1162 is inconsistent with the ordinances of the municipality or  
 1163 county within whose jurisdiction the sign is located, the  
 1164 ordinances of the local government shall prevail ~~if, provided~~  
 1165 ~~that~~ the local government assumes ~~shall assume~~ the  
 1166 responsibility to provide the owner of the sign just  
 1167 compensation for its removal, ~~but in no event shall~~  
 1168 Compensation paid by the local government may not be greater  
 1169 than exceed the compensation required under state or federal  
 1170 law. ~~Further, the provisions of~~ This section does shall not  
 1171 impair any agreement or future agreements between a municipality  
 1172 or county and the owner of a sign or signs within the  
 1173 jurisdiction of the municipality or county. ~~Nothing in this~~  
 1174 ~~section shall be deemed to cause a nonconforming sign to become~~  
 1175 ~~conforming solely as a result of the relocation allowed in this~~  
 1176 ~~section.~~

1177 (6) ~~The provisions of~~ Subsections (3), (4), and (5) do of  
 1178 ~~this section shall~~ not apply within the jurisdiction of a any  
 1179 municipality that which is engaged in any litigation concerning  
 1180 its sign ordinance on April 23, 1999, and the subsections do not  
 1181 ~~nor shall such provisions~~ apply to a any municipality whose  
 1182 boundaries are identical to the county within which the said  
 1183 municipality is located.

1184 (7) This section does not cause a neighboring sign that is  
 1185 already permitted and that is within the spacing requirements  
 1186 established in s. 479.07(9)(a) to become nonconforming.

1187 Section 17. Section 479.156, Florida Statutes, is amended  
 1188 to read:

1189 479.156 Wall murals.—Notwithstanding any other provision of

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1190 this chapter, a municipality or county may permit and regulate  
 1191 wall murals within areas designated by such government. If a  
 1192 municipality or county permits wall murals, a wall mural that  
 1193 displays a commercial message and is within 660 feet of the  
 1194 nearest edge of the right-of-way within an area adjacent to the  
 1195 interstate highway system or the federal-aid primary highway  
 1196 system shall be located only in an area that is zoned for  
 1197 industrial or commercial use pursuant to s. 479.024. ~~and~~ The  
 1198 municipality or county shall establish and enforce rules  
 1199 ~~regulations~~ for such areas which that, at a minimum, set forth  
 1200 criteria governing the size, lighting, and spacing of wall  
 1201 murals consistent with the intent of 23 U.S.C. s. 131 ~~the~~  
 1202 ~~Highway Beautification Act of 1965~~ and with customary use. If  
 1203 ~~Whenever~~ a municipality or county exercises such control and  
 1204 makes a determination of customary use pursuant to 23 U.S.C. s.  
 1205 131(d), such determination shall be accepted in lieu of controls  
 1206 in the agreement between the state and the United States  
 1207 Department of Transportation, and the department shall notify  
 1208 the Federal Highway Administration pursuant to the agreement, 23  
 1209 U.S.C. s. 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that  
 1210 is subject to municipal or county regulation and 23 U.S.C. s.  
 1211 131 ~~the Highway Beautification Act of 1965~~ must be approved by  
 1212 the Department of Transportation and the Federal Highway  
 1213 Administration when required by federal law and federal  
 1214 regulation under the agreement between the state and the United  
 1215 States Department of Transportation and federal regulations  
 1216 enforced by the Department of Transportation under s. 479.02(1).  
 1217 The existence of a wall mural as defined in s. 479.01(30) must  
 1218 ~~shall~~ not be considered in determining whether a sign as defined

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1219 in s. 479.01(20), ~~either~~ existing or new, is in compliance with  
1220 s. 479.07(9) (a).

1221 Section 18. Section 479.16, Florida Statutes, is amended to  
1222 read:

1223 479.16 Signs for which permits are not required.—The  
1224 following signs are exempt from the requirement that a permit  
1225 for a sign be obtained under ~~the provisions of~~ this chapter but  
1226 are required to comply with ~~the provisions of~~ s. 479.11(4)-(8),  
1227 and the provisions of subsections (15)-(19) may not be  
1228 implemented or continued if the Federal Government notifies the  
1229 department that implementation or continuation will adversely  
1230 affect the allocation of federal funds to the department:

1231 (1) Signs erected on the premises of an establishment,  
1232 which ~~signs~~ consist primarily of the name of the establishment  
1233 or ~~which~~ identify the principal or accessory merchandise,  
1234 services, activities, or entertainment sold, produced,  
1235 manufactured, or furnished on the premises of the establishment  
1236 and which comply with the lighting restrictions imposed under  
1237 ~~department rule adopted pursuant to~~ s. 479.11(5), or signs owned  
1238 by a municipality or a county located on the premises of such  
1239 municipality or ~~such~~ county which display information regarding  
1240 governmental government services, activities, events, or  
1241 entertainment. For purposes of this section, the following types  
1242 of messages ~~are shall not be~~ considered information regarding  
1243 governmental government services, activities, events, or  
1244 entertainment:

1245 (a) Messages ~~that which~~ specifically reference any  
1246 commercial enterprise.

1247 (b) Messages ~~that which~~ reference a commercial sponsor of

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1248 any event.

1249 (c) Personal messages.

1250 (d) Political campaign messages.

1251

1252 If a sign located on the premises of an establishment consists  
1253 principally of brand name or trade name advertising and the  
1254 merchandise or service is only incidental to the principal  
1255 activity, or if the owner of the establishment receives rental  
1256 income from the sign, ~~then~~ the sign is not exempt under this  
1257 subsection.

1258 (2) Signs erected, used, or maintained on a farm by the  
1259 owner or lessee of such farm and relating solely to farm  
1260 produce, merchandise, service, or entertainment sold, produced,  
1261 manufactured, or furnished on such farm.

1262 (3) Signs posted or displayed on real property by the owner  
1263 or by the authority of the owner, stating that the real property  
1264 is for sale or rent. However, if the sign contains any message  
1265 not pertaining to the sale or rental of ~~the that~~ real property,  
1266 ~~then~~ it is not exempt under this section.

1267 (4) Official notices or advertisements posted or displayed  
1268 on private property by or under the direction of any public or  
1269 court officer in the performance of her or his official or  
1270 directed duties, or by trustees under deeds of trust or deeds of  
1271 assignment or other similar instruments.

1272 (5) Danger or precautionary signs relating to the premises  
1273 on which they are located; forest fire warning signs erected  
1274 under the authority of the Florida Forest Service of the  
1275 Department of Agriculture and Consumer Services; and signs,  
1276 notices, or symbols erected by the United States Government

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1277 under the direction of the United States Forest Forestry  
1278 Service.

1279 (6) Notices of any railroad, bridge, ferry, or other  
1280 transportation or transmission company necessary for the  
1281 direction or safety of the public.

1282 (7) Signs, notices, or symbols for the information of  
1283 aviators as to location, directions, and landings and conditions  
1284 affecting safety in aviation erected or authorized by the  
1285 department.

1286 (8) Signs or notices measuring up to 8 square feet in area  
1287 which are erected or maintained upon property and which state  
1288 stating only the name of the owner, lessee, or occupant of the  
1289 premises and not exceeding 8 square feet in area.

1290 (9) Historical markers erected by duly constituted and  
1291 authorized public authorities.

1292 (10) Official traffic control signs and markers erected,  
1293 caused to be erected, or approved by the department.

1294 (11) Signs erected upon property warning the public against  
1295 hunting and fishing or trespassing ~~thereon~~.

1296 (12) Signs ~~not in excess of~~ up to 8 square feet which that  
1297 are owned by and relate to the facilities and activities of  
1298 churches, civic organizations, fraternal organizations,  
1299 charitable organizations, or units or agencies of government.

1300 (13) ~~Except that~~ Signs placed on benches, transit shelters,  
1301 modular news racks, street light poles, public pay telephones,  
1302 and waste receptacles, within the right-of-way, as provided for  
1303 in s. 337.408 are exempt from ~~all provisions of~~ this chapter.

1304 (14) Signs relating exclusively to political campaigns.

1305 (15) Signs measuring up to ~~not in excess of~~ 16 square feet

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1306 placed at a road junction with the State Highway System denoting  
1307 only the distance or direction of a residence or farm operation,  
1308 or, ~~outside an incorporated in a rural area~~ where a hardship is  
1309 created because a small business is not visible from the road  
1310 junction with the State Highway System, one sign measuring up to  
1311 ~~not in excess of~~ 16 square feet, denoting only the name of the  
1312 business and the distance and direction to the business. ~~The~~  
1313 ~~small-business-sign provision of this subsection does not apply~~  
1314 ~~to charter counties and may not be implemented if the Federal~~  
1315 ~~Government notifies the department that implementation will~~  
1316 ~~adversely affect the allocation of federal funds to the~~  
1317 ~~department~~.

1318 (16) Signs placed by a local tourist-oriented business  
1319 located within a rural area of critical economic concern as  
1320 defined in s. 288.0656(2) which are:

1321 (a) Not more than 8 square feet in size or more than 4 feet  
1322 in height;

1323 (b) Located only in rural areas on a facility that does not  
1324 meet the definition of a limited access facility, as defined in  
1325 s. 334.03;

1326 (c) Located within 2 miles of the business location and at  
1327 least 500 feet apart;

1328 (d) Located only in two directions leading to the business;  
1329 and

1330 (e) Not located within the road right-of-way.

1331  
1332 A business placing such signs must be at least 4 miles from any  
1333 other business using this exemption and may not participate in  
1334 any other directional signage program by the department.

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1335 (17) Signs measuring up to 32 square feet denoting only the  
 1336 distance or direction of a farm operation which are erected at a  
 1337 road junction with the State Highway System, but only during the  
 1338 harvest season of the farm operation for up to 4 months.

1339 (18) Acknowledgment signs erected upon publicly funded  
 1340 school premises which relate to a specific public school club,  
 1341 team, or event and which are placed at least 1,000 feet from any  
 1342 other acknowledgment sign on the same side of the roadway. The  
 1343 sponsor information on an acknowledgment sign may constitute no  
 1344 more than 100 square feet of the sign. As used in this  
 1345 subsection, the term "acknowledgment sign" means a sign that is  
 1346 intended to inform the traveling public that a public school  
 1347 club, team, or event has been sponsored by a person, firm, or  
 1348 other entity.

1349 (19) Displays erected upon a sports facility, the content  
 1350 of which is directly related to the facility's activities or to  
 1351 the facility's products or services. Displays must be mounted  
 1352 flush to the surface of the sports facility and must rely upon  
 1353 the building facade for structural support. As used in this  
 1354 subsection, the term "sports facility" means an athletic  
 1355 complex, athletic arena, or athletic stadium, including  
 1356 physically connected parking facilities, which is open to the  
 1357 public and has a seating capacity of 15,000 or more permanently  
 1358 installed seats.

1359 If the exemptions in subsections (15)-(19) are not implemented  
 1360 or continued due to notification from the Federal Government  
 1361 that the allocation of federal funds to the department will be  
 1362 adversely impacted, the department shall provide notice to the  
 1363

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1364 sign owner that the sign must be removed within 30 days after  
 1365 receipt of the notice. If the sign is not removed within 30 days  
 1366 after receipt of the notice by the sign owner, the department  
 1367 may remove the sign, and the costs incurred in connection with  
 1368 the sign removal shall be assessed against and collected from  
 1369 the sign owner.

1370 Section 19. Section 479.24, Florida Statutes, is amended to  
 1371 read:

1372 479.24 Compensation for ~~removal of~~ signs; eminent domain;  
 1373 exceptions.-

1374 (1) Just compensation shall be paid by the department upon  
 1375 the department's acquisition ~~removal~~ of a lawful conforming or  
 1376 nonconforming sign along any portion of the interstate or  
 1377 federal-aid primary highway system. This section does not apply  
 1378 to a sign that which is illegal at the time of its removal. A  
 1379 sign loses ~~will lose~~ its nonconforming status and becomes ~~become~~  
 1380 illegal at such time as it fails to be permitted or maintained  
 1381 in accordance with all applicable laws, rules, ordinances, or  
 1382 regulations other than the provision that which makes it  
 1383 nonconforming. A legal nonconforming sign under state law or  
 1384 rule does ~~will~~ not lose its nonconforming status solely because  
 1385 it additionally becomes nonconforming under an ordinance or  
 1386 regulation of a local governmental entity passed at a later  
 1387 date. The department shall make every reasonable effort to  
 1388 negotiate the purchase of the signs to avoid litigation and  
 1389 congestion in the courts.

1390 (2) The department is not required to remove any sign under  
 1391 this section if the federal share of the just compensation to be  
 1392 paid upon removal of the sign is not available to make such

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1393 payment, unless an appropriation by the Legislature for such  
 1394 purpose is made to the department.

1395 (3) (a) The department ~~may is authorized to~~ use the power of  
 1396 eminent domain when necessary to carry out ~~the provisions of~~  
 1397 this chapter.

1398 (b) If eminent domain procedures are instituted, just  
 1399 compensation shall be made pursuant to the state's eminent  
 1400 domain procedures, chapters 73 and 74.

1401 Section 20. Section 479.25, Florida Statutes, is amended to  
 1402 read:

1403 479.25 Erection of noise-attenuation barrier blocking view  
 1404 of sign; procedures; application.-

1405 (1) The owner of a lawfully erected sign that is governed  
 1406 by and conforms to state and federal requirements for land use,  
 1407 size, height, and spacing may increase the height above ground  
 1408 level of such sign at its permitted location if a noise-  
 1409 attenuation barrier is permitted by or erected by any  
 1410 governmental entity in such a way as to screen or block  
 1411 visibility of the sign. Any increase in height permitted under  
 1412 this section may only be the increase in height which is  
 1413 required to achieve the same degree of visibility from the  
 1414 right-of-way which the sign had before ~~prior to~~ the construction  
 1415 of the noise-attenuation barrier, notwithstanding the  
 1416 restrictions contained in s. 479.07(9)(b). A sign reconstructed  
 1417 under this section ~~must shall~~ comply with the building standards  
 1418 and wind load requirements provided ~~set forth~~ in the Florida  
 1419 Building Code. If construction of a proposed noise-attenuation  
 1420 barrier will screen a sign lawfully permitted under this  
 1421 chapter, the department shall provide notice to the local

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1422 government or local jurisdiction within which the sign is  
 1423 located ~~before construction prior to erection of the noise-~~  
 1424 ~~attenuation barrier.~~ Upon a determination that an increase in  
 1425 the height of a sign as permitted under this section will  
 1426 violate ~~a provision contained in~~ an ordinance or a land  
 1427 development regulation of the local government or local  
 1428 jurisdiction, the local government or local jurisdiction shall,  
 1429 ~~before construction se notify the department. When notice has~~  
 1430 ~~been received from the local government or local jurisdiction~~  
 1431 ~~prior to erection of the noise-attenuation barrier, the~~  
 1432 ~~department shall:~~

1433 (a) Provide a variance or waiver to the local ordinance or  
 1434 land development regulations to Conduct a written survey of all  
 1435 property owners identified as impacted by highway noise and who  
 1436 may benefit from the proposed noise-attenuation barrier. The  
 1437 written survey shall inform the property owners of the location,  
 1438 date, and time of the public hearing described in paragraph (b)  
 1439 and shall specifically advise the impacted property owners that:

1440 1. ~~Erection of the noise-attenuation barrier may block the~~  
 1441 ~~visibility of an existing outdoor advertising sign;~~

1442 2. ~~The local government or local jurisdiction may restrict~~  
 1443 ~~or prohibit increasing the height of the existing outdoor~~  
 1444 ~~advertising sign to make it visible over the barrier; and~~

1445 3. ~~If a majority of the impacted property owners vote for~~  
 1446 ~~construction of the noise-attenuation barrier, the local~~  
 1447 ~~government or local jurisdiction will be required to:~~

1448 ~~a-~~ allow an increase in the height of the sign ~~in violation~~  
 1449 ~~of a local ordinance or land development regulation;~~

1450 (b)b- Allow the sign to be relocated or reconstructed at

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1451 another location if the sign owner agrees; or  
 1452 (c)e- Pay the fair market value of the sign and its  
 1453 associated interest in the real property.  
 1454 (2)(b) The department shall hold a public hearing within  
 1455 the boundaries of the affected local governments or local  
 1456 jurisdictions to receive input on the proposed noise-attenuation  
 1457 barrier and its conflict with the local ordinance or land  
 1458 development regulation and to suggest or consider alternatives  
 1459 or modifications ~~to the proposed noise-attenuation barrier~~ to  
 1460 alleviate or minimize the conflict with the local ordinance or  
 1461 land development regulation or minimize any costs that may be  
 1462 associated with relocating, reconstructing, or paying for the  
 1463 affected sign. The public hearing may be held concurrently with  
 1464 other public hearings scheduled for the project. The department  
 1465 shall provide a written notification to the local government or  
 1466 local jurisdiction of the date and time of the public hearing  
 1467 and shall provide general notice of the public hearing in  
 1468 accordance with the notice provisions of s. 335.02(1). The  
 1469 notice may shall not be placed in that portion of a newspaper in  
 1470 which legal notices or classified advertisements appear. The  
 1471 notice must shall specifically state that:  
 1472 (a)1- Erection of the proposed noise-attenuation barrier  
 1473 may block the visibility of an existing outdoor advertising  
 1474 sign;  
 1475 (b)2- The local government or local jurisdiction may  
 1476 restrict or prohibit increasing the height of the existing  
 1477 outdoor advertising sign ~~to make it visible over the barrier;~~  
 1478 and  
 1479 (c)3- Upon If a majority of the impacted property owners

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1480 ~~vote for~~ construction of the noise-attenuation barrier, the  
 1481 local government or local jurisdiction shall will be required  
 1482 ~~to:~~  
 1483 1.a- Allow an increase in the height of the sign through a  
 1484 waiver or variance to in violation of a local ordinance or land  
 1485 development regulation;  
 1486 2.b- Allow the sign to be relocated or reconstructed at  
 1487 another location if the sign owner agrees; or  
 1488 3.e- Pay the fair market value of the sign and its  
 1489 associated interest in the real property.  
 1490 (3)(2) The department may shall not permit erection of the  
 1491 noise-attenuation barrier to the extent the barrier screens or  
 1492 blocks visibility of the sign until after the public hearing is  
 1493 held and until such time as the survey has been conducted and a  
 1494 majority of the impacted property owners have indicated approval  
 1495 ~~to erect the noise-attenuation barrier. When the impacted~~  
 1496 ~~property owners approve of the noise-attenuation barrier~~  
 1497 ~~construction, the department shall notify the local governments~~  
 1498 ~~or local jurisdictions. The local government or local~~  
 1499 ~~jurisdiction shall, notwithstanding the provisions of a~~  
 1500 ~~conflicting ordinance or land development regulation:~~  
 1501 ~~(a) Issue a permit by variance or otherwise for the~~  
 1502 ~~reconstruction of a sign under this section;~~  
 1503 ~~(b) Allow the relocation of a sign, or construction of~~  
 1504 ~~another sign, at an alternative location that is permissible~~  
 1505 ~~under the provisions of this chapter, if the sign owner agrees~~  
 1506 ~~to relocate the sign or construct another sign; or~~  
 1507 ~~(c) Refuse to issue the required permits for reconstruction~~  
 1508 ~~of a sign under this section and pay fair market value of the~~

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1509 ~~sign and its associated interest in the real property to the~~  
 1510 ~~owner of the sign.~~

1511 ~~(4)(3)~~ This section ~~does shall~~ not apply to the provisions  
 1512 ~~of~~ any existing written agreement executed before July 1, 2006,  
 1513 between any local government and the owner of an outdoor  
 1514 advertising sign.

1515 Section 21. Subsection (1) of section 479.261, Florida  
 1516 Statutes, is amended to read:

1517 479.261 Logo sign program.—

1518 (1) The department shall establish a logo sign program for  
 1519 the rights-of-way of the limited access interstate highway  
 1520 system to provide information to motorists about available gas,  
 1521 food, lodging, camping, attractions, and other services, as  
 1522 approved by the Federal Highway Administration, at interchanges  
 1523 through the use of business logos and may include additional  
 1524 interchanges under the program.

1525 (a) As used in this chapter, the term "attraction" means an  
 1526 establishment, site, facility, or landmark that is open a  
 1527 minimum of 5 days a week for 52 weeks a year; that has as its  
 1528 principal focus family-oriented entertainment, cultural,  
 1529 educational, recreational, scientific, or historical activities;  
 1530 and that is publicly recognized as a bona fide tourist  
 1531 attraction.

1532 (b) The department shall incorporate the use of RV-friendly  
 1533 markers on specific information logo signs for establishments  
 1534 that cater to the needs of persons driving recreational  
 1535 vehicles. Establishments that qualify for participation in the  
 1536 specific information logo program and that also qualify as "RV-  
 1537 friendly" may request the RV-friendly marker on their specific

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1538 information logo sign. An RV-friendly marker must consist of a  
 1539 design approved by the Federal Highway Administration. The  
 1540 department shall adopt rules ~~in accordance with chapter 120 to~~  
 1541 administer this paragraph. Such rules must establish minimum  
 1542 requirements for parking spaces, entrances and exits, and  
 1543 overhead clearance which must be met by, including rules setting  
 1544 forth the minimum requirements that establishments that wish  
 1545 must meet in order to qualify as RV-friendly. These requirements  
 1546 shall include large parking spaces, entrances, and exits that  
 1547 can easily accommodate recreational vehicles and facilities  
 1548 having appropriate overhead clearances, if applicable.

1549 Section 22. Subsection (1) of section 479.262, Florida  
 1550 Statutes, is amended to read:

1551 479.262 Tourist-oriented directional sign program.—

1552 (1) A tourist-oriented directional sign program to provide  
 1553 directions to rural tourist-oriented businesses, services, and  
 1554 activities may be established at intersections on rural and  
 1555 conventional state, county, or municipal roads only in rural  
 1556 counties identified by criteria and population in s. 288.0656  
 1557 when approved and permitted by county or local governmental  
 1558 government entities within their respective jurisdictional areas  
 1559 at intersections on rural and conventional state, county, or  
 1560 municipal roads. A county or local government that which issues  
 1561 permits for a tourist-oriented directional sign program is shall  
 1562 be responsible for sign construction, maintenance, and program  
 1563 operation in compliance with subsection (3) for roads on the  
 1564 state highway system and may establish permit fees sufficient to  
 1565 offset associated costs. A tourist-oriented directional sign may  
 1566 not be used on roads in urban areas or at interchanges on

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1567 freeways or expressways.

1568 Section 23. Section 479.313, Florida Statutes, is amended  
1569 to read:

1570 479.313 Permit revocation and cancellation; cost of  
1571 removal.—All costs incurred by the department in connection with  
1572 the removal of a sign located within a controlled area adjacent  
1573 to the State Highway System, interstate highway system, or  
1574 federal-aid primary highway system following the revocation or  
1575 cancellation of the permit for such sign shall be assessed  
1576 against and collected from the permittee.

1577 Section 24. Section 76 of chapter 2012-174, Laws of  
1578 Florida, is repealed.

1579 Section 25. This act shall take effect July 1, 2014.





**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 Committee on Transportation

BILL: SB 1052  
 INTRODUCER: Transportation Committee and Senator Evers  
 SUBJECT: Department of Transportation  
 DATE: March 20, 2014      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	<b>Favorable</b>
2.			CA	
3.			AFT	
4.			AP	

**I. Summary:**

SB 1052 creates ch. 345, F.S., to establish the Northwest Florida Regional Transportation Finance Authority Act, consisting of ss. 345.0001-345.0014, F.S. The Act authorizes the formation of the Northwest Florida Regional Transportation Finance Authority (Authority), an agency of the state, to finance, develop, operate, and maintain a regional system of roads, bridges, causeways, tunnels, and mass transit services in the area served. Financing would be achieved through bond issuances and contributions by the Florida Department of Transportation (FDOT) and local government. The FDOT would be the Authority's agent for performing all phases of a project, with some exceptions, as well as the Authority's agent for operating and maintaining the Authority's system.

**II. Present Situation:**

Escambia County and the only other contiguous Florida County, Santa Rosa, are currently served by the Northwest Florida Transportation Corridor Authority and the Santa Rosa Bay Bridge Authority.

**Northwest Florida Transportation Corridor Authority**

The Northwest Florida Transportation Corridor Authority (NFTCA) is an agency of the state with the primary purpose of improving mobility on the U.S. 98 corridor in Northwest Florida to enhance traveler safety, identify and develop hurricane routes, promote economic development along the corridor, and implement transportation projects to alleviate current or anticipated traffic congestion. The NFTCA is also authorized to issue bonds.<sup>1</sup> Eight voting members, one each from Escambia, Santa Rosa, Walton, Okaloosa, Bay, Gulf, Franklin and Wakulla counties,

<sup>1</sup> Section 343.82, F.S.

are appointed by the Governor to serve four-year terms on the governing body. The FDOT's district three secretary serves as an *ex-officio*, non-voting member.<sup>2</sup>

The NFTCA is not currently operating any facility. According to a report by the Florida Transportation Commission (FTC), NFTCA's general consultant is assisting in evaluating, selecting, and planning transportation projects by assessing their respective economic benefits as part of the Master Plan update. The assessment includes extensive public outreach and involves regional planning councils in the area served by the NFTCA, as well as a series of stakeholder workshops in the region.<sup>3</sup>

The NFTCA currently operates under an agreement that uses federal earmark funds for administrative expenses, professional services, regional transportation planning, and a work plan.<sup>4</sup>

### **Santa Rosa Bay Bridge Authority**

The Santa Rosa Bay Bridge Authority (SRBBA) governing body consists of seven members. The Governor and the Board of County Commissioners each appoint three members, and the FDOT district three secretary is an *ex-officio* member of the Board. Except for the secretary, all members are required to be permanent residents of Santa Rosa County at all times during their term of office.<sup>5</sup>

The SRBBA owns the Garcon Point Bridge, a 3.5-mile tolled bridge that spans Pensacola/East Bay between Garcon Point (south of Milton) and Redfish Point (between Gulf Breeze and Navarre) in southwest Santa Rosa County.<sup>6</sup> Florida's Turnpike Enterprise provides toll operations for the SRBBA, and the FDOT's district three performs maintenance functions on the bridge. Because toll revenues are insufficient to pay both debt service on outstanding bonds and O&M expenses, the costs of the O&M are recorded as debt owed to FDOT. The FTC report indicates that the long-term debt for O&M expenses as of June 30, 2012, was \$18.1 million. The report indicates the SRBBA also has outstanding loans from the Toll Facilities Revolving Trust Fund,<sup>7</sup> and the balance on June 30, 2012, was \$7.9 million.<sup>8</sup>

### **III. Effect of Proposed Changes:**

Generally, the bill:

- Provides definitions.
- Provides for governing board membership, membership requirements, and terms of office.

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<sup>2</sup> Section 343.81, F.S.

<sup>3</sup> FTC's *Transportation Authority Monitoring and Oversight Fiscal Year 2012 Report*, p. 165.

<sup>4</sup> *Id.* at 163.

<sup>5</sup> Section 348.967, F.S.

<sup>6</sup> FTC's *Transportation Authority Monitoring and Oversight Fiscal Year 2012 Report*, p. 60.

<sup>7</sup> The Toll Facilities Revolving Trust Fund was dissolved in 2012. See ch. 2012-128, L.O.F. All outstanding repayments are to be deposited into the State Transportation Trust Fund.

<sup>8</sup> *Id.*



- Sets out the Authority’s powers and duties, including the issuance of bonds to finance all or part of the Authority’s system, and provides for the rights and remedies of the bondholders.
- Deems the FDOT the agent of the Authority for the purpose of performing all phases of a project, with certain exceptions.
- Deems the FDOT the agent of the Authority for the purposes of operating and maintaining the Authority’s system, with the exception of transit facilities, and provides for reimbursement to the FDOT from revenues of the Authority’s system.
- Authorizes the FDOT, at the request of the Authority, to provide or contribute to certain costs under specified conditions, and provides for reimbursement to the FDOT from system revenues.
- Authorizes the Authority to acquire public or private property, including through exercise of eminent domain; limits the Authority’s liability for certain environmental contamination.
- Provides for the Authority’s exemption from certain taxation.
- Supersedes any other law inconsistent with the bill’s provisions.

**Section 1** creates the following:

- Section 345.0001, F.S., citing the Act as the “Northwest Florida Regional Transportation Finance Authority Act.”
- Section 345.0002, F.S., to define terms for purposes of the new chapter, including, but not limited to, the following:
  - “Area served” means Escambia County, as well as the geographical area of a contiguous county, upon the county’s and the Authority’s mutual consent.
  - “Regional system” or “system” means, generally, a modern system of roads, bridges, causeways, tunnels, and mass transit services with the area of the Authority, with limited or unlimited access, and related buildings, structures, and facilities.
  - “Revenues” means the tolls, revenues, rates, fees, charges, receipts, rentals, contributions, and other income derived from operation and ownership of a regional system, including proceeds of any use and occupancy insurance, but excluding state funds, and any other municipal or county funds available under an agreement between a municipality or county and the Authority.
- Section 345.0003, F.S., to authorize the formation and membership of the Authority as follows:
  - Escambia County, and any other contiguous county, may form a regional finance authority to construct, maintain, and operate transportation projects in the northwest region of the state.
  - The county commission of each county that will be a part of the authority must approve creation of the Authority.
  - The county commission of each area-served county appoints two members to the Authority’s governing body, who must be residents of the county from which each member is appointed and, if possible, represent the community’s business and civic interests.
  - The Governor appoints an equal number of members as appointed by each county commission, who must be residents of the area served by the Authority.

- The FDOT secretary appoints a district secretary, or designee, for the FDOT district within which is located the area served by the Authority.
- Each member serves a term of four years, or until a successor is appointed and qualified; must take and subscribe to a specified oath before entering the member's duties; may not hold elected office while serving as an Authority member; and may be removed from office by the Governor for specified violations.
- Members serve without compensation but are reimbursed for per diem and certain other expenses.
- Section 345.0004, F.S., to set out the Authority's powers and duties, including, but not limited to, the following:
  - Planning, constructing, improving, operating and maintaining a regional system in the area served, except for an existing system for transporting people and goods owned by another non-consenting entity.
  - Charging and collecting rates, fees, rentals, and other charges for use of any system owned or operated by the Authority, which must be sufficient to comply with any covenants with the bondholders. This power may be assigned or delegated to the FDOT.
  - Borrowing money, and issuing bonds that mature in no more than 30 years, as well as other evidence of indebtedness, to finance all or part of the improvement of the Authority's system; and to secure the payment of such bonds by a pledge of the Authority's revenues, rates, etc., including municipal or county funds received by the Authority under an agreement between the Authority and the municipality or county.
  - Providing, in general, for the rights and remedies of the bondholders.

The Authority is prohibited from the following:

- Pledging municipal or county funds for the construction of a project for which a toll is to be charged unless the anticipated tolls are reasonably estimated by the governing board of the municipality or county to be sufficient to cover the principal and interest of such obligations. The Authority must reimburse sums spent from municipal or county funds for the payment of bond obligations, with additional requirements if the Authority elects to fund or refund bonds before maturity.
- Pledging the credit or taxing power of the state or a political subdivision or agency of the state.
- Entering into an agreement that would legally prohibit the construction of a road by the county or municipality, other than by consent.
- Section 345.0005, F.S., items relating to Authority bonds, in part to:
  - Authorize issuance on behalf of the Authority or, alternatively, authorize the Authority to issue bonds.
  - Provide requirements for authorization, sale, and resolutions that authorize bonds.
  - Prohibit use or pledge of state funds to pay the principal and interest of any Authority bonds.
- Section 345.0006, F.S., to provide for the remedies of bondholders, including, but not limited to providing for the appointment of a trustee and the trustee's duties and rights, appointment of a receiver and the receiver's duties and powers, and enforcement of the bondholders' rights in the event of a specified default by the Authority in the payment of the principal and interest on the bonds.
- Section 345.0007, F.S., relating to the FDOT as the Authority's agent, to provide in part:

- The FDOT is the Authority's agent for performing all phases of a project, including construction, extension, and improvements to the system.
- Alternatively, and with FDOT's consent and approval, the Authority may appoint a local, FDOT-certified agency to administer federal-aid projects.
- The FDOT is the Authority's agent for operating and maintaining the system, except for transit facilities; and the FDOT costs incurred must be reimbursed from system revenues. However, the Authority remains obligated as principal to operate and maintain the system.
- The FDOT and the Authority may agree that the Authority will operate and maintain some portions of the system.
- Section 345.0008, F.S., relating to FDOT contributions to Authority projects, to provide in part, unlike other authorities:
  - Subject to appropriation by the Legislature and at the request of the Authority, the FDOT may provide for or contribute to the costs of financial or engineering and traffic feasibility studies and the design, financing, acquisition, or construction of the Authority project or system.
  - The FDOT may participate in Authority-funded projects that, at a minimum, serve national, statewide, or regional functions and functions as part of an integrated regional transportation system; are identified in the capital improvements element of a comprehensive plan and local government policies in such plans relative to corridor management; are consistent with the Strategic Intermodal System; and have a local, regional, or private financial match.
  - The FDOT must determine before its approval that a proposed project:
    - Is in the public's best interest;
    - Does not require the use of state funds, unless it is on or would directly benefit 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 opportunity to add capacity to the project and other transportation facilities serving similar origins and destinations.
  - The FDOT may require that money contributed 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.
  - Net revenues of the Authority are determined by deducting from gross revenues the payment of debt service, administrative expenses, operations and maintenance, and all required reserves.
- Section 345.0009, F.S., to provide for the Authority's powers relating to acquisition of private or public property rights by various means and for various purposes, limit the Authority's liability for certain environmental contamination, and authorize the Authority to enter into interagency agreements with the Department of Environmental

Protection for performance, funding, and reimbursement of certain investigative and remedial acts.

- Section 345.0010, F.S., to authorize contracts, leases, conveyances, partnerships, or other agreements between the Authority and specified entities to carry out the purposes of the Act.
- Section 345.0011, F.S., to provide that the state will not limit or alter the vested rights in the Authority or the FDOT until the bonds are fully paid; and will not limit or alter the rights and powers of the Authority and the FDOT in a manner inconsistent with continued operation and maintenance of the system or with performance of any agreement between the Authority and a federal agency that constructs or contributes any funds for the completion, extension, or improvement of any part of the system.
- Section 345.0012, F.S., to exempt the Authority from paying any taxes or assessments of any kind upon any Authority property, rates, fees, or income, etc.; or upon bonds issued by the Authority.
- Section 345.0013, F.S., to provide that Authority bonds or other obligations issued under the Act are eligible for investments and security.
- Section 345.0014, F.S., to provide:
  - The Act's conferred powers are in addition to others conferred by law and do not repeal any other general or special law or local ordinance.
  - The issuance of bonds to finance all or part of the cost of extension or improvement of a system is authorized without compliance with any other law.
  - The Act does not affect any law relating to the FDOT, or the State Board of Administration or its Division of Bond Finance, and supersedes any other inconsistent law, including, but not limited to, s. 215.821, F.S., including s. 215.821, F.S., which provides that provisions of the State Bond Act, ss. 215.57-215.83, F.S., apply to bonds issued by or on behalf of state agencies.

**Section 2** provides the bill takes effect on July 1, 2014.

#### **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:**

Indeterminate.

**C. Government Sector Impact:**

Indeterminate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates the following sections of the Florida Statutes: 345.0001, 345.0002, 345.0003, 345.0004, 345.0005, 345.0006, 345.0007, 345.0008, 345.0009, 345.0010, 345.0011, 345.0012, 345.0013, and 345.0014.

**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 Senator Evers

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1 A bill to be entitled  
 2 An act relating to the Department of Transportation;  
 3 creating ch. 345, F.S., relating to the Northwest  
 4 Florida Regional Transportation Finance Authority;  
 5 creating s. 345.0001, F.S.; providing a short title;  
 6 creating s. 345.0002, F.S.; defining terms; creating  
 7 s. 345.0003, F.S.; authorizing certain counties to  
 8 form a regional finance authority to construct,  
 9 maintain, or operate transportation projects in a  
 10 given region of the state; providing governance of the  
 11 authority; creating s. 345.0004, F.S.; specifying the  
 12 powers and duties of a regional transportation finance  
 13 authority; limiting the authority's power with respect  
 14 to an existing system; prohibiting the authority from  
 15 pledging the credit or taxing power of the state or  
 16 any political subdivision or agency of the state;  
 17 prohibiting the authority from entering into an  
 18 agreement that would prohibit a county or municipality  
 19 from constructing a road without the consent of the  
 20 county; requiring that the authority comply with  
 21 certain reporting and documentation requirements;  
 22 creating s. 345.0005, F.S.; authorizing the authority  
 23 to issue bonds that meet certain requirements;  
 24 requiring that the resolution that authorizes the  
 25 issuance of bonds meet certain requirements;  
 26 authorizing the authority to enter into security  
 27 agreements for issued bonds with a bank or trust  
 28 company; providing that issued bonds are negotiable  
 29 instruments and have the qualities and incidents of

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30 certain negotiable instruments under the law;  
 31 requiring that a resolution authorizing the issuance  
 32 of bonds and pledging of revenues of the system  
 33 include certain requirements; prohibiting the use or  
 34 pledge of state funds to pay principal or interest of  
 35 the authority's bonds; creating s. 345.0006, F.S.;  
 36 providing for the rights and remedies granted to  
 37 bondholders; authorizing certain actions a trustee may  
 38 take on behalf of the bondholders; authorizing the  
 39 appointment of a receiver; establishing and limiting  
 40 the authority of the receiver; creating s. 345.0007,  
 41 F.S.; designating the Department of Transportation as  
 42 the agent of the authority for specified purposes;  
 43 authorizing the administration and management of  
 44 projects by the department; limiting the powers of the  
 45 department as an agent; establishing the fiscal  
 46 responsibilities of the authority; creating s.  
 47 345.0008, F.S.; authorizing the department to provide  
 48 for or commit its resources for the authority project  
 49 or system, if approved by the Legislature; authorizing  
 50 the payment of expenses incurred by the department on  
 51 behalf of the authority; requiring the department to  
 52 receive a share of the revenue from the authority;  
 53 providing calculations for disbursement of revenues;  
 54 creating s. 345.0009, F.S.; authorizing the authority  
 55 to acquire private or public property and property  
 56 rights for a project or plan; authorizing the  
 57 authority to exercise the right of eminent domain;  
 58 establishing the rights and liabilities and remedial

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59 actions relating to property acquired for a  
 60 transportation project or corridor; creating s.  
 61 345.0010, F.S.; authorizing contracts between  
 62 governmental entities and the authority; creating s.  
 63 345.0011, F.S.; providing that the state will not  
 64 limit or alter the vested rights of a bondholder with  
 65 regard to any issued bonds or other rights relating to  
 66 the bonds under certain conditions; creating s.  
 67 345.0012, F.S.; relieving the authority's obligation  
 68 to pay certain taxes or assessments for property  
 69 acquired or used for certain public purposes or on  
 70 revenues received relating to the issuance of bonds;  
 71 providing exceptions; creating s. 345.0013, F.S.;  
 72 providing that the bonds or obligations issued are  
 73 legal investments of specified entities; creating s.  
 74 345.0014, F.S.; providing applicability; providing an  
 75 effective date.

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

78  
 79 Section 1. Chapter 345, Florida Statutes, consisting of  
 80 sections 345.0001, 345.0002, 345.0003, 345.0004, 345.0005,  
 81 345.0006, 345.0007, 345.0008, 345.0009, 345.0010, 345.0011,  
 82 345.0012, 345.0013, and 345.0014, is created to read:

83 345.0001 Short title.—This act may be cited as the  
 84 "Northwest Florida Regional Transportation Finance Authority  
 85 Act."

86 345.0002 Definitions.—As used in this chapter, the term:

87 (1) "Agency of the state" means the state and any

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88 department of, or any corporation, agency, or instrumentality  
 89 created, designated, or established by, the state.

90 (2) "Area served" means Escambia County. However, upon a  
 91 contiguous county's consent to inclusion within the area served  
 92 by the authority and with the agreement of the authority, the  
 93 term shall also include the geographical area of such county  
 94 contiguous to Escambia County.

95 (3) "Authority" means the Northwest Florida Regional  
 96 Transportation Finance Authority, a body politic and corporate,  
 97 and an agency of the state, established under this chapter.

98 (4) "Bonds" means the notes, bonds, refunding bonds, or  
 99 other evidences of indebtedness or obligations, in temporary or  
 100 definitive form, which the authority may issue under this  
 101 chapter.

102 (5) "Department" means the Department of Transportation.

103 (6) "Division" means the Division of Bond Finance of the  
 104 State Board of Administration.

105 (7) "Federal agency" means the United States, the President  
 106 of the United States, and any department of, or any bureau,  
 107 corporation, agency, or instrumentality created, designated, or  
 108 established by, the United States Government.

109 (8) "Members" means the governing body of the authority,  
 110 and the term "member" means one of the individuals constituting  
 111 such governing body.

112 (9) "Regional system" or "system" means, generally, a  
 113 modern system of roads, bridges, causeways, tunnels, and mass  
 114 transit services within the area of the authority, with access  
 115 limited or unlimited as the authority may determine, and the  
 116 buildings and structures and appurtenances and facilities

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117 related to the system, including all approaches, streets, roads,  
118 bridges, and avenues of access for the system.

119 (10) "Revenues" means the tolls, revenues, rates, fees,  
120 charges, receipts, rentals, contributions, and other income  
121 derived from or in connection with the operation or ownership of  
122 a regional system, including the proceeds of any use and  
123 occupancy insurance on any portion of the system, but excluding  
124 state funds available to the authority and any other municipal  
125 or county funds available to the authority under an agreement  
126 with a municipality or county.

127 345.0003 Transportation finance authority; formation;  
128 membership.-

129 (1) Escambia County, as well as any other contiguous  
130 county, may form a regional finance authority for the purposes  
131 of constructing, maintaining, and operating transportation  
132 projects in the northwest region of this state. The authority  
133 shall be governed in accordance with this chapter. An authority  
134 may not be created without the approval of the county commission  
135 of each county that will be a part of the authority.

136 (2) The governing body of the authority shall consist of a  
137 board of voting members as follows:

138 (a) The county commission of each county in the area served  
139 by the authority shall appoint two members. Each member must be  
140 a resident of the county from which he or she is appointed and,  
141 if possible, must represent the business and civic interests of  
142 the community.

143 (b) The Governor shall appoint an equal number of members  
144 to the board as those appointed by each county commission. The  
145 members appointed by the Governor must be residents of the area

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146 served by the authority.

147 (c) The secretary of the department shall appoint a  
148 district secretary, or his or her designee, for the district  
149 within which the area served by the authority is located.

150 (3) The term of office of each member shall be for 4 years  
151 or until his or her successor is appointed and qualified.

152 (4) A member may not hold an elected office during the term  
153 of his or her membership.

154 (5) A vacancy occurring in the governing body before the  
155 expiration of the member's term shall be filled for the balance  
156 of the unexpired term by the respective appointing authority in  
157 the same manner as the original appointment.

158 (6) Before entering upon his or her official duties, each  
159 member must take and subscribe to an oath before an official  
160 authorized by law to administer oaths that he or she will  
161 honestly, faithfully, and impartially perform the duties of his  
162 or her office as a member of the governing body of the authority  
163 and that he or she will not neglect any duties imposed upon him  
164 or her by this chapter.

165 (7) The Governor may remove from office a member of the  
166 authority for misconduct, malfeasance, misfeasance, or  
167 nonfeasance in office.

168 (8) The members of the authority shall designate a chair  
169 from among the membership.

170 (9) The members of the authority shall serve without  
171 compensation, but are entitled to reimbursement for per diem and  
172 other expenses in accordance with s. 112.061 while in  
173 performance of their duties.

174 (10) A majority of the members of the authority shall



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175 constitute a quorum, and resolutions enacted or adopted by a  
 176 vote of a majority of the members present and voting at any  
 177 meeting are effective without publication, posting, or any  
 178 further action of the authority.

179 345.0004 Powers and duties.—

180 (1) The authority shall plan, develop, finance, construct,  
 181 reconstruct, improve, own, operate, and maintain a regional  
 182 system in the area served by the authority. The authority may  
 183 not exercise these powers with respect to an existing system for  
 184 transporting people and goods by any means that is owned by  
 185 another entity without the consent of that entity. If the  
 186 authority acquires, purchases, or inherits an existing entity,  
 187 the authority shall inherit and assume all rights, assets,  
 188 appropriations, privileges, and obligations of the existing  
 189 entity.

190 (2) The authority may exercise all powers necessary,  
 191 appurtenant, convenient, or incidental to the carrying out of  
 192 the purposes of this section, including, but not limited to, the  
 193 following rights and powers:

194 (a) To sue and be sued, implead and be impleaded, and  
 195 complain and defend in all courts in its own name.

196 (b) To adopt and use a corporate seal.

197 (c) To have the power of eminent domain, including the  
 198 procedural powers granted under chapters 73 and 74.

199 (d) To acquire, purchase, hold, lease as a lessee, and use  
 200 any property, real, personal, or mixed, tangible or intangible,  
 201 or any interest therein, necessary or desirable for carrying out  
 202 the purposes of the authority.

203 (e) To sell, convey, exchange, lease, or otherwise dispose

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204 of any real or personal property acquired by the authority,  
 205 including air rights.

206 (f) To fix, alter, charge, establish, and collect rates,  
 207 fees, rentals, and other charges for the use of any system owned  
 208 or operated by the authority, which rates, fees, rentals, and  
 209 other charges must be sufficient to comply with any covenants  
 210 made with the holders of any bonds issued under this act;  
 211 however, such right and power may be assigned or delegated by  
 212 the authority to the department.

213 (g) To borrow money; make and issue negotiable notes,  
 214 bonds, refunding bonds, and other evidences of indebtedness or  
 215 obligations, in temporary or definitive form, to finance all or  
 216 part of the improvement of the authority's system and  
 217 appurtenant facilities, including the approaches, streets,  
 218 roads, bridges, and avenues of access for the system and for any  
 219 other purpose authorized by this chapter, the bonds to mature no  
 220 more than 30 years after the date of the issuance; to secure the  
 221 payment of such bonds or any part thereof by a pledge of its  
 222 revenues, rates, fees, rentals, or other charges, including  
 223 municipal or county funds received by the authority under an  
 224 agreement between the authority and a municipality or county;  
 225 and, in general, to provide for the security of the bonds and  
 226 the rights and remedies of the holders of the bonds. However,  
 227 municipal or county funds may not be pledged for the  
 228 construction of a project for which a toll is to be charged  
 229 unless the anticipated tolls are reasonably estimated by the  
 230 governing board of the municipality or county, on the date of  
 231 its resolution pledging the funds, to be sufficient to cover the  
 232 principal and interest of such obligations during the period

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233 when the pledge of funds is in effect.

234 1. The authority shall reimburse a municipality or county  
 235 for sums spent from municipal or county funds used for the  
 236 payment of the bond obligations.

237 2. If the authority elects to fund or refund bonds issued  
 238 by the authority before the maturity of the bonds, the proceeds  
 239 of the funding or refunding bonds shall, pending the prior  
 240 redemption of the bonds to be funded or refunded, be invested in  
 241 direct obligations of the United States, and the outstanding  
 242 bonds may be funded or refunded by the issuance of bonds under  
 243 this chapter.

244 (h) To make contracts of every name and nature, including,  
 245 but not limited to, partnerships providing for participation in  
 246 ownership and revenues, and to execute each instrument necessary  
 247 or convenient for the conduct of its business.

248 (i) Without limitation of the foregoing, to cooperate with,  
 249 to borrow money and accept grants from, and to enter into  
 250 contracts or other transactions with any federal agency, the  
 251 state, or any agency or any other public body of the state.

252 (j) To employ an executive director, attorney, staff, and  
 253 consultants. Upon the request of the authority, the department  
 254 shall furnish the services of a department employee to act as  
 255 the executive director of the authority.

256 (k) To enter into joint development agreements.

257 (l) To accept funds or other property from private  
 258 donations.

259 (m) To act and do things necessary or convenient for the  
 260 conduct of its business and the general welfare of the  
 261 authority, in order to carry out the powers granted to it by

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262 this act or any other law.

263 (3) The authority may not pledge the credit or taxing power  
 264 of the state or a political subdivision or agency of the state.  
 265 Obligations of the authority may not be considered to be  
 266 obligations of the state or of any other political subdivision  
 267 or agency of the state. Except for the authority, the state or  
 268 any political subdivision or agency of the state is not liable  
 269 for the payment of the principal of or interest on such  
 270 obligations.

271 (4) The authority may not, other than by consent of the  
 272 affected county or an affected municipality, enter into an  
 273 agreement that would legally prohibit the construction of a road  
 274 by the county or the municipality.

275 (5) The authority shall comply with the statutory  
 276 requirements of general application which relate to the filing  
 277 of a report or documentation required by law, including the  
 278 requirements of ss. 189.4085, 189.415, 189.417, and 189.418.

279 345.0005 Bonds.—

280 (1) Bonds may be issued on behalf of the authority under  
 281 the State Bond Act. The authority may also issue bonds in such  
 282 principal amount as it deems necessary to provide sufficient  
 283 moneys for achieving its corporate purposes, including  
 284 construction, reconstruction, improvement, extension, repair,  
 285 maintenance, and operation of the system; the cost of  
 286 acquisition of all real property; interest on bonds during  
 287 construction and for a reasonable period thereafter;  
 288 establishment of reserves to secure bonds; and other  
 289 expenditures of the authority incident and necessary or  
 290 convenient to carry out its corporate purposes and powers.

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291 (2) Bonds issued by the authority under subsection (1)  
 292 must:  
 293 (a) Be authorized by resolution of the members of the  
 294 authority and bear such date or dates; mature at such time or  
 295 times, not exceeding 30 years after their respective dates; bear  
 296 interest at such rate or rates, not exceeding the maximum rate  
 297 fixed by general law for authorities; be in such denominations;  
 298 be in such form, either coupon or fully registered; carry such  
 299 registration, exchangeability, and interchangeability  
 300 privileges; be payable in such medium of payment and at such  
 301 place or places; be subject to such terms of redemption; and be  
 302 entitled to such priorities of lien on the revenues and other  
 303 available moneys as such resolution or any resolution after the  
 304 bonds' issuance provides.  
 305 (b) Be sold at public sale in the same manner provided in  
 306 the State Bond Act. Temporary bonds or interim certificates may  
 307 be issued to the purchaser or purchasers of such bonds pending  
 308 the preparation of definitive bonds and may contain such terms  
 309 and conditions as determined by the authority.  
 310 (3) A resolution that authorizes bonds may specify  
 311 provisions that must be part of the contract with the holders of  
 312 the bonds as to:  
 313 (a) The pledging of all or any part of the revenues,  
 314 available municipal or county funds, or other charges or  
 315 receipts of the authority derived from the regional system.  
 316 (b) The construction, reconstruction, improvement,  
 317 extension, repair, maintenance, and operation of the system, or  
 318 any part or parts of the system, and the duties and obligations  
 319 of the authority with reference thereto.

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320 (c) Limitations on the purposes to which the proceeds of  
 321 the bonds, then or thereafter issued, or of any loan or grant by  
 322 any federal agency or the state or any political subdivision of  
 323 the state may be applied.  
 324 (d) The fixing, charging, establishing, revising,  
 325 increasing, reducing, and collecting of tolls, rates, fees,  
 326 rentals, or other charges for use of the services and facilities  
 327 of the system or any part of the system.  
 328 (e) The setting aside of reserves or of sinking funds and  
 329 the regulation and disposition of the reserves or sinking funds.  
 330 (f) Limitations on the issuance of additional bonds.  
 331 (g) The terms of any deed of trust or indenture securing  
 332 the bonds, or under which the bonds may be issued.  
 333 (h) Any other or additional matters, of like or different  
 334 character, which in any way affect the security or protection of  
 335 the bonds.  
 336 (4) The authority may enter into deeds of trust,  
 337 indentures, or other agreements with banks or trust companies  
 338 within or without the state, as security for such bonds, and  
 339 may, under such agreements, assign and pledge any of the  
 340 revenues and other available moneys, including any available  
 341 municipal or county funds, under the terms of this chapter. The  
 342 deed of trust, indenture, or other agreement may contain  
 343 provisions that are customary in such instruments or that the  
 344 authority may authorize, including, but without limitation,  
 345 provisions that:  
 346 (a) Pledge any part of the revenues or other moneys  
 347 lawfully available.  
 348 (b) Apply funds and safeguard funds on hand or on deposit.

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349 (c) Provide for the rights and remedies of the trustee and  
 350 the holders of the bonds.

351 (d) Provide for the terms of the bonds or for resolutions  
 352 authorizing the issuance of the bonds.

353 (e) Provide for any other or additional matters, of like or  
 354 different character, which affect the security or protection of  
 355 the bonds.

356 (5) Bonds issued under this act are negotiable instruments  
 357 and have the qualities and incidents of negotiable instruments  
 358 under the law merchant and the negotiable instruments law of the  
 359 state.

360 (6) A resolution that authorizes the issuance of authority  
 361 bonds and pledges the revenues of the system must require that  
 362 revenues of the system be periodically deposited into  
 363 appropriate accounts in sufficient sums to pay the costs of  
 364 operation and maintenance of the system for the current fiscal  
 365 year as set forth in the annual budget of the authority and to  
 366 reimburse the department for any unreimbursed costs of operation  
 367 and maintenance of the system from prior fiscal years before  
 368 revenues of the system are deposited into accounts for the  
 369 payment of interest or principal owing or that may become owing  
 370 on such bonds.

371 (7) State funds may not be used or pledged to pay the  
 372 principal or interest of any authority bonds, and all such bonds  
 373 must contain a statement on their face to this effect.

374 345.0006 Remedies of bondholders.—

375 (1) The rights and the remedies granted to authority  
 376 bondholders under this chapter are in addition to and not in  
 377 limitation of any rights and remedies lawfully granted to such

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378 bondholders by the resolution or indenture providing for the  
 379 issuance of bonds, or by any deed of trust, indenture, or other  
 380 agreement under which the bonds may be issued or secured. If the  
 381 authority defaults in the payment of the principal or interest  
 382 on the bonds issued under this chapter after such principal or  
 383 interest becomes due, whether at maturity or upon call for  
 384 redemption, as provided in the resolution or indenture, and such  
 385 default continues for 30 days, or if the authority fails or  
 386 refuses to comply with this chapter or any agreement made with,  
 387 or for the benefit of, the holders of the bonds, the holders of  
 388 25 percent in aggregate principal amount of the bonds then  
 389 outstanding are entitled as of right to the appointment of a  
 390 trustee to represent such bondholders for the purposes of the  
 391 default if the holders of 25 percent in aggregate principal  
 392 amount of the bonds then outstanding first gave written notice  
 393 to the authority and to the department of their intention to  
 394 appoint a trustee.

395 (2) The trustee and a trustee under a deed of trust,  
 396 indenture, or other agreement may, or upon the written request  
 397 of the holders of 25 percent or such other percentages specified  
 398 in any deed of trust, indenture, or other agreement, in  
 399 principal amount of the bonds then outstanding, shall, in any  
 400 court of competent jurisdiction, in its own name:

401 (a) By mandamus or other suit, action, or proceeding at  
 402 law, or in equity, enforce all rights of the bondholders,  
 403 including the right to require the authority to fix, establish,  
 404 maintain, collect, and charge rates, fees, rentals, and other  
 405 charges, adequate to carry out any agreement as to, or pledge  
 406 of, the revenues, and to require the authority to carry out any

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407 other covenants and agreements with or for the benefit of the  
 408 bondholders, and to perform its and their duties under this  
 409 chapter.

410 (b) Bring suit upon the bonds.

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

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

417 (3) A trustee, if appointed under this section or acting  
 418 under a deed of trust, indenture, or other agreement, and  
 419 regardless of whether all bonds have been declared due and  
 420 payable, is entitled to the appointment of a receiver. The  
 421 receiver may enter upon and take possession of the system or the  
 422 facilities or any part or parts of the system, the revenues, and  
 423 other pledged moneys, for and on behalf of and in the name of,  
 424 the authority and the bondholders. The receiver may collect and  
 425 receive revenues and other pledged moneys in the same manner as  
 426 the authority. The receiver shall deposit such revenues and  
 427 moneys in a separate account and apply all such revenues and  
 428 moneys remaining after allowance for payment of all costs of  
 429 operation and maintenance of the system in such manner as the  
 430 court directs. In a suit, action, or proceeding by the trustee,  
 431 the fees, counsel fees, and expenses of the trustee, and the  
 432 receiver, if any, and all costs and disbursements allowed by the  
 433 court must be a first charge on any revenues after payment of  
 434 the costs of operation and maintenance of the system. The  
 435 trustee also has all other powers necessary or appropriate for

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436 the exercise of any functions specifically described in this  
 437 section or incident to the representation of the bondholders in  
 438 the enforcement and protection of their rights.

439 (4) A receiver appointed pursuant to this section to  
 440 operate and maintain the system or a facility or a part of a  
 441 facility may not sell, assign, mortgage, or otherwise dispose of  
 442 any of the assets belonging to the authority. The powers of the  
 443 receiver are limited to the operation and maintenance of the  
 444 system or any facility or part of a facility and to the  
 445 collection and application of revenues and other moneys due the  
 446 authority, in the name and for and on behalf of the authority  
 447 and the bondholders. A holder of bonds or trustee does not have  
 448 the right in any suit, action, or proceeding, at law or in  
 449 equity, to compel a receiver, or a receiver may not be  
 450 authorized or a court may not direct a receiver, to sell,  
 451 assign, mortgage, or otherwise dispose of any assets of whatever  
 452 kind or character belonging to the authority.

453 345.0007 Department to construct, operate, and maintain  
 454 facilities.-

455 (1) The department is the agent of the authority for the  
 456 purpose of performing all phases of a project, including, but  
 457 not limited to, constructing improvements and extensions to the  
 458 system, with the exception of the transit facilities. The  
 459 division and the authority shall provide to the department  
 460 complete copies of the documents, agreements, resolutions,  
 461 contracts, and instruments that relate to the project and shall  
 462 request that the department perform the construction work,  
 463 including the planning, surveying, design, and actual  
 464 construction of the completion of, extensions of, and

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465 improvements to the system. After the issuance of bonds to  
 466 finance construction of an improvement or addition to the  
 467 system, the division and the authority shall transfer to the  
 468 credit of an account of the department in the State Treasury the  
 469 necessary funds for construction. The department shall proceed  
 470 with construction and use the funds for the purpose authorized  
 471 by law for construction of roads and bridges. The authority may  
 472 alternatively, with the consent and approval of the department,  
 473 elect to appoint a local agency certified by the department to  
 474 administer federal aid projects in accordance with federal law  
 475 as the authority's agent for the purpose of performing each  
 476 phase of a project.

477 (2) Notwithstanding subsection (1), the department is the  
 478 agent of the authority for the purpose of operating and  
 479 maintaining the system, with the exception of transit  
 480 facilities. The costs incurred by the department for operation  
 481 and maintenance shall be reimbursed from revenues of the system.  
 482 The appointment of the department as agent for the authority  
 483 does not create an independent obligation on the part of the  
 484 department to operate and maintain a system. The authority shall  
 485 remain obligated as principal to operate and maintain its  
 486 system, and the authority's bondholders do not have an  
 487 independent right to compel the department to operate or  
 488 maintain the authority's system. This appointment does not  
 489 preclude the department and the authority from agreeing that  
 490 some portions of the system will be operated and maintained by  
 491 the authority.

492 (3) The authority shall fix, alter, charge, establish, and  
 493 collect tolls, rates, fees, rentals, and other charges for the

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494 authority's facilities, as otherwise provided in this chapter.

495 345.0008 Department contributions to authority projects.-

496 (1) The department may, at the request of the authority,  
 497 provide for or contribute to the payment of costs of financial  
 498 or engineering and traffic feasibility studies and the design,  
 499 financing, acquisition, or construction of the authority project  
 500 or system, subject to appropriation by the Legislature.

501 (2) The department may use its engineers and other  
 502 personnel, including consulting engineers and traffic engineers,  
 503 to conduct the feasibility studies authorized under subsection  
 504 (1).

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

507 (a) Serve national, statewide, or regional functions and  
 508 function as part of an integrated regional transportation  
 509 system.

510 (b) Are identified in the capital improvements element of a  
 511 comprehensive plan that has been determined to be in compliance  
 512 with part II of chapter 163. Further, the project shall be in  
 513 compliance with local government comprehensive plan policies  
 514 relative to corridor management.

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

517 (d) Have a commitment for local, regional, or private  
 518 financial matching funds as a percentage of the overall project  
 519 cost.

520 (4) Before approval, the department must determine that the  
 521 proposed project:

522 (a) Is in the public's best interest;

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523 (b) Unless it is on or would directly benefit the State  
 524 Highway System, does not require the use of state funds;  
 525 (c) Has adequate safeguards in place to ensure that no  
 526 additional costs will be imposed on or service disruptions will  
 527 affect the traveling public and residents of this state if the  
 528 department cancels or defaults on the agreement; and  
 529 (d) Has adequate safeguards in place to ensure that the  
 530 department and the authority have the opportunity to add  
 531 capacity to the proposed project and other transportation  
 532 facilities serving similar origins and destinations.  
 533 (5) An obligation or expense incurred by the department  
 534 under this section is a part of the cost of the authority  
 535 project for which the obligation or expense was incurred. The  
 536 department may require that money contributed by the department  
 537 under this section be repaid from tolls of the project on which  
 538 the money was spent, other revenue of the authority, or other  
 539 sources of funds.  
 540 (6) The department shall receive from the authority a share  
 541 of the authority's net revenues equal to the ratio of the  
 542 department's total contributions to the authority under this  
 543 section to the sum of: the department's total contributions  
 544 under this section; contributions by any local government to the  
 545 cost of revenue-producing authority projects; and the sale  
 546 proceeds of authority bonds after payment of costs of issuance.  
 547 For the purpose of this subsection, the net revenues of the  
 548 authority are determined by deducting from gross revenues the  
 549 payment of debt service, administrative expenses, operations and  
 550 maintenance expenses, and all reserves required to be  
 551 established under any resolution under which authority bonds are

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552 issued.  
 553 345.0009 Acquisition of lands and property.-  
 554 (1) For the purposes of this chapter, the authority may  
 555 acquire private or public property and property rights,  
 556 including rights of access, air, view, and light, by gift,  
 557 devise, purchase, condemnation by eminent domain proceedings, or  
 558 transfer from another political subdivision of the state, as the  
 559 authority may deem necessary for any of the purposes of this  
 560 chapter, including, but not limited to, any lands reasonably  
 561 necessary for securing applicable permits, areas necessary for  
 562 management of access, borrow pits, drainage ditches, water  
 563 retention areas, rest areas, replacement access for landowners  
 564 whose access is impaired due to the construction of a facility,  
 565 and replacement rights-of-way for relocated rail and utility  
 566 facilities; for existing, proposed, or anticipated  
 567 transportation facilities on the system or in a transportation  
 568 corridor designated by the authority; or for the purposes of  
 569 screening, relocation, removal, or disposal of junkyards and  
 570 scrap metal processing facilities. Each authority shall also  
 571 have the power to condemn any material and property necessary  
 572 for such purposes.  
 573 (2) The authority shall exercise the right of eminent  
 574 domain conferred under this section in the manner provided by  
 575 law.  
 576 (3) An authority that acquires property for a  
 577 transportation facility or in a transportation corridor is not  
 578 liable under chapter 376 or chapter 403 for preexisting soil or  
 579 groundwater contamination due solely to its ownership. This  
 580 section does not affect the rights or liabilities of any past or

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581 future owners of the acquired property or the liability of any  
 582 governmental entity for the results of its actions which create  
 583 or exacerbate a pollution source. The authority and the  
 584 Department of Environmental Protection may enter into  
 585 interagency agreements for the performance, funding, and  
 586 reimbursement of the investigative and remedial acts necessary  
 587 for property acquired by the authority.

588 345.0010 Cooperation with other units, boards, agencies,  
 589 and individuals.—A county, municipality, drainage district, road  
 590 and bridge district, school district, or any other political  
 591 subdivision, board, commission, or individual in, or of, the  
 592 state may make and enter into a contract, lease, conveyance,  
 593 partnership, or other agreement with the authority within the  
 594 provisions of this chapter. The authority may make and enter  
 595 into contracts, leases, conveyances, partnerships, and other  
 596 agreements with any political subdivision, agency, or  
 597 instrumentality of the state and any federal agency,  
 598 corporation, or individual to carry out the purposes of this  
 599 chapter.

600 345.0011 Covenant of the state.—The state pledges to, and  
 601 agrees with, any person, firm, or corporation, or federal or  
 602 state agency subscribing to or acquiring the bonds to be issued  
 603 by the authority for the purposes of this chapter that the state  
 604 will not limit or alter the rights vested by this chapter in the  
 605 authority and the department until all bonds at any time issued,  
 606 together with the interest thereon, are fully paid and  
 607 discharged insofar as the rights vested in the authority and the  
 608 department affect the rights of the holders of bonds issued  
 609 under this chapter. The state further pledges to, and agrees

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610 with, the United States that if a federal agency constructs or  
 611 contributes any funds for the completion, extension, or  
 612 improvement of the system, or any parts of the system, the state  
 613 will not alter or limit the rights and powers of the authority  
 614 and the department in any manner that is inconsistent with the  
 615 continued maintenance and operation of the system or the  
 616 completion, extension, or improvement of the system, or that  
 617 would be inconsistent with the due performance of any agreements  
 618 between the authority and any such federal agency, and the  
 619 authority and the department shall continue to have and may  
 620 exercise all powers granted in this section, so long as the  
 621 powers are necessary or desirable to carry out the purposes of  
 622 this chapter and the purposes of the United States in the  
 623 completion, extension, or improvement of the system, or any part  
 624 of the system.

625 345.0012 Exemption from taxation.—The authority created  
 626 under this chapter is for the benefit of the people of the  
 627 state, for the increase of their commerce and prosperity, and  
 628 for the improvement of their health and living conditions. The  
 629 authority performs essential governmental functions under this  
 630 chapter, therefore, the authority is not required to pay any  
 631 taxes or assessments of any kind or nature upon any property  
 632 acquired or used by it for such purposes, or upon any rates,  
 633 fees, rentals, receipts, income, or charges received by it.  
 634 Also, the bonds issued by the authority, their transfer and the  
 635 income from their issuance, including any profits made on the  
 636 sale of the bonds, shall be free from taxation by the state or  
 637 by any political subdivision, taxing agency, or instrumentality  
 638 of the state. The exemption granted by this section does not



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639 apply to any tax imposed by chapter 220 on interest, income, or  
 640 profits on debt obligations owned by corporations.

641 345.0013 Eligibility for investments and security.—Bonds or  
 642 other obligations issued under this chapter are legal  
 643 investments for banks, savings banks, trustees, executors,  
 644 administrators, and all other fiduciaries, and for all state,  
 645 municipal, and other public funds, and are also securities  
 646 eligible for deposit as security for all state, municipal, or  
 647 other public funds, notwithstanding any other law to the  
 648 contrary.

649 345.0014 Applicability.—

650 (1) The powers conferred by this chapter are in addition to  
 651 the powers conferred by other law and do not repeal any other  
 652 general or special law or local ordinance, but supplement such  
 653 other laws in the exercise of the powers provided in this  
 654 chapter, and provide a complete method for the exercise of the  
 655 powers granted in this chapter. The extension and improvement of  
 656 a system, and the issuance of bonds under this chapter to  
 657 finance all or part of the cost of such extension or  
 658 improvement, may be accomplished upon compliance with this  
 659 chapter without regard to or necessity for compliance with the  
 660 provisions, limitations, or restrictions contained in any other  
 661 general, special, or local law, including, but not limited to,  
 662 s. 215.821, and approval of any bonds issued under this act by  
 663 the qualified electors or qualified electors who are freeholders  
 664 in the state or in any political subdivision of the state is not  
 665 required for the issuance of such bonds under this chapter.

666 (2) This act does not repeal, rescind, or modify any other  
 667 law relating to the State Board of Administration, the

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668 Department of Transportation, or the Division of Bond Finance of  
 669 the State Board of Administration; however, this chapter  
 670 supersedes any other law that is inconsistent with its  
 671 provisions, including, but not limited to, s. 215.821.

672 Section 2. This act shall take effect July 1, 2014.

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The Florida Senate  
**COMMITTEE VOTE RECORD**

**COMMITTEE:** Transportation  
**ITEM:** SB 1052  
**FINAL ACTION:** Favorable  
**MEETING DATE:** Thursday, March 20, 2014  
**TIME:** 9:00 —10:00 a.m.  
**PLACE:** 37 Senate Office Building

FINAL VOTE		SENATORS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Clemens						
X		Diaz de la Portilla						
X		Evers						
		Garcia						
X		Joyner						
X		Lee						
X		Richter						
X		Thompson						
X		Margolis, VICE CHAIR						
X		Brandes, CHAIR						
9	0							
Yea	Nay	<b>TOTALS</b>	Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable      RCS=Replaced by Committee Substitute      TP=Temporarily Postponed      WD=Withdrawn  
UNF=Unfavorable      RE=Replaced by Engrossed Amendment      VA=Vote After Roll Call      OO=Out of Order  
-R=Reconsidered      RS=Replaced by Substitute Amendment      VC=Vote Change After Roll Call      AV=Abstain from Voting

**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.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 144

INTRODUCER: Senator Brandes and others

SUBJECT: Traffic Infraction Detectors

DATE: March 18, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	<b>Pre-meeting</b>
2.			ATD	
3.			AP	

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**I. Summary:**

SB 144 repeals and amends various provisions of law to remove authorization for the use of traffic infraction detectors, commonly known as “red light cameras,” which are currently used to enforce specified provisions of traffic law by automatically photographing vehicles whose drivers run red lights. The bill leaves intact the express preemption to the state of regulation of the use of red light cameras, thereby prohibiting implementation of red light camera programs by local ordinance.

**II. Present Situation:**

**Traffic Infraction Detectors Generally**

Traffic infraction detectors, or “red-light cameras,” are used to enforce traffic laws by automatically photographing vehicles whose drivers run red lights. A red light camera is connected to the traffic signal and to sensors that monitor traffic flow at the crosswalk or stop line. The system continuously monitors the traffic signal and the camera is triggered by any vehicle entering the intersection above a pre-set minimum speed and following a specified time after the signal has turned red. A second photograph typically shows the red light violator in the intersection. In some cases, video cameras are used. These video cameras and accompanying sensors record the license plate number, the date and time of day, the time elapsed since the signal has turned red and the vehicle’s speed.

**Traffic Infraction Detectors in Florida**

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.<sup>1</sup> The law authorized the Department of Highway Safety and Motor Vehicles (DHSMV), counties, and

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<sup>1</sup> s. 316.0076, F.S.

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.<sup>2</sup>

Municipalities may install or authorize installation of traffic infraction detectors on streets and highways in accordance with FDOT standards, and on state roads within the incorporated area when permitted by FDOT.<sup>3</sup> Counties may install or authorize installation of traffic infraction detectors on streets and highways in unincorporated areas of the county in accordance with FDOT standards, and on state roads in unincorporated areas of the county when permitted by FDOT.<sup>4</sup> DHSMV may install or authorize installation of traffic infraction detectors on any state road under the original jurisdiction of FDOT, when permitted by FDOT.<sup>5</sup>

If DHSMV, a county, or a municipality installs a traffic infraction detector at an intersection, the respective governmental entity must notify the public that a traffic infraction device may be in use at that intersection, including specific notification of enforcement of violations concerning right turns.<sup>6</sup> Such signage must meet the specifications for uniform signals and devices adopted by FDOT pursuant to s. 316.0745, F.S.<sup>7</sup>

### *Notifications and Citations*

If a traffic infraction detector identifies a vehicle violating ss. 316.074(1) or 316.075(1)(c)1., F.S., the visual information is captured and reviewed by a traffic infraction enforcement officer. Notices of violation and traffic citations may not be issued for failure to stop if the driver is making a right-hand turn "in a careful and prudent manner" at an intersection where right-hand turns are permissible,<sup>8</sup> and may not be issued if the driver of the vehicle came to a complete stop after crossing the stop line and before turning right but failed to stop before crossing over the stop line.<sup>9</sup>

A notification must be issued to the registered owner of a vehicle within 30 days of an alleged violation,<sup>10</sup> notifying the alleged violator that he or she must pay the required penalty to the county or municipality,<sup>11</sup> furnish an affidavit setting forth an authorized defense (see below), or request a hearing within 60 days of the date of the notification to avoid issuance of a uniform traffic citation. The notification must include notice that the owner has the right to review the photographic or electronic images or the streaming video evidence, which constitute(s) a rebuttable presumption against the vehicle owner, and must state the time and place, or the Internet location, where the evidence may be examined and observed.<sup>12</sup> The notification must

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<sup>2</sup> See generally s. 316.0083, F.S.

<sup>3</sup> Section 316.008(8), F.S.; s. 316.0776(1), F.S.

<sup>4</sup> *Id.*

<sup>5</sup> Section 321.50, F.S. DHSMV has not undertaken any effort to install or authorize traffic infraction detectors.

<sup>6</sup> Section 316.0776(2), F.S.

<sup>7</sup> *Id.*

<sup>8</sup> Section 316.0083(1)(a) and (2), F.S.

<sup>9</sup> Section 316.0083(1)(a), F.S.

<sup>10</sup> Notifications of violation must be sent by first-class mail, and mailing of the notifications of violation constitutes notice.

<sup>11</sup> However, payment or a fee may not be required before any hearing requested by the alleged violator. See s. 316.0083(1)(b)1.c., F.S.

<sup>12</sup>Section 316.0083(1)(b)1.b., F.S.

also direct the alleged violator to a website that provides information on the right to request a hearing and on all related court costs, and a form to request a hearing.<sup>13</sup>

If the registered owner of the vehicle does not submit payment, request a hearing, or submit an affidavit setting forth an authorized defense within 60 days of receipt of the notification described above, the traffic infraction enforcement officer must issue a uniform traffic citation<sup>14</sup> to the registered owner (first name on registration in cases of joint registration).<sup>15</sup> The citation must also include the statements described above regarding review of the photographic or video evidence.<sup>16</sup> The report of a traffic infraction enforcement officer and images provided by a traffic infraction detector are admissible in court and provide a rebuttable presumption the vehicle was used in a violation.<sup>17</sup> A traffic infraction enforcement officer must provide by electronic transmission a replica of the citation data when issued under s. 316.0083, F.S., to the court having jurisdiction over the alleged offense or its traffic violations bureau within 5 days after the issuance date of the citation to the violator, or, if a hearing is requested, to the clerk for the local hearing officer having jurisdiction over the alleged offense within 14 days.<sup>18</sup>

### *Defenses*

The registered owner of the motor vehicle is responsible for payment of the fine unless the owner can establish that the vehicle:

- Passed through the intersection to yield the right-of-way to an emergency vehicle or as part of a funeral procession;
- Passed through the intersection at the direction of a law enforcement officer; or
- Was, at the time of the violation, in the care, custody, or control of another person.

Additional defenses are available if a law enforcement officer issues a uniform traffic citation for the alleged violation or if the owner was deceased on or before the date the uniform traffic citation was issued.<sup>19</sup>

To establish any of these defenses, the owner of the vehicle must furnish an affidavit to the appropriate governmental entity within 30 days after the date of issuance of the uniform traffic citation that provides detailed information supporting an exemption as provided above, including relevant documents such as a police report (if the car had been reported stolen) or a copy of the uniform traffic citation, if issued.<sup>20</sup> If the owner submits an affidavit that another driver was behind the wheel, the affidavit must contain the name, address, date of birth, and if known, the driver's license number, of the other driver.<sup>21</sup> Upon receipt of an affidavit and required documentation, the appropriate governmental entity must dismiss the citation and provide proof of such dismissal to the person that submitted the affidavit.<sup>22</sup> A notice of violation may then be

<sup>13</sup> s. 316.0083(1)(b)1.c., F.S.

<sup>14</sup> Citations must be sent by certified mail, and delivery constitutes notification. s. 316.0083(1)(c)1.a. and b., F.S.

<sup>15</sup> s. 316.0083(1)(c)1.c., F.S.

<sup>16</sup> s. 316.0083(1)(c)2., F.S.

<sup>17</sup> s. 316.0083(1)(e), F.S.

<sup>18</sup> s. 316.650(3)(c), F.S.

<sup>19</sup> s. 316.0083(1)(d), F.S.

<sup>20</sup> s. 316.0083(1)(d)2., F.S.

<sup>21</sup> s. 316.0083(1)(d)2.a., F.S.

<sup>22</sup> s. 316.0083(1)(d)2., F.S.

issued to the person identified in the affidavit as having care, custody or control of the vehicle at the time of the alleged violation, and the affidavit from the registered owner may be used as evidence in a further proceeding regarding that person's alleged violation of ss. 316.074(1) or 316.075(1)(c)1., F.S.<sup>23</sup> Submission of a false affidavit is a second degree misdemeanor.<sup>24</sup>

If a vehicle is leased, the owner of the leased vehicle is not responsible for paying the citation, nor required to submit an affidavit, if the motor vehicle is registered in the name of the lessee.<sup>25</sup> If a person presents documentation from the appropriate governmental entity that the citation was issued in error, the clerk of court may dismiss the case and may not charge for such service.<sup>26</sup>

### ***Fines***

A fine of \$158 is levied on violators who fail to stop at a traffic signal as required by ss. 316.074(1) or 316.075(1)(c)1., F.S. When the \$158 fine is the result of a local government's traffic infraction detector, \$75 is retained by the local government and \$83 is deposited with the Department of Revenue (DOR).<sup>27</sup> DOR subsequently distributes the fines by depositing \$70 in the General Revenue Fund, \$10 in the Department of Health Emergency Services Trust Fund, and \$3 in the Brain and Spinal Cord Injury Trust Fund.<sup>28</sup>

If a law enforcement officer cites a motorist for the same offense, the fine is still \$158, but the revenue is distributed from the local clerk of court to DOR, where \$30 is distributed to the General Revenue Fund, \$65 is distributed to the Department of Health Emergency Services Trust Fund, and \$3 is distributed to the Brain and Spinal Cord Injury Trust Fund. The remaining \$60 is distributed in small percentages to a number of funds pursuant to s. 318.21, F.S.<sup>29</sup>

Violations of ss. 316.074(1) or 316.075(1)(c)1., F.S., enforced by traffic infraction detectors may not result in points being assessed against the operator's driver's license and may not be used for the purpose of setting motor vehicle insurance rates.<sup>30</sup>

### ***Actual Revenues***

According to the DOR website, from July 2012 through June 2013, 77 jurisdictions operated red light camera programs throughout the state. DOR reports the state portion of the fines collected during that fiscal year amount to \$62,454,920. Of the total, \$52,663,609 was distributed to the General Revenue Fund; \$7,510,916 was distributed to the Health Administration Trust Fund; and \$2,257,262 was distributed to the Brain & Spinal Cord Injury Trust Fund.<sup>31</sup>

<sup>23</sup> s. 316.0083(1)(d)3., F.S.

<sup>24</sup> s. 316.0083(1)(d)5., F.S.

<sup>25</sup> s. 316.0083(1)(d)3., F.S.

<sup>26</sup> s. 318.18(15)(c), F.S.

<sup>27</sup> s. 318.18(15)(a)3., F.S., s. 316.0083(1)(b)3.b., F.S.

<sup>28</sup> *Id.*

<sup>29</sup> s. 318.18(15)(a)1., F.S.

<sup>30</sup> s. 322.27(3)(d)6., F.S.

<sup>31</sup> See DOR website: <http://dor.myflorida.com/dor/taxes/distributions.html> (Last viewed 9/11/13).

### *Impact on Crashes and Fatalities*

Research reveals numerous studies of the impact of red light cameras on crashes and fatalities, and the studies are contradictory.

### **III. Effect of Proposed Changes:**

**Section 1** of the bill amends s. 316.003, F.S., to repeal the current subsection (87) definition of “traffic infraction detector,” currently defined to mean a vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light. Also removed is the requirement to include in any notice of violation or traffic citation issued by the use of a traffic infraction detector a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control device being violated.

This section of the bill also amends s. 316.003, F.S., to repeal the current subsection (91) definition of “local hearing officer,” currently defined to mean the person, designated by a department, county, or municipality that elects to authorize traffic infraction enforcement officers to issue traffic citations under s. 316.0083(1)(a), who is authorized to conduct hearings related to a notice of violation issued pursuant to s. 316.0083. Authorization of a charter county, noncharter county, or municipality to use a currently appointed code enforcement board or special magistrate to serve as the local hearing officer, as well as authorization of the Department of Highway Safety and Motor Vehicles to enter into interlocal agreements to use a county or municipal local hearing officer, is likewise removed.

**Section 2** amends s. 316.008, F.S., to repeal the current subsection (8) authorization of counties or municipalities to install, or authorize the installation of, and use traffic infraction detectors to enforce specified provisions of traffic law relating to obedience to traffic control signals and stopping a vehicle facing a steady red signal.

**Section 3** repeals s. 316.0083, F.S., the “Mark Wandall Traffic Safety Program,” which currently:

- Authorizes DHSMV, a county, or a municipality to authorize a traffic infraction enforcement officer to issue traffic citations for specified provisions of traffic law relating to obedience to traffic control signals and stopping a vehicle facing a steady red signal;
- Prohibits issuance of notices of violation or traffic citations for failing to stop while making rolling, “right-on-red” turns in a “careful and prudent manner” and for failing to stop before crossing the stop line or other point at which a stop is required when making a “right-on-red” turn;
- Provides the process and requirements for issuance of notices of violation, sets forth specific information to be included in such notices; provides alternative options for an alleged violator, including providing a specified affidavit, requesting a hearing, or paying the penalty stated in the notice; provides penalty amounts and fine distributions; and prohibits certain individuals manufacturers, or vendors from receiving commissions, fees, or remuneration relating to the use of traffic infraction detectors;

- Provides the process and requirements for issuance of traffic citations; sets forth specific information to be included in such notices; provides for defenses to be established by affidavit, states requirements for information to be included in such affidavits, provides penalties for submission of false affidavits; provides for dismissal of citations and issuance of notices of violation and traffic citations to the person designated in an affidavit as having care, custody, or control of the motor vehicle at the time of the violation; and provides for supplemental enforcement;
- Requires each county or municipality that operates traffic infraction detectors to provide a specified annual summary report to DHSMV regarding the use and operation of traffic infraction detectors, and requires DHSMV to prepare an annual report to the Governor, Senate President, and House Speaker; and
- Sets forth procedures for hearings on notices of violation and authorizes a specified appeal of a final administrative order.

**Section 4** repeals s. 316.00831, F.S., which currently provides for retention by a county or municipality and subsequent remission to the Department of Revenue, as appropriate, of penalties collected for notices of violation during the interim between passage of the Mark Wandall Safety Program in 2010 and DOR's notification of its ability to receive and distribute the retained funds.

**Section 5** repeals s. 316.07456, F.S., which currently requires deployed traffic infraction detectors to meet specifications published by FDOT and to be tested at regular intervals according to FDOT specifications; requires FDOT to establish such specifications on or before December 31, 2010; and provides that any detectors in operation before July 1, 2011, are not required to meet the FDOT specifications until July 1, 2011.

**Section 6** repeals s. 316.0776, F.S., which currently provides permitting, placement, and installation standards for traffic infraction detectors; and for signage, public announcement, and public awareness campaigns under certain conditions.

**Section 7** amends s. 318.15, F.S., to repeal provision in current subsection (3) for withholding of a license plate or revalidation sticker for any motor vehicle owned or co-owned by a person who failed to pay the penalty, comply with the terms of a payment plan or order, or failed to appear at a hearing; and authorizes a person to challenge the withholding solely on the basis that the outstanding fines and civil penalties have been paid.

**Section 8** repeals s. 321.50, F.S., which currently authorizes DHSMV to use traffic infraction detectors to enforce specified provisions of traffic law relating to obedience to traffic control signals and stopping a vehicle facing a steady red signal on state roads under FDOT jurisdiction when permitted by FDOT.

**Section 9** amends s. 28.37(5), F.S., to remove a cross reference and to correct a cross reference to conform to changes made by the act.

**Section 10** amends s. 316.640(1)(b) and (5)(a), F.S., to remove DHSMV authorization to designate employees as traffic infraction enforcement officers; instruction and training requirements for such officers; provisions relating to such officers carrying firearms or other



weapons and making arrests; the requirement that such officers be physically located in the state.; authorization of such officers to issue traffic citations under the Mark Wandall Traffic Safety Program; and authorization of any sheriff's department or police department of a municipality to designate employees as traffic infraction officers.

**Section 11** amends s. 316.650(3)(a) and (c), F.S., to remove a cross reference to conform to changes made by the act and to remove provisions relating to provision of replicas of traffic citations and notices of violation issued under the Mark Wandall Traffic Safety Program.

**Section 12** amends s. 318.14(2), F.S., to remove a cross reference to conform to changes made by the act.

**Section 13** amends s. 318.18(15) and (22), F.S., to remove penalty amounts for red light violations enforced by a traffic infraction enforcement officer; distribution requirements for fines collected from traffic infraction detector programs; provisions for dismissal of notices of violation or traffic citations issued in error; the prohibition against certain individuals manufacturers, or vendors receiving commissions, fees, or remuneration relating to the use of traffic infraction detectors; and authorization of local hearing officers to order payment of county or municipal costs, not to exceed \$250.

**Section 14** amends s. 320.03(8), F.S., to remove a cross reference to conform to changes made by the act.

**Section 15** amends s. 322.27(3)((d), F.S., to remove prohibitions against imposition of driver license points for red light violations enforced by a traffic infraction enforcement officer and against using red light violations enforced by a traffic infraction enforcement officer to set motor vehicle insurance rates.

**Section 16** provides that the act takes effect upon becoming law.

Because the preemption provisions of s. 316.0076, F.S., remain in statute, local governments will have no authority to implement red light camera programs.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**D. Other Constitutional Issues:**

Research of available vendor contracts suggests that some local governments anticipated the possible repeal of authority to implement red light camera programs and made provision for termination of such contracts in the event of repeal, while others did not. Some vendors may raise impairment of contract claims.

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

None.

**B. Private Sector Impact:**

The possible imposition of a \$158 fine (and potential court costs) for red light violations detected by red light cameras is eliminated.

**C. Government Sector Impact:**

The state portion of the \$158 fine is \$83. The bill would eliminate the source of this revenue for the distributions identified above. Revenue from fines collected for red light violation citations issued by law enforcement officers would continue to be distributed to the identified funds.

The local jurisdiction retains \$75 of the \$158 fine. The bill would eliminate this source of revenue but would also eliminate expenses related to operating and maintaining red light camera programs.

As previously indicated, the state portion of the fines collected during the 2012-2013 fiscal year amounted to \$62,454,920. Of the total, \$52,663,609 was distributed to the General Revenue Fund; \$7,510,916 was distributed to the Health Administration Trust Fund; and \$2,257,262 was distributed to the Brain & Spinal Cord Injury Trust Fund.<sup>32</sup> No future revenues would be realized following repeal of red light camera authorization.

**VI. Technical Deficiencies:**

An additional cross-reference correction is needed in s. 318.121, F.S., to remove reference to subsection (22) of s. 318.18, F.S., as the bill deletes that subsection.

**VII. Related Issues:**

None.

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<sup>32</sup> See DOR website: <http://dor.myflorida.com/dor/taxes/distributions.html> (Last viewed March 18, 2014.)

**VIII. Statutes Affected:**

This bill amends the following sections of the Florida Statutes: 28.37, 316.003, 316.008, 318.15, 316.640, 316.650, 318.14, 318.18, 320.03, and 322.27.

This bill repeals the following sections of the Florida Statutes: 316.0083, 316.00831, 316.07456, 316.0776, and 321.50.

**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.

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

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By Senator Brandes

22-00193-14

2014144\_\_

1 A bill to be entitled  
 2 An act relating to traffic infraction detectors;  
 3 repealing s. 316.003(87) and (91), F.S., relating to  
 4 the definitions of "traffic infraction detector" and  
 5 "local hearing officer"; repealing ss. 316.008(8),  
 6 316.0083, and 316.00831, F.S., relating to the  
 7 installation and use of traffic infraction detectors  
 8 to enforce specified provisions when a driver fails to  
 9 stop at a traffic signal; removing provisions that  
 10 authorize the Department of Highway Safety and Motor  
 11 Vehicles, a county, or a municipality to use such  
 12 detectors; repealing s. 316.07456, F.S., relating to  
 13 transitional implementation of such detectors;  
 14 repealing s. 316.0776, F.S., relating to placement and  
 15 installation of traffic infraction detectors;  
 16 repealing s. 318.15(3), F.S., relating to failure to  
 17 comply with a civil penalty; repealing s. 321.50,  
 18 F.S., relating to the authorization to use traffic  
 19 infraction detectors; amending ss. 28.37, 316.640,  
 20 316.650, 318.14, 318.18, 320.03, and 322.27, F.S.,  
 21 relating to distribution of proceeds, enforcement by  
 22 traffic infraction enforcement officers using such  
 23 detectors, procedures for disposition of citations,  
 24 compliance, registration and renewal of license  
 25 plates, and penalties, to conform provisions to  
 26 changes made by the act; providing an effective date.  
 27  
 28 Be It Enacted by the Legislature of the State of Florida:  
 29

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30 Section 1. Subsections (87) and (91) of section 316.003,  
 31 Florida Statutes, are repealed.  
 32 Section 2. Subsection (8) of section 316.008, Florida  
 33 Statutes, is repealed.  
 34 Section 3. Section 316.0083, Florida Statutes, is repealed.  
 35 Section 4. Section 316.00831, Florida Statutes, is  
 36 repealed.  
 37 Section 5. Section 316.07456, Florida Statutes, is  
 38 repealed.  
 39 Section 6. Section 316.0776, Florida Statutes, is repealed.  
 40 Section 7. Subsection (3) of section 318.15, Florida  
 41 Statutes, is repealed.  
 42 Section 8. Section 321.50, Florida Statutes, is repealed.  
 43 Section 9. Subsection (5) of section 28.37, Florida  
 44 Statutes, is amended to read:  
 45 28.37 Fines, fees, service charges, and costs remitted to  
 46 the state.—  
 47 (5) Ten percent of all court-related fines collected by the  
 48 clerk, except for penalties or fines distributed to counties or  
 49 municipalities under ~~s. 316.0083(1)(b)3.~~ ~~or~~ s. 318.18(15)(a),  
 50 shall be deposited into the clerk's Public Records Modernization  
 51 Trust Fund to be used exclusively for additional clerk court-  
 52 related operational needs and program enhancements.  
 53 Section 10. Paragraph (b) of subsection (1) and paragraph  
 54 (a) of subsection (5) of section 316.640, Florida Statutes, are  
 55 amended to read:  
 56 316.640 Enforcement.—The enforcement of the traffic laws of  
 57 this state is vested as follows:  
 58 (1) STATE.—

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59 (b)1. The Department of Transportation has authority to  
60 enforce on all the streets and highways of this state all laws  
61 applicable within its authority.

62 2.a. The Department of Transportation shall develop  
63 training and qualifications standards for toll enforcement  
64 officers whose sole authority is to enforce the payment of tolls  
65 pursuant to s. 316.1001. Nothing in this subparagraph shall be  
66 construed to permit the carrying of firearms or other weapons,  
67 nor shall a toll enforcement officer have arrest authority.

68 b. For the purpose of enforcing s. 316.1001, governmental  
69 entities, as defined in s. 334.03, which own or operate a toll  
70 facility may employ independent contractors or designate  
71 employees as toll enforcement officers; however, any such toll  
72 enforcement officer must successfully meet the training and  
73 qualifications standards for toll enforcement officers  
74 established by the Department of Transportation.

75 ~~3. For the purpose of enforcing s. 316.0083, the department~~  
76 ~~may designate employees as traffic infraction enforcement~~  
77 ~~officers. A traffic infraction enforcement officer must~~  
78 ~~successfully complete instruction in traffic enforcement~~  
79 ~~procedures and court presentation through the Selective Traffic~~  
80 ~~Enforcement Program as approved by the Division of Criminal~~  
81 ~~Justice Standards and Training of the Department of Law~~  
82 ~~Enforcement, or through a similar program, but may not~~  
83 ~~necessarily otherwise meet the uniform minimum standards~~  
84 ~~established by the Criminal Justice Standards and Training~~  
85 ~~Commission for law enforcement officers or auxiliary law~~  
86 ~~enforcement officers under s. 943.13. This subparagraph does not~~  
87 ~~authorize the carrying of firearms or other weapons by a traffic~~

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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88 ~~infraction enforcement officer and does not authorize a traffic~~  
89 ~~infraction enforcement officer to make arrests. The department's~~  
90 ~~traffic infraction enforcement officers must be physically~~  
91 ~~located in the state.~~

92 (5) (a) Any sheriff's department or police department of a  
93 municipality may employ, as a traffic infraction enforcement  
94 officer, any individual who successfully completes instruction  
95 in traffic enforcement procedures and court presentation through  
96 the Selective Traffic Enforcement Program as approved by the  
97 Division of Criminal Justice Standards and Training of the  
98 Department of Law Enforcement, or through a similar program, but  
99 who does not necessarily otherwise meet the uniform minimum  
100 standards established by the Criminal Justice Standards and  
101 Training Commission for law enforcement officers or auxiliary  
102 law enforcement officers under s. 943.13. Any such traffic  
103 infraction enforcement officer who observes the commission of a  
104 traffic infraction or, in the case of a parking infraction, who  
105 observes an illegally parked vehicle may issue a traffic  
106 citation for the infraction when, based upon personal  
107 investigation, he or she has reasonable and probable grounds to  
108 believe that an offense has been committed which constitutes a  
109 noncriminal traffic infraction as defined in s. 318.14. ~~In~~  
110 ~~addition, any such traffic infraction enforcement officer may~~  
111 ~~issue a traffic citation under s. 316.0083. For purposes of~~  
112 ~~enforcing s. 316.0083, any sheriff's department or police~~  
113 ~~department of a municipality may designate employees as traffic~~  
114 ~~infraction enforcement officers. The traffic infraction~~  
115 ~~enforcement officers must be physically located in the county of~~  
116 ~~the respective sheriff's or police department.~~

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117 Section 11. Paragraphs (a) and (c) of subsection (3) of  
118 section 316.650, Florida Statutes, are amended to read:

119 316.650 Traffic citations.—

120 (3) (a) Except for a traffic citation issued pursuant to s.  
121 316.1001 ~~or s. 316.0083~~, each traffic enforcement officer, upon  
122 issuing a traffic citation to an alleged violator of any  
123 provision of the motor vehicle laws of this state or of any  
124 traffic ordinance of any municipality or town, shall deposit the  
125 original traffic citation or, in the case of a traffic  
126 enforcement agency that has an automated citation issuance  
127 system, the chief administrative officer shall provide by an  
128 electronic transmission a replica of the citation data to a  
129 court having jurisdiction over the alleged offense or with its  
130 traffic violations bureau within 5 days after issuance to the  
131 violator.

132 ~~(c) If a traffic citation is issued under s. 316.0083, the~~  
133 ~~traffic infraction enforcement officer shall provide by~~  
134 ~~electronic transmission a replica of the traffic citation data~~  
135 ~~to the court having jurisdiction over the alleged offense or its~~  
136 ~~traffic violations bureau within 5 days after the date of~~  
137 ~~issuance of the traffic citation to the violator. If a hearing~~  
138 ~~is requested, the traffic infraction enforcement officer shall~~  
139 ~~provide a replica of the traffic notice of violation data to the~~  
140 ~~clerk for the local hearing officer having jurisdiction over the~~  
141 ~~alleged offense within 14 days.~~

142 Section 12. Subsection (2) of section 318.14, Florida  
143 Statutes, is amended to read:

144 318.14 Noncriminal traffic infractions; exception;  
145 procedures.—

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146 (2) Except as provided in s. 316.1001(2) ~~es. 316.1001(2)~~  
147 ~~and 316.0083~~, any person cited for a violation requiring a  
148 mandatory hearing listed in s. 318.19 or any other criminal  
149 traffic violation listed in chapter 316 must sign and accept a  
150 citation indicating a promise to appear. The officer may  
151 indicate on the traffic citation the time and location of the  
152 scheduled hearing and must indicate the applicable civil penalty  
153 established in s. 318.18. For all other infractions under this  
154 section, except for infractions under s. 316.1001, the officer  
155 must certify by electronic, electronic facsimile, or written  
156 signature that the citation was delivered to the person cited.  
157 This certification is prima facie evidence that the person cited  
158 was served with the citation.

159 Section 13. Subsections (15) and (22) of section 318.18,  
160 Florida Statutes, are amended to read:

161 318.18 Amount of penalties.—The penalties required for a  
162 noncriminal disposition pursuant to s. 318.14 or a criminal  
163 offense listed in s. 318.17 are as follows:

164 (15) ~~(a)1-~~ One hundred and fifty-eight dollars for a  
165 violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver  
166 has failed to stop at a traffic signal ~~and when enforced by a~~  
167 ~~law enforcement officer~~. Sixty dollars shall be distributed as  
168 provided in s. 318.21, \$30 shall be distributed to the General  
169 Revenue Fund, \$3 shall be remitted to the Department of Revenue  
170 for deposit into the Brain and Spinal Cord Injury Trust Fund,  
171 and the remaining \$65 shall be remitted to the Department of  
172 Revenue for deposit into the Emergency Medical Services Trust  
173 Fund of the Department of Health.

174 ~~2. One hundred and fifty-eight dollars for a violation of~~

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 175 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~  
 176 ~~stop at a traffic signal and when enforced by the department's~~  
 177 ~~traffic infraction enforcement officer. One hundred dollars~~  
 178 ~~shall be remitted to the Department of Revenue for deposit into~~  
 179 ~~the General Revenue Fund, \$45 shall be distributed to the county~~  
 180 ~~for any violations occurring in any unincorporated areas of the~~  
 181 ~~county or to the municipality for any violations occurring in~~  
 182 ~~the incorporated boundaries of the municipality in which the~~  
 183 ~~infraction occurred, \$10 shall be remitted to the Department of~~  
 184 ~~Revenue for deposit into the Department of Health Emergency~~  
 185 ~~Medical Services Trust Fund for distribution as provided in s.~~  
 186 ~~395.4036(1), and \$3 shall be remitted to the Department of~~  
 187 ~~Revenue for deposit into the Brain and Spinal Cord Injury Trust~~  
 188 ~~Fund.~~

189 ~~3. One hundred and fifty-eight dollars for a violation of~~  
 190 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~  
 191 ~~stop at a traffic signal and when enforced by a county's or~~  
 192 ~~municipality's traffic infraction enforcement officer. Seventy-~~  
 193 ~~five dollars shall be distributed to the county or municipality~~  
 194 ~~issuing the traffic citation, \$70 shall be remitted to the~~  
 195 ~~Department of Revenue for deposit into the General Revenue Fund,~~  
 196 ~~\$10 shall be remitted to the Department of Revenue for deposit~~  
 197 ~~into the Department of Health Emergency Medical Services Trust~~  
 198 ~~Fund for distribution as provided in s. 395.4036(1), and \$3~~  
 199 ~~shall be remitted to the Department of Revenue for deposit into~~  
 200 ~~the Brain and Spinal Cord Injury Trust Fund.~~

201 ~~(b)~~ Amounts deposited into the Brain and Spinal Cord Injury  
 202 Trust Fund pursuant to this subsection shall be distributed  
 203 quarterly to the Miami Project to Cure Paralysis and shall be

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 204 used for brain and spinal cord research.

205 ~~(e) If a person who is mailed a notice of violation or~~  
 206 ~~cited for a violation of s. 316.074(1) or s. 316.075(1)(c)1., as~~  
 207 ~~enforced by a traffic infraction enforcement officer under s.~~  
 208 ~~316.0083, presents documentation from the appropriate~~  
 209 ~~governmental entity that the notice of violation or traffic~~  
 210 ~~citation was in error, the clerk of court or clerk to the local~~  
 211 ~~hearing officer may dismiss the case. The clerk of court or~~  
 212 ~~clerk to the local hearing officer may not charge for this~~  
 213 ~~service.~~

214 ~~(d) An individual may not receive a commission or per-~~  
 215 ~~ticket fee from any revenue collected from violations detected~~  
 216 ~~through the use of a traffic infraction detector. A manufacturer~~  
 217 ~~or vender may not receive a fee or remuneration based upon the~~  
 218 ~~number of violations detected through the use of a traffic~~  
 219 ~~infraction detector.~~

220 ~~(e) Funds deposited into the Department of Health Emergency~~  
 221 ~~Medical Services Trust Fund under this subsection shall be~~  
 222 ~~distributed as provided in s. 395.4036(1).~~

223 ~~(22) In addition to the penalty prescribed under s.~~  
 224 ~~316.0083 for violations enforced under s. 316.0083 which are~~  
 225 ~~upheld, the local hearing officer may also order the payment of~~  
 226 ~~county or municipal costs, not to exceed \$250.~~

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

229 320.03 Registration; duties of tax collectors;  
 230 International Registration Plan.—

231 (8) If the applicant's name appears on the list referred to  
 232 in s. 316.1001(4), s. 316.1967(6), ~~s. 318.15(3)~~, or s.

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233 713.78(13), a license plate or revalidation sticker may not be  
 234 issued until that person's name no longer appears on the list or  
 235 until the person presents a receipt from the governmental entity  
 236 or the clerk of court that provided the data showing that the  
 237 fines outstanding have been paid. This subsection does not apply  
 238 to the owner of a leased vehicle if the vehicle is registered in  
 239 the name of the lessee of the vehicle. The tax collector and the  
 240 clerk of the court are each entitled to receive monthly, as  
 241 costs for implementing and administering this subsection, 10  
 242 percent of the civil penalties and fines recovered from such  
 243 persons. As used in this subsection, the term "civil penalties  
 244 and fines" does not include a wrecker operator's lien as  
 245 described in s. 713.78(13). If the tax collector has private tag  
 246 agents, such tag agents are entitled to receive a pro rata share  
 247 of the amount paid to the tax collector, based upon the  
 248 percentage of license plates and revalidation stickers issued by  
 249 the tag agent compared to the total issued within the county.  
 250 The authority of any private agent to issue license plates shall  
 251 be revoked, after notice and a hearing as provided in chapter  
 252 120, if he or she issues any license plate or revalidation  
 253 sticker contrary to the provisions of this subsection. This  
 254 section applies only to the annual renewal in the owner's birth  
 255 month of a motor vehicle registration and does not apply to the  
 256 transfer of a registration of a motor vehicle sold by a motor  
 257 vehicle dealer licensed under this chapter, except for the  
 258 transfer of registrations which includes the annual renewals.  
 259 This section does not affect the issuance of the title to a  
 260 motor vehicle, notwithstanding s. 319.23(8)(b).  
 261 Section 15. Paragraph (d) of subsection (3) of section

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262 322.27, Florida Statutes, is amended to read:  
 263 322.27 Authority of department to suspend or revoke driver  
 264 license or identification card.—  
 265 (3) There is established a point system for evaluation of  
 266 convictions of violations of motor vehicle laws or ordinances,  
 267 and violations of applicable provisions of s. 403.413(6)(b) when  
 268 such violations involve the use of motor vehicles, for the  
 269 determination of the continuing qualification of any person to  
 270 operate a motor vehicle. The department is authorized to suspend  
 271 the license of any person upon showing of its records or other  
 272 good and sufficient evidence that the licensee has been  
 273 convicted of violation of motor vehicle laws or ordinances, or  
 274 applicable provisions of s. 403.413(6)(b), amounting to 12 or  
 275 more points as determined by the point system. The suspension  
 276 shall be for a period of not more than 1 year.  
 277 (d) The point system shall have as its basic element a  
 278 graduated scale of points assigning relative values to  
 279 convictions of the following violations:  
 280 1. Reckless driving, willful and wanton—4 points.  
 281 2. Leaving the scene of a crash resulting in property  
 282 damage of more than \$50—6 points.  
 283 3. Unlawful speed, or unlawful use of a wireless  
 284 communications device, resulting in a crash—6 points.  
 285 4. Passing a stopped school bus—4 points.  
 286 5. Unlawful speed:  
 287 a. Not in excess of 15 miles per hour of lawful or posted  
 288 speed—3 points.  
 289 b. In excess of 15 miles per hour of lawful or posted  
 290 speed—4 points.



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291 6. A violation of a traffic control signal device as  
292 provided in s. 316.074(1) or s. 316.075(1)(c)1.-4 points.  
293 ~~However, no points shall be imposed for a violation of s.~~  
294 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~  
295 ~~stop at a traffic signal and when enforced by a traffic~~  
296 ~~infraction enforcement officer. In addition, a violation of s.~~  
297 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~  
298 ~~stop at a traffic signal and when enforced by a traffic~~  
299 ~~infraction enforcement officer may not be used for purposes of~~  
300 ~~setting motor vehicle insurance rates.~~

301 7. All other moving violations (including parking on a  
302 highway outside the limits of a municipality)-3 points. However,  
303 no points shall be imposed for a violation of s. 316.0741 or s.  
304 316.2065(11); and points shall be imposed for a violation of s.  
305 316.1001 only when imposed by the court after a hearing pursuant  
306 to s. 318.14(5).

307 8. Any moving violation covered in this paragraph,  
308 excluding unlawful speed and unlawful use of a wireless  
309 communications device, resulting in a crash-4 points.

310 9. Any conviction under s. 403.413(6)(b)-3 points.

311 10. Any conviction under s. 316.0775(2)-4 points.

312 11. A moving violation covered in this paragraph which is  
313 committed in conjunction with the unlawful use of a wireless  
314 communications device within a school safety zone-2 points, in  
315 addition to the points assigned for the moving violation.

316 Section 16. This act shall take effect upon becoming a law.



**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SM 800

INTRODUCER: Senator Evers

SUBJECT: Renewable Fuel Standard

DATE: March 11, 2014

REVISED: \_\_\_\_\_

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	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Miranda</u>	<u>Eichin</u>	<u>TR</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>EP</u>	_____

---

**I. Summary:**

SM 800 urges Congress to repeal the Renewable Fuel Standard established under the Energy Independence and Security Act of 2007.

A memorial has no force of law; it is a mechanism for formally petitioning the U.S. Congress for action on a specific subject.

**II. Present Situation:**

The Renewable Fuel Standard (RFS) program was created under the Energy Policy Act (EPAct) of 2005, and established the first renewable fuel volume mandate in the United States, as required under EPAct, the original RFS program (RFS1) required 7.5 billion gallons of renewable fuel to be blended in gasoline by 2012. Under the Energy Independence and Security Act (EISA) of 2007, the RFS program was expanded in several key ways:

- RFS was expanded to include diesel;
- Increased the volume of renewable fuel required to be blended into transportation fuel from 9 billion gallons in 2008 to 36 billion gallons by 2022;
- New categories of renewable fuel were established and separate volume requirements were set for each one;
- Required EPA to apply lifecycle greenhouse gas performance threshold standards to ensure that each category of renewable fuel emits fewer greenhouse gases than the petroleum fuel it replaces.<sup>1</sup>

Under the Clean Air Act (CAA), as amended by the Energy Independence and Security Act (EISA) of 2007, the Environmental Protection Agency (EPA) is required to set the annual standards for the Renewable Fuel Standard Program (RFS) for each year. This regulatory action

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<sup>1</sup> See, United States Environmental Protection Agency, Fuels and Fuel Additives, Renewable Fuel Standard, <http://www.epa.gov/otaq/fuels/renewablefuels/index.htm> (last visited on 3/11/14)

proposes to establish the annual percentage standards for 2014 for cellulosic, biomass-based diesel, advanced biofuel, and total renewable fuels that apply to gasoline and diesel produced or imported in year 2014. EPA is also required to determine the applicable national volume of biomass-based diesel that will be required in 2015, as the statute does not specify the applicable volumes for years after 2012.<sup>2</sup>

Related facts are contained in the memorial's preamble.

### **III. Effect of Proposed Changes:**

Senate Memorial 800 urges Congress to repeal the Renewable Fuel Standard that was established under the Energy Independence and Security Act of 2007. Such an amendment would need to be proposed by a two-thirds vote of each House of Congress, and subsequently be ratified by three-fourths of the states.<sup>3</sup>

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

None.

#### **C. Government Sector Impact:**

None.

### **VI. Technical Deficiencies:**

None.

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<sup>2</sup> Office of Transportation and Air Quality, EPA-420-F-13-048, November 2013, <http://www.epa.gov/otaq/fuels/renewablefuels/documents/420f13048.pdf> (last visited on 3/11/14)

<sup>3</sup> Art. V, U.S. CONST.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

None.

**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.

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

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By Senator Evers

2-00286A-14

2014800\_\_

Senate Memorial

A memorial to the Congress of the United States, urging Congress to repeal the Renewable Fuel Standard established under the Energy Independence and Security Act of 2007.

WHEREAS, in enacting the Energy Policy Act of 2005, Congress established the Renewable Fuel Standard (RFS) program to ensure that transportation fuel contains a minimum volume of renewable fuel, and

WHEREAS, the Energy Independence and Security Act of 2007 increased the volume of renewable fuel required to be blended into transportation fuel from 9 billion gallons in 2008 to 36 billion gallons by 2022, and

WHEREAS, the amended RFS program, known as RFS2, requires that a greater amount of renewable fuel, including cellulosic biofuel, biomass-based biodiesel, and other advanced biofuels, be blended into the motor vehicle fuel supply, and

WHEREAS, a study commissioned by the American Petroleum Institute (API) estimates that, by 2015, the volume mandates set forth in RFS2 could increase gasoline prices by as much as 30 percent and diesel prices by as much as 300 percent, and

WHEREAS, the API study finds that, by 2015, the adverse macroeconomic impacts of RFS2 will include a \$770 billion decline in gross domestic product and a corresponding reduction in consumption per household of \$2,700, and

WHEREAS, the API study concluded that, as the renewable fuel volume obligations in RFS2 increase annually, the "E10 blend wall," the maximum concentration of ethanol of 10 percent

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(E10) that can be blended in gasoline and still be used by most motor vehicles, will soon be reached, and

WHEREAS, the United States Environmental Protection Agency (EPA) amended the total volume fuel mandate for 2014 to 15.2 billion ethanol-equivalent gallons, while the maximum volume of ethanol that can be consumed as E10 under current market constraints, as projected by the EPA for 2014, remains at 13.2 billion gallons, and

WHEREAS, the EPA acknowledges that compliance with RFS2 will be difficult to achieve in 2014, as it does not foresee a scenario in which the market could consume enough ethanol sold in blends greater than E10 or produce sufficient volumes of nonethanol biofuels to meet the total volume of renewable fuel and advanced biofuel required under RFS2, and

WHEREAS, by mandating ethanol volumes far above those which the market can absorb, RFS2 will place consumers and the automotive industry in an increasingly untenable position, and

WHEREAS, according to a study directed by the Coordinating Research Council, the engines, fuel pumps, and onboard fuel measurement systems on millions of motor vehicles could be severely damaged by fuel blends that contain more than 10 percent ethanol, and

WHEREAS, in 2010, the EPA granted partial waivers allowing the sale of gasoline fuel blends containing up to 15 percent ethanol for use in 2001 model year and newer light-duty motor vehicles despite studies showing the potential for damage to millions of motor vehicles, and

WHEREAS, automakers have warned consumers that using ethanol blends that exceed the maximum limits, as specified in

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59 their respective automotive owner manuals, could result in the  
 60 voiding of their automotive warranties, and  
 61 WHEREAS, the volume mandates set by RFS2 do not account for  
 62 the impact on the smaller engines that power lawn mowers,  
 63 generators, and similar equipment, or larger marine engines, and  
 64 WHEREAS, over the past three years, the EPA levied  
 65 penalties mandated by RFS2 on refineries that failed to blend  
 66 cellulosic biofuel into gasoline, despite the absence of  
 67 technological advances necessary for the commercial production  
 68 of cellulosic biofuel, and  
 69 WHEREAS, many Florida consumers and national trade groups,  
 70 among them the American Bakers Association, The American Frozen  
 71 Food Institute, the American Fuel and Petrochemical  
 72 Manufacturers, the American Petroleum Institute, the American  
 73 Sheep Industry Association, the National Marine Manufacturers  
 74 Association, the National Cattlemen's Beef Association, The  
 75 National Chicken Council, The National Council of Chain of  
 76 Restaurants, and the National Turkey Federation, have called for  
 77 the repeal or amendment of RFS2, and  
 78 WHEREAS, state governors, cattlemen associations, and  
 79 restaurant associations have made repeated requests, which have  
 80 been consistently denied by the EPA, that the annual mandated  
 81 fuel ethanol volumes be reduced to adapt to ethanol feedstock  
 82 market conditions and fleet fuel supply and engine constraints  
 83 and to accommodate the deficiency in alternative fuel  
 84 technological advances, and  
 85 WHEREAS, alternative transportation fuels, such as natural  
 86 gas, are emerging freely without the assistance of market-  
 87 distorting mandates, and

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88 WHEREAS, innovations in the oil and natural gas industry,  
 89 including directional hydraulic fracturing, deep water  
 90 directional drilling, and oil sands production technologies,  
 91 have reversed declining oil and natural gas production trends in  
 92 the United States, and  
 93 WHEREAS, lower oil import volumes and higher natural gas  
 94 export volumes have the potential to create a transformative  
 95 shift in global energy markets, and  
 96 WHEREAS, the International Energy Agency projects that the  
 97 United States will become energy independent within the next 10  
 98 years and will surpass Saudi Arabia as the largest oil producer  
 99 by 2020, and  
 100 WHEREAS, innovations in energy efficiency and  
 101 affordability, along with discoveries of proven domestic oil and  
 102 natural gas reserves, have strengthened the United States'  
 103 position in the global energy market, eliminating the original  
 104 impetus for the drastic increase in renewable fuel standards, as  
 105 set forth in the Energy Independence and Security Act of 2007,  
 106 NOW, THEREFORE,  
 107  
 108 Be It Resolved by the Legislature of the State of Florida:  
 109  
 110 That the Congress of the United States is urged to repeal  
 111 the federal Renewable Fuels Standard mandate established under  
 112 the Energy Independence and Security Act of 2007.  
 113 BE IT FURTHER RESOLVED that copies of this memorial be  
 114 dispatched to the President of the United States, to the  
 115 President of the United States Senate, to the Speaker of the  
 116 United States House of Representatives, and to each member of

2-00286A-14

2014800\_\_

117 the Florida delegation to the United States Congress.





# CourtSmart Tag Report

**Room:** LL 37  
**Caption:** Senate Transportation

**Case:**  
**Judge:**

**Type:**

**Started:** 3/20/2014 9:05:46 AM  
**Ends:** 3/20/2014 10:00:53 AM

**Length:** 00:55:08

9:05:48 AM Meeting called to order by Chairman Brandes  
9:05:52 AM Roll call by Administrative Assistant, Marilyn Hudson  
9:06:18 AM Comments from Chairman Brandes  
9:06:25 AM Tab 1 - CS/SB 132 introduced by Chairman Brandes  
9:06:44 AM Explanation of CS/SB 132 by Senator Latvala  
9:07:16 AM Amendment 516126 introduced by Chairman Brandes  
9:07:38 AM Explanation of Amendment by Chairman Brandes  
9:08:26 AM Question from Senator Joyner on Amendment  
9:09:02 AM Question from Senator Margolis  
9:09:16 AM Response from Chairman Brandes  
9:09:42 AM Comments from Senator Margolis  
9:09:56 AM Comments from Chairman Brandes  
9:10:38 AM Amendment 516126 withdrawn  
9:10:49 AM Amendment 713412 introduced by Chairman Brandes  
9:11:00 AM Amendment 713412 explained by Senator Latvala  
9:11:48 AM Question from Senator Joyner  
9:11:59 AM Response by Senator Latvala  
9:12:42 AM Follow-up question from Senator Joyner  
9:12:50 AM Response by Senator Latvala  
9:13:23 AM Comments from Senator Margolis  
9:14:19 AM Comments from Chairman Brandes  
9:14:26 AM Comments from Senator Latvala  
9:14:49 AM Question from Senator Margolis  
9:14:57 AM Response from Senator Latvala  
9:15:10 AM Comments from Senator Margolis  
9:15:51 AM Comments from Senator Joyner  
9:17:04 AM Comments from Senator Diaz de la Portilla  
9:17:40 AM Amendment 713412 adopted  
9:17:54 AM Mike Fewless, Captain, Florida Sheriff's Association waives in support  
9:18:07 AM Senator Latvala waives  
9:18:13 AM Senator Lee moves for CS  
9:18:20 AM Roll call on CS/SB 132  
9:18:36 AM Bill reported favorably  
9:18:51 AM Tab 2 - SB 1048 explained by Senator Latvala  
9:19:59 AM Comments from Senator Diaz de la Portilla  
9:20:07 AM Comments from Senator Latvala  
9:20:55 AM Amendment 811730 explained by Chairman Brandes - Amendment Withdrawn  
9:21:19 AM Amendment 630396 explained by Senator Evers  
9:21:43 AM Comments from Senator Latvala  
9:22:12 AM Question from Chairman Brandes  
9:22:30 AM Response from Cindy Price  
9:23:09 AM Question from Senator Joyner  
9:23:40 AM Response from Cindy Price  
9:24:39 AM Speaker Ryan Padgett, Assistant General Counsel, Florida League of Cities in opposition to 630396  
9:26:23 AM Question from Senator Evers  
9:26:37 AM Response from Ryan Padgett  
9:26:49 AM Follow-up question from Senator Evers  
9:26:56 AM Response from Ryan Padgett  
9:27:26 AM Question from Senator Diaz de la Portilla  
9:27:48 AM Response from Ryan Padgett  
9:27:56 AM Comments from Senator Margolis  
9:28:21 AM Response from Senator Latvala

9:29:30 AM Comments from Senator Diaz de la Portilla  
9:29:58 AM Comments from Senator Margolis  
9:30:50 AM Comments from Senator Richter  
9:32:02 AM Comments from Senator Clemens  
9:32:34 AM Comments from Senator Joyner  
9:34:14 AM Comments from Senator Margolis  
9:35:00 AM Comments from Senator Lee  
9:37:33 AM Comments from Senator Diaz de la Portilla  
9:40:29 AM Closure on Amendment by Senator Latvala  
9:42:16 AM Roll call on Amendment 630396 by Administrative Assistant, Marilyn Hudson  
9:42:36 AM Amendment 630396 adopted by a vote of 5 Yays - 4 Nays  
9:42:51 AM Amendment 778438 explained by Senator Evers  
9:43:13 AM Closure waived by Senator Evers  
9:43:36 AM Amendment 778438 adopted  
9:43:46 AM Speaker Pete Dunbar, Florida Outdoor Advertising Association in support  
9:44:52 AM Doug Mannheimer, Attorney, Vanwagner - waives in support  
9:45:05 AM Closure waived by Senator Latvala  
9:45:13 AM Senator Clemens moves for CS  
9:45:23 AM Roll call by Administrative Assistant, Marilyn Hudson  
9:45:35 AM Bill reported favorably  
9:45:42 AM Comments from Senator Margolis  
9:45:56 AM Tab 3 - 1052 by Senator Evers  
9:46:12 AM Explanation of SB 1052 by Dave Murzin, Legislative Assistant to Senator Evers  
9:46:39 AM Question from Senator Clemens  
9:46:47 AM Response from Dave Murzin  
9:47:19 AM Question from Senator Thompson  
9:47:35 AM Response from Dave Murzin  
9:47:53 AM Richard Gentry, Escambia County waives in support  
9:48:03 AM Eric Poole, Assistant Legislative Director, Florida Association of Counties waives in support  
9:48:10 AM Closure waived on bill  
9:48:16 AM Roll call by Administrative Assistant, Marilyn Hudson  
9:48:33 AM SB 1052 passes favorably  
9:48:47 AM Tab 4 - SB 144 by Senator Brandes  
9:49:07 AM Speaker Paul Henry, Liberty First Network in support  
9:52:01 AM Speaker Mike Rhodes, Code Enforcement Division Manager, City of Orlando Red Light Enforcement Program-Against  
9:52:56 AM Speaker Jim Phend, Director Melbourne Motorists Association in support  
9:54:27 AM Speaker Jan Gorrie, Safety Net Hospital Alliance in opposition  
9:56:39 AM Neil Spirtus, Senior Vice President, Manatee Chamber of Commerce waives in opposition  
9:56:50 AM Mike Wick, Lakewood Ranch Business Alliance waives in opposition  
9:56:59 AM Tara Poulton waives in opposition  
9:57:08 AM Speaker Frank Fabrizio, Chief, Florida Police Chiefs in opposition  
9:57:38 AM Eric Poole, Assistant Legislative Director, Florida Association of Counties waives in opposition  
9:57:49 AM Greg Brown, Colonel, Hillsborough County Sheriff's Office in opposition  
9:59:38 AM Mike Fewless, Captain, Florida Sheriff's Association waives in opposition  
9:59:51 AM Speaker Catherine Baer, The Tea Party Network  
9:59:58 AM SB 144 TP'd per Chairman Brandes  
10:00:32 AM Senator Lee moves to rise