

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

881074	D	S	RS	TR, Grimsley	Delete everything after	03/19 03:22 PM
217292	SD	S	RCS	TR, Grimsley	Delete everything after	03/19 03:22 PM

SB 256 by Sobel; (Identical to H 0519) Identification Cards

858670	A	S	RCS	TR, Braynon	Delete L.26 - 31:	03/19 03:22 PM
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SB 562 by Simpson; (Identical to H 0579) Growth Management

SB 1276 by Flores; (Identical to H 0989) Expressway Authorities

SB 1374 by Evers; Farm Vehicles

SB 1554 by Brandes; (Similar to H 7039) Transportation

701530	A	S	RCS	TR, Brandes	Delete L.487 - 1330:	03/19 03:22 PM
876494	A	S	RCS	TR, Brandes	Delete L.1446:	03/19 03:22 PM
230598	A	S	WD	TR, Evers	btw L.1446 - 1447:	03/19 03:22 PM
336656	A	S	RCS	TR, Brandes	btw L.1714 - 1715:	03/19 03:22 PM
183492	AA	S	RCS	TR, Brandes	Delete L.90 - 96:	03/19 03:22 PM
391500	AA	S	RCS	TR, Simpson	Delete L.97 - 99:	03/19 03:22 PM
889160	AA	S	RCS	TR, Brandes	Delete L.214 - 224.	03/19 03:22 PM
173636	AA	S	RCS	TR, Brandes	Delete L.859 - 881.	03/19 03:22 PM
249514	A	S	L WD	TR, Simpson	Delete L.97 - 99:	03/19 03:22 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Brandes, Chair
Senator Bullard, Vice Chair

MEETING DATE: Thursday, March 19, 2015
TIME: 1:00 —3:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Office Building

MEMBERS: Senator Brandes, Chair; Senator Bullard, Vice Chair; Senators Braynon, Evers, Grimsley, Simpson, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 112 Military and Veterans Affairs, Space, and Domestic Security / Hays (Similar CS/CS/H 329)	Special License Plates; Authorizing the Department of Highway Safety and Motor Vehicles to issue Combat Action Ribbon, Air Force Combat Action Medal, and Distinguished Flying Cross license plates; specifying qualifications and requirements for the plates; providing that the use of proceeds from the sale of the plates will be made according to certain established guidelines, etc. MS 01/21/2015 Fav/CS TR 03/19/2015 Fav/CS ATD FP	Fav/CS Yeas 7 Nays 0
2	SB 256 Sobel (Identical H 519)	Identification Cards; Requiring the Department of Highway Safety and Motor Vehicles to issue an identification card exhibiting a special designation for a person who is diagnosed by a licensed physician as having a developmental disability; requiring payment of an additional fee and proof of diagnosis; authorizing issuance of a replacement identification card that includes the special designation without payment of a specified fee, etc. TR 03/19/2015 Fav/CS ATD AP	Fav/CS Yeas 7 Nays 0
3	SB 562 Simpson (Identical H 579)	Growth Management; Requiring plan amendments proposing a development that qualifies as a development of regional impact to be subject to the state coordinated review process; providing that new proposed developments are subject to the state coordinated review process and not the development of regional impact review process, etc. CA 03/10/2015 Favorable TR 03/19/2015 Favorable RC	Favorable Yeas 6 Nays 1

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Thursday, March 19, 2015, 1:00 —3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1276 Flores (Identical H 989)	Expressway Authorities; Revising qualifications for membership on the governing body of certain expressway authorities; providing for termination from an authority's governing body upon a finding of a violation of specified ethical conduct provisions or failure to comply with a notice of failure to comply with financial disclosure requirements, etc. TR 03/19/2015 Favorable EE RC	Favorable Yeas 4 Nays 2
5	SB 1374 Evers	Farm Vehicles; Authorizing the Department of Highway Safety and Motor Vehicles to enter into a reciprocity agreement with the State of Georgia and the State of Alabama relative to the traveling of farm vehicles across state lines, etc. TR 03/19/2015 Favorable AG FP	Favorable Yeas 7 Nays 0
6	SB 1554 Brandes (Similar H 7039, Compare H 7075, S 918, CS/S 1186, S 1456)	Transportation; Deleting the requirement that the Secretary of Transportation appoint an inspector general pursuant to s. 20.055, F.S.; deleting the requirement that the district director for the Fort Myers Urban Office of the Department of Transportation be responsible for developing the 5-year Transportation Plan and other services for specified counties; increasing the minimum amount per year that shall be made available from the State Transportation Fund to fund the Florida Seaport Transportation and Economic Development Program, etc. TR 03/19/2015 Fav/CS ATD AP	Fav/CS Yeas 6 Nays 1

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.			
Secretary of Transportation			
7	Boxold, James C. ()	Pleasure of Governor	Recommend Confirm Yeas 7 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/CS/SB 112

INTRODUCER: Transportation Committee, Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Hays

SUBJECT: Special License Plates

DATE: March 19, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sanders</u>	<u>Ryon</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>Jones</u>	<u>Eichin</u>	<u>TR</u>	<u>Fav/CS</u>
3.	_____	_____	<u>ATD</u>	_____
4.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 112 creates six special use military license plates. Special use license plates are created for recipients of the Combat Action Ribbon, Air Force Combat Action Medal, and the Distinguished Flying Cross medal. Special plates are also created for women veterans, WWII veterans, and Navy Submariners.

Revenue generated from the sale of these special license plates, with the exception of the "Woman Veteran" plate, will be deposited into the Grants and Donations Trust Fund and the State Homes for Veterans Trust Fund to support the State Veterans' Homes Program. Revenue generated from the "Woman Veteran" special license plate will be deposited into the Operations and Maintenance Trust Fund administered by the Department of Veterans' Affairs for the purpose of creating and implementing programs benefitting women veterans.

II. Present Situation:

Special Use License Plates

Current law provides for several types of license plates. In addition to plates issued for governmental or business purposes, the Department of Highway Safety and Motor Vehicles (DHSMV) offers four basic types of plates to the general public:

- Standard plates;
- Specialty license plates;
- Personalized prestige license plates; and
- Special use license plates.

Certain members of the general public may be eligible to apply for special use license plates if they are able to document their eligibility pursuant to various sections of ch. 320, F.S. Special use license plates primarily include special use military license plates as well as plates for the handicapped.

Currently, there are 15 special use license plates authorized in s. 320.089, F.S., available to military service members or veterans for the following types of service:¹

- Veteran of the United States Armed Forces;
- Active or retired member of the Florida National Guard;
- Survivor of the attack on Pearl Harbor;
- Recipient of the Purple Heart Medal;
- Active or retired member of any branch of the United States Armed Forces Reserve;
- Recipient of the Combat Infantry Badge;
- Recipient of the Combat Medical Badge;
- Recipient of the Combat Action Badge;
- Former Prisoner of War;
- Veteran of the Korean War;
- Veteran of the Vietnam War;
- Service member or veteran of Operation Desert Shield;
- Service member or veteran of Operation Desert Storm;
- Service member or veteran of Operation Enduring Freedom; and
- Service member or veteran of Operation Iraqi Freedom.

There are currently no special use military plates recognizing the unique contributions of women veterans, WWII veterans, and Navy Submariners.

Special use license plates authorized under s. 320.089, F.S., are stamped with words consistent with the type of special use plate issued. For example, a special use plate issued to a current or former member of the Florida National Guard is stamped with the words "National Guard." Additionally, a likeness of the related campaign medal or badge appears on the plate followed by the serial number.

¹ Section 320.089, F.S.

Applicants for special use license plates in s. 320.089, F.S., are required to pay the annual license tax in s. 320.08, F.S., with the exception of certain disabled veterans who qualify for the Pearl Harbor, Purple Heart, or Prisoner of War plate, to whom such plates are issued at no cost.² The first \$100,000 of the general revenue generated annually from the issuance of special use plates is deposited into the Grants and Donations Trust Fund under the Veterans' Nursing Homes of Florida Act, as described in s. 296.38(2), F.S.³ Any additional general revenue is deposited into the State Homes for Veterans Trust Fund and used to construct, operate, and maintain domiciliary and nursing homes for veterans.⁴ For fiscal year 2013-2014 the total revenue from these plates was \$2,087,743.⁵

Three special use license plates are established in the Florida Statutes to recognize combat service for current or former Army personnel.⁶ However, no special use license plate exists to recognize the awards for service in combat for current or former members of the Air Force, Navy, Marine Corps, or Coast Guard.

Distinguished Flying Cross

America's oldest military aviation award, the Distinguished Flying Cross, was created in the Air Corps Act by the United States Congress on July 2, 1926. It is a U.S. military decoration awarded to an individual recipient, an aviator, who distinguished himself by heroism or extraordinary achievement while participating in aerial flight.⁷ Eligibility is dependent on service after April 6, 1917, in an Air Corps of either the United States Armed Forces or Armed Forces Reserves. The medal is not limited to combat operations and may be awarded for achievement during times of peace. The Air Force, Navy, and Marine Corps are authorized to use the "V" device, or "Combat V," which denotes that the medal was awarded for heroism.

Combat Action Ribbon

The Combat Action Ribbon recognizes members of the Navy and Marine Corps who rendered satisfactory performance under enemy fire while actively participating in a ground or surface engagement on or after December 7, 1941. Members of the Coast Guard who served while under the control of the Navy are also eligible for this award. The Combat Action Ribbon may also be awarded to individuals who faced direct exposure to the detonation of an improvised explosive device and personnel who serve in clandestine or special operations.⁸ The Secretary of the Navy determines which operations meet the criteria for this award. However, only one award per operation is authorized.

² Section 320.089(2)(a), F.S.

³ Section 320.089(1)(b), F.S.

⁴ *Id.*

⁵ Florida Department of Veterans' Affairs, 2015 Agency Bill Analysis: SB 112

⁶ Special use license plates issued to current or former Army personnel to recognize combat service include the Combat Infantry Badge plate, Combat Medical Badge plate, and the Combat Action Badge plate.

⁷ Pub. L. No. 446, (1926).

⁸ SECNAVINST 1650.1H. "Navy and Marine Corps Awards Manual"

Air Force Combat Action Medal

Created on March 15, 2007, the Air Force Combat Action Medal recognizes members of the Air Force who actively participated in ground or air combat on or after September 11, 2001.

Nomination for the award is restricted to military members who:

- Deliberately go into the enemy's domain to conduct official duties, either on the ground or in the air, and have come under enemy fire by lethal weapons, and are at risk of grave danger; or
- While defending the base, have come under fire and engage the enemy with direct and lethal fire, and are at the risk of grave danger.

Members from other branches of the United States Armed Forces are also eligible for the award provided they served with a U.S. Air Force unit and meet the award criteria. Subsequent operations that qualify for the award are recognized on the medal through the use of a gold star device rather than issuing a second medal.⁹

III. Effect of Proposed Changes:

The bill amends s. 320.089, F.S., to create six special use military license plates for:

- Recipients of the Combat Action Ribbon;
- Recipients of the Air Force Combat Action Badge;
- Recipients of the Distinguished Flying Cross;
- Women veterans;
- WWII veterans; and
- Navy Submariners.

The plates will be stamped with the words "Combat Action Ribbon," "Air Force Combat Action Medal," "Distinguished Flying Cross," "Woman Veteran," "WWII Veteran," or "Navy Submariner," as appropriate, with an image of the related campaign medal or badge, followed by the serial number.

Revenue generated from the sale of these license plates, with the exception of the "Woman Veteran" plate, will be administered in the same manner as the existing special use license plates in s. 320.089, F.S., and deposited into the Grants and Donations Trust Fund and the State Homes for Veterans Trust Fund to support the State Veterans' Homes Program. Revenue generated from the "Woman Veteran" special license plate will be deposited into the Operations and Maintenance Trust Fund administered by the Department of Veterans' Affairs for the purpose of creating and implementing programs benefitting women veterans.

The bill takes effect July 1, 2015.

⁹ AFI36-2803. 18 December 2013. "The Air Force Military Awards and Decorations Program"

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A special use license plate would be available to a new group of registrants. The cost for an eligible individual to purchase such plate generally ranges from \$45-\$75.¹⁰

C. Government Sector Impact:

According to the DHSMV, the initial startup cost to create and manufacture a special use license plate is \$6,204. An initial order of 2,200 license plates would be made ($2,200 \times \$2.82 = \$6,204$) for each newly created plate and distributed to Tax Collector offices statewide to meet public demand.¹¹ The total estimated cost to produce and distribute the six new special use license plates is approximately \$37,224.

The DHSMV also estimated 130 non-recurring programming hours will be needed to create one new special use plate at an estimated cost of \$5,200. According to DHSMV, this cost can be absorbed within existing resources.¹² It is unknown if programming costs would increase for creation of additional special use plates.

Additionally, the bill could have a positive impact on the Grants and Donations Trust Fund, the State Homes for Veteran's Trust Fund, and the Operations and Maintenance Trust Fund with the sale of the six new special use license plates.

VI. Technical Deficiencies:

None.

¹⁰ E-mail correspondence with DHSMV on January 16, 2015. On file with Military and Veterans Affairs, Space, and Domestic Security Committee.

¹¹ *Id.*

¹² *Id.*

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 320.089 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 on March 19, 2015:

The CS adds three additional military special license plates for:

- Women veterans;
- WWII veterans; and
- Navy Submariners

CS by Military and Veterans Affairs, Space, and Domestic Security on January 21, 2015:

The committee substitute creates two new special use license plates to recognize recipients of the Combat Action Ribbon and the Air Force Combat Action Badge.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/19/2015	.	
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The Committee on Transportation (Grimsley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 320.089, Florida Statutes, is amended to
read:

320.089 Veterans of the United States Armed Forces; members
of National Guard; survivors of Pearl Harbor; Purple Heart medal
recipients; active or retired United States Armed Forces
reservists; Combat Infantry Badge, Combat Medical Badge, or



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11 Combat Action Badge recipients; Combat Action Ribbon recipients;
12 Air Force Combat Action Medal recipients; Distinguished Flying
13 Cross recipients; former prisoners of war; Korean War Veterans;
14 Vietnam War Veterans; Operation Desert Shield Veterans;
15 Operation Desert Storm Veterans; Operation Enduring Freedom
16 Veterans; ~~and~~ Operation Iraqi Freedom Veterans; Women Veterans;
17 Navy Combat Veterans; Marine Corps Combat Veterans; Air Force
18 Combat Veterans; World War II Veterans; and Navy Submariners;
19 special license plates; fee.—

20 (1) (a) Each owner or lessee of an automobile or truck for
21 private use or recreational vehicle as specified in s.
22 320.08(9) (c) or (d), which is not used for hire or commercial
23 use, who is a resident of the state and a veteran of the United
24 States Armed Forces, a Woman Veteran, a Navy Combat Veteran, a
25 Marine Corps Combat Veteran, an Air Force Combat Veteran, a
26 World War II Veteran, a Navy Submariner, an active or retired
27 member of the Florida National Guard, a survivor of the attack
28 on Pearl Harbor, a recipient of the Purple Heart medal, an
29 active or retired member of any branch of the United States
30 Armed Forces Reserve, or a recipient of the Combat Infantry
31 Badge, Combat Medical Badge, ~~or~~ Combat Action Badge, Combat
32 Action Ribbon, Air Force Combat Action Medal, or Distinguished
33 Flying Cross shall, upon application to the department,
34 accompanied by proof of release or discharge from any branch of
35 the United States Armed Forces, proof of active membership or
36 retired status in the Florida National Guard, proof of
37 membership in the Pearl Harbor Survivors Association or proof of
38 active military duty in Pearl Harbor on December 7, 1941, proof
39 of being a Purple Heart medal recipient, proof of active or



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40 retired membership in any branch of the United States Armed
41 Forces Reserve, or proof of membership in the Combat
42 Infantrymen's Association, Inc., ~~or other~~ proof of being a
43 recipient of the Combat Infantry Badge, Combat Medical Badge, ~~or~~
44 Combat Action Badge, Combat Action Ribbon, Air Force Combat
45 Action Medal, or Distinguished Flying Cross, and upon payment of
46 the license tax for the vehicle as provided in s. 320.08, shall
47 be issued a license plate as provided by s. 320.06, ~~upon~~ which,
48 in lieu of the serial numbers prescribed by s. 320.06, is shall
49 ~~be~~ stamped with the words "Veteran," "Woman Veteran," "Navy
50 Combat Veteran," "Marine Corps Combat Veteran," "Air Force
51 Combat Veteran," "WWII Veteran," "Navy Submariner," "National
52 Guard," "Pearl Harbor Survivor," "Combat-wounded veteran," "U.S.
53 Reserve," "Combat Infantry Badge," "Combat Medical Badge," ~~or~~
54 "Combat Action Badge," "Combat Action Ribbon," "Air Force Combat
55 Action Medal," or "Distinguished Flying Cross," as appropriate,
56 and a likeness of the related campaign medal or badge, followed
57 by the serial number of the license plate. Additionally, the
58 Purple Heart plate may have the words "Purple Heart" stamped on
59 the plate and the likeness of the Purple Heart medal appearing
60 on the plate.

61 (b) Notwithstanding any other provision of law to the
62 contrary, beginning with fiscal year 2002-2003 and annually
63 thereafter, the first \$100,000 in general revenue generated from
64 the sale of license plates issued under this section shall be
65 deposited into the Grants and Donations Trust Fund, as described
66 in s. 296.38(2), to be used for the purposes established by law
67 for that trust fund. Any additional general revenue generated
68 from the sale of such plates shall be deposited into the State



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69 Homes for Veterans Trust Fund and used solely to construct,
70 operate, and maintain domiciliary and nursing homes for
71 veterans, subject to the requirements of chapter 216.

72 (c) Any revenue generated from the sale of Woman Veteran
73 license plates must be deposited into the Operations and
74 Maintenance Trust Fund administered by the Department of
75 Veterans' Affairs pursuant to s. 20.375(3) and must be used
76 solely for the purpose of creating and implementing programs to
77 benefit women veterans. Notwithstanding any provisions of law to
78 the contrary, an applicant for a Pearl Harbor Survivor license
79 plate or a Purple Heart license plate who also qualifies for a
80 disabled veteran's license plate under s. 320.084 shall be
81 issued the appropriate special license plate without payment of
82 the license tax imposed by s. 320.08.

83 (2) Each owner or lessee of an automobile or truck for
84 private use, a truck weighing not more than 7,999 pounds, or a
85 recreational vehicle as specified in s. 320.08(9)(c) or (d),
86 which is not used for hire or commercial use, ~~who is a resident~~
87 of this ~~the~~ state and who is a former prisoner of war, or his or
88 her ~~their~~ unremarried surviving spouse, ~~shall,~~ upon application
89 ~~therefor~~ to the department, shall be issued a license plate as
90 provided in s. 320.06, ~~on which license plate are stamped with~~
91 the words "Ex-POW" followed by the serial number. Each
92 application shall be accompanied by proof that the applicant
93 meets the qualifications specified in paragraph (a) or paragraph
94 (b).

95 (a) A citizen of the United States who served as a member
96 of the Armed Forces of the United States or the armed forces of
97 a nation allied with the United States who was held as a



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98 prisoner of war at such time as the Armed Forces of the United
99 States were engaged in combat, or his or her ~~their~~ unremarried
100 surviving spouse, may be issued the special license plate
101 provided for in this subsection without payment of the license
102 tax imposed by s. 320.08.

103 (b) A person who was serving as a civilian with the consent
104 of the United States Government, or a person who was a member of
105 the Armed Forces of the United States while he or she ~~who~~ was
106 not a United States citizen and was held as a prisoner of war
107 when the Armed Forces of the United States were engaged in
108 combat, or his or her ~~their~~ unremarried surviving spouse, may be
109 issued the special license plate provided for in this subsection
110 upon payment of the license tax imposed by s. 320.08.

111 (3) Each owner or lessee of an automobile or truck for
112 private use, a truck weighing not more than 7,999 pounds, or a
113 recreational vehicle as specified in s. 320.08(9)(c) or (d),
114 which is not used for hire or commercial use, ~~who~~ is a resident
115 of this state and who is the unremarried surviving spouse of a
116 recipient of the Purple Heart medal ~~shall~~, upon application
117 ~~therefor~~ to the department accompanied by, ~~with~~ the payment of
118 the required fees, shall be issued a license plate as provided
119 in s. 320.06, ~~on which is license plate are stamped~~ with the
120 words "Purple Heart" and the likeness of the Purple Heart medal
121 followed by the serial number. Each application shall be
122 accompanied by proof that the applicant is the unremarried
123 surviving spouse of a recipient of the Purple Heart medal.

124 (4) The owner or lessee of an automobile or truck for
125 private use, a truck weighing not more than 7,999 pounds, or a
126 recreational vehicle as specified in s. 320.08(9)(c) or (d)



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127 which ~~automobile, truck, or recreational vehicle~~ is not used for
128 hire or commercial use, who is a resident of this ~~the~~ state and
129 a current or former member of the United States Armed Forces,
130 ~~and~~ who was deployed and served in Korea during the Korean War
131 as defined in s. 1.01(14), ~~shall~~, upon application to the
132 department, accompanied by proof of active membership or former
133 active duty status during the Korean War, and ~~upon~~ payment of
134 the license tax for the vehicle as provided in s. 320.08, shall
135 be issued a license plate as provided by s. 320.06 ~~upon~~ which,
136 in lieu of the registration license number prescribed by s.
137 320.06, is ~~shall be~~ stamped with the words "Korean War Veteran,"
138 and a likeness of the Korean Service Medal, followed by the
139 registration license number of the plate. Proof that the
140 applicant was awarded the Korean Service Medal is sufficient to
141 establish eligibility for the license plate.

142 (5) The owner or lessee of an automobile or truck for
143 private use, a truck weighing not more than 7,999 pounds, or a
144 recreational vehicle as specified in s. 320.08(9)(c) or (d)
145 which ~~automobile, truck, or recreational vehicle~~ is not used for
146 hire or commercial use, who is a resident of this ~~the~~ state and
147 a current or former member of the United States military, ~~and~~
148 who was deployed and served in Vietnam during United States
149 military deployment in Indochina ~~shall~~, upon application to the
150 department, accompanied by proof of active membership or former
151 active duty status during these operations, and, ~~upon~~ payment of
152 the license tax for the vehicle as provided in s. 320.08, shall
153 be issued a license plate as provided by s. 320.06 ~~upon~~ which,
154 in lieu of the registration license number prescribed by s.
155 320.06, is ~~shall be~~ stamped with the words "Vietnam War



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156 Veteran," and a likeness of the Vietnam Service Medal, followed
157 by the registration license number of the plate. Proof that the
158 applicant was awarded the Vietnam Service Medal is sufficient to
159 establish eligibility for the license plate.

160 (6) The owner or lessee of an automobile or truck for
161 private use, a truck weighing not more than 7,999 pounds, or a
162 recreational vehicle as specified in s. 320.08(9)(c) or (d)
163 which ~~automobile, truck, or recreational vehicle~~ is not used for
164 hire or commercial use who is a resident of this ~~the~~ state and a
165 current or former member of the United States military who was
166 deployed and served in Saudi Arabia, Kuwait, or another area of
167 the Persian Gulf during Operation Desert Shield or Operation
168 Desert Storm; in Afghanistan during Operation Enduring Freedom;
169 or in Iraq during Operation Iraqi Freedom ~~shall~~, upon
170 application to the department, accompanied by proof of active
171 membership or former active duty status during one of these
172 operations, and ~~upon~~ payment of the license tax for the vehicle
173 as provided in s. 320.08, shall be issued a license plate as
174 provided by s. 320.06 ~~upon~~ which, in lieu of the registration
175 license number prescribed by s. 320.06, is shall be stamped with
176 the words "Operation Desert Shield," "Operation Desert Storm,"
177 "Operation Enduring Freedom," or "Operation Iraqi Freedom," as
178 appropriate, and a likeness of the related campaign medal
179 followed by the registration license number of the plate. Proof
180 that the applicant was awarded the Southwest Asia Service Medal,
181 Iraq Campaign Medal, Afghanistan Campaign Medal, or Global War
182 on Terrorism Expeditionary Medal is sufficient to establish
183 eligibility for the appropriate license plate.

184 Section 2. This act shall take effect July 1, 2015.



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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to special license plates; amending s.
320.089, F.S.; authorizing the department to issue
Woman Veteran, Navy Combat Veteran, Marine Corps
Combat Veteran, Air Force Combat Veteran, World War II
Veteran, Navy Submariner, Combat Action Ribbon, Air
Force Combat Action Medal, and Distinguished Flying
Cross license plates; specifying qualifications and
requirements for the plates; requiring that any
revenue generated from the sale of Woman Veteran
license plates be deposited into the Operations and
Maintenance Trust Fund to be used for certain
purposes; providing an effective date.



217292

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2015	.	
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The Committee on Transportation (Grimsley) recommended the following:

1 **Senate Substitute for Amendment (881074) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Section 320.089, Florida Statutes, is amended to
7 read:

8 320.089 Veterans of the United States Armed Forces; members
9 of National Guard; survivors of Pearl Harbor; Purple Heart medal
10 recipients; active or retired United States Armed Forces



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11 reservists; Combat Infantry Badge, Combat Medical Badge, or
12 Combat Action Badge recipients; Combat Action Ribbon recipients;
13 Air Force Combat Action Medal recipients; Distinguished Flying
14 Cross recipients; former prisoners of war; Korean War Veterans;
15 Vietnam War Veterans; Operation Desert Shield Veterans;
16 Operation Desert Storm Veterans; Operation Enduring Freedom
17 Veterans; ~~and~~ Operation Iraqi Freedom Veterans; Women Veterans;
18 World War II Veterans; and Navy Submariners; special license
19 plates; fee.—

20 (1) (a) Each owner or lessee of an automobile or truck for
21 private use or recreational vehicle as specified in s.
22 320.08(9) (c) or (d), which is not used for hire or commercial
23 use, who is a resident of the state and a veteran of the United
24 States Armed Forces, a Woman Veteran, a World War II Veteran, a
25 Navy Submariner, an active or retired member of the Florida
26 National Guard, a survivor of the attack on Pearl Harbor, a
27 recipient of the Purple Heart medal, an active or retired member
28 of any branch of the United States Armed Forces Reserve, or a
29 recipient of the Combat Infantry Badge, Combat Medical Badge, ~~or~~
30 Combat Action Badge, Combat Action Ribbon, Air Force Combat
31 Action Medal, or Distinguished Flying Cross ~~shall~~, upon
32 application to the department, accompanied by proof of release
33 or discharge from any branch of the United States Armed Forces,
34 proof of active membership or retired status in the Florida
35 National Guard, proof of membership in the Pearl Harbor
36 Survivors Association or proof of active military duty in Pearl
37 Harbor on December 7, 1941, proof of being a Purple Heart medal
38 recipient, proof of active or retired membership in any branch
39 of the United States Armed Forces Reserve, or proof of



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40 membership in the Combat Infantrymen's Association, Inc., ~~or~~
41 ~~either~~ proof of being a recipient of the Combat Infantry Badge,
42 Combat Medical Badge, ~~or~~ Combat Action Badge, Combat Action
43 Ribbon, Air Force Combat Action Medal, or Distinguished Flying
44 Cross, and upon payment of the license tax for the vehicle as
45 provided in s. 320.08, shall be issued a license plate as
46 provided by s. 320.06, ~~upon~~ which, in lieu of the serial numbers
47 prescribed by s. 320.06, is shall be stamped with the words
48 "Veteran," "Woman Veteran," "WWII Veteran," "Navy Submariner,"
49 "National Guard," "Pearl Harbor Survivor," "Combat-wounded
50 veteran," "U.S. Reserve," "Combat Infantry Badge," "Combat
51 Medical Badge," ~~or~~ "Combat Action Badge," "Combat Action
52 Ribbon," "Air Force Combat Action Medal," or "Distinguished
53 Flying Cross," as appropriate, and a likeness of the related
54 campaign medal or badge, followed by the serial number of the
55 license plate. Additionally, the Purple Heart plate may have the
56 words "Purple Heart" stamped on the plate and the likeness of
57 the Purple Heart medal appearing on the plate.

58 (b) Notwithstanding any other provision of law to the
59 contrary, beginning with fiscal year 2002-2003 and annually
60 thereafter, the first \$100,000 in general revenue generated from
61 the sale of license plates issued under this section shall be
62 deposited into the Grants and Donations Trust Fund, as described
63 in s. 296.38(2), to be used for the purposes established by law
64 for that trust fund. Any additional general revenue generated
65 from the sale of such plates shall be deposited into the State
66 Homes for Veterans Trust Fund and used solely to construct,
67 operate, and maintain domiciliary and nursing homes for
68 veterans, subject to the requirements of chapter 216.



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69 (c) Any revenue generated from the sale of Woman Veteran
70 license plates must be deposited into the Operations and
71 Maintenance Trust Fund administered by the Department of
72 Veterans' Affairs pursuant to s. 20.375(3) and must be used
73 solely for the purpose of creating and implementing programs to
74 benefit women veterans. Notwithstanding any provisions of law to
75 the contrary, an applicant for a Pearl Harbor Survivor license
76 plate or a Purple Heart license plate who also qualifies for a
77 disabled veteran's license plate under s. 320.084 shall be
78 issued the appropriate special license plate without payment of
79 the license tax imposed by s. 320.08.

80 (2) Each owner or lessee of an automobile or truck for
81 private use, a truck weighing not more than 7,999 pounds, or a
82 recreational vehicle as specified in s. 320.08(9)(c) or (d),
83 which is not used for hire or commercial use, ~~who~~ is a resident
84 of this ~~the~~ state and who is a former prisoner of war, or his or
85 her ~~their~~ unremarried surviving spouse, ~~shall,~~ upon application
86 ~~therefor~~ to the department, shall be issued a license plate as
87 provided in s. 320.06, ~~on which license plate are stamped with~~
88 the words "Ex-POW" followed by the serial number. Each
89 application shall be accompanied by proof that the applicant
90 meets the qualifications specified in paragraph (a) or paragraph
91 (b).

92 (a) A citizen of the United States who served as a member
93 of the Armed Forces of the United States or the armed forces of
94 a nation allied with the United States who was held as a
95 prisoner of war at such time as the Armed Forces of the United
96 States were engaged in combat, or his or her ~~their~~ unremarried
97 surviving spouse, may be issued the special license plate



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98 provided for in this subsection without payment of the license
99 tax imposed by s. 320.08.

100 (b) A person who was serving as a civilian with the consent
101 of the United States Government, or a person who was a member of
102 the Armed Forces of the United States while he or she ~~who~~ was
103 not a United States citizen and was held as a prisoner of war
104 when the Armed Forces of the United States were engaged in
105 combat, or his or her ~~their~~ unremarried surviving spouse, may be
106 issued the special license plate provided for in this subsection
107 upon payment of the license tax imposed by s. 320.08.

108 (3) Each owner or lessee of an automobile or truck for
109 private use, a truck weighing not more than 7,999 pounds, or a
110 recreational vehicle as specified in s. 320.08(9)(c) or (d),
111 which is not used for hire or commercial use, ~~who~~ who is a resident
112 of this state and who is the unremarried surviving spouse of a
113 recipient of the Purple Heart medal ~~shall~~, upon application
114 ~~therefor~~ to the department accompanied by, ~~with~~ the payment of
115 the required fees, shall be issued a license plate as provided
116 in s. 320.06, ~~on which is license plate are stamped with~~ the
117 words "Purple Heart" and the likeness of the Purple Heart medal
118 followed by the serial number. Each application shall be
119 accompanied by proof that the applicant is the unremarried
120 surviving spouse of a recipient of the Purple Heart medal.

121 (4) The owner or lessee of an automobile or truck for
122 private use, a truck weighing not more than 7,999 pounds, or a
123 recreational vehicle as specified in s. 320.08(9)(c) or (d)
124 which ~~automobile, truck, or recreational vehicle~~ is not used for
125 hire or commercial use, ~~who~~ who is a resident of this ~~the~~ state and
126 a current or former member of the United States Armed Forces,



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127 ~~and~~ who was deployed and served in Korea during the Korean War
128 as defined in s. 1.01(14), ~~shall~~, upon application to the
129 department, accompanied by proof of active membership or former
130 active duty status during the Korean War, and ~~upon~~ payment of
131 the license tax for the vehicle as provided in s. 320.08, shall
132 be issued a license plate as provided by s. 320.06 ~~upon~~ which,
133 in lieu of the registration license number prescribed by s.
134 320.06, is shall be stamped with the words "Korean War Veteran,"
135 and a likeness of the Korean Service Medal, followed by the
136 registration license number of the plate. Proof that the
137 applicant was awarded the Korean Service Medal is sufficient to
138 establish eligibility for the license plate.

139 (5) The owner or lessee of an automobile or truck for
140 private use, a truck weighing not more than 7,999 pounds, or a
141 recreational vehicle as specified in s. 320.08(9)(c) or (d)
142 which ~~automobile, truck, or recreational vehicle~~ is not used for
143 hire or commercial use, who is a resident of this ~~the~~ state and
144 a current or former member of the United States military, ~~and~~
145 who was deployed and served in Vietnam during United States
146 military deployment in Indochina ~~shall~~, upon application to the
147 department, accompanied by proof of active membership or former
148 active duty status during these operations, and, ~~upon~~ payment of
149 the license tax for the vehicle as provided in s. 320.08, shall
150 be issued a license plate as provided by s. 320.06 ~~upon~~ which,
151 in lieu of the registration license number prescribed by s.
152 320.06, is shall be stamped with the words "Vietnam War
153 Veteran," and a likeness of the Vietnam Service Medal, followed
154 by the registration license number of the plate. Proof that the
155 applicant was awarded the Vietnam Service Medal is sufficient to



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156 establish eligibility for the license plate.

157 (6) The owner or lessee of an automobile or truck for
158 private use, a truck weighing not more than 7,999 pounds, or a
159 recreational vehicle as specified in s. 320.08(9)(c) or (d)
160 which ~~automobile, truck, or recreational vehicle~~ is not used for
161 hire or commercial use who is a resident of this ~~the~~ state and a
162 current or former member of the United States military who was
163 deployed and served in Saudi Arabia, Kuwait, or another area of
164 the Persian Gulf during Operation Desert Shield or Operation
165 Desert Storm; in Afghanistan during Operation Enduring Freedom;
166 or in Iraq during Operation Iraqi Freedom ~~shall~~, upon
167 application to the department, accompanied by proof of active
168 membership or former active duty status during one of these
169 operations, and ~~upon~~ payment of the license tax for the vehicle
170 as provided in s. 320.08, shall be issued a license plate as
171 provided by s. 320.06 ~~upon~~ which, in lieu of the registration
172 license number prescribed by s. 320.06, is shall be stamped with
173 the words "Operation Desert Shield," "Operation Desert Storm,"
174 "Operation Enduring Freedom," or "Operation Iraqi Freedom," as
175 appropriate, and a likeness of the related campaign medal
176 followed by the registration license number of the plate. Proof
177 that the applicant was awarded the Southwest Asia Service Medal,
178 Iraq Campaign Medal, Afghanistan Campaign Medal, or Global War
179 on Terrorism Expeditionary Medal is sufficient to establish
180 eligibility for the appropriate license plate.

181 Section 2. This act shall take effect July 1, 2015.

182

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

184 And the title is amended as follows:



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185 Delete everything before the enacting clause
186 and insert:

187 A bill to be entitled
188 An act relating to special license plates; amending s.
189 320.089, F.S.; authorizing the department to issue
190 Woman Veteran, World War II Veteran, Navy Submariner,
191 Combat Action Ribbon, Air Force Combat Action Medal,
192 and Distinguished Flying Cross license plates;
193 specifying qualifications and requirements for the
194 plates; requiring that any revenue generated from the
195 sale of Woman Veteran license plates be deposited into
196 the Operations and Maintenance Trust Fund to be used
197 for certain purposes; providing an effective date.

By the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senator Hays

583-00983-15

2015112c1

1 A bill to be entitled
2 An act relating to special license plates; amending s.
3 320.089, F.S.; authorizing the Department of Highway
4 Safety and Motor Vehicles to issue Combat Action
5 Ribbon, Air Force Combat Action Medal, and
6 Distinguished Flying Cross license plates; specifying
7 qualifications and requirements for the plates;
8 providing that the use of proceeds from the sale of
9 the plates will be made according to certain
10 established guidelines; providing an effective date.

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

12 Section 1. Section 320.089, Florida Statutes, is amended to
13 read:

14 320.089 Veterans of the United States Armed Forces; members
15 of National Guard; survivors of Pearl Harbor; Purple Heart medal
16 recipients; active or retired United States Armed Forces
17 reservists; Combat Infantry Badge, Combat Medical Badge, ~~or~~
18 Combat Action Badge, Combat Action Ribbon, or Air Force Combat
19 Action Medal recipients; former prisoners of war; Korean War
20 Veterans; Vietnam War Veterans; Operation Desert Shield
21 Veterans; Operation Desert Storm Veterans; Operation Enduring
22 Freedom Veterans; ~~and~~ Operation Iraqi Freedom Veterans; and
23 Distinguished Flying Cross recipients; special license plates;
24 fee.—

25 (1) (a) Each owner or lessee of an automobile or truck for
26 private use or recreational vehicle as specified in s.
27 320.08(9) (c) or (d), which is not used for hire or commercial
28
29

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

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30 use, who is a resident of this ~~the~~ state and a veteran of the
31 United States Armed Forces, an active or retired member of the
32 Florida National Guard, a survivor of the attack on Pearl
33 Harbor, a recipient of the Purple Heart medal, an active or
34 retired member of any branch of the United States Armed Forces
35 Reserve, or a recipient of the Combat Infantry Badge, Combat
36 Medical Badge, ~~or~~ Combat Action Badge, Combat Action Ribbon, Air
37 Force Combat Action Medal, or the Distinguished Flying Cross
38 ~~shall~~, upon application to the department, accompanied by proof
39 of release or discharge from any branch of the United States
40 Armed Forces, proof of active membership or retired status in
41 the Florida National Guard, proof of membership in the Pearl
42 Harbor Survivors Association or proof of active military duty in
43 Pearl Harbor on December 7, 1941, proof of being a Purple Heart
44 medal recipient, proof of active or retired membership in any
45 branch of the United States Armed Forces Reserve, or proof of
46 membership in the Combat Infantrymen's Association, Inc., ~~or~~
47 ~~either~~ proof of being a recipient of the Combat Infantry Badge,
48 Combat Medical Badge, ~~or~~ Combat Action Badge, Combat Action
49 Ribbon, Air Force Combat Action Medal, or Distinguished Flying
50 Cross, and upon payment of the license tax for the vehicle as
51 provided in s. 320.08, shall be issued a license plate as
52 provided by s. 320.06, ~~upon~~ which, in lieu of the serial numbers
53 prescribed by s. 320.06, ~~is shall~~ be stamped with the words
54 "Veteran," "National Guard," "Pearl Harbor Survivor," "Combat-
55 wounded veteran," "U.S. Reserve," "Combat Infantry Badge,"
56 "Combat Medical Badge," ~~or~~ "Combat Action Badge," "Combat Action
57 Ribbon," "Air Force Combat Action Medal," or "Distinguished
58 Flying Cross," as appropriate, and a likeness of the related

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59 ~~campaign~~ medal, ribbon, or badge, followed by the serial number
60 of the license plate. Additionally, the Purple Heart plate may
61 have the words "Purple Heart" stamped on the plate and the
62 likeness of the Purple Heart medal appearing on the plate.

63 (b) Notwithstanding any other provision of law to the
64 contrary, beginning with fiscal year 2002-2003 and annually
65 thereafter, the first \$100,000 in general revenue generated from
66 the sale of license plates issued under this section shall be
67 deposited into the Grants and Donations Trust Fund, as described
68 in s. 296.38(2), to be used for the purposes established by law
69 for that trust fund. Any additional general revenue generated
70 from the sale of such plates shall be deposited into the State
71 Homes for Veterans Trust Fund and used solely to construct,
72 operate, and maintain domiciliary and nursing homes for
73 veterans, subject to the requirements of chapter 216.

74 (c) Notwithstanding any provisions of law to the contrary,
75 an applicant for a Pearl Harbor Survivor license plate or a
76 Purple Heart license plate who also qualifies for a disabled
77 veteran's license plate under s. 320.084 shall be issued the
78 appropriate special license plate without payment of the license
79 tax imposed by s. 320.08.

80 (2) Each owner or lessee of an automobile or truck for
81 private use, a truck weighing not more than 7,999 pounds, or a
82 recreational vehicle as specified in s. 320.08(9)(c) or (d),
83 which is not used for hire or commercial use, who is a resident
84 of this the state and who is a former prisoner of war, or his or
85 her their unremarried surviving spouse, ~~shall~~, upon application
86 ~~therefor~~ to the department, shall be issued a license plate as
87 provided in s. 320.06, ~~on which license plate are stamped with~~

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88 the words "Ex-POW" followed by the serial number. Each
89 application shall be accompanied by proof that the applicant
90 meets the qualifications specified in paragraph (a) or paragraph
91 (b).

92 (a) A citizen of the United States who served as a member
93 of the Armed Forces of the United States or the armed forces of
94 a nation allied with the United States who was held as a
95 prisoner of war at such time as the Armed Forces of the United
96 States were engaged in combat, or his or her ~~their~~ unremarried
97 surviving spouse, may be issued the special license plate
98 provided for in this subsection without payment of the license
99 tax imposed by s. 320.08.

100 (b) A person who was serving as a civilian with the consent
101 of the United States Government, or ~~a person~~ who was a member of
102 the Armed Forces of the United States while he or she ~~who~~ was
103 not a United States citizen who and was held as a prisoner of
104 war when the Armed Forces of the United States were engaged in
105 combat, or his or her ~~their~~ unremarried surviving spouse, may be
106 issued the special license plate provided for in this subsection
107 upon payment of the license tax imposed by s. 320.08.

108 (3) Each owner or lessee of an automobile or truck for
109 private use, a truck weighing not more than 7,999 pounds, or a
110 recreational vehicle as specified in s. 320.08(9)(c) or (d),
111 which is not used for hire or commercial use, who is a resident
112 of this state and who is the unremarried surviving spouse of a
113 recipient of the Purple Heart medal ~~shall~~, upon application
114 ~~therefor~~ to the department accompanied by, ~~with~~ the payment of
115 the required fees, shall be issued a license plate as provided
116 in s. 320.06, on which license plate are stamped the words

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117 "Purple Heart" and the likeness of the Purple Heart medal
 118 followed by the serial number. Each application shall be
 119 accompanied by proof that the applicant is the unremarried
 120 surviving spouse of a recipient of the Purple Heart medal.

121 (4) The owner or lessee of an automobile or truck for
 122 private use, a truck weighing not more than 7,999 pounds, or a
 123 recreational vehicle as specified in s. 320.08(9)(c) or (d)
 124 which ~~automobile, truck, or recreational vehicle~~ is not used for
 125 hire or commercial use, who is a resident of this ~~the~~ state and
 126 a current or former member of the United States Armed Forces,
 127 ~~and~~ who was deployed and served in Korea during the Korean War
 128 as defined in s. 1.01(14), ~~shall~~, upon application to the
 129 department, accompanied by proof of active membership or former
 130 active duty status during the Korean War, and ~~upon~~ payment of
 131 the license tax for the vehicle as provided in s. 320.08, shall
 132 be issued a license plate as provided by s. 320.06 ~~upon~~ which,
 133 in lieu of the registration license number prescribed by s.
 134 320.06, is shall be stamped with the words "Korean War Veteran,"
 135 and a likeness of the Korean Service Medal, followed by the
 136 registration license number of the plate. Proof that the
 137 applicant was awarded the Korean Service Medal is sufficient to
 138 establish eligibility for the license plate.

139 (5) The owner or lessee of an automobile or truck for
 140 private use, a truck weighing not more than 7,999 pounds, or a
 141 recreational vehicle as specified in s. 320.08(9)(c) or (d)
 142 which ~~automobile, truck, or recreational vehicle~~ is not used for
 143 hire or commercial use, who is a resident of this ~~the~~ state and
 144 a current or former member of the United States military, ~~and~~
 145 who was deployed and served in Vietnam during United States

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146 military deployment in Indochina ~~shall~~, upon application to the
 147 department, accompanied by proof of active membership or former
 148 active duty status during these operations, and, ~~upon~~ payment of
 149 the license tax for the vehicle as provided in s. 320.08, shall
 150 be issued a license plate as provided by s. 320.06 upon which,
 151 in lieu of the registration license number prescribed by s.
 152 320.06, is shall be stamped the words "Vietnam War Veteran," and
 153 a likeness of the Vietnam Service Medal, followed by the
 154 registration license number of the plate. Proof that the
 155 applicant was awarded the Vietnam Service Medal is sufficient to
 156 establish eligibility for the license plate.

157 (6) The owner or lessee of an automobile or truck for
 158 private use, a truck weighing not more than 7,999 pounds, or a
 159 recreational vehicle as specified in s. 320.08(9)(c) or (d)
 160 which ~~automobile, truck, or recreational vehicle~~ is not used for
 161 hire or commercial use who is a resident of this ~~the~~ state and a
 162 current or former member of the United States military who was
 163 deployed and served in Saudi Arabia, Kuwait, or another area of
 164 the Persian Gulf during Operation Desert Shield or Operation
 165 Desert Storm; in Afghanistan during Operation Enduring Freedom;
 166 or in Iraq during Operation Iraqi Freedom ~~shall~~, upon
 167 application to the department, accompanied by proof of active
 168 membership or former active duty status during one of these
 169 operations, and ~~upon~~ payment of the license tax for the vehicle
 170 as provided in s. 320.08, shall be issued a license plate as
 171 provided by s. 320.06 ~~upon~~ which, in lieu of the registration
 172 license number prescribed by s. 320.06, is shall be stamped with
 173 the words "Operation Desert Shield," "Operation Desert Storm,"
 174 "Operation Enduring Freedom," or "Operation Iraqi Freedom," as

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175 appropriate, and a likeness of the related campaign medal
176 followed by the registration license number of the plate. Proof
177 that the applicant was awarded the Southwest Asia Service Medal,
178 Iraq Campaign Medal, Afghanistan Campaign Medal, or Global War
179 on Terrorism Expeditionary Medal is sufficient to establish
180 eligibility for the appropriate license plate.

181 Section 2. This act shall take effect July 1, 2015.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR ALAN HAYS
11th District

March 18, 2015

The Honorable Jeff Brandes
318 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Brandes,

Please allow my legislative aide, Jessica Crawford, to present SB 112 – Special License Plates, before the Transportation Committee tomorrow. I will be in Fiscal Policy and have to present a bill in the Rules Committee.

Thank you for your kind consideration of this matter.

Sincerely,

A handwritten signature in black ink that reads "D. Alan Hays".

D. Alan Hays

COMMITTEES:

Appropriations Subcommittee on General Government, *Chair*
Governmental Oversight and Accountability, *Vice Chair*
Appropriations
Environmental Preservation and Conservation
Ethics and Elections
Fiscal Policy

JOINT COMMITTEE:

Joint Select Committee on Collective Bargaining, *Alternating Chair*

REPLY TO:

- 871 South Central Avenue, Umatilla, Florida 32784-9290 (352) 742-6441
- 320 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5011
- 1104 Main Street, The Villages, Florida 32159 (352) 360-6739 FAX: (352) 360-6748
- 685 West Montrose Street, Suite 210, Clermont, Florida 34711 (352) 241-9344 FAX: (888) 263-3677

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/19/15
Meeting Date

SB112
Bill Number (if applicable)

Topic SPECIAL LICENCE PLATES

Amendment Barcode (if applicable)

Name MIKE PRENDERGAST

Job Title EXECUTIVE DIRECTOR

Address 400 S. MONROE ST

Phone 850-487-1583

Street

TALLAHASSEE FL 32399

City

State

Zip

Email PRENDERGAST.M
~~KAGASTELLES~~

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing PDUFA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
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 256

INTRODUCER: Transportation Committee and Senator Sobel

SUBJECT: Identification Cards

DATE: March 19, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	Fav/CS
2.			ATD	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 256 allows a person with a developmental disability, or a parent or guardian of a child or ward with a developmental disability to voluntarily request to be issued an identification card with a "D" designation for the person diagnosed with a developmental disability.

The Department of Highway Safety and Motor Vehicles (DHSMV) will issue the identification card upon proof of diagnosis of a developmental disability by a licensed physician and payment of a fee. A replacement identification card that includes the designation may be issued without payment of a fee.

II. Present Situation:

Developmental Disabilities in Florida

Section 393.063(9), F.S., defines developmental disabilities to mean "a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely."

The Florida Developmental Disabilities Council estimates there are approximately 100,000 individuals living in the state who meet the developmental disability criteria.

Identification Cards in Florida

Any person who is five years of age or older, or any person who has a disability, regardless of age, who applies for a disabled parking permit, may be issued an identification card by the DHSMV upon completion of an application and payment of a \$25 fee.¹

An identification card issued to a person 5 to 14 years of age expires, unless canceled earlier, on the fourth birthday of the applicant following the date of original issue. An identification card issued to a person 15 years of age or older expires, unless canceled earlier, on the eight birthday of the applicant following the date of original issue.²

In fiscal year 2013-2014, there were 517,874 identification cards issued statewide.³

Identification Cards for Persons with Developmental Disabilities

Other states have implemented Disability Identification Cards for individuals with developmental disabilities. These identification cards serve as an indicator for police and others that an individual has a developmental disability.

For example, in Illinois, the Disabled Person Identification Card is used to signify an individual has a physical, developmental, visual, hearing, or mental disability, and classifies each disability.⁴ The card is able to be used as proof of a disability as well as proof of identification for the individual. In Georgia, disability symbols can be placed on a license, permit, or identification card issued by the Georgia Department of Driver Services.⁵ Conditions such as PTSD, Dementia, Autism, and developmental disabilities, confirmed by a medical doctor, can be indicated on the back of an individual's license, permit, or identification card.⁶

Agency for Persons with Disabilities (APD)

The APD serves over 50,000 Floridians with developmental disabilities.⁷ Revenues deposited into the Operations and Maintenance Trust Fund administered by the APD, under s. 20.1971(2), go toward client services and administration of those services.⁸ These services include: life skills development and job training, personal care assistance, therapeutic and wellness support, transportation services, and specialized medical assistance.

¹ Section 322.051, F.S.

² Section 322.051(2)(a), F.S.

³ Department of Highway Safety and Motor Vehicles, *SB 256 Agency Legislative Bill Analysis* (Mar. 13, 2015) (on file with the Senate Committee on Transportation).

⁴ See 15 ILCS 335/4a

⁵ O.C.G.A. s. 40-5-171 (2010).

⁶ Georgia Department of Driver Services, *DDs-29 Revised (3/23/2011) Form*, <http://www.dds.ga.gov/docs/forms/DDs-29-12610.pdf> (last visited Mar. 16, 2015).

⁷ Agency for Persons with Disabilities, *About Us*, <http://apd.myflorida.com/about/> (last visited Mar. 19, 2015).

⁸ Email from Agency for Persons with Disabilities, (Mar. 18, 2015) (on file with the Senate Committee on Transportation).

III. Effect of Proposed Changes:

The bill allows a person with a developmental disability⁹, or the parent or guardian of a child or ward with a developmental disability, to voluntarily request to be issued an identification card exhibiting a “D” designation for the person who has been diagnosed by a licensed physician as having a developmental disability.

The DHSMV will issue the identification card upon proof of diagnosis of a developmental disability, acceptable to the department, and an additional fee of \$10. The \$10 fee will be deposited into the Operations and Maintenance Trust Fund administered by the APD. A replacement identification card may be issued without payment of the required fee.

The designated identification card could help law enforcement and other officials identify if they are dealing with a developmentally disabled individual. However, it is unknown how many individuals may apply for this designated identification card.

This bill takes effect July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Individuals must pay \$25 for an identification card, plus an additional \$10 fee to receive the “D” designation. After receiving an identification card with the “D” designation, a replacement identification card including the designation may be issued without payment of the fee.

⁹ As defined in s. 393.063, F.S.

The \$10 additional fee may have a minimal positive impact on clients of the APD, since the funds are deposited into its Operations and Maintenance Trust fund for client services.

C. Government Sector Impact:

The DHSMV estimates that implementation of the bill will cost \$20,880 in programming hours.¹⁰ The change will also require re-engineering of the driver license issuance functions causing an indeterminate negative fiscal impact to the department and impacting the Motorist Modernization project currently underway.¹¹

According to the DHSMV, MorphoTrust¹² estimates the cost to make required changes to the identification cards is \$70,000.¹³

Additionally, the bill will have a minimal negative fiscal impact due to individuals with the “D” designation being able to receive a replacement identification card without payment of the required fee.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 322.051 of the Florida Statutes.

IX. Additional Information:

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

CS by Transportation on March 19, 2015:

The CS:

- Specifies that the \$10 additional fee to receive the “D” designation is to be deposited into the Operations and Maintenance Trust Fund administered by the APD;
- Allows the DHSMV rulemaking authority to facilitate the issuance, requirements, and oversight of developmental identification cards; and
- Modifies the effective date from July 1, 2015, to October 1, 2015.

¹⁰ DHSMV analysis, *supra* note 4.

¹¹ *Id.*

¹² MorphoTrust is contracted by the DHSMV to provide items such as, but not limited to, card stock, printer ribbons, and laminates for a set price per license/identification card issued.

¹³ DHSMV analysis, *supra* note 4.

B. Amendments:

None.

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



858670

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2015	.	
	.	
	.	
	.	

The Committee on Transportation (Braynon) recommended the following:

Senate Amendment

Delete lines 26 - 31
and insert:
upon payment of an additional \$10 fee, deposited into the Agency
for Persons with Disabilities Operations and Maintenance Trust
Fund under s. 20.1971(2), and submission of proof acceptable to
the department of diagnosis of the developmental disability by a
licensed physician. A replacement identification card that
includes the designation may be issued without payment of the



858670

11 fee required in s. 322.21(1)(f). The Department of Highway
12 Safety and Motor Vehicles shall develop rules to facilitate the
13 issuance, requirements, and oversight of developmental
14 identification cards pursuant to this section.

15 Section 2. This act shall take effect October 1, 2015.

By Senator Sobel

33-00495-15

2015256__

1 A bill to be entitled
 2 An act relating to identification cards; amending s.
 3 322.051, F.S.; requiring the Department of Highway
 4 Safety and Motor Vehicles to issue an identification
 5 card exhibiting a special designation for a person who
 6 is diagnosed by a licensed physician as having a
 7 developmental disability; requiring payment of an
 8 additional fee and proof of diagnosis; authorizing
 9 issuance of a replacement identification card that
 10 includes the special designation without payment of a
 11 specified fee; providing an effective date.

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

15 Section 1. Paragraph (c) is added to subsection (8) of
 16 section 322.051, Florida Statutes, to read:

17 322.051 Identification cards.—

18 (8)

19 (c) Upon request by a person who has a developmental
 20 disability, or by a parent or guardian of a child or ward who
 21 has a developmental disability, and submission of payment and
 22 required proof, the department shall issue an identification
 23 card exhibiting a capital "D" for a person who has been
 24 diagnosed by a licensed physician as having a developmental
 25 disability as defined in s. 393.063. Such card shall be issued
 26 upon payment of an additional \$10 fee and submission of proof
 27 acceptable to the department of diagnosis of the developmental
 28 disability by a licensed physician. A replacement identification
 29 card that includes the designation may be issued without payment

Page 1 of 2

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

33-00495-15

2015256__

30 of the fee required in s. 322.21(1)(f).

31 Section 2. This act shall take effect July 1, 2015.

Page 2 of 2

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

THE FLORIDA SENATE
APPEARANCE RECORD

3-19-15
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 256
Bill Number (if applicable)

Topic ID Cards for Persons w/ Developmental Disabilities Amendment Barcode (if applicable)

Name Amy Datz

Job Title Parent

Address 1130 Crestview Ave
Street

Phone 850 322-7599

Tallahassee Fl. 32303
City State Zip

Email amaldatz@mac.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Parent of a child with Developmental Disabilities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
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 562

INTRODUCER: Senator Simpson

SUBJECT: Growth Management

DATE: March 19, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Stearns</u>	<u>Yeatman</u>	<u>CA</u>	Favorable
2.	<u>Price</u>	<u>Eichin</u>	<u>TR</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 562 removes the state mandate that new developments surpassing certain thresholds and standards be subjected to the development of regional impact review process. The bill shifts comprehensive plan amendments related to such developments from the Expedited State Review Process to the State Coordinated Review Process.

II. Present Situation:

Development of Regional Impact Background

A development of regional impact (DRI) is defined in s. 380.06, F.S., as “any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.” Section 380.06, F.S., provides for both state and regional review of local land use decisions involving DRIs. Regional Planning Councils (RPCs) coordinate the review process with local, regional, state and federal agencies and recommend conditions of approval or denial to local governments. DRIs are also reviewed by the Department of Economic Opportunity (DEO) for compliance with state law and to identify the regional and state impacts of large-scale developments. Local DRI development orders may be appealed by the owner, the developer, or the state land planning agency to the Governor and Cabinet, sitting as the Florida Land and Water Adjudicatory Commission.¹ Section 380.06(24), F.S., exempts numerous types of projects from review as a DRI.

The DRI program was initially created in 1972 as an interim program intended to be replaced by comprehensive planning and permitting programs. Comprehensive planning was first required by law in 1975. However, the Growth Management Act of 1985 is considered the watershed moment that brought truly modern planning requirements into force. In recognition of this fact,

¹ Section 380.07(2), F.S.

the Environmental Land Management Study Committee (ELMS III) in 1992 recommended that the DRI program be eliminated and relegated to an enhanced version of the Intergovernmental Coordination Element (ICE) in their local plans.² After much controversy, this recommendation never fully came to fruition and the DRI program continued in its previous form. The Legislature has enacted a number of exemptions to the DRI program since that time, but never fully removed it as originally intended.

DRI Review

All developments that meet the DRI thresholds and standards provided by statute³ and rules adopted by the Administration Commission⁴ are required to undergo DRI review, unless the Legislature has provided an exemption for that particular type of project, the development is located within a “dense urban land area,”⁵ or the development is located in a planning area receiving a legislative exemption such as a sector plan or a rural land stewardship area. The types of developments required to undergo DRI review upon meeting the specified thresholds and standards include attraction and recreation facilities, office developments, retail and service developments, mixed-use developments, residential developments, schools, and recreational vehicle developments.⁶ Over the years, the Legislature has enacted new exemptions and increased the thresholds that projects must surpass in order to trigger DRI review.

Florida’s 11 RPCs coordinate the multi-agency review of proposed DRIs. A DRI review is begun by a developer contacting the RPC with jurisdiction over a proposed development to arrange a pre-application conference.⁷ The developer or the RPC may request other affected state and regional agencies participate in the conference to identify issues raised by the proposed project and the level of information that the agency will require in the application to assess those issues. At the pre-application conference, the RPC provides the developer with information about the DRI process and uses the pre-application conference to identify issues and to coordinate the appropriate state and local agency requirements.

An agreement may also be reached between the RPC and the developer regarding assumptions and methodology to be used in the application for development approval. If an agreement is reached, the reviewing agencies may not later object to the agreed upon assumptions and methodologies unless the project changes or subsequent information makes the assumptions or methodologies no longer relevant.

Upon completion of the pre-application conference with all parties, the developer files an application for development approval with the local government, the RPC, and the state land planning agency. The RPC reviews the application for sufficiency and may request additional information (no more than twice) if the application is deemed insufficient.⁸

² See Richard G. Rubino and Earl M. Starnes, *Lessons Learned? The History of Planning in Florida*. Tallahassee, FL: Sentry Press, 2008. ISBN 978-1-889574-31-8.

³ Section 380.0651, F.S.

⁴ Rule 28-24, F.A.C.

⁵ The criteria for qualification as a dense urban land area are contained in s. 380.06(29), F.S. Currently, eight counties and 243 cities qualify as dense urban land areas that are exempt from the DRI program.

⁶ Section 380.0651, F.S.

⁷ Section 380.06(7), F.S.

⁸ Section 380.06(10), F.S.

Once the RPC determines the application is sufficient or the developer declines to provide additional information, the local government must hold a public hearing on the application for development within 90 days.⁹ Within 50 days after receiving notice of the public hearing, the RPC is required to prepare and submit to the local government a report and recommendations on the regional impact of the proposed development.¹⁰ The RPC is required to identify regional issues specifically examining the extent to which:

- The development will have a favorable or unfavorable impact on state or regional resources or facilities identified in the applicable state (state comprehensive plan) or regional (strategic regional policy plan) plans;
- The development will significantly impact adjacent jurisdictions; and
- In reviewing the first two issues, whether the development will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment.¹¹

If the proposed project will have impacts within the purview of other state agencies, those agencies will also prepare reports and recommendations on the issues raised by the project and within their statutorily-prescribed jurisdiction. These reports become part of the RPC's report, but the RPC may attach dissenting views.¹² When water management district and Department of Environmental Protection permits have been issued pursuant to ch. 373, F.S., or ch. 403, F.S., the RPC may comment on the regional implications of the permits but may not offer conflicting recommendations.¹³ Finally, the state land planning agency also reviews DRIs for compliance with state laws and to identify regional and state impacts and to make recommendations to local governments for approving, not approving, or suggesting mitigation conditions.¹⁴

At the local public hearing on the proposed DRI, concurrent comprehensive plan amendments associated with the proposed DRI must be heard as well. When considering whether the development must be approved, denied, or approved subject to conditions, restrictions, or limitations, the local government considers the extent to which:

- The development is consistent with its comprehensive plan and land development regulations;
- The development is consistent with the report and recommendations of the RPC; and
- The development is consistent with the state comprehensive plan.¹⁵

Within 30 days of the public hearing on the application for development approval, the local government must decide whether to issue a development order or not. Within 45 days after a development order is or is not rendered, the owner or developer of the property or the state land planning agency may appeal the order to the Governor and Cabinet, sitting as the Florida Land

⁹ Section 380.06(11), F.S.

¹⁰ Section 380.06(12), F.S.

¹¹ Section 380.06(12)(a), F.S.

¹² Section 380.06(12)(b), F.S.

¹³ *Id.*

¹⁴ See Senate Interim Report 2012-114, *The Development of Regional Impact Process*, Sep. 2011.

¹⁵ Section 380.06(13), F.S. DRIs located in areas of critical state concern (ACSC) must also comply with the land development regulations in s. 380.05, F.S.

and Water Adjudicatory Commission.¹⁶ An “aggrieved or adversely affected party” may appeal and challenge the consistency of a development order with the local comprehensive plan.¹⁷

Completion of this entire process can take one to two years and require the expenditure of significant resources, both on the part of private developers and state agencies, resulting in costs totaling in the millions of dollars.

Comprehensive Plans and the Comprehensive Plan Amendment Process

Completion of the DRI process does not give a developer final authority to build. Rather, the permitting local government almost always must also approve an amendment to its local comprehensive plan prior to construction, and the developer must still obtain all requisite permits.

In 1985, the Florida Legislature passed the landmark Growth Management Act, which required every city and county to create and implement a comprehensive plan to guide future development. A locality’s comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments. Development that does not conform to the comprehensive plan may not be approved by a local government unless the local government amends its comprehensive plan first.

State law requires a proposed comprehensive plan amendment to receive three public hearings, the first held by the local planning board.¹⁸ The local commission (city or county) must then hold an initial public hearing regarding the proposed amendment and subsequently transmit it to several statutorily identified reviewing agencies.¹⁹ These are the same agencies that are required to review proposed DRIs, including the DEO, the relevant RPC, and adjacent local governments that request to participate.²⁰

Similar to the DRI process, the state agencies review the proposed amendment for impacts related to their statutory purview. The RPC reviews the amendment specifically for “extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region” as well as adverse effects on regional resources or facilities.²¹ Upon receipt of the reports from the various agencies the local government holds a second public hearing at which the governing body votes to approve the amendment or not. If the amendment receives a favorable vote it is transmitted to the DEO for final review.²² The DEO then has either 31 days or 45 days (depending on the review process to which the amendment is subject) to determine whether the proposed comprehensive plan amendment is in compliance with all relevant agency rules and laws.²³

¹⁶ Section 380.07(2), F.S.

¹⁷ Section 163.3215, F.S.

¹⁸ Section 163.3174(4)(a), F.S.

¹⁹ Section 163.3184, F.S.

²⁰ *Id.*

²¹ Section 163.3184(3)(b)3.a., F.S.

²² Section 163.3184, F.S.

²³ *Id.*

The Expedited State Review Process vs. the State Coordinated Review Process

In 2011, the Florida Legislature bifurcated the process for approving comprehensive plan amendments. Most plan amendments were placed into the Expedited State Review Process, while plan amendments related to large-scale developments were placed into the State Coordinated Review Process. The two processes operate in much the same way, however, the State Coordinated Review Process provides a longer review period and requires all agency comments to be coordinated by the DEO, rather than communicated directly to the permitting local government by each individual reviewing agency

The Intergovernmental Coordination Element of a Comprehensive Plan.

Every local government is required to have adopted an Intergovernmental Coordination Element (ICE) into its comprehensive plan.²⁴ This element is required to demonstrate consideration of the effects of the local plan upon the development of adjacent jurisdictions.²⁵ It must describe joint processes for collaborative planning and decision-making with regard to the location and extension of public facilities subject to concurrency and the siting of facilities with countywide significance, among other things.²⁶

The statutory ICE provisions contain another requirement that is key to effective implementation of interlocal coordination in comprehensive planning and growth management; i.e., that all local governments establish interlocal agreements covering certain topics.²⁷ The interlocal agreement must:²⁸

- Establish joint processes to facilitate coordination;
- Ensure that the local government addresses through coordination mechanisms the impacts of development proposed in the comprehensive plan upon development in adjacent jurisdictions; and
- Ensure coordination in establishing level of service standards for public facilities with any state, regional, or local entity having operational and maintenance responsibility for such facilities.

III. Effect of Proposed Changes:

Section 1 amends s. 163.3184, F.S., to require a comprehensive plan amendment related to a development that qualifies as development of regional impact pursuant to s. 380.06, F.S., to be reviewed under the State Coordinated Review Process.

Section 2 amends s. 380.06, F.S., to provide that new developments will not be subject to the DRI review requirements provided by s. 380.06, F.S. However, already existing developments of regional impact will continue to be governed by s. 380.06, F.S.

²⁴ Section 163.3177(6), F.S.

²⁵ Section 163.3177(6)(h)1., F.S.

²⁶ Section 163.3177(6)(h)2., F.S.

²⁷ Section 163.3177(6)(h)3., F.S.

²⁸ *Id.*

Section 3 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill will prevent future developments from being required by state law to undergo the DRI review process, which could reduce costs for those types of developments that would otherwise have qualified as a DRI.

C. Government Sector Impact:

This bill will reduce the number of duplicative reviews that state agencies must perform with relation to the same developments. This could result in cost savings for those state agencies.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 163.3184 and 380.06.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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

By Senator Simpson

18-01016-15

2015562__

1 A bill to be entitled
 2 An act relating to growth management; amending s.
 3 163.3184, F.S.; requiring plan amendments proposing a
 4 development that qualifies as a development of
 5 regional impact to be subject to the state coordinated
 6 review process; amending s. 380.06, F.S.; providing
 7 that new proposed developments are subject to the
 8 state coordinated review process and not the
 9 development of regional impact review process;
 10 providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Paragraph (c) of subsection (2) of section
 15 163.3184, Florida Statutes, is amended to read:
 16 163.3184 Process for adoption of comprehensive plan or plan
 17 amendment.—
 18 (2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—
 19 (c) Plan amendments that are in an area of critical state
 20 concern designated pursuant to s. 380.05; propose a rural land
 21 stewardship area pursuant to s. 163.3248; propose a sector plan
 22 pursuant to s. 163.3245; update a comprehensive plan based on an
 23 evaluation and appraisal pursuant to s. 163.3191; propose a
 24 development that qualifies as a development of regional impact
 25 pursuant to s. 380.06 ~~s. 380.06(24)(x)~~; or are new plans for
 26 newly incorporated municipalities adopted pursuant to s.
 27 163.3167 shall follow the state coordinated review process in
 28 subsection (4).
 29 Section 2. Subsection (30) is added to section 380.06,

Page 1 of 2

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

18-01016-15

2015562__

30 Florida Statutes, to read:
 31 380.06 Developments of regional impact.—
 32 (30) NEW PROPOSED DEVELOPMENTS.—A new proposed development
 33 otherwise subject to the review requirements of this section
 34 shall be approved by a local government pursuant to s.
 35 163.3184(4) in lieu of proceeding in accordance with this
 36 section.
 37 Section 3. This act shall take effect July 1, 2015.

Page 2 of 2

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/12/15
Meeting Date

562
Bill Number (if applicable)

Topic Growth Mgt

Amendment Barcode (if applicable)

Name ERIC POOLE

Job Title Asst. Legal Director

Address 100 Maroon
Street

Phone 922 4300

TALL FL 32311
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Assoc. Counties

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/19/15

Meeting Date

SB 562

Bill Number (if applicable)

Topic Growth Management

Amendment Barcode (if applicable)

Name David Cruz

Job Title Assistant General Counsel

Address P.O. Box 1757

Phone 701-2076

Street

Tallahassee

City

FL

State

32302

Zip

Email DCruz@flcities.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/19/15
Meeting Date

SB562
Bill Number (if applicable)

Topic Growth Mgmt.

Amendment Barcode (if applicable)

Name Bill Hawster

Job Title Pres.

Address 307 W. Park Ave. Suite 214

Phone 950/681-2176

Street

City

Tallahassee

Fl.
State

32301
Zip

Email ahd@ahd.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Assn. of Fla. Community Developers, Inc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-19-15

Meeting Date

SB 562

Bill Number (if applicable)

Topic Growth Management - Elimination of DRI₅ Amendment Barcode (if applicable)

Name Amy Datz

Job Title Retired State Transportation Environmental Planner

Address 1130 Crestview Ave.

Phone (850) 322-7599

Tallahassee FL 32303

Email amalie.datz@mac.com

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing Environmental Caucus of FL

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
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 1276

INTRODUCER: Senator Flores

SUBJECT: Expressway Authorities

DATE: March 19, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Favorable
2.			EE	
3.			RC	

I. Summary:

SB 1276 reduces the Miami-Dade County Expressway Authority (MDX) governing body from thirteen to nine members, prohibits appointment of a person to serve as an MDX governing body member under certain circumstances, and provides for immediate termination from the MDX governing body for specified violations.

II. Present Situation:

The Miami-Dade County Expressway Authority

The Florida Expressway Authority Act (Act), codified in part I of Ch. 348, F.S.,¹ authorizes any county or two or more contiguous counties within a single district of the Florida Department of Transportation (FDOT) to form an expressway authority by resolution adopted by the board of county commissioners. The Miami-Dade County Expressway Authority (MDX), an agency of the state,² is the only expressway authority created under the Act.

The qualifications, terms of office, and obligations and rights of the members of the MDX, by statute, are determined by resolution or ordinance of the Miami-Dade County Commission consistent with specified statutory provisions relating to the MDX governing body.³ The MDX was created by the Miami-Dade County Commission in 1994, pursuant to Chapter 2 Article XVIII of the Miami-Dade County Code of Ordinances.⁴

¹Part I of ch. 348, F.S., consists of ss. 348.0001 through 348.0012, F.S. Per the exemptions in s. 348.0012, F.S., Part I applies only to the Miami-Dade County Expressway Authority.

² Section 348.0003(1), F.S.

³ Section 348.0003(2)(d), F.S.

⁴ A copy of the ordinance is available at <http://mdxway.com/about/history> (Last visited March 13, 2015).

The MDX's system consists of the following roadways in Miami-Dade County:

- Airport Expressway (State Road 112);
- Dolphin Expressway (State Road 836);
- Don Shula Expressway (State Road 874);
- Snapper Creek Expressway (State Road 878); and
- Gratigny Parkway (State Road 924).⁵

The MDX Governing Body

Section 348.0003(2)(d), F.S., provides the MDX governing body consists of up to 13 members, seven of whom are appointed by the County Commission and five of whom are appointed by the Governor. The 13th member is the FDOT's district six secretary, who is an ex-officio voting member. If the MDX governing body includes any member originally appointed by the County Commission as a nonvoting member, that member is replaced by a Governor's appointee when the nonvoting member's term expires, until the MDX governing body is composed of seven members appointed by the County Commission and five members appointed by the Governor.⁶

Members of the MDX governing body must comply with the applicable financial disclosure requirements of s. 8, Art. II of the State Constitution.⁷ A lobbyist may not serve as a member.⁸

Post-Employment Restrictions, Ethical Prohibitions, and Financial Disclosures

A member and the MDX executive director are prohibited from:

- Personally representing another person or entity for compensation before the MDX for two years after leaving his or her position;
- Having an employment or contractual relationship, after retirement or termination, with a business entity other than an agency⁹ in connection with a contract in which the member or executive director personally and substantially participated while he or she was a member or employee;¹⁰ and
- Engaging in any relationship that may adversely affect their judgment in carrying out authority business.¹¹

⁵ See the Florida Transportation Commission's *Transportation Authority Monitoring and Oversight Fiscal Year 2013 Report*: <http://www.ftc.state.fl.us/reports/TAMO.shtm>. Last visited March 13, 2015.

⁶ Section 348.0003(2)(d), F.S.

⁷ Section 348.0003(4)(c), F.S.

⁸ Section 348.0003(5)(a), F.S.

⁹ Defined to mean "any state, regional, county,, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; any public school, community college, or state university; or any special district as defined in s. 189.012." Section 112.312(2), F.S.

¹⁰ Section 348.0003(5)(b), F.S.

¹¹ Section 348.0003(5)(d), F.S.

The MDX members must make the following annual disclosures:

- Any relationship that affords a current or future financial benefit to a member, or a member's relative¹² or business associate, that a reasonable person would conclude has the potential to create a prohibited conflict of interest.¹³
- Whether a relative of the member is a registered lobbyist and the names of any such lobbyist's clients.¹⁴
- All interests in real property that a member or a member's immediate family has, if such property is located in or within a ½ mile radius of any actual or prospective authority roadway project.¹⁵

Violations and Penalties

These restrictions, prohibitions, and financial disclosure requirements are in addition to requirements that members and the executive director are required to follow under chapter 112, F.S.¹⁶ Violations of the prohibitions and financial disclosure requirements are punishable in accordance with s. 112.317, F.S., generally punishable by a number of measures. The possible penalties range, for example, from impeachment or removal from office, suspension or dismissal from employment, and loss of some portion of salary, to public censure and reprimand, a \$10,000 civil penalty, and restitution of any benefits received because of a violation.

III. Effect of Proposed Changes:

Section 1 reduces the MDX governing body from thirteen to nine members, providing that four members each be appointed by the Governor and the Miami-Dade County Commission, and retaining the Florida Department of Transportation (FDOT) district six secretary as an ex-officio voting member.

The bill makes an exception from the requirement that qualifications, terms, obligations and rights of the MDX members be determined by resolution or ordinance of the Miami-Dade County Commission and prohibits a person from being appointed to or serve as a member of the governing body of the MDX if the person currently represents or represented in the previous ten years:

- Any client for compensation before any state or municipal governmental body, including any agency, quasi-governmental entity, or body staffed by public employees, or entity that has its operations paid for by public dollars; or
- Any person or entity that is doing business or has in the previous ten years done business with any state or municipal governmental agency or body.

The exception obviates the need for the Miami-Dade County Commission to amend its ordinance to include the prohibitions.

¹² See s. 112.312(21), F.S., for the broad definition of "relative."

¹³ Section 348.0003(5)(d)1., F.S.

¹⁴ Section 348.0003(5)(d)2., F.S.

¹⁵ Section 348.0003(5)(d)3., F.S.

¹⁶ Section 348.0003(5)(j), F.S.

In addition to existing penalties under s. 112.317, F.S., the bill also requires immediate termination of a member from the MDX governing body upon a finding of a violation of s. 348.0003(5), F.S., chapter 112, F.S., or for failure to comply within 90 days after receiving a notice of failure to comply with financial disclosure requirements.

Section 2 provides the bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent that any of the penalties for specified violations are applied to any individual, that individual may experience a negative fiscal impact.

C. Government Sector Impact:

Indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 348.0003 of the Florida Statutes:

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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

By Senator Flores

37-01197A-15

20151276__

1 A bill to be entitled
 2 An act relating to expressway authorities; amending s.
 3 348.0003, F.S.; revising qualifications for membership
 4 on the governing body of certain expressway
 5 authorities; providing for termination from an
 6 authority's governing body upon a finding of a
 7 violation of specified ethical conduct provisions or
 8 failure to comply with a notice of failure to comply
 9 with financial disclosure requirements; providing an
 10 effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Paragraph (d) of subsection (2) and paragraph
 15 (a) of subsection (5) of section 348.0003, Florida Statutes, are
 16 amended, and paragraph (1) is added to subsection (5) of that
 17 section, to read:

18 348.0003 Expressway authority; formation; membership.—

19 (2) The governing body of an authority shall consist of not
 20 fewer than five nor more than nine voting members. The district
 21 secretary of the affected department district shall serve as a
 22 nonvoting member of the governing body of each authority located
 23 within the district. Each member of the governing body must at
 24 all times during his or her term of office be a permanent
 25 resident of the county which he or she is appointed to
 26 represent.

27 (d) Notwithstanding any provision to the contrary in this
 28 subsection, in any county as defined in s. 125.011(1), the
 29 governing body of an authority shall consist of up to 9 ~~13~~

Page 1 of 3

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

37-01197A-15

20151276__

30 members, and the following provisions of this paragraph shall
 31 apply specifically to such authority. Except for the district
 32 secretary of the department, the members must be residents of
 33 the county. ~~Four Seven~~ voting members shall be appointed by the
 34 governing body of the county. At the discretion of the governing
 35 body of the county, up to two of the members appointed by the
 36 governing body of the county may be elected officials residing
 37 in the county. ~~Four Five~~ voting members of the authority shall
 38 be appointed by the Governor. One member shall be the district
 39 secretary of the department serving in the district that
 40 contains such county. This member shall be an ex officio voting
 41 member of the authority. If the governing ~~body~~ board of an
 42 authority includes any member originally appointed by the
 43 governing body of the county as a nonvoting member, when the
 44 term of such member expires, that member shall be replaced by a
 45 member appointed by the Governor until the governing body of the
 46 authority is composed of four ~~seven~~ members appointed by the
 47 governing body of the county and four ~~five~~ members appointed by
 48 the Governor. Except as provided in subsection (5), the
 49 qualifications, terms of office, and obligations and rights of
 50 members of the authority shall be determined by resolution or
 51 ordinance of the governing body of the county in a manner that
 52 is consistent with subsections (3) and (4).

53 (5) In a county as defined in s. 125.011(1):

54 (a) 1. A lobbyist, as defined in s. 112.3215, may not be
 55 appointed or serve as a member of the governing body of an
 56 authority.

57 2. A person may not be appointed to or serve as a member of
 58 the governing body of an authority if that person currently

Page 2 of 3

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

37-01197A-15

20151276__

59 represents or has in the previous 10 years represented any
60 client for compensation before any state or municipal
61 governmental body, including any agency, quasi-governmental
62 entity, or body staffed by public employees, or entity that has
63 its operations paid for by public dollars.

64 3. A person may not be appointed to or serve as a member of
65 the governing body of an authority if that person currently
66 represents or has in the previous 10 years represented any
67 person or entity that is doing business, or within the previous
68 10 years has done business, with any state or municipal
69 governmental agency or body.

70 (1) A finding of a violation of this subsection or chapter
71 112, or failure to comply within 90 days after receiving a
72 notice of failure to comply with financial disclosure
73 requirements, results in immediate termination from the
74 governing body of the authority.

75 Section 2. This act shall take effect upon becoming a law.

THE FLORIDA SENATE
APPEARANCE RECORD

3-19-15

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1276

Meeting Date

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name JESS MCCARTY

Job Title ASSIT. COUNTY ATTORNEY

Address 111 NW 1ST ST 2810

Phone 305-979-7110

MIAMI 33120

Email JMM2@MIAMIDADE.GOV

City State Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing MIAMI-DADE COUNTY

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/19/15

Meeting Date

1276

Bill Number (if applicable)

Topic EXPRESSWAY AUTHORITY

Amendment Barcode (if applicable)

Name FAUSTO GOMEZ

Job Title

Address 2350 CORAL WAY, #301

Phone 305 860-0760

Street

MIAMI

FL

33145

City

State

Zip

Email FGOMEZ@GOMEZBARILETTA.COM

Speaking: For [] Against [x] Information []

Waive Speaking: In Support [] Against [] (The Chair will read this information into the record.)

Representing MIAMI-DADE EXPRESSWAY AUTHORITY

Appearing at request of Chair: Yes [] No [x]

Lobbyist registered with Legislature: Yes [x] No []

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 1276
Bill Number (if applicable)

Meeting Date _____

Topic Expressway Authority

Amendment Barcode (if applicable) _____

Name Juan C. Zapata

Job Title Miami Dade County Commissioner

Address 111 NW 1st.
Street

Phone 305-375-5511

Miami FL 33128
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

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 1374

INTRODUCER: Senator Evers

SUBJECT: Farm Vehicles

DATE: March 17, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	Favorable
2.			AG	
3.			FP	

I. Summary:

SB 1374 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to enter into an agreement of reciprocity with the respective departments of the State of Georgia and Alabama regarding the traveling of farm vehicles across state lines.

II. Present Situation:

Federal regulations of farm vehicles allow some flexibility for a state to make choices regarding the application of laws, as well as exemptions to laws, in its jurisdiction. Federal regulations do not allow an exemption to a law made by one state to apply in another state unless there is an agreement of reciprocity between the two states.

For example, federal regulations allow a state, at its discretion, to exempt certain operators of farm vehicles from commercial driver license (CDL) requirements. Specifically, an exemption from CDL requirements is authorized for operators of a farm vehicle which is¹:

- Controlled and operated by a farmer, including operation by employees or family members;
- Used to transport either agricultural products, farm machinery, farm supplies, or both to or from a farm;
- Not used in the operations of a common or contract motor carrier; *and*
- Used within 150 miles of the farmer's farm.

Florida has adopted this exemption into Florida Statutes.² However, the exemption is limited to the driver's home state *unless* there is a reciprocity agreement with adjoining states.³

¹ 49 C.F.R. s. 383.3(d)(1).

² Section 322.53, F.S.

³ 49 C.F.R. s. 383.3(d).

Interstate Reciprocity Agreements for Farm Vehicles⁴

Numerous states have reciprocity agreements regarding farm vehicles. Reciprocity agreements can include provisions related to the licensing, movement, taxing, registration, regulation, and fees of farm vehicles licensed in this state and operating on the highways of another state, and those licensed in another state and operating in this state. After being authorized by state law, a state entity may enter into an agreement of reciprocity with another state. These entities can include, but are not limited to:

- Motor Vehicle Commissions;
- Directors or Divisions of Vehicles;
- State Patrols; and
- State Departments, such as:
 - Department of Motor Vehicles;
 - Department of Transportation;
 - Department of Highway Safety; and
 - Department of Revenue

These agreements typically include information specifying:

- The terms of the agreement;
- The duration of the agreement; and
- The obligations of the parties involved.

Many agreements of reciprocity relative to the travel of farm vehicles across state lines primarily address the issue of CDL exemptions for farm vehicle operators.

III. Effect of Proposed Changes:

The bill authorizes the DHSMV to enter into a reciprocal agreement with the respective departments of the State of Georgia and Alabama relative to the traveling of farm vehicles across state lines.

Generally, if adjoining states come to an agreement of reciprocity regarding the traveling of farm vehicles across state lines, it allows a greater degree of interstate commerce for farmers by being granted benefits or exemptions exclusive to one's home state in an adjoining state.

The bill takes effect July 1, 2015.

⁴ See The States of New Jersey and Delaware, and the State of New Jersey and the Commonwealth of Pennsylvania, *Reciprocal Agreement Regarding the Exemption From Commercial Driver License Requirements for Farmers*, available at: <http://www.state.nj.us/agriculture/divisions/md/pdf/delcdlfarmers.pdf> and <http://www.state.nj.us/agriculture/divisions/md/pdf/panjcdlreciprocity.pdf>; the States of Nebraska and Kansas and the States of Kansas and Oklahoma, *Declaration of Interstate Reciprocity Agreement*, available at: <http://www.ksrevenue.org/pdf/KsNebReciprocity.pdf> and <http://www.ksrevenue.org/pdf/KsOkReciprocity.pdf>; the States of Missouri and Iowa, *Memorandum of Understanding*, available at: <http://www.modot.org/mcs/documents/SignedMissouri.IowaCDLReciprocityAgreement.pdf>; and the Iowa/Wisconsin *Reciprocity Agreement*, available at: <http://www.iowadot.gov/farmersafety/publications/Iowa-Wisconsin%20Farm%20Reciprocity.pdf> (last visited Mar. 16, 2015).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill may have a positive fiscal impact on farmers transporting crops or farming equipment and materials from Florida to Alabama or Georgia, and vice versa.

C. Government Sector Impact:

The bill does not appear to have a fiscal impact on state or local governments.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 320.515 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Evers

2-01343-15

20151374__

1 A bill to be entitled

2 An act relating to farm vehicles; creating s. 320.515,
3 F.S.; authorizing the Department of Highway Safety and
4 Motor Vehicles to enter into a reciprocity agreement
5 with the State of Georgia and the State of Alabama
6 relative to the traveling of farm vehicles across
7 state lines; providing an effective date.
8

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

10
11 Section 1. Section 320.515, Florida Statutes, is created to
12 read:

13 320.515 Farm vehicles; reciprocity agreements.-The
14 Department of Highway Safety and Motor Vehicles of the state is
15 hereby authorized to enter into an agreement of reciprocity with
16 the respective departments of the State of Georgia and the State
17 of Alabama relative to the traveling of farm vehicles across
18 state lines.

19 Section 2. This act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 1554

INTRODUCER: Transportation Committee and Senator Brandes

SUBJECT: Transportation

DATE: March 23, 2015 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Fav/CS
2.			ATD	
3.			AP	

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

I. Summary:

CS/SB 1554 reflects the Florida Department of Transportation’s (FDOT) 2015 Legislative Package, as well as other transportation-related issues. More specifically, the bill:

- Increases from \$15 million to \$25 million the annual funding for the Florida Seaport Transportation and Economic Development (FSTED) program.
- Removes Port Citrus as an authorized member of the FSTED Council, as well as obsolete provisions regarding a related port feasibility study.
- Allows commercial motor vehicle operators to purchase temporary registration permits and provides for a reduced non-registration penalty under certain circumstances.
- Extends the allowable length of a trailer transporting manufactured buildings under a special permit from 54 feet to 80 feet.
- Extends the allowable length of certain semitrailers from 53 feet to 57 feet under certain conditions.
- Provides an exemption from required minimum following distance to users of driver-assistive truck platooning technology, a system that controls inter-vehicle spacing between two truck tractor-semitrailer combinations.
- Directs the Office of Economic and Demographic Research to evaluate and determine the economic benefits of the state’s investment in the FDOT Work Program.
- Allows turnpike bonds to be validated at the option of the Division of Bond Finance, and limits the location of publication of bond-validation notices to Leon County.
- Substantially revises chapter 333, F.S., relating to airport zoning regulations.

- Authorizes the FDOT to assume certain review responsibilities under the National Environmental Policy Act with respect to highway projects, as authorized by federal law.
- Requires consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology and revises existing statutes with regard to the definition and use of autonomous vehicle technology.
- Clarifies provisions relating to pedestrians and crosswalks in an effort to improve safety.
- Increases from three years to ten years the period after which a dormant prepaid toll account is presumed unclaimed.
- Creates the Shared-Use Nonmotorized Trail (SunTrail) Network as a component of the Florida Greenways and Trail System.
- Requires the Center for Urban Transportation Research to conduct a study, design a pilot project, and provide a report regarding the feasibility and means of implementing a vehicle-miles-traveled funding mechanism for transportation projects.
- Creates the Northwest Florida Regional Transportation Finance Authority Act, authorizing Escambia and Santa Rosa Counties, to form a regional transportation finance authority to develop transportation projects in the northwest region of the state.
- Revises the membership of a legislatively-created independent special district regulating for-hire transportation.
- Revises provisions relating to staffing and responsibilities of the Fort Meyers Urban Office of the FDOT.
- Modernizes language relating to FDOT's provision of 511 services.
- Removes obsolete language relating to the FDOT secretary's appointment of an inspector general.
- Repeals obsolete language relating to transportation corridors.
- Deletes references to toll facilities no longer owned by the FDOT.
- Repeals obsolete bond language relating to the already-repealed Broward County Expressway Authority.
- Makes other technical and conforming revisions.

II. Present Situation:

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

III. Effect of Proposed Changes:

Florida Seaport Transportation and Economic Development Program (Sections 4 and 5)

Present Situation

Florida has 15 public seaports,¹ and Florida law reflects a number of seaport and seaport-related funding provisions. Section 311.07(2), F.S., requires a minimum of \$15 million per year from the

¹ Jacksonville (JaxPort), Port Canaveral, Port Citrus, Port of Fort Pierce, Port of Palm Beach, Port Everglades, Port of Miami, Port Manatee, Port of St. Petersburg, Port of Tampa, Port St. Joe, Port Panama City, Port of Pensacola, Port of Key West, and Port of Fernandino. Listed in s. 311.09(1), F.S.

State Transportation Trust Fund (STTF) to fund the FSTED Program.² The program finances port transportation or port facilities projects that will improve the movement and intermodal transportation of cargo and passengers in commerce and trade and support the interests, purposes, and requirements of all ports listed in s. 311.09, F.S. The annual funding level was increased from \$8 million to the current \$15 million by the 2012 Legislature, based on the FDOT's historic funding level of \$15 million annually since 2004.³

In addition, s. 320.20(3), F.S., directs \$15 million annually from motor vehicle registration fees deposited into the STTF to fund the FSTED Program as provided in chapter 311, F.S. And s. 320.20(4), F.S., directs \$10 million annually from the same fees to the STTF to fund the FSTED Program and for funding seaport intermodal access projects of statewide significance under the Intermodal Development Program.⁴ These amounts are in addition to funding provided under s. 311.07, F.S.

The 2012 Legislature also enacted the Seaport Investment Program, directing \$10 million beginning in FY 2013-2014 and annually for 30 years to fund any seaport project in the FDOT's Adopted Work Program;⁵ and the Strategic Port Investment Initiative, setting aside a minimum of \$35 million annually from the STTF for projects that meet the state's economic goal of becoming a hub for trade, logistics, and export-oriented activities.⁶

The FDOT advises that its Adopted Work Program since 2012 and through 2019 totals almost \$1 billion for seaport and seaport-related funding.

Effect of Proposed Changes

Sections 4 and 5 amend s. 311.07(2) and s. 311.09(9), F.S., respectively, to increase the annual funding from the STTF from the current \$15 million to \$25 million. The FDOT is required to include no less than the \$25 million in its annual legislative budget request to fund the FSTED Program.

Port Citrus (Section 5)

Present Situation

The Florida Legislature in 2011 included a representative of Port Citrus as a member of the FSTED Council. Port Citrus was authorized to apply for a grant for a feasibility study through the FSTED Council until July 14, 2014, regarding the establishment of a port in Citrus County.

According to a recent article, by late 2011, Citrus County established a port authority and joined the Florida Ports Council and Gulf Ports Association of the Americas, with annual dues of \$15,000. Backers of Port Citrus "envisioned development of a port near a key cut in the Cross

² See also s. 311.09(9), directing the FDOT to include no less than \$15 million annually in its legislative budget request for the FSTED Program.

³ See CS/CS/CS/HB 599 and SB 1998 (2012 Reg. Session).

⁴ See s. 341.053, F.S. Eligible projects include, among others, road, rail, intercity bus service, or fixed-guideway access to, from, or between seaports.

⁵ See SB 1998 (2012 Reg. Session).

⁶ See s. 311.10, F.S.

Florida Barge Canal.”⁷ According to the article, the study found that the barge canal would be a good location for a marina, but not for a port, because the canal’s 12-foot depth is too shallow. Efforts are underway to pursue a possible marina. However, members of the current Citrus County Commission have raised questions about whether the dues paid for membership in the groups joined are appropriate, noting that a marina does not need to be designated as a port.⁸

On January 24, 2015, the Citrus County Board of County Commissions, acting as the Citrus County Port Authority, voted to abolish Port Citrus. The Port Authority has requested statutory revision to reflect the abolishment.⁹

Effect of Proposed Changes

Section 5 amends s. 311.09(1) and repeals s. 311.09(12), F.S., to remove a representative of Port Citrus as an authorized member of the FSTED Council, as well as the dated provisions relating to application for a grant to conduct the feasibility study.

Commercial Motor Vehicles/Ports of Entry/Operating Credentials (Sections 6 and 11)

Present Situation

Interstate operators of commercial motor vehicles (CMVs) are required to obtain a number of credentials. Generally, for example, interstate operators of CMVs are required to obtain an International Fuel Tax Agreement (IFTA) license and decal¹⁰ and, in some cases, to obtain overweight or over-dimensional permits.¹¹ Some states allow the purchase of some or all necessary credentials at weigh stations located close to routes entering their borders and at other locations, and these states are known as “port of entry” or “POE” states.¹² Because these credentials must be obtained prior to entering Florida, the state is known as a “non-POE” state.¹³ If a CMV enters the state without proper credentials and the operator seeks to purchase them at any weigh station, the applicable fine is assessed depending on the type of credential at issue. Only then is the operator allowed to purchase the necessary credential.¹⁴

⁷ See *Port Citrus talk: Sink or stay afloat?*, January 24, 2015, Citrus County Chronicle Online: <http://www.chronicleonline.com/content/port-citrus-talk-sink-or-stay-afloat>. Last visited March 19, 2015.

⁸ *Id.*

⁹ See Citrus Port Authority correspondence dated January 29, 2015. On file in the Senate Transportation Committee.

¹⁰ See ss. 207.004 and 316.545(4), F.S. The International Fuel Tax Agreement (IFTA) is an agreement among the states and the Canadian provinces to simplify the reporting of interstate fuel taxes. The motor carrier’s base jurisdiction issues the IFTA license and decals, allowing the carrier to file one quarterly tax return reflecting the net tax and any refund due on fuel used in all jurisdictions.

¹¹ See s. 316.550, F.S.

¹² See the *Florida Port of Entry Feasibility Study*, September 2014, prepared for the FDOT, at 3.1 and 3.2. Copy on file in the Senate Transportation Committee. According to the study, 28 states are non-POE states, and 22 states and the District of Columbia consider themselves to be POE jurisdictions. Alabama is a POE state; Georgia is not. Further, the definitions of “POE” vary greatly by state.

¹³ *Id.* at 1.1.

¹⁴ See the FDOT 2015 Legislative Proposal form, *Port-of-Entry*, on file in the Senate Transportation Committee.

Another credential required before entering Florida is registration under the International Registration Plan (IRP). The IRP¹⁵ is a plan for registering vehicles that are operated in two or more IRP-member jurisdictions while displaying just one registration license plate for each vehicle.

All IRP member jurisdictions have agreed to allow one jurisdiction to collect the registration fees (apportioned fees) for each jurisdiction at one time. These fees are then distributed among the other IRP jurisdictions according to:

- Percentage of mileage traveled in each jurisdiction;
- Vehicle identification information; and
- Maximum weight.

Under the IRP, interstate truck operators are required to file an application with their base jurisdiction. The base jurisdiction, in turn, issues one registration cab card and one tag for the vehicle. In member jurisdictions, the single apportioned license plate and cab card are the only registration credentials required to operate interstate and intrastate.¹⁶

A “Full Reciprocity Plan” was instituted effective January 1, 2015, under which registrants are billed only for jurisdictions in which actual miles were accrued during the reporting period. If no miles were accrued in a given jurisdiction, registrants are billed based on the average distance of all registrants in each jurisdiction. Upon registration, the cab cards will reflect all jurisdictions.¹⁷

Section 320.0715(1), F.S., requires all apportionable vehicles¹⁸ domiciled in this state to register under the International Registration Plan and to display the apportioned license plate. If a CMV domiciled elsewhere could be lawfully operated in this state because IRP registration had been obtained prior to entering Florida, but was not, a ten-day Florida trip permit may be obtained for \$30. The permit allows the vehicle to be operated in interstate or intrastate commerce for the ten-day period.

A CMV not registered under the application provisions of chapter 320, F.S., is subject to a penalty of five cents per pound on the weight that exceeds 35,000 pounds on laden truck tractor-semitrailer combinations or tandem trailer truck combinations, 10,000 pounds on laden straight

¹⁵ Section 320.01(23), F.S., defines the IRP to mean “a registration reciprocity agreement among states of the United States and provinces of Canada providing for payment of license fees on the basis of fleet miles operated in various jurisdictions.”

¹⁶ See the Florida Department of Highway Safety and Motor Vehicles *International Registration Plan Trucking Manual*, at 5. On file in the Senate Transportation Committee.

¹⁷ *Id.*

¹⁸ Section 320.01(24), F.S., defines “apportionable vehicle” to mean “any vehicle [with certain exceptions] which is used or intended for use in two or more member jurisdictions that allocate or proportionally register vehicles and which is used for the transportation of persons for hire or is designed, used, or maintained primarily for the transportation of property and: (a) Is a power unit having a gross vehicle weight in excess of 26,000 pounds; (b) Is a power unit having three or more axles, regardless of weight; or (c) Is used in combination, when the weight of such combination exceeds 26,000 pounds gross vehicle weight.”

trucks or straight truck-trailer combinations, or 10,000 pounds on any unladen CMV.¹⁹ Operators of CMVs that fail to obtain the temporary trip permit prior to entering Florida are fined accordingly and then allowed to purchase the temporary trip permit. All such penalties and permit fees are credited to the State Transportation Trust Fund to be used for repair and maintenance of Florida's roads and for enforcement purposes.²⁰

Effect of Proposed Changes

The bill defines "port-of-entry" and reduces the existing penalty for IRP registration violations.

Section 6 creates s. 316.003(94), F.S., to define "port-of-entry" as a designated location that allows drivers of commercial motor vehicles to purchase temporary registration permits necessary to operate legally within Florida, and to direct the FDOT to determine the locations and the designated routes to such locations.

Section 11 amends s. 316.545(2)(b), F.S., to provide that if a CMV enters the state at a designated POE or is operating on an FDOT-designated route to a POE, and if the ten-day IRP trip permit is obtained at the POE, the penalty is limited to the difference between the CMV's gross weight and the declared gross vehicle weight at five cents per pound.

The penalty no longer is calculated based on five cents per pound of weight in excess of 35,000 pounds or 10,000 pounds, depending on the type of truck, combination, or whether the truck is laden, but on the difference between declared and actual weight. Existing penalties for failure to obtain other required credentials remain unchanged, including, but not limited to, IFTA violations and overweight and over-dimensional permit violations.

The FDOT advises three potential POE locations are under consideration:

- I-10 at the first eastbound weigh station entering the state;
- I-75 at the first southbound weigh station entering the state; and
- I-95 at the first southbound weigh station entering the state.

The designated route for each location would be the portion of the interstate from the state line to the weigh station.²¹

Commercial Motor Vehicles/Trailer Lengths/Manufactured Building/Special Permits (Section 10)

Present Situation

The Office of Commercial Vehicle Enforcement of the Florida Department of Highway Safety and Motor Vehicles (FDHSMV) administers a Weight Enforcement program. Protection of the public's investment in the highway system is the primary purpose of the program. To prevent heavy trucks from causing unreasonable damage to roads and bridges, maximum weight and size

¹⁹ See 316.545(2)(b), F.S.

²⁰ See s. 316.545(6), F.S.

²¹ *Supra*, note 14.

limits are established in chapter 316, F.S.²² Section 316.515, F.S., sets out the maximum width, height, and length limitations, and s. 316.545, F.S., addresses unlawful weight.

The FDOT or a local authority may issue a special permit to operate or move a vehicle or combination of a size or weight exceeding the maximums specified. Issuance of such a permit must not be contrary to the public interest and is at the discretion of the FDOT or the local authority.²³ Significant penalties can result from failure to obtain a special permit or failure to comply with the specific terms of the permit.²⁴

Generally, as to truck tractor-semitrailer combinations and length, the extreme overall outside dimension of the combination may not exceed 48 feet, measured from the front of the unit to the rear of the unit and the load carried.²⁵ However, a semitrailer that is more than 48 feet but not more than 53 feet may operate on non-restricted public roads, if the distance between the kingpin and the rear axle or axle group does not exceed a certain number of feet²⁶ and the vehicle is equipped with required rear end protection.

In addition, the FDOT is authorized to issue a special permit for a truck tractor-semitrailer combination if the total number of over-width deliveries of manufactured buildings may be reduced by permitting the use of an over-length trailer not exceeding 54 feet.²⁷ Issuance of this type of over-length special permit does not exempt the combination vehicle from existing weight limitations or special permit requirements if the weight of the combination exceeds the maximums specified in ch. 316, F.S.

Effect of Proposed Changes

Section 10 amends s. 316.515(3)(b), F.S., to increase from 53 to 57 feet the allowable extreme overall outside dimension of a semitrailer exceeding 48 feet, if specified conditions are met. The Federal Highway Administration (FHWA) has reviewed the proposed language and deems it compliant with federal regulations.²⁸

Section 10 also amends s. 316.515(14), F.S., to insert “multiple sections or single units” with reference to manufactured buildings transported on permitted, over-length trailers, and to increase the allowable trailer over-length from 54 to 80 feet.

The Federal Highway Administration has reviewed the proposed language and opined that it does not appear to conflict with federal regulations, as long as weight restrictions are not exceeded.²⁹ Transporters of manufactured buildings on truck tractor-semitrailer combinations continue to be required to obtain a permit for such combinations, even with a trailer length of 80

²² See the FDHSMV website: <http://www.flhsmv.gov/fhp/CVE/WeightEnforcement.htm/>. Last visited March 3, 2015.

²³ See s. 316.550, F.S.

²⁴ See s. 316.550(10), F.S.

²⁵ Section 316.550(3)(b)1., F.S.

²⁶ Generally, forty-one feet. For a semitrailer used exclusively or primarily to transportation vehicles in connection with motorsports competition events, 46 feet. Section 316.515(3)(b), F.S.

²⁷ Section 316.515(14), F.S.

²⁸ See the FHWA email, March 17, 2015. On filed in the Senate Transportation Committee.

²⁹ See the FHWA email, February 11, 2015. On file in the Senate Transportation Committee.

feet. Overweight permits also continue to be required when applicable. Issuance of such permits remains within the discretion of the FDOT.

Driver-Assistive Truck Platooning (Sections 6, 7, and 9)

Present Situation

In August of 2014, the National Highway Traffic Safety Administration (NHTSA) issued an advance notice of proposed rulemaking, following NHTSA's earlier announcement that the agency will begin working on a regulatory proposal to require vehicle-to-vehicle (V2V) devices in passenger cars and light trucks in a future year. V2V is a crash avoidance technology, relying on communication of information between nearby vehicles to warn drivers about dangerous situations that could lead to a crash.³⁰ NHTSA advises that, "Using V2V technology, vehicles ranging from cars to trucks and buses to trains could one day be able to communicate important safety and mobility information to one another that can help save lives, prevent injuries, ease traffic congestion, and improve the environment."³¹

One form of V2V technology is known as driver-assistive truck platooning (DATP), which allows trucks to communicate with each other and to travel as close as thirty feet apart with automatic acceleration and braking. A draft is created, reducing wind resistance and cutting down on fuel consumption.³²

The DATP concept is based on a system that controls inter-vehicle spacing based on information from forward-looking radars and direct vehicle-to-vehicle communications. Braking and other operational data is constantly exchanged between the trucks, enabling the control system to automatically adjust engine and brakes in real-time. This allows equipped trucks to travel closer together than manual operations would safely allow. Platooning technology is increasingly a subject of interest in the truck community, with multiple companies developing prototypes.³³

One such system uses integrated sensors, controls, and wireless communications for "connected" trucks. The system is cloud-based, determining in real time whether specific trucks are clear to engage in platooning operations. The system synchronizes acceleration and braking between tractor-trailers, leaving steering to the drivers, but eliminating braking distance otherwise caused by lags in the front or rear driver's response time. The following vehicle is provided video showing the lead truck's line of sight while the lead vehicle is provided video showing the area behind the following truck. If another vehicle enters between platooning trucks, the system will automatically increase following distance or delink the trucks and then relink once the cut-in risk

³⁰ See the U.S. Department of Transportation Fact Sheet on Vehicle-To-Vehicle Communication Technology. On file in the Senate Transportation Committee.

³¹ See the NHTSA website: <http://www.safercar.gov/v2v/index.html>. Last visited March 16, 2015.

³² See the GBT Global News website: <http://www.gobytrucknews.com/driver-survey-platooning/123>. Last visited March 16, 2015.

³³ See the American Transportation Research Institute website: <http://atri-online.org/2014/11/17/atri-seeks-input-on-driver-assistive-truck-platooning/>. Last visited March 16, 2015.

has passed. If data transfer between platooning trucks ceases, the driver is immediately notified that manual acceleration and braking control is about to resume.³⁴

Section 316.0895(2), F.S., currently deems it unlawful for the driver of any motor truck, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer, when traveling upon a roadway outside of a business or residence district, to follow within 300 feet of another motor truck, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer. That subsection expressly does not prevent overtaking and passing and does not apply upon any lane specially designated for use by motor trucks or other slow-moving vehicles.

Effect of Proposed Changes

Section 6 creates s. 316.003(95), F.S., to define driver-assistive truck platooning.

Section 7 amends s. 316.0895 (2), F.S., to exclude from the 300-foot distance limitation two-truck tractor-semitrailer combinations, equipped and connected with driver-assistive truck platooning technology and operating on a multilane, limited access facility. The exclusion applies only if the owner or operator complies with the financial responsibility requirement of s. 316.86, F.S., which requires submission to the DHSMV of proof of insurance acceptable to the DHSMV in the amount of \$5 million. Tandem trailer trucks are not included in the authorized exclusion.

Section 9 amends s. 316.303(1) and (3), respectively, to allow vehicles equipped and operating with driver-assistive truck platooning technology to be equipped with video equipment visible from the driver's seat, and to authorize an electronic display used by the operator of a vehicle equipped and operating with truck platooning technology.

Return on Transportation Investment (Section 40)

Present Situation

Section 334.046, F.S., provides prevailing principles to be considered in planning and developing an integrated, balanced statewide transportation system. The principles are preserving the existing transportation infrastructure, enhancing Florida's economic competitiveness, and improving travel choices to ensure mobility.

As to economic competitiveness, the statute requires the FDOT to ensure a clear understanding of the economic consequences of transportation investments and how such investments affect the state's economic competitiveness. The FDOT is directed to develop a macroeconomic analysis of the linkages between transportation investment and economic performance and a method to quantifiably measure the economic benefits of the district-work-program investments. The FDOT must analyze the state's and districts' economic performance relative to competition, the business environment viewed from the perspective of companies evaluating the state as a place in which to do business, and the state's capacity to sustain long-term growth.³⁵

³⁴ See <http://www.peloton-tech.com/fag/>. Last visited March 16, 2015.

³⁵ Section 334.046(4)(b), F.S.

The FDOT in January 2015 completed its “Macroeconomic Analysis of Florida’s Transportation Investments,”³⁶ estimating the economic effects of its Work Program for fiscal years 2013/2014 through 2017/2018. The analysis indicates that almost all Work Program spending was covered, including highway, rail, seaport, and transit modes. According to the analysis, “on average, every dollar invested in the Work Program will yield about \$4.40 in economic benefits for Florida from the beginning of the Work Program to FY 2043.”³⁷

Effect of Proposed Changes

Section 40 directs the Office of Economic and Demographic Research (EDR) to evaluate and determine the economic benefits³⁸ of the state’s investment in the FDOT Adopted Work Program for fiscal year 2015-2016, including the following four fiscal years. At a minimum, a separate return on investment shall be projects for roads and highways, rails, public transit, aviation, and seaports.

The analysis is limited to funding anticipated by the Adopted Work Program but may address the continuing economic impact of the transportation projects in the five years beyond the conclusion of the Adopted Work Program. The number of jobs created, the increase or decrease in personal income, and the impact on gross domestic product from the direct, indirect, and induced effects on the state’s investment in each area must be evaluated.

The FDOT and each of its district offices are required to provide the EDR full access to all data necessary to complete the analysis, including any confidential data, and the EDR must provide the analysis to the Senate President and House Speaker by January 1, 2016.

Turnpike Revenue Bonds/Bond Validation (Sections 2 and 7)

Present Situation

The Division of Bond Finance (DBF) is authorized to issue bonds on behalf of the FDOT to finance or refinance the cost of legislatively approved turnpike projects. Such bonds must be validated under ch. 75, F.S., through proceedings instituted by attorneys for the DBF.³⁹ In any action to validate bonds issued pursuant to s. 338.227, F.S., the complaint must be filed in the circuit court of Leon County; the notice required by s. 75.06, F.S., must be published in a newspaper of general circulation *in Leon County and in two other newspapers of general circulation in the state*;⁴⁰ and the complaint and order of the circuit court must be served only on the state attorney of the circuit in which the action is pending (the Second Circuit).

Section 75.06(2), F.S., requires the clerk, before the date set for hearing on a complaint to validate Turnpike bonds, to publish a copy of the court’s order requiring appearance at the

³⁶ The analysis is available at: <http://www.dot.state.fl.us/planning/weeklybriefs/2015/011915.shtm>. Last visited March 16, 2015.

³⁷ *Id.* at 1.

³⁸ Defined per the bill in s. 288.005, F.S., meaning the direct, indirect, and induced gains in state revenues as a percentage of the state’s investment. The state’s investment includes state grants, tax exemptions, tax refunds, tax credits, and other state incentives.

³⁹ See s. 215.82(1), F.S.

⁴⁰ Emphasis added.

hearing in Leon County at least once each week for two consecutive weeks, commencing with the first publication, which may not be less than 20 days before the date set for hearing, *in a newspaper in each of the counties where the proceeds of the bonds are to be expended, and in a newspaper published in Leon County.*⁴¹

However, if publication pursuant to s. 215.82, F.S., would require publication in more newspapers than would publication pursuant to s. 75.06, F.S., then publication pursuant to s. 75.06, F.S., controls.⁴² The required publication is dependent upon the geographic reach of the project(s) for which funding through bond issuance is sought.

According to the DBF:

Bond validation is a judicial procedure through which the legality of a proposed bond issue may be determined in advance of its issuance. It serves to assure bondholders that future court proceedings will not invalidate a government's pledge to repay the bonds. Validation is generally not necessary for established borrowing programs, such as Turnpike bonds, where any legal issues relating to the bonds have been resolved previously. Validation is optional for almost all bonds issued by the Division of Bond Finance, including Public Education Capital Outlay Bonds and University Revenue Bonds. If a constitutional or statutory question arises for a proposed bond issue, a complaint for validation may be filed in circuit court even if validation is not required.⁴³

Effect of Proposed Changes

The bill in general leaves validation of turnpike bonds to the discretion of the DBF and limits provisions relating to publication of the required notice.

Section 2 amends s. 215.82(2), F.S., to strike the reference to s. 338.227, F.S., in favor of the language in newly created s. 338.227(5), F.S.

Section 7 creates subsection (5) of s. 338.227, F.S., to:

- Provide turnpike bonds issued pursuant to that section are not required to be validated pursuant to chapter 75, F.S., notwithstanding s. 215.82, F.S.;
- Provide for validation at the option of the DBF; and
- Require the notice under s. 75.06, F.S., to be published only in Leon County.

⁴¹ Emphasis added.

⁴² See s. 215.82(2), F.S.

⁴³ See copy of email from Ben Watkins, Director, Florida Division of Bond Finance, to House staff dated January 27, 2015. On file in the Senate Transportation Committee.

Airport Zoning/Chapter 333 Re-Write (Sections 12 through 26)

Chapter 333, Florida Statutes, contains airport zoning provisions relating to the management of airspace and land use at or near airports. Generally, the chapter:

- Addresses permitting for structures exceeding federal obstruction standards;
- Requires adoption of certain airport zoning regulations;
- Provides a process for seeking variances from the zoning regulations;
- Sets out a process for appeal of decisions based on the zoning regulations;
- Requires boards of adjustment to hear and decide appeals;
- Provides for judicial review of any board of adjustment decision; and
- Establishes penalties and remedies for violations.

The FDOT in 2012 created a stakeholder working group to address problems with implementing this chapter. Representatives from airports, local planning and zoning departments, the Florida Defense Alliance, the League of Cities, the Florida Airports County, the real estate development community, and the FDOT participated in the working group. The FDOT advises the working group determined that chapter 333, F.S., “contains outdated and inconsistent provisions when compared to applicable federal regulations, contains internal inconsistencies, and requires a local government airport protection zoning process that can be cumbersome and confusing.”

As examples, the FDOT reports the need to update current definitions consistent with federal regulations, advises that zoning variances and permitting processes are mixed in the chapter, and notes that required creation of separate boards often duplicate existing local governing body structures and functions. The result is inconsistent local application of the provisions governing airspace and land use at or near airports with outcomes that may be unpredictable.⁴⁴

The FDOT advises it expects no substantive changes as a result of the bill’s proposed revisions; e.g., the existing requirements for issuance of permits are substantively unchanged. The number of permits issued or denied is not expected to change. Rather, the changes are designed to facilitate more uniform permitting, appeals, and review processes applied at the local level and provide clarity and predictability for those subject to airport zoning regulations.⁴⁵

Definitions

Present Situation

Section 333.01, F.S., contains definitions related to airport zoning that need updating for internal chapter consistency and for consistency with federal regulations.

⁴⁴ See the FDOT 2015 Agency Proposal, *Airspace and Land Use at Public Airports*. On file in the Senate Transportation Committee.

⁴⁵ Conversation with FDOT Legislative and Legal Staff during joint meeting with Senate and House staff, January 30, 2015.

Effect of Proposed Changes

Section 12 amends s. 333.01, F.S., to provide, revise, and delete definitions to:

- Reflect terminology used in federal regulations;
- Provide for consistency with Federal Aviation Administration (FAA) advisements;
- Define terms used but undefined elsewhere in the chapter and delete terms not used elsewhere in the chapter;
- Remove antiquated terminology;
- Delete variances from definitions to reflect the streamlined permitting process effected in the bill; and
- Otherwise provide clarity through editorial and grammatical changes.

Permitting for Structures Exceeding Federal Obstruction Standards

Present Situation

The Code of Federal Regulations (CFR) sets forth standards for structures that present a hazard within an area in an airport due to obstruction of the airspace required for aircraft to take off, maneuver, or land. Section 333.025, F.S., requires a permit from the FDOT for any proposed construction or alteration of a structure that would exceed the federal standards, if the standards will be exceeded within a 10-nautical mile radius of the geographical center of a publicly owned or operated airport, a military airport, or an airport licensed by the state for public use.⁴⁶ A permit from the FDOT is not required if a political subdivision⁴⁷ has adopted adequate airspace protection regulations and filed them with the FDOT. The facilities at airports shown on the airport master plan, or on an airport layout plan submitted to the Federal Aviation Administration (FAA) or comparable military documents, are to be protected. Certain planned or proposed facilities are also protected.

The FDOT must issue or deny a permit within 30 days of receipt of an application for erection, alteration, or modification of any structure that would exceed the federal obstruction standards. The FDOT is required to consider a list of factors in determining whether to issue or deny a permit. As a permit condition, the FDOT is directed to require obstruction and lighting of the permitted structure. The FDOT is prohibited from approving a permit to erect a structure unless the applicant submits both documentation showing compliance with federal notification requirements and a valid aeronautical evaluation.

Effect of Proposed Changes

Section 13 amends s. 333.025, F.S., to replace the term “geographic center” with “airport reference point,” which is located at the approximate geometric center of all usable runways and to update references to current federal regulations. Per the FDOT, the airport reference point is not the same as the geographic center of the airport.⁴⁸

⁴⁶ Public airports are licensed under the provisions of ch. 330, F.S.

⁴⁷ Generally, a local governmental entity. Section 333.03(9), F.S.

⁴⁸ See the FDOT document provided to staff, *Proposed Ch. 333, F.S. Amendments and Legislative Support Documentation*. On file in the Senate Transportation Committee.

When a political subdivision has adopted adequate airport protection zoning regulations which are on file with the FDOT *and* the political subdivision has established a permitting process, a permit from the FDOT is not required for a structure. To evaluate the technical consistency of a permit application submitted to a local government, the bill provides a 15-day FDOT review period concurrent with the established local permitting process. Cranes, construction equipment, and other temporary structures in use or in place for a period not exceeding 18 consecutive months are exempt from the FDOT review, unless the FDOT requests review.

The FDOT is required to review permit applications in conformity with s. 120.60, F.S., relating to licensing. The list of factors to be considered by the FDOT when granting or denying a permit is revised to remove ambiguity and duplication, and to provide clarity. The FDOT must require the owner of the permitted structure or vegetation to install, operate, and maintain marking and lighting in conformance with FAA standards, at the owner's expense. A reference to aeronautical "evaluation" is revised to aeronautical "study" in accordance with the new definition. The denial of a permit is subjected to the administrative review provisions of the Administrative Procedures Act.

Adoption of Airport Zoning Regulations

Present Situation

Section 333.03, F.S., requires political subdivisions with an airport hazard area⁴⁹ to adopt, administer, and enforce airport zoning regulations for the area. If the airport is owned or controlled by a political subdivisions and has a hazard area outside of its territorial limits, the owning or controlling political subdivision and the political subdivision within which the hazard area is located must either adopt zoning regulations by interlocal agreement or create a joint airport zoning board with the power to do so. The airport zoning regulations must, at a minimum, require:

- A variance for erection, alteration, or modification of any structure that would exceed the federal obstruction standards;
- Obstruction marking and lighting per s. 333.07(3);
- Documentation of compliance with federal proposed construction notification and a valid aeronautical evaluation submitted by each person applying for a variance;
- Consideration of the same list of factors when determining whether to issue or deny a variance as required of the FDOT when considering permit applications; and
- That no variance be approved solely on the basis that a proposed structure will not exceed the federal obstruction standards.

The FDOT is required to issue copies of the federal obstruction standards in the CFR to each political subdivision with an airport hazard area, and issue certain airport zoning maps at no cost.

⁴⁹ The bill defines "airport hazard" to mean any area of land or water upon which an airport hazard might be established. "Airport hazard area" is defined in the bill to mean any obstruction which exceeds the federal obstruction standards in the specified sections of the Code of Federal Regulations and which obstructs the airspace required for the flight of aircraft in taking off, maneuvering, or landing; or is otherwise hazardous to such activity and for which no permit has been obtained. The bill generally defines "obstruction" to mean any object of natural growth, terrain, or permanent or temporary construction or alteration thereof, existing or proposed, that exceeds the federal obstruction standards.

Interim land use compatibility zoning regulations must be adopted, unless the political subdivision has adopted land development regulations addressing the use of land consistent with this section. Interim land use compatibility zoning regulations must consider whether sanitary landfills are located within certain areas and whether any landfill will attract or sustain hazardous bird movements, with attendant reporting requirements and bird management considerations. If a public-use airport has conducted a specified federal noise study, residential construction and construction of certain educational facilities are prohibited within the area defined by the study to be incompatible with such construction. If no study is conducted, the same construction is prohibited within a certain distance.

Airport zoning regulations restricting new incompatible uses, activities, or construction within runway clear zones must be adopted, including uses that result in congregations of people, emissions of light or smoke, or attract birds. Certain limited exceptions for construction of educational facilities in specified areas are authorized.

Effect of Proposed Changes

Section 14 amends s. 333.03, F.S., to eliminate the duplicative requirement for obtaining a variance for structures that would exceed federal obstruction standards, in favor of a local permitting process. Every political subdivision having an airport hazard area is required to adopt, by either of the two authorized methods, airport *protection* zoning regulations. In addition to editorial and grammatical revisions, this section revises language to:

- Replace references to a “variance” with “permit.”
- Update references to the federal obstruction standards contained in the CFR;
- Replace aeronautical “evaluation” with “study” consistent with the new definition;
- Remove the FDOT’s duty to provide copies of the federal obstruction standards and issue maps and replace it with making the FDOT available to provide assistance with respect to the standards;
- Eliminate the reporting requirements related to birds at airports near landfills in favor of requiring the landfill operator to incorporate bird management techniques;
- Allow alternative noise studies approved by the FAA, and their application;
- Include substantial modification of existing incompatible uses in the required adopted regulations restricting such uses within runway *protection* zones;
- Remove the limited exceptions for construction of educational facilities
- Require all updates and amendments to local airport codes to be filed with the FDOT within 30 days after adoption.
- Delete outdated language; and
- Authorize an airport authority, local government, or other governing body operating a public-use airport to adopt more restrictive airport protection zoning regulations, per the FDOT, to allow restrictions appropriate to the local context of the airport.⁵⁰

⁵⁰ *Supra*, note 48.

Guidelines Regarding Land Use Near Airports

Present Situation

Section 333.065, F.S., requires the FDOT, after consultation with the Department of Economic Opportunity, local governments, and other interested persons, to adopt by rule recommended guidelines regarding compatible land uses in the vicinity of airports. The guidelines must use certain acceptable and established quantitative measures.

Effect of Proposed Changes

Section 18 repeals s. 333.065, F.S. The FDOT advises the deletion reflects completion of the FDOT's Airport Compatible Land Use Guidebook.⁵¹

Permits, Variances, and Appeals

Present Situation

Section 333.07, F.S., authorizes any adopted airport zoning regulations to require a permit be obtained before any new structure or use is constructed or established and before any existing use or structure may be substantially changed or repaired. All such regulations must require a permit before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted.

If a nonconforming use, structure, or tree has been abandoned or is more than 80 percent torn down or deteriorated, a permit may not be issued under certain conditions. The owner of a nonconforming structure or tree may be compelled, at the owner's expense, to under certain actions necessary to conform to the regulations. If the owner does not, the required action may be accomplished by the administrative agency and the costs may be assessed against the nonconforming object or the land on which it is located. If the assessment is not paid within 90 days, a lien at the annual rate of 6 percent interest is applied.

Any person desiring to erect any structure, increase the height of any structure, permit the growth of any tree, or otherwise use his or her property in violation of the adopted airport zoning regulations is authorized to apply to a board of adjustment for a variance from the regulations. The FDOT has 45 days to comment or waive that right. Conditions for allowance of variations are provided. The FDOT is authorized to appeal any variance granted and to apply for judicial relief.

As a condition of any granted permit or variance, the administrative agency or board of adjustment must require the structure or tree owner to install, operate, and maintain at the owner's expense marking and lighting necessary to indicate to aircraft pilots the presence of an obstruction.

Section 333.08, F.S., authorizes any person or taxpayer affected by any decision of an administrative agency in its administration of adopted airport zoning regulations or of any governing body of a political subdivision, or the Department of Transportation, or any joint

⁵¹ *Supra*, note 48.

airport zoning board, may appeal to the board of adjustment authorized to hear and decide appeals from the decisions of such administrative agency.

Effect of Proposed Changes

Section 19 amends s. 333.07, F.S., to streamline the permitting process, repeal the duplicative variance process, and facilitate implementation of the permitting process by local entities. More specifically, rather than authorizing any adopted airport zoning regulations to require a permit be obtained before any new structure or use is constructed or established and before any existing use or structure may be substantially changed or repaired, the bill simply requires a permit to erect, construct, alter, increase the height of any structure, permit the growth of any vegetation, or otherwise use his or her property in violation of the adopted regulations.

The political subdivision or its administrative agency must consider virtually the same standards as must be considered by the FDOT when issuing or denying a permit for structures exceeding federal obstruction standards. All variance provisions are removed in favor of the permitting process. In addition, the provisions relating to a lien resulting from an owner's failure to take action to bring a nonconforming structure or tree into regulatory compliance are removed. The FDOT's 45-day comment period is removed in favor of the shortened 15-day period of review for technical consistency described above. Obstruction marking and lighting is required in conformance with specific standards established by the FAA. Outdated language is repealed.

Section 20 repeals s. 333.08, F.S., authorizing and providing requirements for appeals of zoning regulation decisions, in favor of relocated, modified appeals language in s. 333.09, F.S.

Section 22 repeals s. 333.10, F.S., currently requiring all adopted airport zoning regulations to provide for a board of adjustment to hear and decide appeals and variances, consistent with repeal of the variance provisions in favor of the local government permitting and appeals process established by the bill in revised s. 333.09, F.S.

Administration of Airport Zoning Regulations

Present Situation

Section 333.09, F.S., requires all adopted airport zoning regulations to provide for administration and enforcement by an administrative agency, which may be an agency created by the regulations; or by any official, board, or other existing agency of the political subdivision adopting the regulations; or by one of the subdivisions that participated in creating a joint airport zoning board adopting the regulations. The duties of any such administrative agency include hearing and deciding all permits under s. 333.07, F.S., but not any of the powers delegated to the board of adjustment.

Effect of Proposed Changes

Section 21 amends s. 333.09, F.S., to remove the list of entities that may be an administrative agency, per the FDOT, to reflect correct community planning terminology.⁵² Administration and enforcement is left to the affected political subdivision or its administrative agency. Also

⁵² *Supra*, note 48.

removed is the prohibition against an administrative agency exercising the powers delegated to the board of adjustment.

Political subdivisions required to adopt airport zoning regulations must establish a process to:

- Issue or deny permits consistent with s. 333.07, including requests for exceptions to airport zoning regulations;
- Notify the FDOT of receipt of a complete permit application; and
- Enforce any permit, order, requirement, decision, or determination made by the administrative agency with respect the airport zoning regulations.

If a zoning board or permitting body already exists within a political subdivision, the zoning board or permitting body may implement the permitting and appeals process. Otherwise, the political subdivision must implement the permitting and appeals process.

Any person, political subdivision or its administrative agency, or any joint airport zoning board, may use the process established for an appeal. Appeals must be taken with a reasonable time provided by the political subdivision or its administrative agency by filing a notice of appeal specifying the grounds for appeal. An appeal stays all proceedings in the underlying action, unless the entity from which the appeal is taken certifies pursuant to the rules for appeal that a stay would cause imminent peril to life or property. In such case, proceedings may be stayed only by an order from the political subdivision or its administrative agency following notice to the entity from which the appeal is taken and for good cause shown.

The political subdivision or its administrative agency must set a reasonable time for a hearing and provide notice to the public and the parties in interest. A party may appear in person, by agent, or by attorney. The subdivision or agency may reverse, affirm, or modify the underlying order, requirement, decision, or determination from which the appeal is taken in accordance with the provisions of chapter 333, F.S.

Judicial Review

Present Situation

Section 333.11, F.S., authorizes any person aggrieved or any taxpayer affected by a decision of a board of adjustment, any governing body of a political subdivision, the FDOT, any joint airport zoning board, or any administrative agency to apply for judicial relief in the judicial circuit court where the board of adjustment is located. That section provides procedural provisions related to the board of adjustment, describes the court's authorized review of a decision by a board of adjustment, and prohibits judicial review in provisions related to a board of adjustment.

Effect of Proposed Changes

Section 23 amends s. 333.11, F.S., to remove the FDOT from authorization to apply for judicial relief and reference to the board of adjustment, but otherwise leave the authorization to apply for judicial review in place. Any person, political subdivision or its administrative agency, or any joint zoning board is authorized to apply for judicial relief. The judicial review prohibition is revised. An appellant is required to exhaust all remedies through application for local government permits, exceptions, and appeals before seeking judicial review. These revisions

reflect the elimination of the requirement that adopted airport zoning regulations provide for a board of adjustment, consistent with repeal of the variance provisions in favor of the local government permitting and appeals process established by the bill in revised s. 333.09, F.S.

Transition Provisions

Section 25 of the bill creates s. 333.135, F.S., to:

- Provide that a provision of airport zoning regulation in effect on July 1, 2015, and in conflict with the revised chapter 333, F.S., must be amended to conform by July 1, 2016.
- Requires any political subdivision with an airport that has not adopted airport zoning regulations to do so by October 1, 2017, consistent with the chapter.
- Require the FDOT to administer the permitting process as provided in s. 333.025, F.S., for political subdivisions that have not yet adopted the required regulations.

Technical Revisions

The following sections of the bill primarily make grammatical and editorial revisions to existing language in chapter 333, F.S., and modify sections of the chapter for internal consistency with definitions.

Section 15 amends s. 333.04, F.S., to replace the following phrases as follows:

- “Zoning ordinance” with “plan or policy.”
- “Trees” with “vegetation.”

Section 16 amends s. 333.05, F.S., to reference amended or deleted regulations and administering and enforcing regulations, in addition to those adopted.

Section 17 amends s. 333.06, F.S., to replace references to “runway clear zones” with “runway protection zones, and “tree” to “vegetation.”

Section 24 amends s. 333.12, F.S., to provide editorial changes; replace the term “navigation easement” with “avigation easement;”⁵³ and replace “tree” with “vegetation.”

Section 26 repeals s. 333.14, the short title citing chapter 333, F.S., as the “Airport Zoning Law of 1945.”

Section 58 reenacts s. 350.81, F.S., to incorporate the amendment to s. 333.01, F.S.

National Environmental Policy Act/Delegation of Responsibilities to States (Section 28)

Present Situation

The National Environmental Policy Act (NEPA) “establishes national environmental policy for the protection, maintenance, and enhancement of the environment and provides a process for implementing the goals within the federal agencies.” Federal agencies are required to prepare

⁵³ The bill describes “avigation” easement as an easement conveying the airspace over another property for use by the airport.

detailed statements assessing the environmental impact of and alternatives to major federal actions that significantly affect the environment.⁵⁴

NEPA requirements also apply to state highway projects eligible for federal funding. According to the FDOT, when a highway project is advanced and is federally eligible, project development occurs consistent with NEPA requirements, in consultation with and subject to the oversight of the Federal Highway Administration (FHWA). The FDOT utilizes two processes to meet NEPA requirements. One process, the Efficient Transportation Decision Making process, is used during the project's planning phase to initiate contact with agencies and other stakeholders and obtain multiple-party input and information used to inform the second process. The Project Development and Environment (PD&E) process is used to analyze, perform outreach, guide agency coordination, and meet regulatory requirements before a project may be advanced. The FDOT prepares necessary documents, analyzes alternatives, consults with agencies, and makes recommendations. This information is provided to the FHWA, which is the lead agency for review, comment, and ultimate approval.⁵⁵

Following an initial pilot project conducted in California, Congress in 2012 enacted the Moving Ahead for Progress in the 21st Century Act, which established a permanent surface transportation project delivery program.⁵⁶ Under the program, in which Texas is already participating, the U.S. Department of Transportation (USDOT) secretary may assign, and any state may assume, pursuant to a written agreement, all or part of the secretary's responsibilities under NEPA with respect to projects or classes of projects. The written agreement must provide that the state:

- Agrees to assume all or part of the described responsibilities;
- Expressly consents, on behalf of the state, to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the secretary assumed by the state;⁵⁷
- Certifies that state laws and regulations are in effect that authorize the state to take the actions necessary to carry out the responsibilities; and
- Agrees to maintain the financial resources necessary to carry out the responsibilities.⁵⁸

The USDOT secretary is authorized to terminate the participation of any state if the state is not adequately carrying out the responsibilities and the secretary notifies the state of the determination of noncompliance. If the state fails to take corrective action as determined by the USDOT secretary within 30 days after notice, the agreement is terminated.⁵⁹

⁵⁴ See the U.S. Environmental Protection Agency website: <http://www.epa.gov/compliance/basics/nepa.html>. Last visited March 17, 2015.

⁵⁵ See the FDOT 2015 Legislative Proposal form, *Authorization to Participate in Certain Federal Transportation Programs*. On file in the Senate Transportation Committee.

⁵⁶ 23 U.S.C. s. 327 (2013).

⁵⁷ This requirement apparently exists to address the Eleventh Amendment to the U.S. Constitution, which generally prohibits suits in law or equity against one of the United States by its citizens, citizens of another state, or subjects of any foreign state.

⁵⁸ *Supra*, note 56.

⁵⁹ *Id.*

With respect to the consent to Federal court jurisdiction, the FDOT advises:

This waiver is limited to only those actions delegated to the Department by the USDOT and related to carrying out its NEPA duties on state highway projects. Challenges to NEPA decision making are filed in federal district court pursuant to the Federal Administrative Procedures Act and are limited to a review of the underlying administrative record. The standard for review is whether the Department's action is arbitrary and capricious. To the extent that a challenger is successful, the remedy is to require additional review, analysis and documentation to support the action. The state's exposure is further limited by 23 USC 327(a)(2)(G), which provides that a state assuming the responsibilities of the Secretary [of the USDOT] under this section for a specific project may use funds apportioned to the State under section 104(b)(2) for attorneys' fees directly attributable to eligible activities associated with the project.⁶⁰

Effect of Proposed Changes

Section 28 amends s. 334.044, F.S., to authorize the FDOT to assume responsibilities under 23 U.S.C. s. 327 of the USDOT with respect to highway projects, and with respect to related responsibilities for environmental review, consultation, or other action required under any federal environmental law pertaining to review or approval of a highway project, within Florida. The FDOT is authorized to enter into one or more agreements with the U.S. Secretary of Transportation related to the federal surface transportation project delivery program for the delivery of transportation projects, including highway projects. The FDOT is authorized to adopt implementing rules and to adopt relevant federal environmental standards as the standards for this state for the program. The FDOT advises the delegation allows direct consultation between the FDOT and federal regulatory agencies and maximizes efficiency by consolidating all NEPA reviews under the FDOT.

Sovereign immunity to civil suit in federal court is waived consistent with 23 U.S.C. s. 327 and limited to the compliance, discharge, or enforcement of a responsibility assumed by the FDOT. The FDOT advises its district offices would continue to conduct the PD&E process, with the FHWA's project review, legal sufficiency, and approval authority delegated to the FDOT's Central Office and with the FHWA retaining program level oversight. The waiver of sovereign immunity is limited only to those actions delegated to the FDOT and related to carrying out its NEPA duties on state highway projects. The standard for review is whether the FDOT's action is arbitrary and capricious. The remedy for a successful challenge is to require additional review, analysis, and documentation to support the project. Further, a state assuming the NEPA responsibilities may use certain apportioned state funds for attorneys' fees directly attributable to eligible activities associated with a project.⁶¹

⁶⁰ *Supra*, note 55.

⁶¹ *Supra*, note 56.

Autonomous Vehicles (Sections 9, 10, 35, and 36)

Present Situation

Autonomous or “self-driving” vehicles are those operated “without direct driver input to control the steering, acceleration, and braking and ... designed so that the driver is not expected to constantly monitor the roadway while operating in self-driving mode.”⁶² According to the National Highway Traffic Safety Administration, autonomous vehicles have the potential to improve highway safety, increase environmental benefits, expand mobility, and create new economic opportunities for jobs and investment.⁶³

A review of material obtained via a simple Internet search reveals that common availability and use of such vehicles was not previously anticipated for at least a couple of decades. However, some expect increased availability and use in the relative near future, perhaps no longer than in the next five years.⁶⁴

Transportation Planning and Autonomous Vehicles

Current law requires metropolitan planning organizations (MPOs) to develop a long-range transportation plan addressing at least a 20-year planning horizon. The plans must be consistent, to the maximum extent feasible, with local government comprehensive plans of the local governments located within the jurisdiction of the MPO.

Section 339.64, F.S., requires the FDOT to develop and update every five years, in cooperation with MPOs, regional planning councils, local governments, and other transportation providers, a Strategic Intermodal System Plan. The plan must be consistent with the Florida Transportation Plan.⁶⁵

Current law makes no specific mention of taking into consideration planning for infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as autonomous vehicles, in developing MPO long-range transportation plans or when updating the SIS Plan.

Electronic Displays in Autonomous Vehicles

A motor vehicle operated on the highways of this state may not be equipped with television-type receiving equipment that is visible from the driver’s seat. The prohibition does not apply to an electronic display used in conjunction with a vehicle navigation system.⁶⁶

⁶² See the National Highway Traffic Safety Administration’s Press Release: *U.S. Department of Transportation Releases Policy on Automated Vehicle Development*. On file in the Senate Transportation Committee.

⁶³ See NHTSA’s statement of [policy on automated vehicles](#).

⁶⁴ See, e.g.: *Autonomous Cars are Closer Than You Think*: <http://techcrunch.com/2015/01/18/autonomous-cars-are-closer-than-you-think/>. Last visited February 21, 2015.

⁶⁵ The Florida Transportation Plan is a statewide transportation plan that considers the needs of the entire state transportation system and examines the use of all modes of transportation to meet such needs. The purpose of the plan is to establish and define the state’s long-range transportation goals and objectives over a period of at least 20 years. See s. 339.155, F.S.

⁶⁶ See s. 316.303(1) and (3), F.S.

Definitions

The definitions of the terms “autonomous vehicle” and “autonomous technology” are currently contained together in one subsection of s. 316.003, F.S.

Effect of Proposed Changes

Section 35 amends s. 339.175(3)(c)2., F.S., to include in an MPO’s capital investment assessment the goal of improving safety while making the most efficient use of existing transportation facilities. In addition, MPOs are required to consider in developing long-range transportation plans infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as autonomous vehicle technology and other developments.

Similarly, section 36 amends s. 339.64, F.S., to require the FDOT to coordinate with federal, regional, and local partners, as well as industry representatives, to consider when updating the SIS Plan infrastructure and technological improvements to the SIS necessary to accommodate advances in vehicle technology. The bill also requires the same consideration to be included in the needs assessment.

Section 9 amends s. 316.303(1) and (3), F.S., respectively, to allow autonomous vehicles to be equipped with television-type receiving equipment visible from the driver’s seat, and to authorize an operator of an autonomous vehicle to use an electronic display in conjunction with a vehicle navigation system, both while the vehicle is being operated in autonomous mode.

Section 10 amends s. 316.003, F.S., to separate the definitions of the terms “autonomous vehicle” and “autonomous technology,” currently contained in one subsection, to facilitate ease of reference.

Pedestrian Safety/Crosswalks (Sections 6 and 8)

Present Situation

The FDOT advises that it conducts public opinion surveys and on-the-street observation surveys to elicit feedback relating to pedestrian safety.

It is the opinion of the department’s safety office that these results indicate that both the general population and law enforcement have a challenging time with the crosswalk definition as it is written.⁶⁷

Current law defines “crosswalk” to mean:

- That part of the roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.
- Any portion of a roadway at an intersection *or elsewhere* distinctly indicated for pedestrian crossing by lines or other markings on the surface.⁶⁸

⁶⁷ See the FDOT email to Senate and House Committee staff, February 9, 2015. On file in the Senate Transportation Committee.

⁶⁸ See s. 316.003(6), F.S. Emphasis added.

This definition is quite similar, but not identical, to the definition contained in the Manual on Uniform Traffic Control Devices (MUTCD), which is a national, uniform system of traffic control devices adopted by the American Association of State Highway Officials. States must adopt the 2009 National MUTCD as their legal standard for traffic control devices within two years from the effective date.⁶⁹ The FDOT has adopted the MUTCD pursuant to direction in s. 316.0745, F.S., which in part recognizes the potential need for revisions to a uniform system “to meet local and state needs.” Further, a review of the MUTCD reveals numerous references to the need to exercise engineering judgment in applying the provisions of the MUTCD, depending upon factors such as traffic volume, terrain, and posted speed limit, etc.

According to a Federal Highway Administration (FHWA) Study:

Pedestrians have a right to cross roads safely, and planners and engineers have a professional responsibility to plan, design, and install safe and convenient crossing facilities. Pedestrians should be included as design users for all streets.

Providing marked crosswalks traditionally has been one measure used in an attempt to facilitate crossings. Such crosswalks commonly are used at uncontrolled locations (i.e., sites not controlled by a traffic signal or stop sign) and sometimes at *midblock* locations.⁷⁰

While current Florida law, the MUTCD, and the FHWA recognize the existence of midblock crosswalks, the term, “midblock crosswalk,” is not currently defined in the Florida Statutes.

The FDOT also seeks to revise the current definition of “sidewalk”; *i.e.*, “That portion of a street between the curblin, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.”⁷¹

Section 316.130, F.S., generally requires a pedestrian to obey the instructions of any applicable official traffic control device, including, but not limited, to signals and signage at crosswalks. That section also contains direction to drivers with respect to stopping or yielding to pedestrians at intersections having a traffic control signal in place,⁷² at crosswalks where signage so indicates,⁷³ and at crosswalks with no traffic control signals and no signage.⁷⁴

Generally, a driver must stop and remain stopped when encountering a pedestrian at these crosswalks when the pedestrian steps in or is in the crosswalk and is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely

⁶⁹ See the FHWA website: <http://mutcd.fhwa.dot.gov/index.htm>. Last visited February 18, 2015.

⁷⁰ Emphasis added. See *Safety Effects of Marked Versus Unmarked Crosswalks at Uncontrolled Locations, Final Report and Recommended Guidelines*, 2005, at 1. On file in the Senate Transportation Committee.

⁷¹ See s. 316.003(47), F.S.

⁷² Section 316.130(7)(a), F.S.

⁷³ Section 316.130(7)(b), F.S.

⁷⁴ Section 316.130(7)(c), F.S.

from the opposite half of the roadway as to be in danger. However, pedestrians crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided must yield to all vehicles on the roadway.⁷⁵

Effect of Proposed Changes

The current definitions of “crosswalk” and “sidewalk” are revised in an attempt to clarify the terms with more easily understood language. The provisions relating to stopping for pedestrians at crosswalks where signage so indicates; i.e., crosswalks with stop signs, and at crosswalks with no traffic control signals and no signage are edited and collapsed into one subsection for clarity and brevity.

Section 6 amends s. 316.003(6), F.S., by deleting the current two-part definition of “crosswalk” and replacing it as follows:

- “Unmarked crosswalk” is defined to mean an unmarked part of the roadway at an intersection used by pedestrians for crossing the roadway.
- “Marked crosswalk” is defined to mean pavement marking lines on the roadway surface, which may include contrasting pavement texture, style, or colored⁷⁶ portions of the roadway at an intersection used by pedestrians for crossing the roadway.
- “Midblock crosswalk” is defined to mean a location between intersections where the roadway surface is marked by pavement marking lines on the roadway surface, which may include contrasting pavement texture, style or colored portion of the roadway at a signalized or unsignalized crosswalk used for pedestrian roadway crossings and may include a pedestrian refuge island.

The bill also amends s. 316.003(47), F.S., to define “sidewalk” to mean: “That portion of a street intended for use by pedestrians, adjacent to the roadway between the curb or edge of the roadway and the property line. The current definitions of “crosswalk” and “sidewalk” are revised with “plain language.” According to the FDOT, plain language provides pedestrians with tools necessary to make safer choices, which often results in fewer crashes. In addition, law enforcement officials are assisted in enforcing compliance with relevant laws. The FDOT further advises these changes will not result in fewer crosswalks getting marked; rather, the sole purpose is to utilize plain language to assist pedestrians and law enforcement.⁷⁷

Section 8 amends s. 316.130(7)(b), F.S., to make that paragraph applicable to crosswalk locations where the approach is not controlled by a traffic signal or by, in plain language, a stop sign. A driver continues to be required to stop and remain stopped when encountering a pedestrian at these crosswalks when the pedestrian steps in or is in the crosswalk and is upon the half of the roadway upon which the vehicle is traveling and, the bill adds, when turning, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger. Such locations may include midblock crosswalks. Paragraph (c) is repealed, but a pedestrian’s duty to yield to all vehicles on the roadway when crossing at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided remains in place.

⁷⁵ *Id.*

⁷⁶ The current MUTCD definition of “crosswalk” also references “contrasting pavement texture, style, or color.” *Supra*, note 69. The definition is found on p. 13 of the MUTCD, available by link on the FHWA website.

⁷⁷ *Supra*, note 69.

Turnpike Tolls/Dormant Prepaid Accounts (Section 34)

Present Situation

SunPass is the Florida Turnpike's electronic, prepaid tolls program. SunPass is accepted on all Florida toll roads and nearly all toll bridges. The system uses electronic devices, called transponders, which are attached to the inside of a vehicle's windshield. The transponder sends a signal when the vehicle goes through a tolling location, and the toll is deducted from the customer's pre-paid account. The pre-paid accounts may be set up and replenished with a credit card or with cash.⁷⁸

Under current law, any prepaid toll account of any kind which has been inactive for three years is presumed unclaimed. The Department of Financial Services (DFS) is required to process any such inactive account in accordance with applicable provisions of chapter 717, F.S., relating to the disposition of unclaimed property, and the FDOT is directed to close such accounts.⁷⁹

Effect of Proposed Changes

Section 34 amends s. 338.231(3)(c), F.S., to increase the period after which a dormant prepaid toll account is presumed unclaimed from three years to ten years, thereby delaying disposition by the DFS and closing of the account by the FDOT. The FDOT advises:

[T]he deletion is desired because, with multi-state toll interoperability already implemented, and national toll interoperability mandated by federal law,⁸⁰ prepaid customers may live outside Florida and use their Florida prepaid toll account only when vacationing or otherwise visiting the state.

We believe that the affected citizens and businesses would react positively to the proposal as funds on a prepaid toll account continue to be managed by the Department. This provides the customers that have had no activity on a prepaid toll account for the 10 year time with continued direct access to the same agency with whom they established the account.⁸¹

⁷⁸ See SunPass website, *Frequently Asked Questions*: <https://www.sunpass.com/faq>. Last visited February 11, 2015.

⁷⁹ See s. 338.231(3)(c), F.S.

⁸⁰ The Moving Ahead for Progress in the 21st Century Act (MAP-21) requires implementation of technologies or business practices that provide for the interoperability of electronic toll collection on all Federal-aid highway toll facilities by October 1, 2016. See the FHWA website, *Investment* heading, *Tolling [1512]* subheading: <http://www.fhwa.dot.gov/map21/summaryinfo.cfm>. Last visited February 13, 2015.

⁸¹ See the FDOT 2015 Legislative Proposal, *Dormant Accounts/Tolls/SunPass*. On file in the Senate Transportation Committee.

Shared-Use Nonmotorized Trail (SunTrail) Network (Sections 3, 30, 37, 38, and 39)

Present Situation

Trail Development

The development of Florida's bicycle and pedestrian infrastructure did not begin in earnest until the late 20th Century. With the deregulation of the American railroad industry by the Staggers Rail Act of 1980⁸², the state was presented with an immediate abundance of abandoned rail corridors. With the assistance of organizations such as The Rails-to-Trails Conservancy and The Trust for Public Land, the Florida Department of Transportation (FDOT), and the Florida Department of Environmental Protection (FDEP) coordinated to develop numerous abandoned rail corridors as shared-use "rail-trails" for nonmotorized transportation and recreation. Many of Florida's premier nonmotorized trails, including the Pinellas Trail, Tallahassee-St. Marks Trail, and the West Orange Trail, are a result of rail-trail conversions.

The second major thrust in trail development came in 1991 when Congress shifted transportation policy. The Intermodal Surface Transportation Efficiency Act, for the first time, identified pedestrian and bicycle facilities as components of the nation's transportation infrastructure, and created a dedicated funding source for multiuse trails and paths. With local governments serving as project sponsors,⁸³ many of the resulting projects are community-centric, short-distance trails, initiated by local governments and other governmental entities not traditionally associated with transportation development, such as water management districts and school districts.

Trail Connectivity

Although locales throughout the state benefited from federal trail funding, an unintended consequence of trail development being initiated by numerous state entities and local governments is a collection of random trails rather than a statewide system. As a result, many trails lack connectivity with other trails and often serve no meaningful origins and destinations. Trail users are often required to use roads, sidewalks, and highways to connect trails or complete a trip. Many trail trips are "out-and-back" trips in which the origin and destination are the same. Such trips serve little to no transportation function and do not realize the full economic potential of a trail network.

A widely accepted tenet in trail development holds that the longer a given trail is, the greater its propensity for becoming a "destination trail," and the greater distance users will travel to use. Users traveling farther stay in the area longer and, consequently, increase spending in the area. Users of the Great Allegheny Passage/C&O Towpath, a 335-mile system of biking and hiking trails that connects Pittsburgh to Washington, DC, travel an average of 131 miles to a trailhead. Those traveling 50 miles or more had daily expenditures approximately twice that of users that traveled less.⁸⁴

⁸² Staggers Rail Act of 1980, Pub. L. 96-448, 94 *Stat.* 1895. Approved 1980-10-14.

⁸³ Resources for the Future Backgrounder "Federal Funding for Conservation and Recreation Trails" Joe Maher, February 2009 (http://www.rff.org/RFF/Documents/RFF-BCK-ORRG_DOT.pdf).

⁸⁴The Great Allegheny Passage Economic Impact Study (2007–2008) Detailed Report The Progress Fund/Job #07-294b 91 March 9, 2009, page 70. (<http://www.atatrail.org/docs/GAPeconomicImpactStudy200809.pdf>)

Recognizing this potential, the Florida Greenways and Trails Foundation (FGTF),⁸⁵ recently announced its priority to “close the gaps” on a 275-mile corridor between the Canaveral National Seashore near Titusville and St. Petersburg.⁸⁶ The “Coast-to-Coast Connector” will link communities along this destination trail, providing a year-round eco-tourism engine throughout the region. The Connector includes two of the state’s most popular trails, the Pinellas Trail and the West Orange Trail, each of which have served approximately one million users per year and fueled the economic transformation of trail communities, particularly Dunedin and Winter Garden. Components of the Connector will also serve other planned trails including multi-day loop trails such as the 250-mile Heart of Florida Greenway⁸⁷ and the 300-mile St. Johns River-to-Sea Loop.⁸⁸

Trail Benefits

In addition to the intrinsic values nonmotorized travel bring to community mobility, sustainable transportation, and personal health, trails provide the framework for, and access to, conservation lands and wildlife corridors. Trails also produce numerous quantifiable economic benefits:

- *Trails increase the value of nearby properties.* Based on an analysis of comparable trails from across the country, the presence of Miami-Dade County’s Ludlam Trail will increase properties values within 1/2 mile of the trail, 0.32 percent to 0.73 percent faster than other properties throughout the county. This translates into a total property value increase over a 25 year period of between \$121 million and \$282 million.⁸⁹ A survey co-sponsored by the National Association of Home Builders and the National Association of Realtors found that proximity to nonmotorized trails came in second only to highway access when recent home buyers were asked about the “importance of community amenities.”⁹⁰ A study of property values near trails in Delaware found that properties within 50 meters of the bike paths sell for \$8,800 more than other similar homes.⁹¹
- *Trails boost spending at local businesses.* An economic impact analysis of Orange County trails found that in 2010, average spending per trail user is \$20 per visit, representing food and beverages, transportation, books and maps, bike maintenance, rentals and more. The West Orange Trail supported 61 jobs, and represented an estimated economic impact of \$5 million for Downtown Winter Garden. Longer, “destination trails,” increase spending and benefit hotels, bed and breakfasts, and outdoor outfitters. A study of the Great Allegheny Passage, a 132-mile corridor in Pennsylvania, found that users reporting longer average travel distances to the trail, were more likely to spend successive days on or near the trail. Those who reported an overnight stay in conjunction with their trip averaged spending \$203

⁸⁵ The FGTF, a direct support organization, exists to support the mission and programs of the Florida Department of Environmental Protection's Office of Greenways and Trails (OGT) as it continues toward establishing a statewide system of greenways and trails for recreation, conservation and alternative transportation.

⁸⁶ Florida Greenways and Trails Foundation Website: Coast-to-Coast Connector (<http://fgtf.org/coast-to-coast/>) (Last visited: 2/25/15)

⁸⁷ Florida Greenways and Trails Foundation Website: Heart of Florida Greenway (<http://fgtf.org/maps/hof/overview.pdf>) (Last visited 2/25/15)

⁸⁸ St. Johns River-to-Sea Loop Trail Status Update, September 2011. ETM, Inc. http://www.etminc.com/SJR2C/sg_userfiles/SJR2C_Summary_Report_09-19-11.pdf

⁸⁹ Miami-Dade County Trail Benefits Study: Ludlam Trail Case Study (<http://atfiles.org/files/pdf/Miami-Dade-Ludlam-Trail-Benefits.pdf>)

⁹⁰ (<http://www.americantrails.org/resources/benefits/homebuyers02.html>)

⁹¹ Lindsey et al, “Property Values, Recreation Values, and Urban Greenways,” *Journal of Park and Recreation Administration*, V22(3) pp.69-90.

per person.⁹² A survey on the Greenbrier River Trail, an 81-mile corridor in West Virginia, found an overwhelming majority of trail users were highly educated professionals with high income levels, 2/3 were from outside of West Virginia, 93 percent were staying in the area from one to four days, 58 percent spent between \$100 and \$500 in the area, and 93 percent indicated that they were highly likely to plan a return trip.⁹³

- *Trails influence business location and relocations decisions.* Companies often choose to locate in communities that offer a high level of amenities to employees as a means of attracting and retaining top-level workers. Trails can make communities attractive to businesses looking to expand or relocate both because of the amenities they offer to employees and the opportunities they offer to cater to trail visitors.⁹⁴
- *Trails revitalize depressed areas.* In Dunedin, Florida, after the abandoned CSX railroad was transformed into the Pinellas Trail, the downtown went from a 30 percent storefront vacancy rate to a 95 percent storefront occupancy.⁹⁵
- *Trails provide sustainable tourism opportunities.* The Outer Banks of North Carolina generates \$60 million in economic activity through bicycle tourism. The one-time investment of \$6.7 million on bicycle infrastructure has resulted in an annual nine-to-one return. Outer Banks shows bicycle tourists tend to be affluent (half earn more than \$100,000 a year, 87 percent earn more than \$50,000) and educated (40 percent have a masters or doctoral degree). More than half of survey respondents said bicycling had a strong influence on their decision to return to the area. Two-thirds of respondents said that riding on bike facilities made them feel safer and three-fourths said that more paths, shoulders and lanes should be built.⁹⁶ A trail can be regarded as a product that is able to provide a sustainable form of tourism resting on a ‘quadruple bottom line’ of environmental, social, economic and climate responsiveness.⁹⁷
- *Trail development creates more jobs than road development.* A national comparison of the number of jobs created per \$1 million spent on various types of transportation projects found that for every \$1 million spent on the development of multi-use trails, 9.57 jobs were created while road-only development yielded 7.75 jobs.⁹⁸

Effect of Proposed Changes

Generally, the bill creates the Shared-Use Nonmotorized Trail (SunTrail) Network as a component of the Florida Greenways and Trail System. The FDOT is given primary

⁹² *The Great Allegheny Passage Economic Impact Study* (2007–2008) Detailed Report The Progress Fund/Job #07-294b 91 March 9, 2009, page 91 (<http://www.atatrail.org/docs/GAPEconomicImpactStudy200809.pdf>)

⁹³ *Maximizing Economic Benefits from a Rails-to-Trails Project in Southern West Virginia – A Case Study of the Greenbrier River Trail*, May 2001. Raymond Busbee, Ph.D. Marshall University.

⁹⁴ *Economic Impacts of Protecting Rivers, Trails, and Greenway Corridors: Corporate Relocation and Retention*. Rivers, Trails and Conservation Assistance Program, National Park Service 1995

⁹⁵ FDEP Presentation: “*The Impact of Trails on Communities*” Office of Greenways and Trails. (<http://www.opportunityflorida.com/pdf/Jim%20Wood%20-%20Trails%20and%20Economic%20Impact%20-%20Rural%20Summit.pdf>)

⁹⁶ Lawrie, et al, “*Pathways to Prosperity: the economic impact of investments in bicycling facilities*,” N.C. Department of Transportation Division of Bicycle and Pedestrian Transportation, Technical Report, July 2004. http://www.ncdot.org/transit/bicycle/safety/safety_economicimpact.html.

⁹⁷ Reis, A.C.; Jellum, C. (2012). Rail trails development: a conceptual model for sustainable tourism. *Tourism Planning and Development*, 9(2): 133-148

⁹⁸ *Pedestrian And Bicycle Infrastructure: A National Study Of Employment Impacts* Heidi Garrett-Peltier Political Economy Research Institute University of Massachusetts, Amherst June 2011

responsibility for developing and maintaining the SunTrail network, although provisions are included to allow the FDOT to outsource maintenance and to enter into trail sponsorship agreements with public and private entities. Specific provisions of the bill follow.

Section 3 amends s. 260.0144 F.S., to remove SunTrail components from existing provisions for sponsorship of state trails by not-for-profit or private sector entities. Other greenways and trails remain eligible for sponsorship under the section. Section 11 of the bill creates a new s. 339.83, F.S., to provide for sponsorship of SunTrail components.

Section 30 amends s. 335.065, F.S., to remove the FDOT's authority to enter contracts for commercial sponsorship of multi-use trails. This authority is provided in new section 339.83, F.S., which expands sponsorship opportunities for SunTrail components.

Section 37 creates s. 339.81, F.S., to establish the Florida SunTrail Network as a component of the Florida Greenways and Trails System established in ch. 260. SunTrail components will provide nonmotorized travel opportunities between and within communities, conservation areas, state parks, beaches and other natural and cultural attractions.

SunTrail components will not include sidewalks, nature trails, or loop trails in a single park. Bicycle lanes on roadways may not be considered components of the SunTrail network unless the lane is used to connect two or more nonmotorized trails and is no more than one-half mile long. Exceptions are provided to include some on-road components of the Florida Keys Overseas Heritage Trail within the SunTrail Network.

The FDOT will include SunTrail projects within its five-year work program. The FDOT and other agencies and units of government are authorized to expend funds and accept gifts and grants of funds, property, and property rights for the development of the SunTrail network. The FDOT is authorized to enter into memoranda of agreement with other governmental entities and contract with private entities to provide maintenance services on individual components of the network and may adopt rules to assist in developing and maintaining the network.

Section 38 creates s. 339.82, F.S., directing the FDOT to develop the SunTrail Network Plan in coordination with FDEP, MPOs, local governments, other public agencies, and the Florida Greenways and Trails Council. The plan must include:

- A needs assessment, including a comprehensive inventory of existing facilities;
- A process that prioritizes projects that:
 - Are identified by the Florida Greenways and Trails Council as priority projects;
 - Connect components by closing gaps in the network; and
 - Maximize use of federal, local, and private funds;
- A map showing existing and planned facilities;
- A finance plan in five- and ten-year cost-feasible increments;
- Performance measures focusing on trail access and connectivity;
- A timeline for completion of the base network; and
- A marketing plan prepared in conjunction with Visit Florida.

Section 39 creates s. 339.83, F.S., to provide for sponsorship of SunTrail components by not-for-profit or private sector entities. The bill provides guidance on sponsor signs, markings, and exhibits and provides for trail marketing materials to recognize sponsors.

Vehicle Miles Traveled Pilot (Section 57)

Present Situation

Concern regarding the sustainability of transportation funding sources remains as a focus of attention in the transportation arena. A number of factors have together caused a reduction in transportation revenues:

- The bulk of federal surface transportation funding comes from the federal taxes on gasoline and diesel fuel assessed on a per-gallon basis, and the tax rates are not adjusted for inflation.
- The total number of vehicle miles traveled (VMT) has declined in recent years, resulting in fewer gallons of gas and diesel sold upon which to assess federal, state, and local taxes. This number is not expected to return to previously realized growth levels.
- Vehicle fuel efficiency continues to increase, also lowering the demand for gallons of gas and diesel.⁹⁹

Various alternatives to the existing gas and diesel taxes have been considered. One alternative is to replace those taxes with a “vehicle-miles-traveled tax” or a “mileage-based user fee”:

Mileage-based user fees (MBUF) are an alternative way to finance the construction and maintenance of roads. Rather than the current gas tax method, which is based on the amount of fuel purchased at the pump, a VMT tax is based on how many miles are driven.¹⁰⁰

According to the Mileage-based User Fee Alliance (MBUFA), use of a distance-traveled mechanism is already being successfully implemented in several European nations and in New Zealand. Domestically, “. . . states are taking a lead in helping to resolve many of the implementation questions by working with academia, industry partners and each other to devise mileage-based user fee pilot projects around the country.”¹⁰¹

The State of Oregon appears to have made the most progress in the United States, having already completed two pilots and planning implementation of a voluntary program, beginning July 1, 2015, using 5,000 vehicles.¹⁰² Interest has been expressed in developing a Florida-specific, implementable pilot project to determine the efficacy of a VMT fee as a viable alternative to per-gallon gas and diesel taxes.

⁹⁹ See the Center for Urban Transportation Research, *Florida MPOAC Transportation Revenue Study*, July 2012. On file in the Senate Transportation Committee.

¹⁰⁰ See Mileage-Based User Fee Alliance website: <http://mbufa.org/about.html>. Last visited February 26, 2015.

¹⁰¹ See MBUFA website: <http://mbufa.org/where.html>. Last visited February 26, 2015. Colorado, Minnesota, Nevada, New York City, Texas, Washington, the University of Iowa, and the I-95 Corridor Coalition have all undertaken efforts with respect to a mileage-based fee.

¹⁰² See *Oregon’s VMT Pilot to Begin its Third Phase – Road usage Charge Program Update*: <http://www.nlc.org/media-center/news-search/oregon%E2%80%99s-vmt-pilot-to-begin-its-third-phase-road-usage-charge-program-update>. Last visited February 26, 2015.

Effect of Proposed Changes

Section 57 directs the Center for Urban Transportation Research (CUTR) to conduct a study on the viability of implementing a system that charges drivers based on their vehicle miles traveled (VMT), as an alternative to the present fuel tax structure, to fund transportation projects. The study is to inventory previous research and findings from pilot projects conducted in other states. At a minimum, the study must address previous work conducted in the following broad areas.

- Assessment of technologies;
- Behavioral and privacy concerns;
- Equity impacts; and
- Policy implications of a VMT road charging system.

The study must also quantify the current costs to collect traditional highway user fees, synthesize findings of completed research and demonstrations, and analyze their applicability to Florida. CUTR must present the findings of the study phase to the Legislature by January 30, 2016.

In the course of the study, and in consultation with the Florida Transportation Commission, CUTR is directed to establish the framework for a pilot project that will evaluate the feasibility of implementing a VMT charging system. In designing the framework, CUTR is directed to address at a minimum the following elements:

- The geographic location for the pilot;
- Special fleets or classes of vehicles;
- Evaluation criteria for the demonstration;
- Consumer choice in the method of reporting miles traveled;
- Privacy options for participants in the pilot project;
- The recording of miles traveled with and without locational information;
- Records retention and destruction; and
- Cyber security.

The pilot project design must be completed by December 31, 2016, and submitted in a report to the Legislature, so that implementation can occur in 2017.

Northwest Florida Regional Transportation Finance Authority (Sections 42 through 56)

Present Situation

Escambia and Santa Rosa counties, are currently served by the Northwest Florida Transportation Corridor Authority and the Santa Rosa Bay Bridge Authority. According to a report by the Florida Transportation Commission (FTC), the NFTCA is not currently operating any facility and is operating under an agreement using federal funding for administration, professional services, and regional transportation planning. The Santa Rosa Bay Bridge Authority owns the Garcon Point Bridge in southwest Santa Rosa County. Florida's Turnpike Enterprise provides toll operations.¹⁰³

¹⁰³ Florida Transportation Commission, *Transportation Authority Monitoring and Oversight Fiscal Year 2013 Report*, at 163, available at: <http://www.ftc.state.fl.us/reports/TAMO.shtm>. Last visited February 16, 2015.

Effect of Proposed Changes

The bill creates chapter 345 of the Florida Statutes, the Northwest Florida Regional Transportation Finance Authority Act, consisting of ss. 345.0001 – 345.0014, F.S. The bill authorizes Escambia County, alone or together with a consenting Santa Rosa County, to form a regional finance authority in the northwest region of the state. The governing body of the Authority consists of two resident members from each participating county appointed by the county commission of each county, an equal number to be appointed by the Governor, and the FDOT's District Three secretary. County commission appointees must represent the business and civic interests of the relevant community, if possible.

The Authority is authorized to construct, operate, and maintain a regional system in the area served, except for an existing system for transporting people and goods owned by another non-consenting entity. Broad powers are granted to the Authority, including, but not limited to:

- The exercise of eminent domain;
- The establishment and collection of rates and fees, which power may be assigned or delegated to the FDOT;
- The power to borrow money and issue bonds¹⁰⁴ to finance the system and to secure the payment of such bonds by a pledge of system revenues, including any municipal or county funds received by the Authority under an agreement with the municipality or county.
- The power to enter into contracts, including, but not limited to, partnerships providing for participation in system ownership and revenues;
- The power to employ an executive director, attorney, staff, and consultants, with the FDOT furnishing the services of an FDOT employee to act as the executive director upon the request of the Authority.

The FDOT is deemed the Authority's agent for performing all construction, extension, and improvement phases of a project. After the issuance of bonds to finance construction, the Division of Bond Finance and the Authority are required to transfer the necessary funds to the credit of the State Transportation Trust Fund. Alternatively, with the FDOT's consent and approval, the Authority may appoint a local, FDOT-certified agency to administer federal-aid projects.

The FDOT is also deemed the Authority's agent for operating and maintaining the system, except for transit facilities, and the costs incurred by the FDOT must be reimbursed from system revenues. However, the Authority remains obligated as principal to operate and maintain the system.

At the request of the Authority and subject to appropriation by the Legislature, the FDOT may pay the cost of financial, engineering, or traffic feasibility studies or of the design, financing, acquisition, or construction of an Authority project that is included in the ten-year Strategic

¹⁰⁴ A resolution authorizing issuance of bonds on behalf of the authority under the State Bond Act and pledging system revenues must require periodic deposits of system revenues into appropriate accounts in amounts sufficient to pay the costs of O&M for the current fiscal year and to reimburse the FDOT for any unreimbursed O&M costs from prior fiscal years before revenues of the system are deposited for payment of principal and interest on such bonds.

Intermodal System Plan.¹⁰⁵ The FDOT is required to include funding for such payments in its legislative budget request. The request for funding may be included in the FDOT's five-year Tentative Work Program. However, the request must appear as a distinct funding item in the legislative budget request and be supported by a financial feasibility test.

The FDOT may not make a budget request unless the estimated net revenues of the proposed project will be sufficient to pay at least 50 percent of the annual debt service on the bonds associated with the project by the end of 12 years of operation, and at least 100 percent of the same by the end of 30 years of operation.¹⁰⁶ Funding for a project must appear in the General Appropriations Act as a distinct fixed capital outlay item and must clearly identify the related project.

The FDOT may participate in projects that, at a minimum, serve national, statewide, or regional functions; are identified in the capital improvements element of a comprehensive plan; comply with local government policies in such plans relative to corridor management; are consistent with the Strategic Intermodal System Plan; and have a local, regional, or private financial match.

Before approving a proposed project, the FDOT must determine that the project:

- Is in the public's best interest;
- Does not require the use of state funds, unless the project is on the State Highway System;
- Has adequate safeguards in place to ensure no additional imposed costs or service disruptions if the FDOT cancels or defaults on the agreement, and to ensure that the FDOT and the Authority have the opportunity to add capacity to the project and other transportation facilities serving similar origins and destinations.

The FDOT may require any contribution to be repaid from tolls of the project, other Authority revenue, or other sources of funds. The FDOT must receive a share of the Authority's net revenues equal to the ratio of the FDOT's total contributions to the Authority to the sum of:

- The FDOT's total contributions;
- Any local government contributions to the cost of revenue-producing Authority projects; and
- The sale proceeds of Authority bonds after payment of costs of issuance.

The Authority is exempt from paying any taxes or assessments upon any Authority property, rates, fees, or income, etc., or upon bonds issued by the Authority. Issuance of bonds to finance the cost of extension or improvement of a system is authorized without compliance with any other law.

¹⁰⁵ The Strategic Intermodal System (SIS) is the statewide network of high priority transportation facilities, including the state's largest and most significant airports, spaceports, deepwater seaports, freight rail terminals, interregional rail and bus terminals, rail corridors, urban fixed guideway transit corridors, waterways, and highways. The SIS is the state's highest statewide priority for transportation capacity improvements. See the FDOT SIS brochure, available at: <http://www.dot.state.fl.us/planning/sis/Strategicplan/>. Last visited February 17, 2015.

¹⁰⁶ Equivalent to the economic feasibility test for proposed Turnpike projects under s. 338.221(8)(a), F.S.

Independent Special Districts Regulating Vehicles For Hire (Section 31)

Present Situation

The Hillsborough County Public Transportation Commission (HPTC) is a legislatively-created independent special district regulating vehicles for hire. The HPTC regulates such vehicles in that county pursuant to authority granted to counties in s. 125.01(1)(n), F.S., to license and regulate taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire that operate in the unincorporated areas of the county. The Commission appears to be the only independent special district with such responsibilities.¹⁰⁷

The HPTC currently has seven members.¹⁰⁸ The Board of County Commissioners appoints three members from the board, the City Council of Tampa appoints two members, and the City Commission of Plant City and the City Council of Temple Terrace appoint one member each. Each member serves a two-year term.

Effect of Proposed Changes

Section 31 creates s. 335.21, F.S., to revise the appointment of membership to the HPTC, notwithstanding any provision of local law. The Governor appoints four members, the Tampa City Council appoints one member, and the Hillsborough County Board of Commissioners appoints two members. All seven members must be Hillsborough County residents. Entities authorized under s. 163.567, F.S., or under chapters 343, 348, or 349, F.S.; e.g., generally, regional transportation authorities and expressway and bridge authorities, are excluded from the revised appointment provisions.

Fort Myers Urban Office/Staffing and Responsibilities (Section 1)

Present Situation

Current law organizes the operations of the FDOT into seven districts, each headed by a district secretary, as well as a turnpike enterprise and a rail enterprise. Section 20.23(4)(b), F.S., authorizes each district secretary to appoint up to three district directors. Section 20.23(4)(d), F.S., makes the district director for the Fort Myer's Urban Office of the FDOT responsible for developing the five-year Transportation Plan for Charlotte, Collier, DeSoto, Glades, Hendry, and Lee Counties, and makes the Urban Office responsible for providing policy, direction, local government coordination, and planning for those counties. The office and the counties are contained within FDOT's District One, which currently provides policy, direction, and planning for all counties in District One, not just those specified.

The FDOT also has Urban Area offices located in Jacksonville and Orlando. The FDOT advises all urban offices are satellite offices for their main District Office, and all are under the direction of the respective District Secretary. However, only the Fort Myer's Urban Office is referenced in statute with express direction as to staffing and responsibilities.

¹⁰⁷ The HPTC is an independent special district first created in 1983. See ch. 83-423, Laws of Florida.

¹⁰⁸ See ch. 2001-299, Laws of Florida.

The FDOT advises that insertion of the specific staffing and responsibility assignment was in the nature of a precursor to what might have, but did not, become an FDOT District Eight. No district director is currently physically housed in the Fort Myers Urban Office. Responsibility for providing policy, direction, and planning for the listed counties occurs at the District One level, leaving the Fort Myers Urban Office largely responsible for local government coordination in support of those activities, as well as coordination of joint participation and local funding agreements for transportation projects, in the listed counties.¹⁰⁹

Effect of Proposed Changes

Section 1 repeals s. 20.23(4)(d), F.S., to remove the Fort Myers Urban Office District Director responsibility for developing the five-year Transportation Plan for the specified counties and remove the specified Urban Office responsibilities. The FDOT advises the existence of the Fort Myers Urban Office is in no way affected, and the office will continue to provide local government coordination in the specified counties. The FDOT advises the revisions provide flexibility to make efficient best-practices human resource decisions, while it continues to provide service in the specified counties.¹¹⁰

511 Traveler Information Services (Sections 27, 28, and 29)

Present Situation

511 is a national abbreviated dialing code assigned by the Federal Communications Commission (FCC) to be used exclusively for access to travel information services.¹¹¹ The code enables a caller to connect to a location in a network without using a seven or ten-digit telephone number. The network is pre-programmed to translate a three-digit code into the appropriate seven or ten-digit code and route the call accordingly.¹¹²

All of Florida's interstates, toll roads, and other major metropolitan roadways are covered by the 511 system. Currently, in addition to provision of services via the toll-free 511 telephone system, motorists may also receive travel information by:

- Visiting FL511.com for interactive roadway maps showing traffic congestion and crashes, travel times, and traffic camera views;
- Downloading a free mobile app available on Google Play or Apple App Store; or
- Following one of the 12 statewide, regional, or roadway specific Twitter feeds (#FL511).¹¹³

¹⁰⁹ Conversation with FDOT Legislative and Legal Staff during joint meeting with Senate and House staff, January 30, 2015.

¹¹⁰ See the FDOT 2015 Legislative Proposal form, *Fort Myers Urban Office*. On file in the Senate Transportation Committee.

¹¹¹ See Federal Communications Commission Order No. 00-256, *Third Report and Order and Order on Reconsideration*, July 21, 2000. Copy on file in the Senate Transportation Committee.

¹¹² *Id.*, at 4.

¹¹³ See 511News.com January 20, 2015, press release <http://www.511news.com/news-releases/fdots-511-on-the-lookout-to-help-birdwatchers-travel-to-space-coast/> for additional information on Florida 511 features. Last visited February 4, 2015.

The FDOT, as the state’s lead agency for implementing 511 services and the point of contact for coordinating 511 services with *telecommunications*¹¹⁴ service providers, is statutorily tasked with the following duties:

- Implementation and administration of 511 services in the state;
- Coordination with other transportation authorities in the state to provide multimodal traveler information through 511 services and other means;
- Development of uniform standards and criteria for the collection and dissemination of traveler information using the 511 number or other interactive voice response systems; and
- Entrance into joint participation agreements or contracts with highway authorities and public transit districts to share the costs of implementation and administration.¹¹⁵

“511” or “511 services” are currently defined as three-digit *telecommunications dialing to access interactive voice response telephone*¹¹⁶ traveler information services as defined by the FCC Order No. 00-256, July 1, 2000.¹¹⁷ “Interactive voice response” is defined as a software application that accepts a combination of voice *telephone* input and touch-tone keypad selection and provides appropriate responses in the form of voice, fax, callback, e-mail, and other media.¹¹⁸ The FDOT’s existing rulemaking authority is similarly limited to coordination of 511 traveler information *phone* services.¹¹⁹ And the FDOT’s existing powers and duties likewise limit the FDOT’s provision of services to *interactive voice response telephone systems access*.¹²⁰

The referenced duties and definitions are essentially limited to *telephonic* access to traveler information and do not recognize the additional methods by which travelers may obtain the information using more recent technology, such as a web site, mobile apps, Twitter accounts, and text alerts.

Effect of Proposed Changes

The bill in general revises 511 traveler information services statutes to remove language limiting the provision of services through only telephonic access. These revisions recognize newer technologies and methods for providing traveler information.

Section 27 amends s. 334.03(36), F.S., to remove from the definition reference to *three-digit telecommunications dialing to access interactive voice response telephone* traveler information in favor of *all* traveler information services. That section also amends s. 334.03(37), F.S., to repeal the definition of “interactive voice response,” as the phrase is no longer to be used.

Section 28 amends s. 334.044(31), F.S., to revise the FDOT’s 511 oversight duty by deleting reference to *the provision of interactive voice response telephone systems* and a reference to the 511 *number*, leaving the FDOT responsible for oversight via the 511 *services* as assigned by the FCC.

¹¹⁴ Emphasis added.

¹¹⁵ See s. 334.60, F.S.

¹¹⁶ Emphasis added.

¹¹⁷ See s. 334.03(36), F.S.

¹¹⁸ See s. 334.03(37), F.S.

¹¹⁹ See s. 334.60, F.S.

¹²⁰ See s. 334.044(31), F.S.

Section 29 amends s. 334.60, F.S., striking reference to the FDOT's coordination *with telecommunications service providers*, to allow the FDOT's continued coordination of *all* traveler information services with providers using newer technologies and methods. A reference to the 511 *number or other interactive voice response systems* is removed, in favor of 511 *services*, and a reference to *phone* services is deleted.

The FDOT advises that the effectiveness of disseminating traveler information through interactive voice response is becoming less advantageous. While the FDOT may decide to discontinue providing an interactive voice response system, traveler information will be provided via the most advanced technologies, thereby ensuring distribution of information to the largest possible audience. Armed with the information, users are able to make informed travel decisions, which improves safety and mobility on Florida roadways.¹²¹

Inspector General Appointment (Section 1)

Present Situation

Prior to 2014, agency inspectors general were appointed by and reported to agency heads. The Legislature in 2014 revised the law with respect to agency inspector general appointment to provide, for agencies such as the FDOT under the jurisdiction of the Governor, agency inspectors general are to be appointed by and report to the Chief Inspector General.¹²² Section 20.23(3)(d), F.S., continues to require the FDOT Secretary to appoint an inspector general directly responsible to and serving at the pleasure of the Secretary, in direct conflict with the revisions made in 2014 to s. 20.55, F.S.

Effect of Proposed Changes

Section 1 repeals s. 20.23(3)(d), F.S., to remove the directly conflicting and obsolete direction to the FDOT Secretary regarding inspector general appointment, thereby conforming to the revisions to s. 20.55, F.S., made by the 2014 Legislature.

Transportation Corridors (Section 41)

Present Situation

Section 341.0532, F.S., enacted in 2003, currently defines “statewide transportation corridor” as a system of transportation infrastructure that collectively provides for the efficient movement of significant volumes of intrastate, interstate, and international commerce by seamlessly linking multiple modes of transport. That section also lists eight corridors deemed “Florida’s statewide transportation corridors.”

In the same year, the Legislature enacted the Strategic Intermodal System (SIS).¹²³ SIS facilities collectively serve 56 percent of State Highway System traffic, 70 percent of State Highway

¹²¹ See the FDOT 2015 Legislative Proposal form, *Modify definition/responsibilities of 511*, on file in the Senate Transportation Committee.

¹²² See Enrolled HB 1385 (2014).

¹²³ See the web link, *supra*, note 105, for additional information on the SIS.

System truck traffic, 89 percent of interregional bus and rail passengers, 99 percent of commercial air passengers and cargo, and 100 percent of rail and waterborne freight tonnage and cruise ship passengers.¹²⁴ SIS facilities are designated by the FDOT based on criteria provided in ss. 339.61 through 339.64, F.S. The corridors currently listed in s. 341.0532, F.S., with limited exception,¹²⁵ are also part of the SIS. Section 341.0532, F.S., is not referenced elsewhere in the Florida Statutes, and the FDOT advises that section is not used in performing any of its duties and responsibilities. The statute appears to be obsolete.

Effect of Proposed Changes

Section 41 repeals s. 341.0532, F.S., which created Florida's statewide transportation corridors. The corridors continue to be managed through their inclusion in the SIS.

Obsolete References/Beeline-East Expressway and Navarre Bridge (Section 32)

Present Situation

Section 338.165(4), F.S., authorizes the FDOT to request the DBF to issue bonds secured by toll revenues collected on the Alligator Alley, the Sunshine Skyway Bridge, the Beeline-East Expressway, the Navarre Bridge, and the Pinellas Bayway to fund transportation projects located within the county or counties in which the project is located and contained in the FDOT's adopted work program. The Beeline-East Expressway (re-named the Beachline East Expressway) became part of the Turnpike Enterprise on July 1, 2012, pursuant to ch. 2012-128, L.O.F.¹²⁶ The Navarre Bridge is now county-owned and no longer used for toll revenue. The references to each facility in s. 338.165(4), F.S., are now obsolete.

Effect of Proposed Changes

Section 32 s. 338.165(4), F.S., to remove obsolete references to the Beeline-East Expressway and the Navarre Bridge within the FDOT's authority to request issuance of bonds secured by toll revenues from certain toll facilities, as the expressway and bridge are no longer owned by the FDOT.

Broward County Expressway Authority/Obsolete Bond Language (Section 34)

Present Situation

The Broward County Expressway Authority built the Sawgrass Expressway, a 23-mile facility in Broward County. The expressway opened to traffic in 1986 and extends from I-75 in Weston to its interchange with the Florida Turnpike and Southwest 10th Street in Deerfield Beach. In 1990, the FDOT acquired the expressway, and it became a part of Florida's Turnpike System.¹²⁷ The Expressway Authority was abolished in 2011.¹²⁸ Section 338.221(5), F.S., generally authorizes the FDOT, in each fiscal year during which any of the Broward County Expressway Authority bond series 1984 and series 1986-A remain outstanding, to pledge revenues from the turnpike

¹²⁴ See the 2014 FDOT *Strategic Intermodal System Briefing*. On file in the Senate Transportation Committee.

¹²⁵ See the FDOT email, March 2, 2015. On file in the Senate Transportation Committee.

¹²⁶ See s. 338.165(10), F.S.

¹²⁷ See the FDOT website: http://www.floridasturnpike.com/about_system.cfm#7. Last visited February 23, 2015.

¹²⁸ See s. 18, ch. 2011-64, Laws of Florida.

system to the payment of such bonds and the operation and maintenance of the Sawgrass Expressway. No such bonds are currently outstanding, and the language is obsolete.

Effect of Proposed Changes

Section 34 repeals the obsolete language in s. 338.231(5), F.S., relating to bonds of the abolished Broward County Expressway Authority.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Sections 3, 30, 37, 38, and 39: Significant positive economic development is expected from development of the SunTrail Network.

Section 4 and 5: Increased FSTED funding may generate a positive economic impact for the private sector.

Sections 6 and 11: The trucking industry is expected to experience a positive fiscal impact due to the decreased fines assessed for IRP violations.

Sections 6 and 8: To the extent that the bill reduces the number and severity of bicycle and pedestrian deaths and injuries, a positive but indeterminate fiscal impact to bicyclists and pedestrians is expected.

C. Government Sector Impact:

Sections 3, 30, 37, 38, and 39: The bill currently provides no funding for the SunTrail Network but, if funded, significant positive economic development is expected.

Sections 4 and 5: Minimum annual funding from the STTF for the FSTED Program is increased from \$15 to \$25 million.

Sections 6 and 11: The FDOT advises it expects a negative annual fiscal impact of approximately \$1.6 million due to a decrease in the fines assessed for IRP violations.¹²⁹ A portion of the decrease, approximately \$500,000, is attributed to the revised IRP Full Reciprocity Plan.

Section 10: The FDOT may experience an indeterminate positive fiscal impact if the increased allowable trailer length used to transport manufactured buildings results in issuance of more special permits.

Section 40: The Office of Economic and Demographic Research will incur unknown expenses to evaluate and determine the economic benefits of the state's investment in the FDOT Adopted Work Program, as will the FDOT and its district offices in providing necessary data.

Sections 35 and 36: MPOs may experience minimal expenses in considering autonomous vehicle technology when developing long-range transportation plans. Likewise for the FDOT when updating the SIS Plan.

Section 57: The bill authorizes CUTR to expend up to \$400,000 for the VMT study and pilot project design, contingent upon legislative appropriation.

Sections 42 through 56: The fiscal impact of authorizing creation of the Northwest Florida Regional Transportation Finance Authority is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.23, 215.82, 260.0144, 311.07, 311.09, 316.003, 316.0895, 316.130, 316.303, 316.515, 316.545, 333.01, 333.025, 333.03, 333.04, 333.05, 333.06, 333.07, 333.09, 333.11, 333.12, 334.03, 334.044, 334.60, 335.065, 338.165, 338.227, 338.231, 339.175, and 339.64.

This bill creates the following sections of the Florida Statutes: 333.135, 335.21, 339.81, 339.82, 339.83, 345.0001, 345.0002, 345.0003, 345.0004, 345.0005, 345.0006, 345.0007, 345.0008, 345.0009, 345.001, 345.0011, 345.0012, 345.0013, and 345.0014.

¹²⁹ See the FDOT's response to House committee staff's *DOT Package Questions from Committee Staff*, on file in the Senate Transportation Committee.

This bill repeals the following sections of the Florida Statutes: 333.065, 333.08, 333.10, 333.14, and 341.0532.

This bill reenacts section 350.81 of the Florida Statutes.

The bill creates three undesignated sections of Florida law.

IX. Additional Information:

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

CS by Transportation on March 29, 2015:

The CS modifies the bill by:

- Revising several sections of the bill dealing with chapter 333, F.S., relating to airport zoning regulations, to make final glitch corrections and provide uniformity in the language;
- Authorizing the FDOT to assume responsibilities under the National Environmental Policy Act with respect to highway projects, as authorized by federal law;
- Providing that the provisions revising the membership of a legislatively-created independent special district do not apply to certain entities;
- Adding provisions of SB 1186 requiring a vehicle-miles-traveled study, requiring consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, creating the Northwest Florida Regional Transportation Authority Act, extending the allowable length of certain trailers, and repealing obsolete language;
- Defining “driver-assistive truck platooning,” excluding certain vehicles equipped with such technology from provisions relating to vehicles following too closely, and including such vehicles in the provisions relating to television-type or other electronic displays visible to a driver.
- Removing Port Citrus from membership on the FSTED Council and repealing related provisions;
- Removing authorization of a public transit provider to contract with a transportation network company to provide public transit services;
- Removing direction to the Commission for the Transportation Disadvantaged and the Center for Urban Transportation Research to develop and implement a pilot program with a public transit provider to provide paratransit services; and
- Extending from 53 to 57 feet the allowable length of certain semitrailers authorized to operate on public roads.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2015	.	
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The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 487 - 1330

and insert:

Section 9. Section 333.01, Florida Statutes, is amended to read:

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



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11 ~~otherwise requires:~~

12 (1) "Aeronautical study" means a Federal Aviation
13 Administration review conducted pursuant to 14 C.F.R. part 77,
14 concerning the effect of proposed construction or alteration on
15 the use of air navigation facilities or navigable airspace by
16 aircraft. "Aeronautics" means transportation by aircraft; the
17 operation, construction, repair, or maintenance of aircraft,
18 aircraft power plants and accessories, including the repair,
19 packing, and maintenance of parachutes; the design,
20 establishment, construction, extension, operation, improvement,
21 repair, or maintenance of airports, restricted landing areas, or
22 other air navigation facilities, and air instruction.

23 (2) "Airport" means any area of land or water designed and
24 set aside for the landing and taking off of aircraft and
25 utilized or to be utilized in the interest of the public for
26 such purpose.

27 (3) "Airport hazard" means any obstruction structure or
28 tree or use of land which exceeds would exceed the federal
29 obstruction standards as contained in 14 C.F.R. ss. 77.15,
30 77.17, 77.19, 77.21, and 77.23 ~~77.21, 77.23, 77.25, 77.28, and~~
31 ~~77.29~~ and which obstructs the airspace required for the flight
32 of aircraft in taking off, maneuvering, or landing; or is
33 otherwise hazardous to such taking off, maneuvering, or landing
34 of aircraft and for which no person has ~~previously~~ obtained a
35 permit ~~or variance~~ pursuant to s. 333.025 or s. 333.07.

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

39 (5) "Airport land use compatibility zoning" means airport



701530

40 zoning regulations governing ~~restricting~~ the use of land
41 adjacent to or in the immediate vicinity of airports in the
42 manner provided ~~enumerated~~ in s. 333.03(2) ~~to activities and (3)~~
43 ~~purposes compatible with the continuation of normal airport~~
44 ~~operations including landing and takeoff of aircraft in order to~~
45 ~~promote public health, safety, and general welfare.~~

46 (6) "Airport layout plan" means a scaled detailed, scale
47 engineering drawing or set of drawings in either paper or
48 electronic form of the existing, including pertinent dimensions,
49 of an airport's current and planned airport facilities which
50 provides a graphic representation of the existing and long-term
51 development plan for the airport and demonstrates the
52 preservation and continuity of safety, utility, and efficiency
53 of the airport, their locations, and runway usage.

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

57 (8) "Airport protection zoning" means airport zoning
58 regulations governing airport hazards in the manner provided in
59 s. 333.03.

60 (9) "Department" means the Department of Transportation as
61 created by s. 20.23.

62 (10) "Educational facility" means any structure, land, or
63 use thereof that includes a public or private kindergarten
64 through 12th grade school, charter school, magnet school,
65 college campus, or university campus. Space used for educational
66 purposes within a multitenant building may not be treated as an
67 educational facility for the purpose of this chapter.

68 (11) "Landfill" means the same as the term is defined in s.



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69 403.703.

70 (12)(7) "Obstruction" means any object of natural growth,
71 terrain, or permanent or temporary construction or alteration,
72 including equipment or materials used and any permanent or
73 temporary apparatus, or alteration of any permanent or temporary
74 existing structure by a change in its height, including
75 appurtenances, or lateral dimensions, including equipment or
76 material used therein, existing or proposed, which exceeds
77 manmade object or object of natural growth or terrain that
78 violates the standards contained in 14 C.F.R. ss. 77.15, 77.17,
79 77.19, 77.21, and 77.23 77.21, 77.23, 77.25, 77.28, and 77.29.

80 (13)(8) "Person" means any individual, firm, copartnership,
81 corporation, company, association, joint-stock association, or
82 body politic, and includes any trustee, receiver, assignee, or
83 other similar representative thereof.

84 (14)(9) "Political subdivision" means the local government
85 of any county, city, town, village, or other subdivision or
86 agency thereof, or any district or special district, port
87 commission, port authority, or other such agency authorized to
88 establish or operate airports in the state.

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

92 (16)(10) "Runway protection clear zone" or "RPZ" means an
93 area at ground level beyond the a runway end intended to enhance
94 the safety and protection of people and property on the ground
95 clear zone as defined in 14 C.F.R. s. 151.9(b).

96 (17)(11) "Structure" means any object, constructed,
97 erected, altered, or installed by humans, including, but without



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98 limitation ~~thereof~~, buildings, towers, smokestacks, utility
99 poles, power generation equipment, and overhead transmission
100 lines.

101 (18) "Substantial modification" means any repair,
102 reconstruction, rehabilitation, or improvement of a structure
103 when the actual cost of the repair, reconstruction,
104 rehabilitation, or improvement of the structure equals or
105 exceeds 50 percent of the market value of the structure.

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

107 Section 10. Section 333.025, Florida Statutes, is amended
108 to read:

109 333.025 Permit required for structures exceeding federal
110 obstruction standards.-

111 (1) A person proposing the construction or alteration in
112 order to prevent the erection of structures hazardous dangerous
113 to air navigation, subject to the provisions of subsections (2),
114 (3), and (4), must each person shall secure from the department
115 of Transportation a permit for the proposed construction or
116 erection, alteration, or modification of any structure the
117 result of which would exceed the federal obstruction standards
118 as contained in 14 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and
119 77.23 77.21, 77.23, 77.25, 77.28, and 77.29. However, permits
120 from the department of Transportation will be required only
121 within an airport hazard area where federal obstruction
122 standards are exceeded and if the proposed construction is
123 within a 10-nautical-mile radius of the airport reference point,
124 located at the approximate geometric geographical center of all
125 useable runways of public-use airports or a publicly owned or
126 operated airport, a military airport, or an airport licensed by



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127 ~~the state for public use.~~

128 (2) Existing, planned, and proposed ~~Affected airports will~~
129 ~~be considered as having those facilities at public-use airports~~
130 contained in an ~~which are shown on the~~ airport master plan, on
131 ~~or~~ an airport layout plan submitted to the Federal Aviation
132 Administration Airport District Office, or in comparable
133 military documents, ~~and will be so~~ protected from structures
134 that exceed federal obstruction standards. ~~Planned or proposed~~
135 ~~public-use airports which are the subject of a notice or~~
136 ~~proposal submitted to the Federal Aviation Administration or to~~
137 ~~the Department of Transportation shall also be protected.~~

138 (3) Permit requirements of subsection (1) do ~~shall~~ not
139 apply to structures ~~projects~~ which received construction permits
140 from the Federal Communications Commission for structures
141 exceeding federal obstruction standards prior to May 20, 1975,
142 ~~provided such structures now exist; nor~~ does subsection (1)
143 ~~shall it~~ apply to previously approved structures now existing,
144 or any necessary replacement or repairs to such existing
145 structures, so long as the height and location is unchanged.

146 (4) When political subdivisions have adopted adequate
147 airport airspace protection zoning regulations in compliance
148 with s. 333.03, ~~and such regulations are on file with the~~
149 ~~department of Transportation,~~ and have established a permitting
150 process in compliance with s. 333.09(2), a permit for such
151 structure shall not be required from the department ~~of~~
152 ~~Transportation.~~ To evaluate technical consistency with this
153 section, there is a 15-day department review period concurrent
154 with the permitting process prescribed by s. 333.09. Upon
155 receipt of a complete permit application, the local government



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156 shall forward to the department's Aviation Office by certified
157 mail, return receipt requested, or by delivery service that
158 provides a receipt evidencing delivery, a copy of the
159 application. Cranes, construction equipment, and other temporary
160 structures, in use or in place for a period not to exceed 18
161 consecutive months, are exempt from this requirement, unless
162 requested by the department's Aviation Office.

163 (5) The department ~~of Transportation~~ shall, within 30 days
164 of the receipt of an application for a permit, issue or deny a
165 permit for the construction or erection, alteration, or
166 ~~modification~~ of any structure ~~the result of~~ which would exceed
167 federal obstruction standards as contained in 14 C.F.R. ss.
168 77.15, 77.17, 77.19, 77.21, and 77.23 ~~77.21, 77.23, 77.25,~~
169 ~~77.28, and 77.29.~~ The department shall review permit
170 applications in conformity with s. 120.60.

171 (6) In determining whether to issue or deny a permit, the
172 department shall consider:

173 (a) The safety of persons on the ground and in the air ~~The~~
174 ~~nature of the terrain and height of existing structures.~~

175 (b) The safe and efficient use of navigable airspace ~~Public~~
176 ~~and private interests and investments.~~

177 (c) The nature of the terrain and height of existing
178 structures ~~The character of flying operations and planned~~
179 ~~developments of airports.~~

180 (d) Whether the construction of the proposed structure
181 would impact the state licensing standards for a public-use
182 airport, contained in chapter 330 and chapter 14-60, Florida
183 Administrative Code ~~Federal airways as designated by the Federal~~
184 ~~Aviation Administration.~~



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185 (e) The character of existing and planned flight operations
186 and developments at public-use airports ~~Whether the construction~~
187 ~~of the proposed structure would cause an increase in the minimum~~
188 ~~descent altitude or the decision height at the affected airport.~~

189 (f) Federal airways; visual flight rules, flyways and
190 corridors; and instrument approaches as designated by the
191 Federal Aviation Administration ~~Technological advances.~~

192 (g) Whether the construction of the proposed structure
193 would cause an increase in the minimum descent altitude or the
194 decision height at the affected airport ~~The safety of persons on~~
195 ~~the ground and in the air.~~

196 (h) The cumulative effects on navigable airspace of all
197 existing structures and all other known and proposed structures
198 in the area ~~Land use density.~~

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

200 (j) ~~The cumulative effects on navigable airspace of all~~
201 ~~existing structures, proposed structures identified in the~~
202 ~~applicable jurisdictions' comprehensive plans, and all other~~
203 ~~known proposed structures in the area.~~

204 (7) When issuing a permit under this section, the
205 department ~~of Transportation shall, as a specific condition of~~
206 ~~such permit, require the~~ owner ~~obstruction marking and lighting~~
207 ~~of the permitted~~ structure or vegetation to install, operate,
208 and maintain thereon, at his or her own expense, marking and
209 lighting in conformance with the specific standards established
210 by the Federal Aviation Administration ~~structure as provided in~~
211 ~~s. 333.07(3)(b).~~

212 (8) The department may ~~of Transportation shall not approve~~
213 a permit for the construction or alteration ~~erection~~ of a



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214 structure unless the applicant submits both documentation
215 showing compliance with the federal requirement for notification
216 of proposed construction or alteration and a valid aeronautical
217 study evaluation, and no permit shall be approved solely on the
218 basis that such proposed structure will not exceed federal
219 obstruction standards as contained in 14 C.F.R. ss. 77.15,
220 77.17, 77.19, 77.21, or 77.23 ~~77.21, 77.23, 77.25, 77.28, or~~
221 ~~77.29~~, or any other federal aviation regulation.

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

224 Section 11. Section 333.03, Florida Statutes, is amended to
225 read:

226 333.03 Requirement ~~Power~~ to adopt airport zoning
227 regulations.-

228 (1) (a) Every ~~In order to prevent the creation or~~
229 ~~establishment of airport hazards, every~~ political subdivision
230 having an airport hazard area within its territorial limits
231 shall, ~~by October 1, 1977,~~ adopt, administer, and enforce, ~~under~~
232 ~~the police power and~~ in the manner and upon the conditions
233 ~~hereinafter~~ prescribed in this section, airport protection
234 zoning regulations for ~~such~~ airport hazards ~~hazard area~~.

235 (b) Where an airport is owned or controlled by a political
236 subdivision and an ~~any~~ airport hazard area ~~appertaining to such~~
237 ~~airport~~ is located wholly or partly outside the territorial
238 limits of the ~~said~~ political subdivision, the political
239 subdivision owning or controlling the airport and any ~~the~~
240 political subdivision within which the airport hazard area is
241 located, must ~~shall~~ either:

242 1. By interlocal agreement, ~~in accordance with the~~



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243 ~~provisions of chapter 163,~~ adopt, administer, and enforce a set
244 of airport protection zoning regulations applicable to the
245 airport hazard area ~~in question;~~ or

246 2. By ordinance, regulation, or resolution duly adopted,
247 create a joint airport zoning board, which must ~~board shall have~~
248 ~~the same power to~~ adopt, administer, and enforce a set of
249 airport protection zoning regulations applicable to the airport
250 hazard area in each ~~question as that vested in paragraph (a) in~~
251 ~~the~~ political subdivision in ~~within~~ which the airport hazard
252 ~~such~~ area is located. Each such joint airport zoning board shall
253 have as members two representatives appointed by each
254 participating political subdivision ~~participating in its~~
255 ~~creation~~ and, in addition, a chair elected by a majority of the
256 members so appointed. The ~~However,~~ the airport manager or
257 representative of each airport in ~~managers of the affected~~
258 participating political subdivisions shall serve on the board in
259 a nonvoting capacity.

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

262 1. A permit ~~variance~~ for the ~~erection,~~ construction or
263 ~~alteration, or modification~~ of any structure that ~~which~~ would
264 cause the structure to exceed the federal obstruction standards
265 as contained in 14 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and
266 77.23. ~~77.21, 77.23, 77.25, 77.28, and 77.29;~~

267 2. Obstruction marking and lighting for structures
268 exceeding the federal obstruction standards as contained in 14
269 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and 77.23, as specified
270 in s. 333.07(3) ~~.~~

271 3. Documentation showing compliance with the federal



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272 requirement for notification of proposed construction or
273 alteration and a valid aeronautical study evaluation submitted
274 by each person applying for a permit. variance;

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

277 5. That a permit may not ~~no variance shall~~ be approved
278 solely on the basis that the such proposed structure will not
279 exceed federal obstruction standards as contained in 14 C.F.R.
280 ss. 77.15, 77.17, 77.19, 77.21, or 77.23 ~~77.21, 77.23, 77.25,
281 ~~77.28, or 77.29,~~ or any other federal aviation regulation.~~

282 (d) The department is available to provide assistance to
283 political subdivisions with regard to federal obstruction
284 standards shall issue copies of the federal obstruction
285 standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25,
286 77.28, and 77.29 to each political subdivision having airport
287 hazard areas and, in cooperation with political subdivisions,
288 shall issue appropriate airport zoning maps depicting within
289 each county the maximum allowable height of any structure or
290 tree. Material distributed pursuant to this subsection shall be
291 at no cost to authorized recipients.

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



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301 ~~compatibility zoning regulations shall consider the following:~~

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

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

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

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

314 (b) Where ~~Whether~~ any landfill is located and constructed
315 so that it attracts or sustains hazardous bird movements from
316 feeding, water, or roosting areas into, or across, the runways
317 or approach and departure patterns of aircraft, ~~The political~~
318 ~~subdivision shall request from the airport authority or other~~
319 ~~governing body operating the airport a report on such bird~~
320 ~~feeding or roosting areas that at the time of the request are~~
321 ~~known to the airport. In preparing its report, the authority, or~~
322 ~~other governing body, shall consider whether the landfill~~
323 operator will be required to incorporate bird management
324 techniques or other practices to minimize bird hazards to
325 airborne aircraft. ~~The airport authority or other governing body~~
326 ~~shall respond to the political subdivision no later than 30 days~~
327 ~~after receipt of such request.~~

328 (c) Where an airport authority or other governing body
329 operating a ~~publicly owned,~~ public-use airport has conducted a



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330 noise study in accordance with the provisions of 14 C.F.R. part
331 150, or where the public-use airport owner has established noise
332 contours pursuant to another public study approved by the
333 Federal Aviation Administration, incompatible uses, as
334 established in 14 C.F.R. part 150, appendix A noise study, or as
335 a part of an alternative FAA-approved public study, may not be
336 permitted within the noise contours established by that study,
337 except where such use is specifically contemplated by such study
338 with appropriate mitigation or similar techniques described in
339 the study neither residential construction nor any educational
340 facility as defined in chapter 1013, with the exception of
341 aviation school facilities, shall be permitted within the area
342 contiguous to the airport defined by an outer noise contour that
343 is considered incompatible with that type of construction by 14
344 C.F.R. part 150, Appendix A or an equivalent noise level as
345 established by other types of noise studies.

346 (d) Where an airport authority or other governing body
347 operating a ~~publicly owned~~, public-use airport has not conducted
348 a noise study, neither residential construction nor any
349 educational facility ~~as defined in chapter 1013~~, with the
350 exception of aviation school facilities, shall be permitted
351 within an area contiguous to the airport measuring one-half the
352 length of the longest runway on either side of and at the end of
353 each runway centerline.

354 (3) In the manner provided in subsection (1), airport
355 zoning regulations ~~shall be adopted~~ which restrict new
356 incompatible uses, ~~activities~~, or substantial modifications to
357 existing incompatible uses ~~construction~~ within runway protection
358 clear zones shall be adopted ~~, including uses, activities, or~~



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359 ~~construction in runway clear zones which are incompatible with~~
360 ~~normal airport operations or endanger public health, safety, and~~
361 ~~welfare by resulting in congregations of people, emissions of~~
362 ~~light or smoke, or attraction of birds. Such regulations shall~~
363 ~~prohibit the construction of an educational facility of a public~~
364 ~~or private school at either end of a runway of a publicly owned,~~
365 ~~public-use airport within an area which extends 5 miles in a~~
366 ~~direct line along the centerline of the runway, and which has a~~
367 ~~width measuring one-half the length of the runway. Exceptions~~
368 ~~approving construction of an educational facility within the~~
369 ~~delineated area shall only be granted when the political~~
370 ~~subdivision administering the zoning regulations makes specific~~
371 ~~findings detailing how the public policy reasons for allowing~~
372 ~~the construction outweigh health and safety concerns prohibiting~~
373 ~~such a location.~~

374 ~~(4) The procedures outlined in subsections (1), (2), and~~
375 ~~(3) for the adoption of such regulations are supplemental to any~~
376 ~~existing procedures utilized by political subdivisions in the~~
377 ~~adoption of such regulations.~~

378 ~~(4)(5)~~ The department of Transportation shall provide
379 technical assistance to any political subdivision requesting
380 assistance in the preparation of an airport zoning regulation
381 ~~code~~. A copy of all local airport zoning codes, rules, and
382 regulations, and amendments and proposed and granted permits
383 ~~variances thereto~~, shall be filed with the department. All
384 updates and amendments to local airport zoning codes, rules, and
385 regulations must be filed with the department within 30 days
386 after adoption.

387 ~~(5)(6)~~ Nothing in Subsection (2) and or subsection (3) may



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388 ~~not shall be construed to~~ require the removal, alteration, sound
389 conditioning, or other change, or to interfere with the
390 continued use or adjacent expansion of any educational structure
391 or site in existence on July 1, 1993, ~~or be construed to~~
392 ~~prohibit the construction of any new structure for which a site~~
393 ~~has been determined as provided in former s. 235.19, as of July~~
394 ~~1, 1993.~~

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

400 Section 12. Section 333.04, Florida Statutes, is amended to
401 read:

402 333.04 Comprehensive zoning regulations; most stringent to
403 prevail where conflicts occur.—

404 (1) INCORPORATION.—In the event that a political
405 subdivision has adopted, or hereafter adopts, a comprehensive
406 plan or policy ~~zoning ordinance~~ regulating, among other things,
407 the height of buildings, structures, and natural objects, and
408 uses of property, any airport zoning regulations applicable to
409 the same area or portion thereof may be incorporated in and made
410 a part of such comprehensive plans or policies ~~zoning~~
411 ~~regulations~~, and be administered and enforced in connection
412 therewith.

413 (2) CONFLICT.—In the event of conflict between any airport
414 zoning regulations adopted under this chapter and any other
415 regulations applicable to the same area, whether the conflict be
416 with respect to the height of structures or vegetation ~~trees~~,



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417 the use of land, or any other matter, and whether such
418 regulations were adopted by the political subdivision which
419 adopted the airport zoning regulations or by some other
420 political subdivision, the more stringent limitation or
421 requirement shall govern and prevail.

422 Section 13. Section 333.05, Florida Statutes, is amended to
423 read:

424 333.05 Procedure for adoption of zoning regulations.—

425 (1) NOTICE AND HEARING.—~~No~~ Airport zoning regulations may
426 not shall be adopted, amended, or deleted ~~changed~~ under this
427 chapter except by action of the legislative body of the
428 political subdivision ~~in question~~, or the joint board provided
429 in s. 333.03(1)(b) by the political subdivisions ~~bodies~~ therein
430 provided and set forth, after a public hearing in relation
431 thereto, at which parties in interest and citizens shall have an
432 opportunity to be heard. Notice of the hearing shall be
433 published at least once a week for 2 consecutive weeks in an
434 official paper, or a paper of general circulation, in the
435 political subdivision or subdivisions where ~~in which are located~~
436 the airport zoning regulations are ~~areas~~ to be adopted, amended,
437 or deleted ~~zoned~~.

438 (2) AIRPORT ZONING COMMISSION.—Prior to the initial zoning
439 of any airport area under this chapter the political subdivision
440 or joint airport zoning board which is to adopt, administer, and
441 enforce the regulations shall appoint a commission, to be known
442 as the airport zoning commission, to recommend the boundaries of
443 the various zones to be established and the regulations to be
444 adopted therefor. Such commission shall make a preliminary
445 report and hold public hearings thereon before submitting its



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446 final report, and the legislative body of the political
447 subdivision or the joint airport zoning board shall not hold its
448 public hearings or take any action until it has received the
449 final report of such commission, and at least 15 days shall
450 elapse between the receipt of the final report of the commission
451 and the hearing to be held by the latter board. Where a planning
452 ~~city plan~~ commission, airport commission, or comprehensive
453 zoning commission already exists, it may be appointed as the
454 airport zoning commission.

455 Section 14. Section 333.06, Florida Statutes, is amended to
456 read:

457 333.06 Airport zoning requirements.—

458 (1) REASONABLENESS.—All airport zoning regulations adopted
459 under this chapter shall be reasonable and ~~none~~ shall not impose
460 any requirement or restriction which is not reasonably necessary
461 to effectuate the purposes of this chapter. In determining what
462 regulations it may adopt, each political subdivision and joint
463 airport zoning board shall consider, among other things, the
464 character of the flying operations expected to be conducted at
465 the airport, the nature of the terrain within the airport hazard
466 area and runway protection ~~clear~~ zones, the character of the
467 neighborhood, the uses to which the property to be zoned is put
468 and adaptable, and the impact of any new use, activity, or
469 construction on the airport's operating capability and capacity.

470 (2) INDEPENDENT JUSTIFICATION.—The purpose of all airport
471 zoning regulations adopted under this chapter is to provide both
472 airspace protection and land uses ~~use~~ compatible with airport
473 operations. Each aspect of this purpose requires independent
474 justification in order to promote the public interest in safety,



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475 health, and general welfare. Specifically, construction in a
476 runway protection ~~clear~~ zone which does not exceed airspace
477 height restrictions is not conclusive ~~evidence per se~~ that such
478 use, activity, or construction is compatible with airport
479 operations.

480 (3) NONCONFORMING USES.—No airport protection zoning
481 regulations adopted under this chapter shall require the
482 removal, lowering, or other change or alteration of any
483 structure or vegetation ~~tree~~ not conforming to the regulations
484 when adopted or amended, or otherwise interfere with the
485 continuance of any nonconforming use, except as provided in s.
486 333.07(1) and (3).

487 (4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO AFFECTED
488 LOCAL GOVERNMENTS.—An airport master plan shall be prepared by
489 each public-use ~~publicly owned and operated~~ airport licensed by
490 the department ~~of Transportation~~ under chapter 330. The
491 authorized entity having responsibility for governing the
492 operation of the airport, when either requesting from or
493 submitting to a state or federal governmental agency with
494 funding or approval jurisdiction a “finding of no significant
495 impact,” an environmental assessment, a site-selection study, an
496 airport master plan, or any amendment to an airport master plan,
497 shall submit simultaneously a copy of said request, submittal,
498 assessment, study, plan, or amendments by certified mail to all
499 affected local governments. For the purposes of this subsection,
500 “affected local government” is defined as any city or county
501 having jurisdiction over the airport and any city or county
502 located within 2 miles of the boundaries of the land subject to
503 the airport master plan.



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504 Section 15. Section 333.065, Florida Statutes, is repealed.

505 Section 16. Section 333.07, Florida Statutes, is amended to
506 read:

507 333.07 Local government permitting of airspace obstructions
508 ~~Permits and variances.-~~

509 (1) PERMITS.-

510 (a) Any person proposing to erect, construct, or alter any
511 structure, increase the height of any structure, permit the
512 growth of any vegetation, or otherwise use his or her property
513 in violation of the airport protection zoning regulations
514 adopted under this chapter shall apply for a permit. A Any
515 ~~airport zoning regulations adopted under this chapter may~~
516 ~~require that a permit be obtained before any new structure or~~
517 ~~use may be constructed or established and before any existing~~
518 ~~use or structure may be substantially changed or substantially~~
519 ~~altered or repaired. In any event, however, all such regulations~~
520 ~~shall provide that before any nonconforming structure or tree~~
521 ~~may be replaced, substantially altered or repaired, rebuilt,~~
522 ~~allowed to grow higher, or replanted, a permit must be secured~~
523 ~~from the administrative agency authorized to administer and~~
524 ~~enforce the regulations, authorizing such replacement, change,~~
525 ~~or repair. No permit may not shall be issued granted that would~~
526 allow the establishment or creation of an airport hazard or
527 would permit a nonconforming structure or vegetation tree or
528 nonconforming use to be made or become higher or to become a
529 greater hazard to air navigation than it was when the applicable
530 regulation was adopted or than it is when the application for a
531 permit is made.

532 (b) Whenever the political subdivision or its



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533 administrative agency determines that a nonconforming use or
534 nonconforming structure or vegetation tree has been abandoned or
535 is more than 80 percent torn down, destroyed, deteriorated, or
536 decayed, a no permit may not shall be granted that would allow
537 the said structure or vegetation tree to exceed the applicable
538 height limit or otherwise deviate from the zoning regulations.†
539 and, Whether an application is made for a permit under this
540 subsection or not, the said agency may by appropriate action,
541 compel the owner of the nonconforming structure or vegetation
542 may be required tree, at his or her own expense, to lower,
543 remove, reconstruct, alter, or equip such object as may be
544 necessary to conform to the regulations. If the owner of the
545 nonconforming structure or vegetation neglects or refuses tree
546 shall neglect or refuse to comply with the such order for 10
547 days after notice thereof, the said agency may report the
548 violation to the political subdivision involved therein. The,
549 which subdivision, through its appropriate agency, may proceed
550 to have the object so lowered, removed, reconstructed, altered,
551 or equipped, and assess the cost and expense thereof upon the
552 object or the land where whereon it is or was located,and,
553 unless such an assessment is paid within 90 days from the
554 service of notice thereof on the owner or the owner's agent, of
555 such object or land, the sum shall be a lien on said land, and
556 shall bear interest thereafter at the rate of 6 percent per
557 annum until paid, and shall be collected in the same manner as
558 taxes on real property are collected by said political
559 subdivision, or, at the option of said political subdivision,
560 said lien may be enforced in the manner provided for enforcement
561 of liens by chapter 85.



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562 ~~(c) Except as provided herein, applications for permits~~
563 ~~shall be granted, provided the matter applied for meets the~~
564 ~~provisions of this chapter and the regulations adopted and in~~
565 ~~force hereunder.~~

566 (2) CONSIDERATIONS WHEN ISSUING OR DENYING PERMITS.-In
567 determining whether to issue or deny a permit, the political
568 subdivision or its administrative agency must consider the
569 following, as applicable:

570 (a) The safety of persons on the ground and in the air.

571 (b) The safe and efficient use of navigable airspace.

572 (c) The nature of the terrain and height of existing
573 structures.

574 (d) The construction or alteration of the proposed
575 structure on the state licensing standards for a public-use
576 airport, contained in chapter 330 and chapter 14-60 of the
577 Florida Administrative Code.

578 (e) The character of existing and planned flight operations
579 and developments at public-use airports.

580 (f) Federal airways; visual flight rules, flyways and
581 corridors; and instrument approaches as designated by the
582 Federal Aviation Administration.

583 (g) The construction or alteration of the proposed
584 structure on the minimum descent altitude or the decision height
585 at the affected airport.

586 (h) The cumulative effects on navigable airspace of all
587 existing structures, and all other known proposed structures in
588 the area.

589 (i) Requirements contained in s. 333.03(2) and (3).

590 (j) Additional requirements adopted by the local



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591 jurisdiction pertinent to evaluation and protection of airspace
592 and airport operations.

593 ~~(2) VARIANCES.—~~

594 ~~(a) Any person desiring to erect any structure, increase~~
595 ~~the height of any structure, permit the growth of any tree, or~~
596 ~~otherwise use his or her property in violation of the airport~~
597 ~~zoning regulations adopted under this chapter or any land~~
598 ~~development regulation adopted pursuant to the provisions of~~
599 ~~chapter 163 pertaining to airport land use compatibility, may~~
600 ~~apply to the board of adjustment for a variance from the zoning~~
601 ~~regulations in question. At the time of filing the application,~~
602 ~~the applicant shall forward to the department by certified mail,~~
603 ~~return receipt requested, a copy of the application. The~~
604 ~~department shall have 45 days from receipt of the application to~~
605 ~~comment and to provide its comments or waiver of that right to~~
606 ~~the applicant and the board of adjustment. The department shall~~
607 ~~include its explanation for any objections stated in its~~
608 ~~comments. If the department fails to provide its comments within~~
609 ~~45 days of receipt of the application, its right to comment is~~
610 ~~waived. The board of adjustment may proceed with its~~
611 ~~consideration of the application only upon the receipt of the~~
612 ~~department's comments or waiver of that right as demonstrated by~~
613 ~~the filing of a copy of the return receipt with the board.~~
614 ~~Noncompliance with this section shall be grounds to appeal~~
615 ~~pursuant to s. 333.08 and to apply for judicial relief pursuant~~
616 ~~to s. 333.11. Such variances may only be allowed where a literal~~
617 ~~application or enforcement of the regulations would result in~~
618 ~~practical difficulty or unnecessary hardship and where the~~
619 ~~relief granted would not be contrary to the public interest but~~



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620 ~~would do substantial justice and be in accordance with the~~
621 ~~spirit of the regulations and this chapter. However, any~~
622 ~~variance may be allowed subject to any reasonable conditions~~
623 ~~that the board of adjustment may deem necessary to effectuate~~
624 ~~the purposes of this chapter.~~

625 ~~(b) The Department of Transportation shall have the~~
626 ~~authority to appeal any variance granted under this chapter~~
627 ~~pursuant to s. 333.08, and to apply for judicial relief pursuant~~
628 ~~to s. 333.11.~~

629 (3) OBSTRUCTION MARKING AND LIGHTING.-

630 (a) In issuing a granting ~~any permit or variance~~ under this
631 section, the political subdivision or its administrative agency
632 ~~or board of adjustment~~ shall require the owner of the structure
633 or vegetation tree in question to install, operate, and maintain
634 thereon, at his or her own expense, ~~such~~ marking and lighting in
635 conformance with the specific standards established by the
636 Federal Aviation Administration as may be necessary to indicate
637 ~~to aircraft pilots the presence of an obstruction.~~

638 (b) Such marking and lighting shall conform to the specific
639 standards established by rule by the department ~~of~~
640 Transportation.

641 ~~(c) Existing structures not in compliance on October 1,~~
642 ~~1988, shall be required to comply whenever the existing marking~~
643 ~~requires refurbishment, whenever the existing lighting requires~~
644 ~~replacement, or within 5 years of October 1, 1988, whichever~~
645 ~~occurs first.~~

646 Section 17. Section 333.08, Florida Statutes, is repealed.

647 Section 18. Section 333.09, Florida Statutes, is amended to
648 read:



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649 333.09 Administration of airport zoning regulations.-
650 (1) ADMINISTRATION AND ENFORCEMENT.-All airport zoning
651 regulations adopted under this chapter shall provide for the
652 administration and enforcement of such regulations by the
653 political subdivisions or its ~~by an administrative agency which~~
654 ~~may be an agency created by such regulations or any official,~~
655 ~~board, or other existing agency of the political subdivision~~
656 ~~adopting the regulations or of one of the political subdivisions~~
657 ~~which participated in the creation of the joint airport zoning~~
658 ~~board adopting the regulations, if satisfactory to that~~
659 ~~political subdivision, but in no case shall such administrative~~
660 ~~agency be or include any member of the board of adjustment.~~ The
661 duties of any administrative agency designated pursuant to this
662 chapter shall include that of hearing and deciding all permits
663 under s. 333.07 ~~s. 333.07(1), deciding all matters under s.~~
664 ~~333.07(3),~~ as they pertain to such agency, and all other matters
665 under this chapter applying to said agency, ~~but such agency~~
666 ~~shall not have or exercise any of the powers herein delegated to~~
667 ~~the board of adjustment.~~

668 (2) LOCAL GOVERNMENT PROCESS.-

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

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

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

675 3. Enforce any permit, order, requirement, decision, or
676 determination made by the administrative agency with respect to
677 the airport zoning regulations.



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678 (b) Where a zoning board or permitting body already exists
679 within a political subdivision, the zoning board or permitting
680 body may implement the permitting and appeals process.

681 Otherwise, the political subdivision shall implement the
682 permitting and appeals process in a manner consistent with its
683 constitutional powers and areas of jurisdiction.

684 (3) APPEALS.—

685 (a) Any person, political subdivision or its administrative
686 agency, or any joint airport zoning board, which contends that
687 the decision made by a political subdivision or its
688 administrative agency is an improper application of airport
689 zoning regulations may use the process established for an
690 appeal.

691 (b) All appeals taken under this section must be taken
692 within a reasonable time, as provided by the political
693 subdivision or its administrative agency, by filing with the
694 entity from which appeal is taken a notice of appeal specifying
695 the grounds for appeal.

696 (c) An appeal stays all proceedings in the underlying
697 action, unless the entity from which the appeal is taken
698 certifies pursuant to the rules for appeal that by reason of the
699 facts stated in the certificate, a stay would, in its opinion,
700 cause imminent peril to life or property. In that case,
701 proceedings may not be stayed except by an order of the
702 political subdivision or its administrative agency following
703 notice to the entity from which the appeal is taken and on good
704 cause shown.

705 (d) The political subdivision or its administrative agency
706 must set a reasonable time for the hearing of appeals, give



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707 public notice and due notice to the parties in interest, and
708 decide the same within a reasonable time. At the hearing, a
709 party may appear in person, by agent, or by attorney.

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

714 Section 19. Section 333.10, Florida Statutes, is repealed.

715 Section 20. Section 333.11, Florida Statutes, is amended to
716 read:

717 333.11 Judicial review.-

718 (1) Any person, ~~aggrieved, or taxpayer affected, by any~~
719 ~~decision of a board of adjustment, or any governing body of a~~
720 ~~political subdivision or its administrative agency, or the~~
721 ~~Department of Transportation or any joint airport zoning board~~
722 ~~affected by a decision of a political subdivision, or its of any~~
723 ~~administrative agency hereunder,~~ may apply for judicial relief
724 to the circuit court in the judicial circuit where the political
725 subdivision board of adjustment is located within 30 days after
726 rendition of the decision ~~by the board of adjustment~~. Review
727 shall be by petition for writ of certiorari, which shall be
728 governed by the Florida Rules of Appellate Procedure.

729 ~~(2) Upon presentation of such petition to the court, it may~~
730 ~~allow a writ of certiorari, directed to the board of adjustment,~~
731 ~~to review such decision of the board. The allowance of the writ~~
732 ~~shall not stay the proceedings upon the decision appealed from,~~
733 ~~but the court may, on application, on notice to the board, on~~
734 ~~due hearing and due cause shown, grant a restraining order.~~

735 ~~(3) The board of adjustment shall not be required to return~~



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736 ~~the original papers acted upon by it, but it shall be sufficient~~
737 ~~to return certified or sworn copies thereof or of such portions~~
738 ~~thereof as may be called for by the writ. The return shall~~
739 ~~concisely set forth such other facts as may be pertinent and~~
740 ~~material to show the grounds of the decision appealed from and~~
741 ~~shall be verified.~~

742 (2) ~~(4)~~ The court shall have exclusive jurisdiction to
743 affirm, modify, or set aside the decision brought up for review,
744 ~~in whole or in part,~~ and if need be, to order further
745 proceedings by the political subdivision or its administrative
746 agency board of adjustment. The findings of fact by the
747 political subdivision or its administrative agency board, if
748 supported by substantial evidence, shall be accepted by the
749 court as conclusive. An, ~~and no~~ objection to a decision of the
750 political subdivision or its administrative agency may not board
751 ~~shall~~ be considered by the court unless such objection was
752 raised in the underlying proceeding shall have been urged before
753 ~~the board, or, if it was not so urged, unless there were~~
754 ~~reasonable grounds for failure to do so.~~

755 (3) ~~(5)~~ If ~~In any case in which~~ airport zoning regulations
756 adopted under this chapter, ~~although generally reasonable,~~ are
757 held by a court to interfere with the use and enjoyment of a
758 particular structure or parcel of land to such an extent, or to
759 be so onerous in their application to such a structure or parcel
760 of land, as to constitute a taking or deprivation of that
761 property in violation of the State Constitution or the
762 Constitution of the United States, such holding shall not affect
763 the application of such regulations to other structures and
764 parcels of land, or such regulations as are not involved in the



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765 particular decision.

766 ~~(4)(6) No~~ Judicial appeal ~~shall be or~~ is not permitted
767 under this section, ~~to any courts~~ until the appellant has
768 exhausted all its remedies through application for local
769 government permits, exceptions, and appeals, ~~as herein provided,~~
770 ~~save and except an appeal from a decision of the board of~~
771 ~~adjustment, the appeal herein provided being from such final~~
772 ~~decision of such board only, the appellant being hereby required~~
773 ~~to exhaust his or her remedies hereunder of application for~~
774 ~~permits, exceptions and variances, and appeal to the board of~~
775 ~~adjustment, and gaining a determination by said board, before~~
776 ~~being permitted to appeal to the court hereunder.~~

777 Section 21. Section 333.12, Florida Statutes, is amended to
778 read:

779 333.12 Acquisition of air rights. ~~When In any case which:~~
780 ~~it is desired to remove, lower or otherwise terminate a~~
781 ~~nonconforming structure or use~~ presents an air hazard and the
782 structure cannot be removed, lowered, or otherwise terminated;
783 or the approach protection necessary cannot, because of
784 constitutional limitations, be provided by airport regulations
785 under this chapter; or it appears advisable that the necessary
786 approach protection be provided by acquisition of property
787 rights rather than by airport zoning regulations, the political
788 subdivision within which the property or nonconforming use is
789 located, or the political subdivision owning or operating the
790 airport or being served by it, may acquire, by purchase, grant,
791 or condemnation in the manner provided by chapter 73, such air
792 right, avigation ~~navigation~~ easement conveying the airspace over
793 another property for use by the airport, or other estate,



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794 portion or interest in the property or nonconforming structure
795 or use or such interest in the air above such property,
796 vegetation tree, structure, or use, in question, as may be
797 necessary to effectuate the purposes of this chapter, and in so
798 doing, if by condemnation, to have the right to take immediate
799 possession of the property, interest in property, air right, or
800 other right sought to be condemned, at the time, and in the
801 manner and form, and as authorized by chapter 74. In the case of
802 the purchase of any property, ~~or any easement,~~ or estate or
803 interest therein or the acquisition of the same by the power of
804 eminent domain, the political subdivision making such purchase
805 or exercising such power shall in addition to the damages for
806 the taking, injury, or destruction of property also pay the cost
807 of the removal and relocation of any structure or any public
808 utility which is required to be moved to a new location.

809 Section 22. Section 333.135, Florida Statutes, is created
810 to read:

811 333.135 Transition provisions.-

812 (1) A provision of an airport zoning regulation in effect
813 on July 1, 2015, that conflicts with this chapter must be
814 amended to conform to the requirements of this chapter by July
815 1, 2016.

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

820 (3) For those political subdivisions that have not yet
821 adopted airport zoning regulations pursuant to this chapter, the
822 department shall administer the permitting process as provided



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823 in s. 333.025.

824 Section 23. Section 333.14, Florida Statutes, is repealed.

825 Section 24. Subsections (36) and (37) of section 334.03,

826 Florida Statutes, are amended to read:

827 334.03 Definitions.—When used in the Florida Transportation
828 Code, the term:

829 (36) "511" or "511 services" means all three-digit
830 ~~telecommunications dialing to access interactive voice response~~
831 ~~telephone~~ traveler information services provided in the state to
832 include, but not be limited to, the terms ~~as~~ defined by the
833 Federal Communications Commission in FCC Order No. 00-256, July
834 31, 2000.

835 ~~(37) "Interactive voice response" means a software~~
836 ~~application that accepts a combination of voice telephone input~~
837 ~~and touch-tone keypad selection and provides appropriate~~
838 ~~responses in the form of voice, fax, callback, e-mail, and other~~
839 ~~media.~~

840 Section 25. Subsection (31) of section 334.044, Florida
841 Statutes, is amended, and subsection (34) of that section is
842 created, to read:

843 334.044 Department; powers and duties.—The department shall
844 have the following general powers and duties:

845 (31) To provide oversight of traveler information systems
846 ~~that may include the provision of interactive voice response~~
847 ~~telephone systems accessible via the 511 services number~~ as
848 assigned by the Federal Communications Commission for traveler
849 information services. The department shall ensure that uniform
850 standards and criteria for the collection and dissemination of
851 traveler information are applied ~~using interactive voice~~



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852 ~~response systems.~~

853 (34) The department may assume responsibilities of the
854 United States Department of Transportation with respect to
855 highway projects within the state under the National
856 Environmental Policy Act of 1969 (42 U.S.C. s. 4321 et seq.) and
857 with respect to related responsibilities for environmental
858 review, consultation, or other action required under any federal
859 environmental law pertaining to review or approval of a highway
860 project within the state. The department may assume
861 responsibilities under 23 U.S.C. s. 327 and enter into one or
862 more agreements, including memoranda of understanding, with the
863 United States Secretary of Transportation related to the federal
864 surface transportation project delivery program for the delivery
865 of highway projects, as provided by 23 U.S.C. s. 327. The
866 department may adopt rules to implement this subsection and may
867 adopt relevant federal environmental standards as the standards
868 for this state for a program described in this subsection.
869 Sovereign immunity to civil suit in federal court is waived
870 consistent with 23 U.S.C. s. 327 and limited to the compliance,
871 discharge, or enforcement of a responsibility assumed by the
872 department under this subsection.

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

874 And the title is amended as follows:

875 Delete line 148

876 and insert:

877 traveler information systems; removing a requirement
878 that applied uniform standards and criteria for
879 collection and dissemination of traveler information
880 be accomplished using interactive voice response



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881 systems; authorizing the department to assume certain
882 responsibilities under the National Environmental
883 Policy Act with respect to highway projects within the
884 state and certain related responsibilities relating to
885 review or approval of a highway project; authorizing
886 the department to enter into certain agreements
887 related to the federal surface transportation project
888 delivery program under certain federal law;
889 authorizing the department to adopt implementing
890 rules; authorizing the department to adopt certain
891 relevant federal environmental standards; providing a
892 limited waiver of sovereign immunity to suit in
893 federal court consistent with certain federal law;
894 amending s. 334.60,



876494

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2015	.	
	.	
	.	
	.	

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete line 1446
and insert:
jurisdiction. This section does not apply to any entity
authorized under s. 163.567 or under chapters 343, 348, or 349.

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

And the title is amended as follows:

Delete line 160



876494

11 and insert:
12 providing exceptions; amending s. 338.165, F.S.;
13 removing an option to issue



230598

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/19/2015	.	
	.	
	.	
	.	

The Committee on Transportation (Evers) recommended the following:

Senate Amendment (with title amendment)

Between lines 1446 and 1447

insert:

Section 29. Subsection (1) of section 338.155, Florida Statutes, is amended to read:

338.155 Payment of toll on toll facilities required; exemptions.—

(1) A person may not use any toll facility without payment of tolls, except employees of the agency operating the toll



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11 project when using the toll facility on official state business,
12 state military personnel while on official military business,
13 handicapped persons as provided in this section, persons exempt
14 from toll payment by the authorizing resolution for bonds issued
15 to finance the facility, and persons exempt on a temporary basis
16 where use of such toll facility is required as a detour route.
17 Any law enforcement officer operating an ~~a marked~~ official
18 vehicle is exempt from toll payment when on official law
19 enforcement business. Any person operating a fire vehicle when
20 on official business or a rescue vehicle when on official
21 business is exempt from toll payment. Any person participating
22 in the funeral procession of a law enforcement officer or
23 firefighter killed in the line of duty is exempt from toll
24 payment. The secretary or the secretary's designee may suspend
25 the payment of tolls on a toll facility when necessary to assist
26 in emergency evacuation. The failure to pay a prescribed toll
27 constitutes a noncriminal traffic infraction, punishable as a
28 moving violation as provided in s. 318.18. The department may
29 adopt rules relating to the payment, collection, and enforcement
30 of tolls, as authorized in this chapter and chapters 316, 318,
31 320, and 322, including, but not limited to, rules for the
32 implementation of video or other image billing and variable
33 pricing. With respect to toll facilities managed by the
34 department, the revenues of which are not pledged to repayment
35 of bonds, the department may by rule allow the use of such
36 facilities by public transit vehicles or by vehicles
37 participating in a funeral procession for an active-duty
38 military service member without the payment of tolls.

39



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

41 And the title is amended as follows:

42 Between lines 159 and 160

43 insert:

44 amending s. 338.155, F.S.; extending a current
45 exemption from payment of toll to law enforcement
46 officers operating unmarked official vehicles while on
47 official law enforcement business;



336656

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2015	.	
	.	
	.	
	.	

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 1714 and 1715

insert:

Section 37. Subsections (1) and (12) of s. 311.09, F.S., are amended to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(1) The Florida Seaport Transportation and Economic Development Council is created within the Department of



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11 Transportation. The council consists of the following 16 ~~17~~
12 members: the port director, or the port director's designee, of
13 each of the ports of Jacksonville, Port Canaveral, ~~Port Citrus,~~
14 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,
15 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
16 West, and Fernandina; the secretary of the Department of
17 Transportation or his or her designee; and the director of the
18 Department of Economic Opportunity or his or her designee.

19 ~~(12) Until July 1, 2014, Citrus County may apply for a~~
20 ~~grant through the Florida Seaport Transportation and Economic~~
21 ~~Development Council to perform a feasibility study regarding the~~
22 ~~establishment of a port in Citrus County. The council shall~~
23 ~~evaluate such application pursuant to subsections (5) (8) and,~~
24 ~~if approved, the Department of Transportation shall include the~~
25 ~~feasibility study in its budget request pursuant to subsection~~
26 ~~(9). If the study determines that a port in Citrus County is not~~
27 ~~feasible, the membership of Port Citrus on the council shall~~
28 ~~terminate.~~

29 Section 38. Subsection (90) of section 316.003, Florida
30 Statutes, is amended, present subsections (91) through (93) of
31 that section are redesignated as subsections (92) through (94),
32 respectively, and a new subsection (91) is added to that
33 section, to read:

34 316.003 Definitions.—The following words and phrases, when
35 used in this chapter, shall have the meanings respectively
36 ascribed to them in this section, except where the context
37 otherwise requires:

38 (90) AUTONOMOUS VEHICLE.—Any vehicle equipped with
39 autonomous technology. ~~The term "autonomous technology" means~~



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40 ~~technology installed on a motor vehicle that has the capability~~
41 ~~to drive the vehicle on which the technology is installed~~
42 ~~without the active control or monitoring by a human operator.~~

43 The term excludes a motor vehicle enabled with active safety
44 systems or driver assistance systems, including, without
45 limitation, a system to provide electronic blind spot
46 assistance, crash avoidance, emergency braking, parking
47 assistance, adaptive cruise control, lane keep assistance, lane
48 departure warning, or traffic jam and queuing assistant, unless
49 any such system alone or in combination with other systems
50 enables the vehicle on which the technology is installed to
51 drive without the active control or monitoring by a human
52 operator.

53 (91) AUTONOMOUS TECHNOLOGY.—Technology installed on a motor
54 vehicle that has the capability to drive the vehicle on which
55 the technology is installed without the active control or
56 monitoring by a human operator.

57 (95) DRIVER-ASSISTIVE TRUCK PLATOONING.—Vehicle automation
58 technology that integrates sensor array, wireless
59 communications, vehicle controls, and specialized software to
60 synchronize acceleration and braking between no more than two
61 truck tractor-semitrailer combinations, while leaving each
62 vehicle's steering control and systems command in control of the
63 vehicle's driver.

64 Section 39. Subsection (2) of section 316.0895, Florida
65 Statutes, is amended to read:

66 316.0895 Following too closely.—

67 (2) It is unlawful for the driver of any motor truck, motor
68 truck drawing another vehicle, or vehicle towing another vehicle



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69 or trailer, when traveling upon a roadway outside of a business
70 or residence district, to follow within 300 feet of another
71 motor truck, motor truck drawing another vehicle, or vehicle
72 towing another vehicle or trailer. The provisions of this
73 subsection shall not be construed to prevent overtaking and
74 passing nor shall the same apply upon any lane specially
75 designated for use by motor trucks or other slow-moving
76 vehicles. This subsection shall not apply to two track tractor-
77 semi-trailer combinations equipped and connected with driver-
78 assistive truck platooning technology, as defined in s. 316.003,
79 and operating on a multilane limited access facility, if the
80 owner or operator complies with the financial responsibility
81 requirement of s. 316.86.

82 Section 40. Subsections (1) and (3) of section 316.303,
83 Florida Statutes, are amended to read:

84 316.303 Television receivers.—

85 (1) No motor vehicle operated on the highways of this state
86 shall be equipped with television-type receiving equipment so
87 located that the viewer or screen is visible from the driver's
88 seat, unless the vehicle is equipped with autonomous technology,
89 as defined in s. 316.003(91), and is being operated in
90 autonomous mode, as provided in s. 316.85(2).

91 (3) This section does not prohibit the use of an electronic
92 display used in conjunction with a vehicle navigation system or
93 an electronic display used by an operator of a vehicle equipped
94 with autonomous technology, as defined in s. 316.003(91), while
95 the vehicle is being operated in autonomous mode, as provided in
96 s. 316.85(2).

97 Section 41. Subsection (14) of section 316.515, Florida



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98 Statutes, is amended to read:

99 316.515 Maximum width, height, length.—

100 (14) MANUFACTURED BUILDINGS.—The Department of
101 Transportation may, in its discretion and upon application and
102 good cause shown therefor that the same is not contrary to the
103 public interest, issue a special permit for truck tractor-
104 semitrailer combinations where the total number of overwidth
105 deliveries of manufactured buildings, as defined in s.
106 553.36(13), may be reduced by permitting the use of multiple
107 sections or single units on an overlength trailer of no more
108 than 80 54 feet.

109 Section 42. Subsections (5) and (6) of section 338.231,
110 Florida Statutes, are amended to read:

111 338.231 Turnpike tolls, fixing; pledge of tolls and other
112 revenues.—The department shall at all times fix, adjust, charge,
113 and collect such tolls and amounts for the use of the turnpike
114 system as are required in order to provide a fund sufficient
115 with other revenues of the turnpike system to pay the cost of
116 maintaining, improving, repairing, and operating such turnpike
117 system; to pay the principal of and interest on all bonds issued
118 to finance or refinance any portion of the turnpike system as
119 the same become due and payable; and to create reserves for all
120 such purposes.

121 ~~(5) In each fiscal year while any of the bonds of the~~
122 ~~Broward County Expressway Authority series 1984 and series 1986~~
123 ~~A remain outstanding, the department is authorized to pledge~~
124 ~~revenues from the turnpike system to the payment of principal~~
125 ~~and interest of such series of bonds and the operation and~~
126 ~~maintenance expenses of the Sawgrass Expressway, to the extent~~



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127 ~~gross toll revenues of the Sawgrass Expressway are insufficient~~
128 ~~to make such payments. The terms of an agreement relative to the~~
129 ~~pledge of turnpike system revenue will be negotiated with the~~
130 ~~parties of the 1984 and 1986 Broward County Expressway Authority~~
131 ~~lease-purchase agreements, and subject to the covenants of those~~
132 ~~agreements. The agreement must establish that the Sawgrass~~
133 ~~Expressway is subject to the planning, management, and operating~~
134 ~~control of the department limited only by the terms of the~~
135 ~~lease-purchase agreements. The department shall provide for the~~
136 ~~payment of operation and maintenance expenses of the Sawgrass~~
137 ~~Expressway until such agreement is in effect. This pledge of~~
138 ~~turnpike system revenues is subordinate to the debt service~~
139 ~~requirements of any future issue of turnpike bonds, the payment~~
140 ~~of turnpike system operation and maintenance expenses, and~~
141 ~~subject to any subsequent resolution or trust indenture relating~~
142 ~~to the issuance of such turnpike bonds.~~

143 (5)~~(6)~~ The use and disposition of revenues pledged to bonds
144 are subject to ss. 338.22-338.241 and such regulations as the
145 resolution authorizing the issuance of the bonds or such trust
146 agreement may provide.

147 Section 43. Paragraph (c) of subsection (7) of section
148 339.175, Florida Statutes, is amended to read:

149 339.175 Metropolitan planning organization.-

150 (7) LONG-RANGE TRANSPORTATION PLAN.-Each M.P.O. must
151 develop a long-range transportation plan that addresses at least
152 a 20-year planning horizon. The plan must include both long-
153 range and short-range strategies and must comply with all other
154 state and federal requirements. The prevailing principles to be
155 considered in the long-range transportation plan are: preserving



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156 the existing transportation infrastructure; enhancing Florida's
157 economic competitiveness; and improving travel choices to ensure
158 mobility. The long-range transportation plan must be consistent,
159 to the maximum extent feasible, with future land use elements
160 and the goals, objectives, and policies of the approved local
161 government comprehensive plans of the units of local government
162 located within the jurisdiction of the M.P.O. Each M.P.O. is
163 encouraged to consider strategies that integrate transportation
164 and land use planning to provide for sustainable development and
165 reduce greenhouse gas emissions. The approved long-range
166 transportation plan must be considered by local governments in
167 the development of the transportation elements in local
168 government comprehensive plans and any amendments thereto. The
169 long-range transportation plan must, at a minimum:

170 (c) Assess capital investment and other measures necessary
171 to:

172 1. Ensure the preservation of the existing metropolitan
173 transportation system including requirements for the operation,
174 resurfacing, restoration, and rehabilitation of major roadways
175 and requirements for the operation, maintenance, modernization,
176 and rehabilitation of public transportation facilities; and

177 2. Make the most efficient use of existing transportation
178 facilities to relieve vehicular congestion, improve safety, and
179 maximize the mobility of people and goods. Such efforts shall
180 include, but not be limited to, consideration of infrastructure
181 and technological improvements necessary to accommodate advances
182 in vehicle technology, such as autonomous vehicle technology and
183 other developments.

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185 In the development of its long-range transportation plan,
186 each M.P.O. must provide the public, affected public agencies,
187 representatives of transportation agency employees, freight
188 shippers, providers of freight transportation services, private
189 providers of transportation, representatives of users of public
190 transit, and other interested parties with a reasonable
191 opportunity to comment on the long-range transportation plan.
192 The long-range transportation plan must be approved by the
193 M.P.O.

194 Section 44. Paragraph (c) is added to subsection (3) of
195 section 339.64, Florida Statutes, and paragraph (a) of
196 subsection (4) of that section is amended, to read:

197 339.64 Strategic Intermodal System Plan.—

198 (3)

199 (c) The department also shall coordinate with federal,
200 regional, and local partners, as well as industry
201 representatives, to consider infrastructure and technological
202 improvements necessary to accommodate advances in vehicle
203 technology, such as autonomous vehicle technology and other
204 developments, in Strategic Intermodal System facilities.

205 (4) The Strategic Intermodal System Plan shall include the
206 following:

207 (a) A needs assessment. Such assessment shall include, but
208 not be limited to, consideration of infrastructure and
209 technological improvements necessary to accommodate advances in
210 vehicle technology, such as autonomous vehicle technology and
211 other developments.

212 Section 45. Section 341.0532, Florida Statutes, is
213 repealed.



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214 Section 46. Section 341.1025, Florida Statutes, is created
215 to read:

216 341.1025 Public transit providers; transportation network
217 company agreements for the provision of public transit service.-

218 A public transit provider may enter into agreements with a
219 transportation network company under which the transportation
220 network company provides paratransit or public transit service
221 on behalf of the provider. As used in this section, the term
222 "transportation network company" means an entity that uses a
223 digital or software application to connect passengers to
224 services provided by transportation network company drivers.

225 Section 47. The Division of Law Revision and Information is
226 directed to create chapter 345, Florida Statutes, consisting of
227 ss. 345.0001-345.0014, Florida Statutes, to be entitled the
228 "Northwest Florida Regional Transportation Finance Authority."

229 Section 48. Section 345.0001, Florida Statutes, is created
230 to read:

231 345.0001 Short title.-This act may be cited as the
232 "Northwest Florida Regional Transportation Finance Authority
233 Act."

234 Section 49. Section 345.0002, Florida Statutes, is created
235 to read:

236 345.0002 Definitions.-As used in this chapter, the term:

237 (1) "Agency of the state" means the state and any
238 department of, or any corporation, agency, or instrumentality
239 created, designated, or established by, the state.

240 (2) "Area served" means Escambia County. However, upon a
241 contiguous county's consent to inclusion within the area served
242 by the authority and with the agreement of the authority, the



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243 term shall also include the geographical area of such county
244 contiguous to Escambia County.

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

248 (4) "Bonds" means the notes, bonds, refunding bonds, or
249 other evidences of indebtedness or obligations, in temporary or
250 definitive form, which the authority may issue under this
251 chapter.

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

253 (6) "Division" means the Division of Bond Finance of the
254 State Board of Administration.

255 (7) "Federal agency" means the United States, the President
256 of the United States, and any department of, or any bureau,
257 corporation, agency, or instrumentality created, designated, or
258 established by, the United States Government.

259 (8) "Members" means the governing body of the authority,
260 and the term "member" means one of the individuals constituting
261 such governing body.

262 (9) "Regional system" or "system" means, generally, a
263 modern system of roads, bridges, causeways, tunnels, and mass
264 transit services within the area of the authority, with access
265 limited or unlimited as the authority may determine, and the
266 buildings and structures and appurtenances and facilities
267 related to the system, including all approaches, streets, roads,
268 bridges, and avenues of access for the system.

269 (10) "Revenues" means the tolls, revenues, rates, fees,
270 charges, receipts, rentals, contributions, and other income
271 derived from or in connection with the operation or ownership of



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272 a regional system, including the proceeds of any use and
273 occupancy insurance on any portion of the system, but excluding
274 state funds available to the authority and any other municipal
275 or county funds available to the authority under an agreement
276 with a municipality or county.

277 Section 50. Section 18. Section 345.0003, Florida
278 Statutes, is created to read:

279 345.0003 Regional transportation finance authority
280 formation and membership.—

281 (1) Escambia County, alone or together with any consenting
282 contiguous county, may form a regional finance authority for the
283 purposes of constructing, maintaining, and operating
284 transportation projects in the northwest region of this state.
285 The authority shall be governed in accordance with this chapter.
286 The area served by the authority may not be expanded beyond
287 Escambia County without the approval of the county commission of
288 each contiguous county that will be a part of the authority.

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

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

296 (b) The Governor shall appoint an equal number of members
297 to the board as those appointed by the county commissions. The
298 members appointed by the Governor must be residents of the area
299 served by the authority.

300 (c) The district secretary of the department serving in the



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301 district that includes Escambia County.

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

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

306 (5) A vacancy occurring in the governing body before the
307 expiration of the member's term shall be filled for the
308 remainder of the unexpired term by the respective appointing
309 authority in the same manner as the original appointment.

310 (6) Before entering upon his or her official duties, each
311 member must take and subscribe to an oath before an official
312 authorized by law to administer oaths that he or she will
313 honestly, faithfully, and impartially perform the duties of his
314 or her office as a member of the governing body of the authority
315 and that he or she will not neglect any duties imposed on him or
316 her by this chapter.

317 (7) The Governor may remove from office a member of the
318 authority for misconduct, malfeasance, misfeasance, or
319 nonfeasance in office.

320 (8) Members of the authority shall designate a chair from
321 among the membership.

322 (9) Members of the authority shall serve without
323 compensation, but are entitled to reimbursement for per diem and
324 other expenses in accordance with s. 112.061 while in
325 performance of their official duties.

326 (10) A majority of the members of the authority shall
327 constitute a quorum, and resolutions enacted or adopted by a
328 vote of a majority of the members present and voting at any
329 meeting are effective without publication, posting, or any



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330 further action of the authority.

331 Section 51. Section 345.0004, Florida Statutes, is amended
332 to read:

333 345.0004 Powers and duties.-

334 (1) The authority shall plan, develop, finance, construct,
335 reconstruct, improve, own, operate, and maintain a regional
336 system in the area served by the authority. The authority may
337 not exercise these powers with respect to an existing system for
338 transporting people and goods by any means that is owned by
339 another entity without the consent of that entity. If the
340 authority acquires, purchases, or inherits an existing entity,
341 the authority shall inherit and assume all rights, assets,
342 appropriations, privileges, and obligations of the existing
343 entity.

344 (2) The authority may exercise all powers necessary,
345 appurtenant, convenient, or incidental to the carrying out of
346 the purposes of this section, including, but not limited to, the
347 following rights and powers:

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

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

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

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

357 (e) To sell, convey, exchange, lease, or otherwise dispose
358 of any real or personal property acquired by the authority,



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359 including air rights, which the authority and the department
360 have determined is not needed for the construction, operation,
361 and maintenance of the system.

362 (f) To fix, alter, charge, establish, and collect rates,
363 fees, rentals, and other charges for the use of any system owned
364 or operated by the authority, which rates, fees, rentals, and
365 other charges must be sufficient to comply with any covenants
366 made with the holders of any bonds issued under this act. This
367 right and power may be assigned or delegated by the authority to
368 the department.

369 (g) To borrow money; to make and issue negotiable notes,
370 bonds, refunding bonds, and other evidences of indebtedness or
371 obligations, in temporary or definitive form, to finance all or
372 part of the improvement of the authority's system and
373 appurtenant facilities, including the approaches, streets,
374 roads, bridges, and avenues of access for the system and for any
375 other purpose authorized by this chapter, the bonds to mature no
376 more than 30 years after the date of the issuance; to secure the
377 payment of such bonds or any part thereof by a pledge of its
378 revenues, rates, fees, rentals, or other charges, including
379 municipal or county funds received by the authority under an
380 agreement between the authority and a municipality or county;
381 and, in general, to provide for the security of the bonds and
382 the rights and remedies of the holders of the bonds. However,
383 municipal or county funds may not be pledged for the
384 construction of a project for which a toll is to be charged
385 unless the anticipated tolls are reasonably estimated by the
386 governing board of the municipality or county, on the date of
387 its resolution pledging the funds, to be sufficient to cover the



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388 principal and interest of such obligations during the period
389 when the pledge of funds is in effect.

390 1. The authority shall reimburse a municipality or county
391 for sums spent from municipal or county funds used for the
392 payment of the bond obligations.

393 2. If the authority elects to fund or refund bonds issued
394 by the authority before the maturity of the bonds, the proceeds
395 of the funding or refunding bonds, pending the prior redemption
396 of the bonds to be funded or refunded, shall be invested in
397 direct obligations of the United States, and the outstanding
398 bonds may be funded or refunded by the issuance of bonds under
399 this chapter.

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

404 (i) Without limitation of the foregoing, to cooperate with,
405 to accept grants from, and to enter into contracts or other
406 transactions with any federal agency, the state, or any agency
407 or any other public body of the state.

408 (j) To employ an executive director, attorney, staff, and
409 consultants. Upon the request of the authority, the department
410 shall furnish the services of a department employee to act as
411 the executive director of the authority.

412 (k) To accept funds or other property from private
413 donations.

414 (l) To act and do things necessary or convenient for the
415 conduct of its business and the general welfare of the
416 authority, in order to carry out the powers granted to it by



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417 this act or any other law.

418 (3) The authority may not pledge the credit or taxing power
419 of the state or a political subdivision or agency of the state.
420 Obligations of the authority may not be considered to be
421 obligations of the state or of any other political subdivision
422 or agency of the state. Except for the authority, the state or
423 any political subdivision or agency of the state is not liable
424 for the payment of the principal of or interest on such
425 obligations.

426 (4) The authority may not, other than by consent of the
427 affected county or an affected municipality, enter into an
428 agreement that would legally prohibit the construction of a road
429 by the county or the municipality.

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

434 Section 52. Section 345.0005, Florida Statutes, is created
435 to read:

436 345.0005 Bonds.—

437 (1) Bonds may be issued on behalf of the authority pursuant
438 to the State Bond Act in such principal amount as the authority
439 determines is necessary to achieve its corporate purposes,
440 including construction, reconstruction, improvement, extension,
441 and repair of the regional system; the acquisition cost of real
442 property; interest on bonds during construction and for a
443 reasonable period thereafter; and establishment of reserves to
444 secure bonds.

445 (2) Bonds issued on behalf of the authority under



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446 subsection (1) must:

447 (a) Be authorized by resolution of the members of the
448 authority and bear such date or dates; mature at such time or
449 times not exceeding 30 years after their respective dates; bear
450 interest at a rate or rates not exceeding the maximum rate fixed
451 by general law for authorities; be in such denominations; be in
452 such form, either coupon or fully registered; carry such
453 registration, exchangeability, and interchangeability
454 privileges; be payable in such medium of payment and at such
455 place or places; be subject to such terms of redemption; and be
456 entitled to such priorities of lien on the revenues and other
457 available moneys as such resolution or any resolution after the
458 bonds' issuance provides.

459 (b) Be sold at public sale in the manner provided in the
460 State Bond Act. Temporary bonds or interim certificates may be
461 issued to the purchaser or purchasers of such bonds pending the
462 preparation of definitive bonds and may contain such terms and
463 conditions as determined by the authority.

464 (3) A resolution that authorizes bonds may specify
465 provisions that must be part of the contract with the holders of
466 the bonds as to:

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

470 (b) The construction, reconstruction, improvement,
471 extension, repair, maintenance, and operation of the system, or
472 any part or parts of the system, and the duties and obligations
473 of the authority with reference thereto.

474 (c) Limitations on the purposes to which the proceeds of



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475 the bonds, then or thereafter issued, or of any loan or grant by
476 any federal agency or the state or any political subdivision of
477 the state may be applied.

478 (d) The fixing, charging, establishing, revising,
479 increasing, reducing, and collecting of tolls, rates, fees,
480 rentals, or other charges for use of the services and facilities
481 of the system or any part of the system.

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

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

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

487 (h) Any other or additional matters, of like or different
488 character, which in any way affect the security or protection of
489 the bonds.

490 (4) The authority may enter into deeds of trust,
491 indentures, or other agreements with banks or trust companies
492 within or without the state, as security for such bonds, and
493 may, under such agreements, assign and pledge any of the
494 revenues and other available moneys, including any available
495 municipal or county funds, under the terms of this chapter. The
496 deed of trust, indenture, or other agreement may contain
497 provisions that are customary in such instruments or that the
498 authority may authorize, including, but without limitation,
499 provisions that:

500 (a) Pledge any part of the revenues or other moneys
501 lawfully available.

502 (b) Apply funds and safeguard funds on hand or on deposit.

503 (c) Provide for the rights and remedies of the trustee and



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504 the holders of the bonds.

505 (d) Provide for the terms of the bonds or for resolutions
506 authorizing the issuance of the bonds.

507 (e) Provide for any additional matters, of like or
508 different character, which affect the security or protection of
509 the bonds.

510 (5) Bonds issued under this act are negotiable instruments
511 and have the qualities and incidents of negotiable instruments
512 under the law merchant and the negotiable instruments law of the
513 state.

514 (6) A resolution that authorizes the issuance of authority
515 bonds and pledges the revenues of the system must require that
516 revenues of the system be periodically deposited into
517 appropriate accounts in sufficient sums to pay the costs of
518 operation and maintenance of the system for the current fiscal
519 year as set forth in the annual budget of the authority and to
520 reimburse the department for any unreimbursed costs of operation
521 and maintenance of the system from prior fiscal years before
522 revenues of the system are deposited into accounts for the
523 payment of interest or principal owing or that may become owing
524 on such bonds.

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

528 Section 52. Section 345.0006, Florida Statutes, is created
529 to read:

530 345.0006 Remedies of bondholders.—

531 (1) The rights and the remedies granted to authority
532 bondholders under this chapter are in addition to and not in



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533 limitation of any rights and remedies lawfully granted to such
534 bondholders by the resolution or indenture providing for the
535 issuance of bonds, or by any deed of trust, indenture, or other
536 agreement under which the bonds may be issued or secured. If the
537 authority defaults in the payment of the principal or interest
538 on the bonds issued under this chapter after such principal or
539 interest becomes due, whether at maturity or upon call for
540 redemption, as provided in the resolution or indenture, and such
541 default continues for 30 days, or if the authority fails or
542 refuses to comply with this chapter or any agreement made with,
543 or for the benefit of, the holders of the bonds, the holders of
544 25 percent in aggregate principal amount of the bonds then
545 outstanding are entitled as of right to the appointment of a
546 trustee to represent such bondholders for the purposes of the
547 default if the holders of 25 percent in aggregate principal
548 amount of the bonds then outstanding first give written notice
549 to the authority and to the department of their intention to
550 appoint a trustee.

551 (2) The trustee and a trustee under a deed of trust,
552 indenture, or other agreement may, or upon the written request
553 of the holders of 25 percent or such other percentages specified
554 in any deed of trust, indenture, or other agreement, in
555 principal amount of the bonds then outstanding, shall, in any
556 court of competent jurisdiction, in its own name:

557 (a) By mandamus or other suit, action, or proceeding at
558 law, or in equity, enforce all rights of the bondholders,
559 including the right to require the authority to fix, establish,
560 maintain, collect, and charge rates, fees, rentals, and other
561 charges, adequate to carry out any agreement as to, or pledge



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562 of, the revenues, and to require the authority to carry out any
563 other covenants and agreements with or for the benefit of the
564 bondholders, and to perform its and their duties under this
565 chapter.

566 (b) Bring suit upon the bonds.

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

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

573 (3) A trustee, if appointed under this section or acting
574 under a deed of trust, indenture, or other agreement, and
575 regardless of whether all bonds have been declared due and
576 payable, is entitled to the appointment of a receiver. The
577 receiver may enter upon and take possession of the system or the
578 facilities or any part or parts of the system, the revenues, and
579 other pledged moneys, for and on behalf of and in the name of,
580 the authority and the bondholders. The receiver may collect and
581 receive revenues and other pledged moneys in the same manner as
582 the authority. The receiver shall deposit such revenues and
583 moneys in a separate account and apply all such revenues and
584 moneys remaining after allowance for payment of all costs of
585 operation and maintenance of the system in such manner as the
586 court directs. In a suit, action, or proceeding by the trustee,
587 the fees, counsel fees, and expenses of the trustee, and the
588 receiver, if any, and all costs and disbursements allowed by the
589 court must be a first charge on any revenues after payment of
590 the costs of operation and maintenance of the system. The



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591 trustee also has all other powers necessary or appropriate for
592 the exercise of any functions specifically described in this
593 section or incident to the representation of the bondholders in
594 the enforcement and protection of their rights.

595 (4) A receiver appointed pursuant to this section to
596 operate and maintain the system or a facility or a part of a
597 facility may not sell, assign, mortgage, or otherwise dispose of
598 any of the assets belonging to the authority. The powers of the
599 receiver are limited to the operation and maintenance of the
600 system or any facility or part of a facility and to the
601 collection and application of revenues and other moneys due the
602 authority, in the name and for and on behalf of the authority
603 and the bondholders. A holder of bonds or a trustee does not
604 have the right in any suit, action, or proceeding, at law or in
605 equity, to compel a receiver, or a receiver may not be
606 authorized or a court may not direct a receiver, to sell,
607 assign, mortgage, or otherwise dispose of any assets of whatever
608 kind or character belonging to the authority.

609 Section 53. Section 345.0007, Florida Statutes, is created
610 to read:

611 345.0007 Department to construct, operate, and maintain
612 facilities.-

613 (1) The department is the agent of the authority for the
614 purpose of performing all phases of a project, including, but
615 not limited to, constructing improvements and extensions to the
616 system, with the exception of the transit facilities. The
617 division and the authority shall provide to the department
618 complete copies of the documents, agreements, resolutions,
619 contracts, and instruments that relate to the project and shall



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620 request that the department perform the construction work,
621 including the planning, surveying, design, and actual
622 construction of the completion of, extensions of, and
623 improvements to the system. After the issuance of bonds to
624 finance construction of an improvement or addition to the
625 system, the division and the authority shall transfer to the
626 credit of an account of the department in the State Treasury the
627 necessary funds for construction. The department shall proceed
628 with construction and use the funds for the purpose authorized
629 by law for construction of roads and bridges. The authority may
630 alternatively, with the consent and approval of the department,
631 elect to appoint a local agency certified by the department to
632 administer federal aid projects in accordance with federal law
633 as the authority's agent for the purpose of performing each
634 phase of a project.

635 (2) Notwithstanding subsection (1), the department is the
636 agent of the authority for the purpose of operating and
637 maintaining the system, with the exception of transit
638 facilities. The costs incurred by the department for operation
639 and maintenance shall be reimbursed from revenues of the system.
640 The appointment of the department as agent for the authority
641 does not create an independent obligation on the part of the
642 department to operate and maintain a system. The authority shall
643 remain obligated as principal to operate and maintain its
644 system, and the authority's bondholders do not have an
645 independent right to compel the department to operate or
646 maintain the authority's system.

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



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

650 Section 54. Section 345.0008, Florida Statutes, is created
651 to read:

652 345.0008 Department contributions to authority projects.-

653 (1) Subject to appropriation by the Legislature, the
654 department may, at the request of the authority, pay all or part
655 of the cost of financial, engineering, or traffic feasibility
656 studies or of the design, financing, acquisition, or
657 construction of an authority project or portion of the system
658 that is included in the 10-year Strategic Intermodal Plan.

659 (a) Pursuant to chapter 216, the department shall include
660 funding for such payments in its legislative budget request. The
661 request for funding may be included in the 5-year Tentative Work
662 Program developed under s. 339.135; however, it must appear as a
663 distinct funding item in the legislative budget request and must
664 be supported by a financial feasibility test provided by the
665 department.

666 (b) Funding provided for authority projects shall appear in
667 the General Appropriations Act as a distinct fixed capital
668 outlay item and must clearly identify the related authority
669 project.

670 (c) The department may not make a budget request to fund
671 the acquisition or construction of a proposed authority project
672 unless the estimated net revenues of the proposed project will
673 be sufficient to pay at least 50 percent of the annual debt
674 service on the bonds associated with the project by the end of
675 12 years of operation and at least 100 percent of the debt
676 service on the bonds by the end of 30 years of operation.

677 (2) The department may use its engineers and other



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678 personnel, including consulting engineers and traffic engineers,
679 to conduct the feasibility studies authorized under subsection
680 (1).

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

683 (a) Serve national, statewide, or regional functions and
684 function as part of an integrated regional transportation
685 system.

686 (b) Are identified in the capital improvements element of a
687 comprehensive plan that has been determined to be in compliance
688 with part II of chapter 163. Further, the project shall be in
689 compliance with local government comprehensive plan policies
690 relative to corridor management.

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

693 (d) Have a commitment for local, regional, or private
694 financial matching funds as a percentage of the overall project
695 cost.

696 (4) Before approval, the department must determine that the
697 proposed project:

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

699 (b) Does not require state funding, unless the project is
700 on the State Highway System;

701 (c) Has adequate safeguards in place to ensure that no
702 additional costs will be imposed on or service disruptions will
703 affect the traveling public and residents of this state if the
704 department cancels or defaults on the agreement; and

705 (d) Has adequate safeguards in place to ensure that the
706 department and the authority have the opportunity to add



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707 capacity to the proposed project and other transportation
708 facilities serving similar origins and destinations.

709 (5) An obligation or expense incurred by the department
710 under this section is a part of the cost of the authority
711 project for which the obligation or expense was incurred. The
712 department may require that money contributed by the department
713 under this section be repaid from tolls of the project on which
714 the money was spent, other revenue of the authority, or other
715 sources of funds.

716 (6) The department shall receive from the authority a share
717 of the authority's net revenues equal to the ratio of the
718 department's total contributions to the authority under this
719 section to the sum of: the department's total contributions
720 under this section; contributions by any local government to the
721 cost of revenue-producing authority projects; and the sale
722 proceeds of authority bonds after payment of costs of issuance.
723 For the purpose of this subsection, the net revenues of the
724 authority are determined by deducting from gross revenues the
725 payment of debt service, administrative expenses, operations and
726 maintenance expenses, and all reserves required to be
727 established under any resolution under which authority bonds are
728 issued.

729 Section 55. Section 345.0009, Florida Statutes, is created
730 to read:

731 345.0009 Acquisition of lands and property.-

732 (1) For the purposes of this chapter, the authority may
733 acquire private or public property and property rights,
734 including rights of access, air, view, and light, by gift,
735 devise, purchase, condemnation by eminent domain proceedings, or



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736 transfer from another political subdivision of the state, as the
737 authority may find necessary for any of the purposes of this
738 chapter, including, but not limited to, any lands reasonably
739 necessary for securing applicable permits, areas necessary for
740 management of access, borrow pits, drainage ditches, water
741 retention areas, rest areas, replacement access for landowners
742 whose access is impaired due to the construction of a facility,
743 and replacement rights-of-way for relocated rail and utility
744 facilities; for existing, proposed, or anticipated
745 transportation facilities on the system or in a transportation
746 corridor designated by the authority; or for the purposes of
747 screening, relocation, removal, or disposal of junkyards and
748 scrap metal processing facilities. Each authority shall also
749 have the power to condemn any material and property necessary
750 for such purposes.

751 (2) The authority shall exercise the right of eminent
752 domain conferred under this section in the manner provided by
753 law.

754 (3) An authority that acquires property for a
755 transportation facility or in a transportation corridor is not
756 liable under chapter 376 or chapter 403 for preexisting soil or
757 groundwater contamination due solely to its ownership. This
758 section does not affect the rights or liabilities of any past or
759 future owners of the acquired property or the liability of any
760 governmental entity for the results of its actions which create
761 or exacerbate a pollution source. The authority and the
762 Department of Environmental Protection may enter into
763 interagency agreements for the performance, funding, and
764 reimbursement of the investigative and remedial acts necessary



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765 for property acquired by the authority.

766 Section 56. Section 345.001, Florida Statutes, is created
767 to read:

768 345.001 Cooperation with other units, boards, agencies, and
769 individuals.—A county, municipality, drainage district, road and
770 bridge district, school district, or any other political
771 subdivision, board, commission, or individual in, or of, the
772 state may make and enter into a contract, lease, conveyance,
773 partnership, or other agreement with the authority which
774 complies with this chapter. The authority may make and enter
775 into contracts, leases, conveyances, partnerships, and other
776 agreements with any political subdivision, agency, or
777 instrumentality of the state and any federal agency,
778 corporation, or individual to carry out the purposes of this
779 chapter.

780 Section 57. Section 345.0011, Florida Statutes, is created
781 to read:

782 345.0011 Covenant of the state.—The state pledges to, and
783 agrees with, any person, firm, or corporation, or federal or
784 state agency subscribing to or acquiring the bonds to be issued
785 by the authority for the purposes of this chapter that the state
786 will not limit or alter the rights vested by this chapter in the
787 authority and the department until all bonds at any time issued,
788 together with the interest thereon, are fully paid and
789 discharged insofar as the rights vested in the authority and the
790 department affect the rights of the holders of bonds issued
791 under this chapter. The state further pledges to, and agrees
792 with, the United States that if a federal agency constructs or
793 contributes any funds for the completion, extension, or



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794 improvement of the system, or any parts of the system, the state
795 will not alter or limit the rights and powers of the authority
796 and the department in any manner that is inconsistent with the
797 continued maintenance and operation of the system or the
798 completion, extension, or improvement of the system, or that
799 would be inconsistent with the due performance of any agreements
800 between the authority and any such federal agency, and the
801 authority and the department shall continue to have and may
802 exercise all powers granted in this section, so long as the
803 powers are necessary or desirable to carry out the purposes of
804 this chapter and the purposes of the United States in the
805 completion, extension, or improvement of the system, or any part
806 of the system.

807 Section 58. Section 345.0012, Florida Statutes, is created
808 to read:

809 345.0012 Exemption from taxation.—The authority created
810 under this chapter is for the benefit of the people of the
811 state, for the increase of their commerce and prosperity, and
812 for the improvement of their health and living conditions. The
813 authority performs essential governmental functions under this
814 chapter, therefore, the authority is not required to pay any
815 taxes or assessments of any kind or nature upon any property
816 acquired or used by it for such purposes, or upon any rates,
817 fees, rentals, receipts, income, or charges received by it.
818 Also, the bonds issued by the authority, their transfer and the
819 income from their issuance, including any profits made on the
820 sale of the bonds, shall be free from taxation by the state or
821 by any political subdivision, taxing agency, or instrumentality
822 of the state. The exemption granted by this section does not



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

825 Section 59. Section 345.0013, Florida Statutes, is created
826 to read:

827 345.0013 Eligibility for investments and security.—Bonds or
828 other obligations issued under this chapter are legal
829 investments for banks, savings banks, trustees, executors,
830 administrators, and all other fiduciaries, and for all state,
831 municipal, and other public funds, and are also securities
832 eligible for deposit as security for all state, municipal, or
833 other public funds, notwithstanding any other law to the
834 contrary.

835 Section 60. Section 345.0014, Florida Statutes, is created
836 to read:

837 345.0014 Applicability.—

838 (1) The powers conferred by this chapter are in addition to
839 the powers conferred by other laws and do not repeal any other
840 general or special law or local ordinance, but supplement them,
841 and provide a complete method for the exercise of the powers
842 granted in this chapter. The extension and improvement of a
843 system, and the issuance of bonds under this chapter to finance
844 all or part of the cost of such extension or improvement, may be
845 accomplished through compliance with this chapter without regard
846 to or necessity for compliance with the limitations or
847 restrictions contained in any other general, special, or local
848 law, including, but not limited to, s. 215.821. Approval of any
849 bonds issued under this act by the qualified electors or
850 qualified electors who are freeholders in the state or in any
851 political subdivision of the state is not required for the



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852 issuance of such bonds under this chapter.

853 (2) This act does not repeal, rescind, or modify any other
854 law relating to the State Board of Administration, the
855 Department of Transportation, or the Division of Bond Finance of
856 the State Board of Administration; however, this chapter
857 supersedes any other law that is inconsistent with its
858 provisions, including, but not limited to, s. 215.821.

859 Section 61. (1) The Commission for the Transportation
860 Disadvantaged, in cooperation with the Center for Urban
861 Transportation Research, shall develop and implement a pilot
862 program with at least one community transportation coordinator
863 to assess the potential for increasing accessibility and cost
864 effectiveness made possible through use of a transportation
865 network company as a transportation operator. As used in this
866 section, the term "transportation network company" means an
867 entity that uses a digital or software application to connect
868 passengers to services provided by transportation network
869 company drivers.

870 (2) The pilot program must allow for one or more
871 transportation network companies to provide all or some
872 nonsponsored paratransit services to eligible transportation
873 disadvantaged persons for no less than 6 months. A participating
874 transportation network company shall comply with all relevant
875 standards for transportation operators as required under s.
876 427.013(9), Florida Statutes.

877 (3) Contingent upon legislative appropriation, the
878 commission may expend up to \$750,000 for the pilot program.

879 (4) The commission shall present the findings of the pilot
880 program in a report to the chairs of the appropriate Senate and



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881 House Committees by October 1, 2016.

882 Section 62. (1) LEGISLATIVE FINDINGS AND INTENT.—The
883 Legislature recognizes that the existing fuel tax structure used
884 to derive revenues for the funding of transportation projects in
885 this state will soon be inadequate to meet the state’s needs. To
886 address this emerging need, the Legislature directs the Center
887 for Urban Transportation Research to establish an extensive
888 study on the impact of implementing a system that charges
889 drivers based on the vehicle miles traveled as an alternative,
890 sustainable source of transportation funding and to establish
891 the framework for implementation of a pilot demonstration
892 project. The Legislature recognizes that, over time, the current
893 fuel tax structure has become less viable as the primary funding
894 source for transportation projects. While the fuel tax has
895 functioned as a true user fee for decades, significant increases
896 in mandated vehicle fuel efficiency and the introduction of
897 electric and hybrid vehicles have significantly eroded the
898 revenues derived from this tax. The Legislature also recognizes
899 that there are legitimate privacy concerns related to a tax
900 mechanism that would charge users of the highway system on the
901 basis of miles traveled. Other concerns include the cost of
902 implementing such a system and institutional issues associated
903 with revenue sharing. Therefore, it is the intent of the
904 Legislature that this study and demonstration design will, at a
905 minimum, address these issues. To accomplish this task, the
906 Center for Urban Transportation Research in consultation with
907 the Florida Transportation Commission shall establish a project
908 advisory board to assist the center in analyzing this
909 alternative funding concept and in developing specific elements



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910 of the pilot project that will demonstrate the feasibility of
911 transitioning Florida to a transportation funding system based
912 on vehicle miles traveled.

913 (2) VEHICLE-MILES-TRAVELED STUDY.—The Center for Urban
914 Transportation Research shall conduct a study on the viability
915 of implementing a system in this state which charges drivers
916 based on their vehicle miles traveled as an alternative to the
917 present fuel tax structure to fund transportation projects. The
918 study will inventory previous research and findings from pilot
919 projects being conducted in other states. The study will address
920 at a minimum previous work conducted in these broad areas:
921 assessment of technologies; behavioral and privacy concerns;
922 equity impacts; and policy implications of a vehicle miles
923 traveled road charging system. The effort will also quantify the
924 current costs to collect traditional highway user fees. This
925 study will synthesize findings of completed research and
926 demonstrations in the area of vehicle-miles-traveled charges and
927 analyze their applicability to Florida. The Center for Urban
928 Transportation Research shall present the findings of this study
929 phase to the Legislature no later than January 30, 2016.

930 (3) VEHICLE-MILES-TRAVELED PILOT PROJECT DESIGN.—

931 (a) In the course of the study, the Center for Urban
932 Transportation Research in consultation with the Florida
933 Transportation Commission shall establish the framework for a
934 pilot project that will evaluate the feasibility of implementing
935 a system that charges drivers based on their vehicle miles
936 traveled.

937 (b) In the design of the pilot project framework, the
938 Center for Urban Transportation Research shall address at a



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939 minimum these elements: the geographic location for the pilot;
940 special fleets or classes of vehicles; evaluation criteria for
941 the demonstration; consumer choice in the method of reporting
942 miles traveled; privacy options for participants in the pilot
943 project; the recording of miles traveled with and without
944 locational information; records retention and destruction; and
945 cyber security.

946 (c) Contingent upon legislative appropriation, the Center
947 for Urban Transportation Research may expend up to \$400,000 for
948 the study and pilot project design.

949 (d) The pilot project design shall be completed no later
950 than December 31, 2016, and submitted in a report to the
951 Legislature so that implementation of a pilot project can occur
952 in 2017.

953
954

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

956 And the title is amended as follows:

957 Delete line 195

958 and insert:

959 in a reference thereto; amending s. 311.09, F.S.;

960 reducing the number of members of the Florida Seaport

961 Transportation and Economic Development Council;

962 removing Port Citrus from membership on the Council;

963 deleting dated authorization of Port Citrus to apply

964 for a certain grant to perform a certain feasibility

965 study; deleting direction to the Council to evaluate

966 the application; deleting direction to the Department

967 of Transportation to include the feasibility study in



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968 its budget request under certain conditions; deleting
969 provisions terminating the membership of Port Citrus
970 on the Council under certain conditions; amending s.
971 316.003, F.S.; making technical changes; defining the
972 term "driver-assistive truck platooning;" amending s.
973 316.0895, F.S., providing that provisions prohibiting
974 a driver from following certain vehicles within a
975 certain distance do not apply to truck tractor-
976 semitrailer combinations under certain conditions;
977 providing for financial responsibility; amending s.
978 316.303, F.S.; providing exceptions to the prohibition
979 of certain television-type receiving equipment and
980 certain electronic displays in vehicles; amending s.
981 316.515, F.S.; authorizing the Department of
982 Transportation to permit truck tractor-semitrailer
983 combinations where the total number of overwidth
984 deliveries of manufactured buildings may be reduced by
985 the transport of multiple sections or single units on
986 an overlength trailer of no more than a specified
987 length under certain circumstances; amending s.
988 338.231, F.S.; deleting provisions relating to using
989 the revenues from the turnpike system to pay the
990 principal and interest of a specified series of bonds
991 and certain expenses of the Sawgrass Expressway;
992 amending s. 339.175, F.S.; requiring certain long-
993 range transportation plans to include assessment of
994 capital investment and other measures necessary to
995 make the most efficient use of existing transportation
996 facilities to improve safety; requiring the



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997 assessments to include consideration of infrastructure
998 and technological improvements necessary to
999 accommodate advances in vehicle technology; amending
1000 s. 339.64, F.S.; requiring the Department of
1001 Transportation to coordinate with certain partners and
1002 industry representatives to consider infrastructure
1003 and technological improvements necessary to
1004 accommodate advances in vehicle technology in
1005 Strategic Intermodal System facilities; requiring the
1006 Strategic Intermodal System Plan to include a needs
1007 assessment regarding such infrastructure and
1008 technological improvements; repealing s. 341.0532,
1009 F.S., relating to statewide transportation corridors;
1010 creating s. 341.1025, F.S.; authorizing a public
1011 transit provider to enter into agreements with a
1012 transportation network company for the provision of
1013 certain transit services; defining the term
1014 "transportation network company"; providing a
1015 directive to the Division of Law Revision and
1016 Information; creating s. 345.0001, F.S.; providing a
1017 short title; creating s. 345.0002, F.S.; defining
1018 terms; creating s. 345.0003, F.S.; authorizing certain
1019 counties to form the Northwest Florida Regional
1020 Transportation Finance Authority to construct,
1021 maintain, or operate transportation projects in a
1022 given region of the state; specifying procedural
1023 requirements; creating s. 345.0004, F.S.; specifying
1024 the powers and duties of the authority, subject to
1025 certain restrictions; requiring that the authority



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1026 comply with certain reporting and documentation
1027 requirements; creating s. 345.0005, F.S.; authorizing
1028 the issuing of bonds on behalf of the authority under
1029 the State Bond Act and by the authority itself;
1030 specifying requirements and restrictions for such
1031 bonds under certain circumstances; creating s.
1032 345.0006, F.S.; providing rights and remedies of
1033 bondholders; creating s. 345.0007, F.S.; designating
1034 the Department of Transportation as the agent of the
1035 authority for specified purposes; authorizing the
1036 administration and management of projects by the
1037 department; limiting the powers of the department as
1038 an agent; establishing the fiscal responsibilities of
1039 the authority; creating s. 345.0008, F.S.; authorizing
1040 the department to provide for or commit its resources
1041 for the authority project or system, if approved by
1042 the Legislature, subject to legislative budget request
1043 procedures and prohibitions and appropriation
1044 procedures; authorizing the payment of expenses
1045 incurred by the department on behalf of the authority;
1046 requiring the department to receive a share of the
1047 revenue from the authority; providing calculations for
1048 disbursement of revenues; creating s. 345.0009, F.S.;
1049 authorizing the authority to acquire private or public
1050 property and property rights for a project or plan;
1051 establishing the rights and liabilities and remedial
1052 actions relating to property acquired for a
1053 transportation project or corridor; creating s.
1054 345.001, F.S.; authorizing contracts between



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1055 governmental entities and the authority; creating s.
1056 345.0011, F.S.; pledging that the state will not limit
1057 or alter the vested rights of the authority or the
1058 department with regard to any issued bonds or other
1059 rights relating to the bonds if they affect the rights
1060 of bondholders; creating s. 345.0012, F.S.; exempting
1061 the authority from certain taxes and assessments;
1062 providing exceptions; creating s. 345.0013, F.S.;
1063 providing that bonds or obligations issued under this
1064 chapter are legal investments for specified entities;
1065 creating s. 345.0014, F.S.; providing applicability;
1066 directing the Commission for the Transportation
1067 Disadvantaged, in cooperation with the Center for
1068 Urban Transportation Research, to develop and
1069 implement a pilot program with at least one community
1070 transportation coordinator relating to the use of a
1071 transportation network company as a transportation
1072 operator; defining the term "transportation network
1073 company"; specifying requirements and restrictions of
1074 the pilot program; requiring the commission to present
1075 a report to the chairs of the appropriate Senate and
1076 House committees by a certain date; providing
1077 legislative findings and intent relating to
1078 transportation funding; directing the Center for Urban
1079 Transportation Research to conduct a study on
1080 implementing a system in this state which charges
1081 drivers based on their vehicle miles traveled as an
1082 alternative to the present fuel tax structure to fund
1083 transportation projects; specifying requirements of



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1084 the study; requiring that the findings of the study be
1085 presented to the Legislature by a certain date;
1086 directing the center in consultation with the Florida
1087 Transportation Commission to establish the framework
1088 for a pilot project that will evaluate the feasibility
1089 of implementing a system that charges drivers based on
1090 their vehicle miles traveled; specifying requirements
1091 for the design of the pilot project framework;
1092 authorizing the center to expend up to a certain
1093 amount for the study and pilot project design
1094 contingent upon legislative appropriation; requiring
1095 that the pilot project design be completed by a
1096 certain date and submitted in a report to the
1097 Legislature; providing an effective date.



183492

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2015	.	
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The Committee on Transportation (Brandes) recommended the following:

Senate Amendment to Amendment (336656)

Delete lines 90 - 96
and insert:
autonomous mode, as provided in s. 316.85(2); or unless the vehicle is equipped and operating with driver-assistive truck platooning technology, as defined in s. 316.003(95).

(3) This section does not prohibit the use of an electronic display used in conjunction with a vehicle navigation system; or an electronic display used by an operator of a vehicle equipped



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11 with autonomous technology, as defined in s. 316.003(91), while
12 the vehicle is being operated in autonomous mode, as provided in
13 s. 316.85(2); or an electronic display used by the operator of a
14 vehicle equipped and operating with driver-assistive truck
15 platooning technology, as defined in s. 316.003(95).



391500

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2015	.	
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The Committee on Transportation (Simpson) recommended the following:

1 **Senate Amendment to Amendment (336656) (with title**
2 **amendment)**

3
4 Delete lines 97 - 99
5 and insert:

6 Section 41. Paragraph (b) of subsection (3) and subsection
7 (14) of section 316.515, Florida Statutes, are amended to read:
8 316.515 Maximum width, height, length.—

9 (3) LENGTH LIMITATION.—Except as otherwise provided in this
10 section, length limitations apply solely to a semitrailer or



391500

11 trailer, and not to a truck tractor or to the overall length of
12 a combination of vehicles. No combination of commercial motor
13 vehicles coupled together and operating on the public roads may
14 consist of more than one truck tractor and two trailing units.
15 Unless otherwise specifically provided for in this section, a
16 combination of vehicles not qualifying as commercial motor
17 vehicles may consist of no more than two units coupled together;
18 such nonqualifying combination of vehicles may not exceed a
19 total length of 65 feet, inclusive of the load carried thereon,
20 but exclusive of safety and energy conservation devices approved
21 by the department for use on vehicles using public roads.
22 Notwithstanding any other provision of this section, a truck
23 tractor-semitrailer combination engaged in the transportation of
24 automobiles or boats may transport motor vehicles or boats on
25 part of the power unit; and, except as may otherwise be mandated
26 under federal law, an automobile or boat transporter semitrailer
27 may not exceed 50 feet in length, exclusive of the load;
28 however, the load may extend up to an additional 6 feet beyond
29 the rear of the trailer. The 50-foot length limitation does not
30 apply to non-stinger-steered automobile or boat transporters
31 that are 65 feet or less in overall length, exclusive of the
32 load carried thereon, or to stinger-steered automobile or boat
33 transporters that are 75 feet or less in overall length,
34 exclusive of the load carried thereon. For purposes of this
35 subsection, a "stinger-steered automobile or boat transporter"
36 is an automobile or boat transporter configured as a semitrailer
37 combination wherein the fifth wheel is located on a drop frame
38 located behind and below the rearmost axle of the power unit.
39 Notwithstanding paragraphs (a) and (b), any straight truck or



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40 truck tractor-semitrailer combination engaged in the
41 transportation of horticultural trees may allow the load to
42 extend up to an additional 10 feet beyond the rear of the
43 vehicle, provided said trees are resting against a retaining bar
44 mounted above the truck bed so that the root balls of the trees
45 rest on the floor and to the front of the truck bed and the tops
46 of the trees extend up over and to the rear of the truck bed,
47 and provided the overhanging portion of the load is covered with
48 protective fabric.

49 (b) *Semitrailers.*—

50 1. A semitrailer operating in a truck tractor-semitrailer
51 combination may not exceed 48 feet in extreme overall outside
52 dimension, measured from the front of the unit to the rear of
53 the unit and the load carried thereon, exclusive of safety and
54 energy conservation devices approved by the department for use
55 on vehicles using public roads, unless it complies with
56 subparagraph 2. A semitrailer which exceeds 48 feet in length
57 and is used to transport divisible loads may operate in this
58 state only if issued a permit under s. 316.550 and if such
59 trailer meets the requirements of this chapter relating to
60 vehicle equipment and safety. Except for highways on the tandem
61 trailer truck highway network, public roads deemed unsafe for
62 longer semitrailer vehicles or those roads on which such longer
63 vehicles are determined not to be in the interest of public
64 convenience shall, in conformance with s. 316.006, be restricted
65 by the Department of Transportation or by the local authority to
66 use by semitrailers not exceeding a length of 48 feet, inclusive
67 of the load carried thereon but exclusive of safety and energy
68 conservation devices approved by the department for use on



391500

69 vehicles using public roads. Truck tractor-semitrailer
70 combinations shall be afforded reasonable access to terminals;
71 facilities for food, fuel, repairs, and rest; and points of
72 loading and unloading.

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

79 a. The distance between the kingpin or other peg that locks
80 into the fifth wheel of a truck tractor and the center of the
81 rear axle or rear group of axles does not exceed 41 feet, or, in
82 the case of a semitrailer used exclusively or primarily to
83 transport vehicles in connection with motorsports competition
84 events, the distance does not exceed 46 feet from the kingpin to
85 the center of the rear axles; and

86 b. It is equipped with a substantial rear-end underride
87 protection device meeting the requirements of 49 C.F.R. s.
88 393.86, "Rear End Protection."
89
90

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

92 And the title is amended as follows:

93 Delete line 981

94 and insert:

95 316.515, F.S.; extending the allowable length of
96 certain semitrailers authorized to operate on public
97 roads under certain conditions; authorizing the



391500

98

Department



889160

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2015	.	
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The Committee on Transportation (Brandes) recommended the following:

1 **Senate Amendment to Amendment (336656) (with title**
2 **amendment)**

3
4 Delete lines 214 - 224.

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

7 And the title is amended as follows:

8 Delete lines 1010 - 1014

9 and insert:

10 providing a



173636

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2015	.	
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The Committee on Transportation (Brandes) recommended the following:

1 **Senate Amendment to Amendment (336656) (with title**
2 **amendment)**

3
4 Delete lines 859 - 881.

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

7 And the title is amended as follows:

8 Delete lines 1066 - 1076

9 and insert:

10 providing



249514

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/19/2015	.	
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	.	

The Committee on Transportation (Simpson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 97 - 99

and insert:

Section 41. Paragraph (b) of subsection (3) and subsection (14) of section 316.515, Florida Statutes, are amended to read:
316.515 Maximum width, height, length.—

(3) LENGTH LIMITATION.—Except as otherwise provided in this section, length limitations apply solely to a semitrailer or trailer, and not to a truck tractor or to the overall length of



249514

11 a combination of vehicles. No combination of commercial motor
12 vehicles coupled together and operating on the public roads may
13 consist of more than one truck tractor and two trailing units.
14 Unless otherwise specifically provided for in this section, a
15 combination of vehicles not qualifying as commercial motor
16 vehicles may consist of no more than two units coupled together;
17 such nonqualifying combination of vehicles may not exceed a
18 total length of 65 feet, inclusive of the load carried thereon,
19 but exclusive of safety and energy conservation devices approved
20 by the department for use on vehicles using public roads.
21 Notwithstanding any other provision of this section, a truck
22 tractor-semitrailer combination engaged in the transportation of
23 automobiles or boats may transport motor vehicles or boats on
24 part of the power unit; and, except as may otherwise be mandated
25 under federal law, an automobile or boat transporter semitrailer
26 may not exceed 50 feet in length, exclusive of the load;
27 however, the load may extend up to an additional 6 feet beyond
28 the rear of the trailer. The 50-foot length limitation does not
29 apply to non-stinger-steered automobile or boat transporters
30 that are 65 feet or less in overall length, exclusive of the
31 load carried thereon, or to stinger-steered automobile or boat
32 transporters that are 75 feet or less in overall length,
33 exclusive of the load carried thereon. For purposes of this
34 subsection, a "stinger-steered automobile or boat transporter"
35 is an automobile or boat transporter configured as a semitrailer
36 combination wherein the fifth wheel is located on a drop frame
37 located behind and below the rearmost axle of the power unit.
38 Notwithstanding paragraphs (a) and (b), any straight truck or
39 truck tractor-semitrailer combination engaged in the



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40 transportation of horticultural trees may allow the load to
41 extend up to an additional 10 feet beyond the rear of the
42 vehicle, provided said trees are resting against a retaining bar
43 mounted above the truck bed so that the root balls of the trees
44 rest on the floor and to the front of the truck bed and the tops
45 of the trees extend up over and to the rear of the truck bed,
46 and provided the overhanging portion of the load is covered with
47 protective fabric.

48 (b) *Semitrailers.*—

49 1. A semitrailer operating in a truck tractor-semitrailer
50 combination may not exceed 48 feet in extreme overall outside
51 dimension, measured from the front of the unit to the rear of
52 the unit and the load carried thereon, exclusive of safety and
53 energy conservation devices approved by the department for use
54 on vehicles using public roads, unless it complies with
55 subparagraph 2. A semitrailer which exceeds 48 feet in length
56 and is used to transport divisible loads may operate in this
57 state only if issued a permit under s. 316.550 and if such
58 trailer meets the requirements of this chapter relating to
59 vehicle equipment and safety. Except for highways on the tandem
60 trailer truck highway network, public roads deemed unsafe for
61 longer semitrailer vehicles or those roads on which such longer
62 vehicles are determined not to be in the interest of public
63 convenience shall, in conformance with s. 316.006, be restricted
64 by the Department of Transportation or by the local authority to
65 use by semitrailers not exceeding a length of 48 feet, inclusive
66 of the load carried thereon but exclusive of safety and energy
67 conservation devices approved by the department for use on
68 vehicles using public roads. Truck tractor-semitrailer



249514

69 combinations shall be afforded reasonable access to terminals;
70 facilities for food, fuel, repairs, and rest; and points of
71 loading and unloading.

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

78 a. The distance between the kingpin or other peg that locks
79 into the fifth wheel of a truck tractor and the center of the
80 rear axle or rear group of axles does not exceed 41 feet, or, in
81 the case of a semitrailer used exclusively or primarily to
82 transport vehicles in connection with motorsports competition
83 events, the distance does not exceed 46 feet from the kingpin to
84 the center of the rear axles; and

85 b. It is equipped with a substantial rear-end underride
86 protection device meeting the requirements of 49 C.F.R. s.
87 393.86, "Rear End Protection."
88

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

90 And the title is amended as follows:

91 Delete line 981

92 and insert:

93 316.515, F.S.; extending the allowable length of
94 certain semitrailers authorized to operate on public
95 roads under certain conditions; authorizing the
96 Department

By Senator Brandes

22-00811B-15

20151554__

1 A bill to be entitled
 2 An act relating to transportation; amending s. 20.23,
 3 F.S.; deleting the requirement that the Secretary of
 4 Transportation appoint an inspector general pursuant
 5 to s. 20.055, F.S.; deleting the requirement that the
 6 district director for the Fort Myers Urban Office of
 7 the Department of Transportation be responsible for
 8 developing the 5-year Transportation Plan and other
 9 services for specified counties; amending s. 215.82,
 10 F.S.; removing a cross-reference relating to actions
 11 to validate bonds; amending s. 260.0144, F.S.;
 12 providing that certain commercial sponsorship may be
 13 displayed on state greenway and trail facilities not
 14 included within the Florida Shared-Use Nonmotorized
 15 Trail Network; deleting provisions relating to the
 16 authorization of sponsored state greenways and trails
 17 at specified facilities or property; amending s.
 18 311.07, F.S.; increasing the minimum amount per year
 19 that shall be made available from the State
 20 Transportation Fund to fund the Florida Seaport
 21 Transportation and Economic Development Program;
 22 amending s. 311.09, F.S.; increasing the amount per
 23 year the department shall include in its annual
 24 legislative budget request for the Florida Seaport
 25 Transportation and Economic Development Program;
 26 amending s. 316.003, F.S.; redefining the terms
 27 "crosswalk" and "sidewalk"; defining the term "port-
 28 of-entry"; amending s. 316.130, F.S.; revising traffic
 29 regulations relating to pedestrians crossing roadways;

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30 amending s. 316.545, F.S.; providing a specified
 31 penalty for commercial motor vehicles that obtain
 32 temporary registration permits entering the state at,
 33 or operating on designated routes to, a port-of-entry
 34 location; amending s. 333.01, F.S.; defining terms;
 35 redefining terms; amending s. 333.025, F.S.; revising
 36 requirements relating to securing a permit for the
 37 proposed construction or alteration of structures that
 38 would exceed specified federal obstruction standards;
 39 requiring such permits only within an airport hazard
 40 area if the proposed construction is within a set
 41 radius of a certain airport reference point; providing
 42 that existing, planned, and proposed facilities at
 43 public-use airports contained in certain plans or
 44 documents will be protected from structures that
 45 exceed federal obstruction standards; providing that a
 46 permit is not required when political subdivisions
 47 have adopted adequate airport protection zoning
 48 regulations and have established a permitting process,
 49 subject to certain requirements; providing for a
 50 review period by the department to run concurrent with
 51 such permitting process, subject to certain
 52 requirements and exemptions; specifying certain
 53 factors the department shall consider in determining
 54 whether to issue or deny a permit; directing the
 55 department to require an owner of a permitted
 56 obstruction or vegetation to install, operate, and
 57 maintain marking and lighting subject to certain
 58 requirements; prohibiting a permit from being approved

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59 solely on the basis that a proposed structure will not
 60 exceed specified federal obstruction standards;
 61 providing certain administrative review for the denial
 62 of a permit; amending s. 333.03, F.S.; revising the
 63 requirements relating to the adoption of airport
 64 protection zoning regulations by certain political
 65 subdivisions; revising the requirements of such
 66 adopted airport protection zoning regulations;
 67 providing that the department is available to assist
 68 political subdivisions with regard to federal
 69 obstruction standards; revising requirements relating
 70 to airport land use compatibility zoning regulations
 71 that address, at a minimum, landfill locations and
 72 noise contours; requiring adoption of airport zoning
 73 regulations that restrict substantial modifications to
 74 existing incompatible uses within runway protection
 75 zones; requiring that updates and amendments to local
 76 airport zoning codes, rules, and regulations be filed
 77 with the department within a certain time after
 78 adoption; revising requirements relating to
 79 educational structures or sites; providing that a
 80 governing body operating a public-use airport may
 81 establish more restrictive airport protection zoning
 82 regulations for certain purposes; amending s. 333.04,
 83 F.S.; revising provisions relating to comprehensive
 84 plan or policy regulations, including airport
 85 protection zoning regulations under certain
 86 circumstances; amending s. 333.05, F.S.; revising
 87 provisions relating to the procedure for adoption,

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88 amendment, or deletion of airport zoning regulations;
 89 revising provisions relating to airport zoning
 90 commissions; amending s. 333.06, F.S.; revising
 91 provisions relating to airport zoning requirements,
 92 and airport master plans that are prepared by certain
 93 public-use airports; repealing s. 333.065, F.S.,
 94 relating to guidelines regarding land use near
 95 airports; amending s. 333.07, F.S.; revising
 96 provisions relating to permits for use of structures
 97 or vegetation in violation of airport protection
 98 zoning regulations; specifying factors a political
 99 subdivision or its administrative agency must consider
 100 when determining whether to issue or deny a permit;
 101 deleting provisions relating to applying for a
 102 variance from zoning regulations; revising provisions
 103 relating to obstruction marking and lighting
 104 requirements when a political subdivision or its
 105 administrative agency issues a permit; repealing s.
 106 333.08, F.S., relating to appeals in regard to airport
 107 zoning regulations; amending s. 333.09, F.S.;
 108 requiring all airport zoning regulations to provide
 109 for the administration and enforcement of such
 110 regulations by the affected political subdivisions or
 111 an administrative agency created by the subdivisions;
 112 requiring a political subdivision that must adopt
 113 airport zoning regulations to provide a permitting
 114 process subject to certain requirements and
 115 exceptions; providing for an appeals process for
 116 decisions in the administration of airport zoning

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117 regulations, subject to certain requirements;
 118 repealing s. 333.10, F.S., relating to boards of
 119 adjustment provided for by all airport zoning
 120 regulations; amending s. 333.11, F.S.; revising
 121 provisions relating to judicial review for decisions
 122 made by any governing body of a political subdivision,
 123 joint airport zoning board, or administrative agency;
 124 requiring the appellant to exhaust all its remedies
 125 through application for local government permits,
 126 exceptions, and appeals before judicial appeal is
 127 permitted; amending s. 333.12, F.S.; revising
 128 provisions relating to the acquisition of air rights;
 129 providing that a certain political subdivision may
 130 acquire air right, aviation easement, other estate,
 131 or interest in a nonconforming structure or use that
 132 presents an air hazard and cannot be removed, lowered,
 133 or otherwise terminated, subject to certain
 134 requirements; creating s. 333.135, F.S.; requiring
 135 that certain airport zoning regulations be amended to
 136 conform by a certain date; requiring certain political
 137 subdivisions to adopt airport zoning regulations for
 138 an airport hazard area by a certain date; directing
 139 the department to administer the permitting process
 140 for local governments that have not adopted airport
 141 protection zoning regulations; repealing s. 333.14,
 142 F.S., relating to a short title; amending s. 334.03,
 143 F.S.; redefining the term "511" or "511 services";
 144 deleting the term "interactive voice response";
 145 amending s. 334.044, F.S.; removing the provision of

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146 interactive voice response telephone systems
 147 accessible via the 511 number that may be included in
 148 traveler information systems; amending s. 334.60,
 149 F.S.; revising provisions relating to the 511 traveler
 150 information system; amending s. 335.065, F.S.;
 151 deleting provisions relating to certain commercial
 152 sponsorship displays on multiuse trails and related
 153 facilities; deleting provisions relating to funding a
 154 statewide system of interconnected multiuse trails;
 155 creating s. 335.21, F.S.; requiring the governing body
 156 of any independent special district created to
 157 regulate the operation of public vehicles on public
 158 highways to consist of a certain number of members;
 159 providing appointment requirements for such members;
 160 amending s. 338.165, F.S.; removing an option to issue
 161 certain bonds secured by toll revenues collected on
 162 the Beeline East Expressway and the Navarre Bridge;
 163 amending s. 338.227, F.S.; providing that bonds issued
 164 are not required to be validated pursuant to ch. 75,
 165 F.S., but may be validated at the option of the
 166 Division of Bond Finance; providing filing, notice,
 167 and service requirements relating to complaints for
 168 such validation; amending s. 338.231, F.S.; increasing
 169 the number of years before an inactive prepaid toll
 170 account shall be presumed unclaimed; creating s.
 171 339.81, F.S.; creating the Florida Shared-Use
 172 Nonmotorized Trail Network; specifying the
 173 composition, purpose, and requirements of the network;
 174 authorizing the department certain powers related to

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175 planning, development, operation, and maintenance of
 176 the network; creating s. 339.82, F.S.; directing the
 177 department to develop a Shared-Use Nonmotorized Trail
 178 Network Plan, subject to certain requirements;
 179 creating s. 339.83, F.S.; creating a trail sponsorship
 180 program, subject to certain requirements and
 181 restrictions; directing the Office of Economic and
 182 Demographic Research to evaluate and determine the
 183 economic benefits of the state's investment in the
 184 Department of Transportation's adopted work program
 185 for a certain timeframe, subject to certain
 186 requirements; directing the Department of
 187 Transportation and each of its district offices to
 188 provide the Office of Economic and Demographic
 189 Research full access to certain data; requiring the
 190 Office of Economic and Demographic Research to submit
 191 the analysis to the Legislature by a certain date;
 192 reenacting s. 350.81(6), F.S., relating to the
 193 definition of the term "airport layout plan," to
 194 incorporate the amendment made to s. 333.01, F.S., in
 195 a reference thereto; providing an effective date.

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

198
 199 Section 1. Paragraph (d) of subsection (3) and paragraph
 200 (d) of subsection (4) of section 20.23, Florida Statutes, are
 201 amended to read:

202 20.23 Department of Transportation.—There is created a
 203 Department of Transportation which shall be a decentralized

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204 agency.
 205 (3)
 206 ~~(d) The secretary shall appoint an inspector general~~
 207 ~~pursuant to s. 20.055 who shall be directly responsible to the~~
 208 ~~secretary and shall serve at the pleasure of the secretary.~~
 209 (4)
 210 ~~(d) The district director for the Fort Myers Urban Office~~
 211 ~~of the Department of Transportation is responsible for~~
 212 ~~developing the 5-year Transportation Plan for Charlotte,~~
 213 ~~Collier, DeSoto, Glades, Hendry, and Lee Counties. The Fort~~
 214 ~~Myers Urban Office also is responsible for providing policy,~~
 215 ~~direction, local government coordination, and planning for those~~
 216 ~~counties.~~
 217 Section 2. Subsection (2) of section 215.82, Florida
 218 Statutes, is amended to read:
 219 215.82 Validation; when required.—
 220 (2) Any bonds issued pursuant to this act which are
 221 validated shall be validated in the manner provided by chapter
 222 75. In actions to validate bonds to be issued in the name of the
 223 State Board of Education under s. 9(a) and (d), Art. XII of the
 224 State Constitution and bonds to be issued pursuant to chapter
 225 259, the Land Conservation Act of 1972, the complaint shall be
 226 filed in the circuit court of the county where the seat of state
 227 government is situated, the notice required to be published by
 228 s. 75.06 shall be published only in the county where the
 229 complaint is filed, and the complaint and order of the circuit
 230 court shall be served only on the state attorney of the circuit
 231 in which the action is pending. In any action to validate bonds
 232 issued pursuant to s. 1010.62 or issued pursuant to s. 9(a) (1),

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233 Art. XII of the State Constitution or issued pursuant to s.
 234 215.605 ~~or s. 338.227~~, the complaint shall be filed in the
 235 circuit court of the county where the seat of state government
 236 is situated, the notice required to be published by s. 75.06
 237 shall be published in a newspaper of general circulation in the
 238 county where the complaint is filed and in two other newspapers
 239 of general circulation in the state, and the complaint and order
 240 of the circuit court shall be served only on the state attorney
 241 of the circuit in which the action is pending; provided,
 242 however, that if publication of notice pursuant to this section
 243 would require publication in more newspapers than would
 244 publication pursuant to s. 75.06, such publication shall be made
 245 pursuant to s. 75.06.

246 Section 3. Section 260.0144, Florida Statutes, is amended
 247 to read:

248 260.0144 Sponsorship of state greenways and trails.—The
 249 department may enter into a concession agreement with a not-for-
 250 profit entity or private sector business or entity for
 251 commercial sponsorship to be displayed on state greenway and
 252 trail facilities not included within the Florida Shared-Use
 253 Nonmotorized Trail Network established in chapter 339 ~~or~~
 254 ~~property specified in this section~~. The department may establish
 255 the cost for entering into a concession agreement.

256 (1) A concession agreement shall be administered by the
 257 department and must include the requirements found in this
 258 section.

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

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

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

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

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

272 (d) The department shall ensure that the size, color,
 273 materials, construction, and location of all signs are
 274 consistent with the management plan for the property and the
 275 standards of the department, do not intrude on natural and
 276 historic settings, and contain only a logo selected by the
 277 sponsor and the following sponsorship wording:

278 ... (Name of the sponsor) ... proudly sponsors the costs
 279 of maintaining the ... (Name of the greenway or
 280 trail) ...

281
 282
 283 ~~(e) Sponsored state greenways and trails are authorized at~~
 284 ~~the following facilities or property:~~

285 ~~1. Florida Keys Overseas Heritage Trail.~~

286 ~~2. Blackwater Heritage Trail.~~

287 ~~3. Tallahassee-St. Marks Historic Railroad State Trail.~~

288 ~~4. Nature Coast State Trail.~~

289 ~~5. Withlacoochee State Trail.~~

290 ~~6. General James A. Van Fleet State Trail.~~

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291 ~~7. Palatka Lake Butler State Trail.~~

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

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

300 (3) A concession agreement shall be for a minimum of 1
301 year, but may be for a longer period under a multiyear
302 agreement, and may be terminated for just cause by the
303 department upon 60 days' advance notice. Just cause for
304 termination of a concession agreement includes, but is not
305 limited to, violation of the terms of the concession agreement
306 or any provision of this section.

307 (4) Commercial sponsorship pursuant to a concession
308 agreement is for public relations or advertising purposes of the
309 not-for-profit entity or private sector business or entity, and
310 may not be construed by that not-for-profit entity or private
311 sector business or entity as having a relationship to any other
312 actions of the department.

313 (5) This section does not create a proprietary or
314 compensable interest in any sign, display site, or location.

315 (6) Proceeds from concession agreements shall be
316 distributed as follows:

317 (a) Eighty-five percent shall be deposited into the
318 appropriate department trust fund that is the source of funding
319 for management and operation of state greenway and trail

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320 facilities and properties.

321 (b) Fifteen percent shall be deposited into the State
322 Transportation Trust Fund for use in the Traffic and Bicycle
323 Safety Education Program and the Safe Paths to School Program
324 administered by the Department of Transportation.

325 (7) The department may adopt rules to administer this
326 section.

327 Section 4. Subsection (2) of section 311.07, Florida
328 Statutes, is amended to read:

329 311.07 Florida seaport transportation and economic
330 development funding.—

331 (2) A minimum of \$25 ~~15~~ million per year shall be made
332 available from the State Transportation Trust Fund to fund the
333 Florida Seaport Transportation and Economic Development Program.
334 The Florida Seaport Transportation and Economic Development
335 Council created in s. 311.09 shall develop guidelines for
336 project funding. Council staff, the Department of
337 Transportation, and the Department of Economic Opportunity shall
338 work in cooperation to review projects and allocate funds in
339 accordance with the schedule required for the Department of
340 Transportation to include these projects in the tentative work
341 program developed pursuant to s. 339.135(4).

342 Section 5. Subsection (9) of section 311.09, Florida
343 Statutes, is amended to read:

344 311.09 Florida Seaport Transportation and Economic
345 Development Council.—

346 (9) The Department of Transportation shall include at least
347 \$25 ~~no less than \$15~~ million per year in its annual legislative
348 budget request for the Florida Seaport Transportation and

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349 Economic Development Program funded under s. 311.07. Such budget
 350 shall include funding for projects approved by the council which
 351 have been determined by each agency to be consistent. The
 352 department shall include the specific approved Florida Seaport
 353 Transportation and Economic Development Program projects to be
 354 funded under s. 311.07 during the ensuing fiscal year in the
 355 tentative work program developed pursuant to s. 339.135(4). The
 356 total amount of funding to be allocated to Florida Seaport
 357 Transportation and Economic Development Program projects under
 358 s. 311.07 during the successive 4 fiscal years shall also be
 359 included in the tentative work program developed pursuant to s.
 360 339.135(4). The council may submit to the department a list of
 361 approved projects that could be made production-ready within the
 362 next 2 years. The list shall be submitted by the department as
 363 part of the needs and project list prepared pursuant to s.
 364 339.135(2)(b). However, the department shall, upon written
 365 request of the Florida Seaport Transportation and Economic
 366 Development Council, submit work program amendments pursuant to
 367 s. 339.135(7) to the Governor within 10 days after the later of
 368 the date the request is received by the department or the
 369 effective date of the amendment, termination, or closure of the
 370 applicable funding agreement between the department and the
 371 affected seaport, as required to release the funds from the
 372 existing commitment. Notwithstanding s. 339.135(7)(c), any work
 373 program amendment to transfer prior year funds from one approved
 374 seaport project to another seaport project is subject to the
 375 procedures in s. 339.135(7)(d). Notwithstanding any provision of
 376 law to the contrary, the department may transfer unexpended
 377 budget between the seaport projects as identified in the

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378 approved work program amendments.

379 Section 6. Subsections (6) and (47) of section 316.003,
 380 Florida Statutes, are amended, and subsection (94) is added to
 381 that section, to read:

382 316.003 Definitions.—The following words and phrases, when
 383 used in this chapter, shall have the meanings respectively
 384 ascribed to them in this section, except where the context
 385 otherwise requires:

386 (6) CROSSWALK.—

387 (a) Unmarked crosswalk.—An unmarked part of the roadway at
 388 an intersection used by pedestrians for crossing the roadway
 389 That part of a roadway at an intersection included within the
 390 connections of the lateral lines of the sidewalks on opposite
 391 sides of the highway, measured from the curbs or, in the absence
 392 of curbs, from the edges of the traversable roadway.

393 (b) Marked crosswalks.—Pavement marking lines on the
 394 roadway surface, which may include contrasting pavement texture,
 395 style, or colored portions of the roadway at an intersection
 396 used by pedestrians for crossing the roadway Any portion of a
 397 roadway at an intersection or elsewhere distinctly indicated for
 398 pedestrian crossing by lines or other markings on the surface.

399 (c) Midblock crosswalk.—A location between intersections
 400 where the roadway surface is marked by pavement marking lines on
 401 the roadway surface, which may include contrasting pavement
 402 texture, style or colored portion of the roadway at a signalized
 403 or unsignalized crosswalk used for pedestrian roadway crossings
 404 and may include a pedestrian refuge island.

405 (47) SIDEWALK.—That portion of a street ~~between the~~
 406 ~~curbline, or the lateral line, of a roadway and the adjacent~~

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407 ~~property lines,~~ intended for use by pedestrians, adjacent to the
 408 roadway between the curb or edge of the roadway and the property
 409 line.

410 (94) PORT-OF-ENTRY.-A designated location that allows
 411 drivers of commercial motor vehicles to purchase temporary
 412 registration permits necessary to operate legally within the
 413 state. The locations and the designated routes to such locations
 414 shall be determined by the Department of Transportation.

415 Section 7. Paragraphs (b) and (c) of subsection (7) of
 416 section 316.130, Florida Statutes, are amended to read:

417 316.130 Pedestrians; traffic regulations.-

418 (7)

419 (b) The driver of a vehicle at any crosswalk location where
 420 the approach is not controlled by a traffic signal or stop sign
 421 must signage so indicates shall stop and remain stopped to allow
 422 a pedestrian to cross a roadway when the pedestrian is in the
 423 crosswalk or steps into the crosswalk and is upon the half of
 424 the roadway upon which the vehicle is traveling or turning, or
 425 when the pedestrian is approaching so closely from the opposite
 426 half of the roadway as to be in danger. Any pedestrian crossing
 427 a roadway at a point where a pedestrian tunnel or overhead
 428 pedestrian crossing has been provided must yield the right-of-
 429 way to all vehicles upon the roadway.

430 ~~(c) When traffic control signals are not in place or in~~
 431 ~~operation and there is no signage indicating otherwise, the~~
 432 ~~driver of a vehicle shall yield the right-of-way, slowing down~~
 433 ~~or stopping if need be to so yield, to a pedestrian crossing the~~
 434 ~~roadway within a crosswalk when the pedestrian is upon the half~~
 435 ~~of the roadway upon which the vehicle is traveling or when the~~

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436 ~~pedestrian is approaching so closely from the opposite half of~~
 437 ~~the roadway as to be in danger. Any pedestrian crossing a~~
 438 ~~roadway at a point where a pedestrian tunnel or overhead~~
 439 ~~pedestrian crossing has been provided shall yield the right-of-~~
 440 ~~way to all vehicles upon the roadway.~~

441 Section 8. Paragraph (b) of subsection (2) of section
 442 316.545, Florida Statutes, is amended to read:

443 316.545 Weight and load unlawful; special fuel and motor
 444 fuel tax enforcement; inspection; penalty; review.-

445 (2)

446 (b) The officer or inspector shall inspect the license
 447 plate or registration certificate of the commercial vehicle, as
 448 defined in s. 316.003(66), to determine if its gross weight is
 449 in compliance with the declared gross vehicle weight. If its
 450 gross weight exceeds the declared weight, the penalty shall be 5
 451 cents per pound on the difference between such weights. In those
 452 cases when the commercial vehicle, as defined in s. 316.003(66),
 453 is being operated over the highways of the state with an expired
 454 registration or with no registration from this or any other
 455 jurisdiction or is not registered under the applicable
 456 provisions of chapter 320, the penalty herein shall apply on the
 457 basis of 5 cents per pound on that scaled weight which exceeds
 458 35,000 pounds on laden truck tractor-semitrailer combinations or
 459 tandem trailer truck combinations, 10,000 pounds on laden
 460 straight trucks or straight truck-trailer combinations, or
 461 10,000 pounds on any unladen commercial motor vehicle. A
 462 commercial motor vehicle entering the state at a designated
 463 port-of-entry location, as defined in s. 316.003(94), or
 464 operating on designated routes to a port-of-entry location,

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465 which obtains a temporary registration permit shall be assessed
 466 a penalty limited to the difference between its gross weight and
 467 the declared gross vehicle weight at 5 cents per pound. If the
 468 license plate or registration has not been expired for more than
 469 90 days, the penalty imposed under this paragraph may not exceed
 470 \$1,000. In the case of special mobile equipment as defined in s.
 471 316.003(48), which qualifies for the license tax provided for in
 472 s. 320.08(5)(b), being operated on the highways of the state
 473 with an expired registration or otherwise not properly
 474 registered under the applicable provisions of chapter 320, a
 475 penalty of \$75 shall apply in addition to any other penalty
 476 which may apply in accordance with this chapter. A vehicle found
 477 in violation of this section may be detained until the owner or
 478 operator produces evidence that the vehicle has been properly
 479 registered. Any costs incurred by the retention of the vehicle
 480 shall be the sole responsibility of the owner. A person who has
 481 been assessed a penalty pursuant to this paragraph for failure
 482 to have a valid vehicle registration certificate pursuant to the
 483 provisions of chapter 320 is not subject to the delinquent fee
 484 authorized in s. 320.07 if such person obtains a valid
 485 registration certificate within 10 working days after such
 486 penalty was assessed.

487 Section 9. Section 333.01, Florida Statutes, is amended to
 488 read:

489 333.01 Definitions.—For the purpose of this chapter, the
 490 following words, terms, and phrases shall have the following
 491 ~~meanings herein given, unless otherwise specifically defined, or~~
 492 ~~unless another intention clearly appears, or the context~~
 493 ~~otherwise requires:~~

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494 (1) "Aeronautical study" means a Federal Aviation
 495 Administration review conducted pursuant to 14 C.F.R. part 77,
 496 concerning the effect of proposed construction or alteration on
 497 the use of air navigation facilities or navigable airspace by
 498 aircraft. ~~"Aeronautics" means transportation by aircraft, the~~
 499 ~~operation, construction, repair, or maintenance of aircraft,~~
 500 ~~aircraft power plants and accessories, including the repair,~~
 501 ~~packing, and maintenance of parachutes; the design,~~
 502 ~~establishment, construction, extension, operation, improvement,~~
 503 ~~repair, or maintenance of airports, restricted landing areas, or~~
 504 ~~other air navigation facilities, and air instruction.~~

505 (2) "Airport" means any area of land or water designed and
 506 set aside for the landing and taking off of aircraft and
 507 utilized or to be utilized in the interest of the public for
 508 such purpose.

509 (3) "Airport hazard" means any obstruction structure or
 510 tree or use of land which exceeds would exceed the federal
 511 obstruction standards as contained in 14 C.F.R. ss. 77.15,
 512 77.17, 77.19, 77.21, and 77.23 ~~77.21, 77.23, 77.25, 77.28, and~~
 513 ~~77.29~~ and which obstructs the airspace required for the flight
 514 of aircraft in taking off, maneuvering, or landing; or is
 515 otherwise hazardous to such taking off, maneuvering, or landing
 516 of aircraft and for which no person has ~~previously~~ obtained a
 517 permit ~~or variance~~ pursuant to s. 333.025 or s. 333.07.

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

521 (5) "Airport land use compatibility zoning" means airport
 522 zoning regulations regulating ~~restricting~~ the use of land

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523 adjacent to or in the immediate vicinity of airports in the
524 manner provided enumerated in s. 333.03(2) ~~to activities and (3)~~
525 ~~purposes compatible with the continuation of normal airport~~
526 ~~operations including landing and takeoff of aircraft in order to~~
527 ~~promote public health, safety, and general welfare.~~

528 (6) "Airport layout plan" means a scaled detailed, scale
529 engineering drawing or set of drawings in either paper or
530 electronic form of the existing, including pertinent dimensions,
531 of an airport's current and planned airport facilities which
532 provides a graphic representation of the existing and long-term
533 development plan for the airport and demonstrates the
534 preservation and continuity of safety, utility, and efficiency
535 of the airport, their locations, and runway usage.

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

539 (8) "Department" means the Department of Transportation as
540 created by s. 20.23.

541 (9) "Educational facility" means any structure, land, or
542 use thereof that includes a public or private kindergarten
543 through 12th grade school, charter school, magnet school, state
544 college campus, or university campus. Space used for educational
545 purposes within a multitenant building may not be treated as an
546 educational facility for the purpose of this chapter.

547 (10) "Landfill" means the same as the term is defined in s.
548 403.703.

549 (11) ~~(7)~~ "Obstruction" means any object of natural growth,
550 terrain, or permanent or temporary construction or alteration,
551 including equipment or materials used and any permanent or

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552 temporary apparatus, or alteration of any permanent or temporary
553 existing structure by a change in its height, including
554 appurtenances, or lateral dimensions, including equipment or
555 material used therein, existing or proposed, which exceeds
556 manmade object or object of natural growth or terrain that
557 violates the standards contained in 14 C.F.R. ss. 77.15, 77.17,
558 77.19, 77.21, and 77.23 77.21, 77.23, 77.25, 77.28, and 77.29.

559 ~~(12)(8)~~ "Person" means any individual, firm, copartnership,
560 corporation, company, association, joint-stock association, or
561 body politic, and includes any trustee, receiver, assignee, or
562 other similar representative thereof.

563 ~~(13)(9)~~ "Political subdivision" means the local government
564 of any county, city, town, village, or other subdivision or
565 agency thereof, or any district or special district, port
566 commission, port authority, or other such agency authorized to
567 establish or operate airports in the state.

568 (14) "Public-use airport" means an airport, publicly or
569 privately owned, which is open for use by the public.

570 ~~(15)(10)~~ "Runway protection ~~clear~~ zone" or "RPZ" means an
571 area at ground level beyond the a runway end intended to enhance
572 the safety and protection of people and property on the ground
573 clear zone as defined in 14 C.F.R. s. 151.9(b).

574 ~~(16)(11)~~ "Structure" means any object, constructed,
575 erected, altered, or installed by humans, including, but without
576 limitation thereof, buildings, towers, smokestacks, utility
577 poles, power generation equipment, and overhead transmission
578 lines.

579 (17) "Substantial modification" means any repair,
580 reconstruction, rehabilitation, or improvement of a structure

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581 when the actual cost of the repair, reconstruction,
 582 rehabilitation, or improvement of the structure equals or
 583 exceeds 50 percent of the market value of the structure.
 584 ~~(12) "Tree" includes any plant of the vegetable kingdom.~~
 585 Section 10. Section 333.025, Florida Statutes, is amended
 586 to read:
 587 333.025 Permit required for structures exceeding federal
 588 obstruction standards.—
 589 (1) A person proposing the construction or alteration in
 590 ~~order to prevent the erection of structures hazardous dangerous~~
 591 ~~to air navigation, subject to the provisions of subsections (2),~~
 592 ~~(3), and (4), must each person shall secure from the department~~
 593 ~~of Transportation a permit for the proposed construction or~~
 594 ~~erection, alteration, or modification of any structure the~~
 595 ~~result of which would exceed the federal obstruction standards~~
 596 ~~as contained in 14 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and~~
 597 ~~77.23 77.21, 77.23, 77.25, 77.28, and 77.29. However, permits~~
 598 ~~from the department of Transportation will be required only~~
 599 ~~within an airport hazard area where federal obstruction~~
 600 ~~standards are exceeded and if the proposed construction is~~
 601 ~~within a 10-nautical-mile radius of the airport reference point,~~
 602 ~~located at the approximate geometric geographical center of all~~
 603 ~~useable runways of public-use airports or a publicly owned or~~
 604 ~~operated airport, a military airport, or an airport licensed by~~
 605 ~~the state for public use.~~
 606 (2) Existing, planned, and proposed Affected airports will
 607 be considered as having those facilities at public-use airports
 608 contained in an which are shown on the airport master plan, on
 609 ~~or~~ an airport layout plan submitted to the Federal Aviation

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610 Administration Airport District Office, or in comparable
 611 military documents, ~~and will be so protected from structures~~
 612 ~~that exceed federal obstruction standards. Planned or proposed~~
 613 ~~public-use airports which are the subject of a notice or~~
 614 ~~proposal submitted to the Federal Aviation Administration or to~~
 615 ~~the Department of Transportation shall also be protected.~~
 616 (3) Permit requirements of subsection (1) do shall not
 617 apply to structures projects which received construction permits
 618 from the Federal Communications Commission for structures
 619 exceeding federal obstruction standards prior to May 20, 1975,
 620 ~~provided such structures now exist; nor does subsection (1)~~
 621 ~~shall it apply to previously approved structures now existing,~~
 622 ~~or any necessary replacement or repairs to such existing~~
 623 ~~structures, so long as the height and location is unchanged.~~
 624 (4) When political subdivisions have adopted adequate
 625 airport airspace protection zoning regulations in compliance
 626 with s. 333.03, and such regulations are on file with the
 627 department of Transportation, and have established a permitting
 628 process in compliance with s. 333.09(2), a permit for such
 629 structure shall not be required from the department of
 630 Transportation. To evaluate technical consistency with this
 631 section, there is a 15-day department review period concurrent
 632 with the permitting process prescribed by s. 333.09. Upon
 633 receipt of a complete permit application, the local government
 634 shall forward to the department's Aviation and Spaceports Office
 635 by certified mail, return receipt requested, or by delivery
 636 service that provides a receipt evidencing delivery, a copy of
 637 the application. Cranes, construction equipment, and other
 638 temporary structures, in use or in place for a period not to

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639 exceed 18 consecutive months, are exempt from this requirement,
 640 unless requested by the department's Aviation and Spaceports
 641 Office.

642 (5) The department ~~of Transportation~~ shall, within 30 days
 643 of the receipt of an application for a permit, issue or deny a
 644 permit for the construction or erection, alteration, ~~or~~
 645 ~~modification~~ of any structure ~~the result of which would exceed~~
 646 federal obstruction standards as contained in 14 C.F.R. ss.
 647 77.15, 77.17, 77.19, 77.21, and 77.23 ~~77.21, 77.23, 77.25,~~
 648 ~~77.28, and 77.29.~~ The department shall review permit
 649 applications in conformity with s. 120.60.

650 (6) In determining whether to issue or deny a permit, the
 651 department shall consider:

652 (a) The safety of persons on the ground and in the air ~~The~~
 653 ~~nature of the terrain and height of existing structures.~~

654 (b) The safe and efficient use of navigable airspace ~~Public~~
 655 ~~and private interests and investments.~~

656 (c) The nature of the terrain and height of existing
 657 structures ~~The character of flying operations and planned~~
 658 ~~developments of airports.~~

659 (d) Whether the construction of the proposed structure
 660 would impact the state licensing standards for a public-use
 661 airport, contained in chapter 330 and chapter 14-60, Florida
 662 Administrative Code ~~Federal airways as designated by the Federal~~
 663 ~~Aviation Administration.~~

664 (e) The character of existing and planned flight operations
 665 and developments at public-use airports ~~Whether the construction~~
 666 ~~of the proposed structure would cause an increase in the minimum~~
 667 ~~descent altitude or the decision height at the affected airport.~~

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668 (f) Federal airways; visual flight rules, flyways and
 669 corridors; and instrument approaches as designated by the
 670 Federal Aviation Administration ~~Technological advances.~~

671 (g) Whether the construction of the proposed structure
 672 would cause an increase in the minimum descent altitude or the
 673 decision height at the affected airport ~~The safety of persons on~~
 674 ~~the ground and in the air.~~

675 (h) The cumulative effects on navigable airspace of all
 676 existing structures and all other known and proposed structures
 677 in the area ~~Land-use density.~~

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

679 ~~(j) The cumulative effects on navigable airspace of all~~
 680 ~~existing structures, proposed structures identified in the~~
 681 ~~applicable jurisdictions' comprehensive plans, and all other~~
 682 ~~known proposed structures in the area.~~

683 (7) When issuing a permit under this section, the
 684 department ~~of Transportation~~ shall, as a specific condition of
 685 ~~such permit,~~ require the owner ~~obstruction marking and lighting~~
 686 of the permitted obstruction or vegetation to install, operate,
 687 and maintain thereon, at his or her own expense, marking and
 688 lighting in conformance with the specific standards established
 689 by the Federal Aviation Administration ~~structure as provided in~~
 690 ~~s. 333.07(3)(b).~~

691 (8) The department ~~may of Transportation~~ shall not approve
 692 a permit for the erection of a structure unless the applicant
 693 submits both documentation showing compliance with the federal
 694 requirement for notification of proposed construction and a
 695 valid aeronautical study evaluation, and no permit shall be
 696 approved solely on the basis that such proposed structure will

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697 not exceed federal obstruction standards as contained in 14
698 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, or 77.23 ~~77.21, 77.23,~~
699 ~~77.25, 77.28, or 77.29,~~ or any other federal aviation
700 regulation.

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

703 Section 11. Section 333.03, Florida Statutes, is amended to
704 read:

705 333.03 Requirement ~~Power~~ to adopt airport zoning
706 regulations.-

707 (1) (a) ~~Every In order to prevent the creation or~~
708 ~~establishment of airport hazards, every~~ political subdivision
709 having an airport hazard area within its territorial limits
710 shall, ~~by October 1, 1977,~~ adopt, administer, and enforce, ~~under~~
711 ~~the police power and~~ in the manner and upon the conditions
712 ~~hereinafter prescribed in this section,~~ airport protection
713 zoning regulations for such airport hazards ~~hazard area.~~

714 (b) Where an airport is owned or controlled by a political
715 subdivision and an any airport hazard area ~~appertaining to such~~
716 ~~airport~~ is located wholly or partly outside the territorial
717 limits of ~~the said~~ political subdivision, the political
718 subdivision owning or controlling the airport and any the
719 political subdivision within which the airport hazard area is
720 located, must shall either:

721 1. By interlocal agreement, ~~in accordance with the~~
722 ~~provisions of chapter 163,~~ adopt, administer, and enforce a set
723 of airport protection zoning regulations applicable to the
724 airport hazard area ~~in question;~~ or

725 2. By ordinance, regulation, or resolution duly adopted,

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726 create a joint airport zoning board, which must ~~board shall have~~
727 ~~the same power to~~ adopt, administer, and enforce a set of
728 airport protection zoning regulations applicable to the airport
729 hazard area in ~~each question as that vested in paragraph (a) in~~
730 ~~the~~ political subdivision ~~in within~~ which the airport hazard
731 ~~such~~ area is located. Each such joint airport zoning board shall
732 have as members two representatives appointed by each
733 participating political subdivision ~~participating in its~~
734 ~~creation and,~~ in addition, a chair elected by a majority of the
735 members so appointed. ~~The However,~~ the airport manager or
736 representative of each airport in ~~managers of the affected~~
737 participating political subdivisions shall serve on the board in
738 a nonvoting capacity.

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

741 1. A permit variance for the erection, construction, or
742 ~~alteration, or modification~~ of any structure that which would
743 cause the structure to exceed the federal obstruction standards
744 as contained in 14 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and
745 77.23, 77.21, 77.23, 77.25, 77.28, and 77.29;

746 2. Obstruction marking and lighting for structures
747 exceeding the federal obstruction standards as contained in 14
748 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and 77.23, as specified
749 in s. 333.07(3) ~~.~~

750 3. Documentation showing compliance with the federal
751 requirement for notification of proposed construction or
752 alteration and a valid aeronautical study evaluation submitted
753 by each person applying for a permit. variance;

754 4. Consideration of the criteria in s. 333.025(6), when

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755 determining whether to issue or deny a permit. variance, and
 756 5. That a permit may not ~~no variance shall~~ be approved
 757 solely on the basis that ~~the such~~ proposed structure will not
 758 exceed federal obstruction standards as contained in 14 C.F.R.
 759 ss. ~~77.15, 77.17, 77.19, 77.21, or 77.23~~ 77.21, 77.23, 77.25,
 760 ~~77.28, or 77.29,~~ or any other federal aviation regulation.

761 (d) The department is available to provide assistance to
 762 political subdivisions with regard to federal obstruction
 763 standards shall issue copies of the federal obstruction
 764 standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25,
 765 77.28, and 77.29 to each political subdivision having airport
 766 hazard areas and, in cooperation with political subdivisions,
 767 shall issue appropriate airport zoning maps depicting within
 768 each county the maximum allowable height of any structure or
 769 tree. Material distributed pursuant to this subsection shall be
 770 at no cost to authorized recipients.

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

781 (a) Prohibiting any new and restricting any existing
 782 whether sanitary landfills are located within the following
 783 areas:

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

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

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

793 (b) Where ~~Whether~~ any landfill is located and constructed
 794 so that it attracts or sustains hazardous bird movements from
 795 feeding, water, or roosting areas into, or across, the runways
 796 or approach and departure patterns of aircraft, ~~The political~~
 797 subdivision shall request from the airport authority or other
 798 governing body operating the airport a report on such bird
 799 feeding or roosting areas that at the time of the request are
 800 known to the airport. In preparing its report, the authority, or
 801 other governing body, shall consider whether the landfill
 802 operator will be required to incorporate bird management
 803 techniques or other practices to minimize bird hazards to
 804 airborne aircraft. The airport authority or other governing body
 805 shall respond to the political subdivision no later than 30 days
 806 after receipt of such request.

807 (c) Where an airport authority or other governing body
 808 operating a publicly owned, public-use airport has conducted a
 809 noise study in accordance with the provisions of 14 C.F.R. part
 810 150, or where the public-use airport owner has established noise
 811 contours pursuant to another public study approved by the
 812 Federal Aviation Administration, incompatible uses, as

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 813 established in 14 C.F.R. part 150, appendix A noise study, or as
 814 a part of an alternative FAA-approved public study, may not be
 815 permitted within the noise contours established by that study,
 816 except where such use is specifically contemplated by such study
 817 with appropriate mitigation or similar techniques described in
 818 the study neither residential construction nor any educational
 819 facility as defined in chapter 1013, with the exception of
 820 aviation school facilities, shall be permitted within the area
 821 contiguous to the airport defined by an outer noise contour that
 822 is considered incompatible with that type of construction by 14
 823 C.F.R. part 150, Appendix A or an equivalent noise level as
 824 established by other types of noise studies.

(d) Where an airport authority or other governing body
 825 operating a ~~publicly owned~~, public-use airport has not conducted
 826 a noise study, neither residential construction nor any
 827 educational facility ~~as defined in chapter 1013~~, with the
 828 exception of aviation school facilities, shall be permitted
 829 within an area contiguous to the airport measuring one-half the
 830 length of the longest runway on either side of and at the end of
 831 each runway centerline.

(3) In the manner provided in subsection (1), airport
 833 zoning regulations ~~shall be adopted~~ which restrict new
 834 incompatible uses, ~~activities~~, or substantial modifications to
 835 existing incompatible uses construction within runway protection
 836 clear zones shall be adopted, ~~including uses, activities, or~~
 837 ~~construction in runway clear zones which are incompatible with~~
 838 ~~normal airport operations or endanger public health, safety, and~~
 839 ~~welfare by resulting in congregations of people, emissions of~~
 840 ~~light or smoke, or attraction of birds. Such regulations shall~~
 841

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 842 ~~prohibit the construction of an educational facility of a public~~
 843 ~~or private school at either end of a runway of a publicly owned,~~
 844 ~~public-use airport within an area which extends 5 miles in a~~
 845 ~~direct line along the centerline of the runway, and which has a~~
 846 ~~width measuring one half the length of the runway. Exceptions~~
 847 ~~approving construction of an educational facility within the~~
 848 ~~delineated area shall only be granted when the political~~
 849 ~~subdivision administering the zoning regulations makes specific~~
 850 ~~findings detailing how the public policy reasons for allowing~~
 851 ~~the construction outweigh health and safety concerns prohibiting~~
 852 ~~such a location.~~

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

(4)(5) The department of Transportation shall provide
 858 technical assistance to any political subdivision requesting
 859 assistance in the preparation of an airport zoning regulation
 860 code. A copy of all local airport zoning codes, rules, ~~and~~
 861 regulations, and amendments and proposed and granted permits
 862 variances thereto, shall be filed with the department. All
 863 updates and amendments to local airport zoning codes, rules, and
 864 regulations must be filed with the department within 30 days
 865 after adoption.

~~(5)(6) Nothing in Subsection (2) and or subsection (3) may~~
 867 ~~not shall be construed to require the removal, alteration, sound~~
 868 ~~conditioning, or other change, or to interfere with the~~
 869 ~~continued use or adjacent expansion of any educational structure~~
 870 ~~or site in existence on July 1, 1993, or be construed to~~

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871 ~~prohibit the construction of any new structure for which a site~~
 872 ~~has been determined as provided in former s. 235.19, as of July~~
 873 ~~1, 1993.~~

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

879 Section 12. Section 333.04, Florida Statutes, is amended to
 880 read:

881 333.04 Comprehensive zoning regulations; most stringent to
 882 prevail where conflicts occur.—

883 (1) INCORPORATION.—In the event that a political
 884 subdivision has adopted, or hereafter adopts, a comprehensive
 885 plan or policy zoning ordinance regulating, among other things,
 886 the height of buildings, structures, and natural objects, and
 887 uses of property, any airport protection zoning regulations
 888 applicable to the same area or portion thereof may be
 889 incorporated in and made a part of such comprehensive plans or
 890 policies zoning regulations, and be administered and enforced in
 891 connection therewith.

892 (2) CONFLICT.—In the event of conflict between any airport
 893 zoning regulations adopted under this chapter and any other
 894 regulations applicable to the same area, whether the conflict be
 895 with respect to the height of structures or vegetation trees,
 896 the use of land, or any other matter, and whether such
 897 regulations were adopted by the political subdivision which
 898 adopted the airport protection zoning regulations or by some
 899 other political subdivision, the more stringent limitation or

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900 requirement shall govern and prevail.

901 Section 13. Section 333.05, Florida Statutes, is amended to
 902 read:

903 333.05 Procedure for adoption of zoning regulations.—

904 (1) NOTICE AND HEARING.—~~No~~ Airport zoning regulations may
 905 not shall be adopted, amended, or ~~deleted~~ changed under this
 906 chapter except by action of the legislative body of the
 907 political subdivision or subdivisions affected in question, or
 908 the joint board provided in s. 333.03(1)(b) by the political
 909 subdivisions bodies therein provided and set forth, after a
 910 public hearing in relation thereto, at which parties in interest
 911 and citizens shall have an opportunity to be heard. Notice of
 912 the hearing shall be published at least once a week for 2
 913 consecutive weeks in an official paper, or a paper of general
 914 circulation, in the political subdivision or subdivisions where
 915 in which are located the airport zoning regulations are areas to
 916 be adopted, amended, or deleted ~~ened~~.

917 (2) AIRPORT ZONING COMMISSION.—Prior to the initial zoning
 918 of any airport area under this chapter the political subdivision
 919 or joint airport zoning board which is to adopt, administer, and
 920 enforce the regulations shall appoint a commission, to be known
 921 as the airport zoning commission, to recommend the boundaries of
 922 the various zones to be established and the regulations to be
 923 adopted therefor. Such commission shall make a preliminary
 924 report and hold public hearings thereon before submitting its
 925 final report, and the legislative body of the political
 926 subdivision or the joint airport zoning board shall not hold its
 927 public hearings or take any action until it has received the
 928 final report of such commission, and at least 15 days shall

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929 elapse between the receipt of the final report of the commission
 930 and the hearing to be held by the latter board. Where a planning
 931 ~~city plan~~ commission, airport commission, or comprehensive
 932 zoning commission already exists, it may be appointed as the
 933 airport zoning commission.

934 Section 14. Section 333.06, Florida Statutes, is amended to
 935 read:

936 333.06 Airport zoning requirements.—

937 (1) REASONABLENESS.—All airport zoning regulations adopted
 938 under this chapter shall be reasonable and ~~none~~ shall not impose
 939 any requirement or restriction which is not reasonably necessary
 940 to effectuate the purposes of this chapter. In determining what
 941 regulations it may adopt, each political subdivision and joint
 942 airport zoning board shall consider, among other things, the
 943 character of the flying operations expected to be conducted at
 944 the airport, the nature of the terrain within the airport hazard
 945 area and runway protection clear zones, the character of the
 946 neighborhood, the uses to which the property to be zoned is put
 947 and adaptable, and the impact of any new use, activity, or
 948 construction on the airport's operating capability and capacity.

949 (2) INDEPENDENT JUSTIFICATION.—The purpose of all airport
 950 zoning regulations adopted under this chapter is to provide both
 951 airspace protection and land uses ~~use~~ compatible with airport
 952 operations. Each aspect of this purpose requires independent
 953 justification in order to promote the public interest in safety,
 954 health, and general welfare. Specifically, construction in a
 955 runway protection clear zone which does not exceed airspace
 956 height restrictions is not conclusive evidence ~~per se~~ that such
 957 use, activity, or construction is compatible with airport

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958 operations.

959 (3) NONCONFORMING USES.—No airport protection zoning
 960 regulations adopted under this chapter shall require the
 961 removal, lowering, or other change or alteration of any
 962 structure or vegetation ~~tree~~ not conforming to the regulations
 963 when adopted or amended, or otherwise interfere with the
 964 continuance of any nonconforming use, except as provided in s.
 965 333.07(1) and (3).

966 (4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO AFFECTED
 967 LOCAL GOVERNMENTS.—An airport master plan shall be prepared by
 968 each public-use ~~publicly owned and operated~~ airport licensed by
 969 the department of ~~Transportation~~ under chapter 330. The
 970 authorized entity having responsibility for governing the
 971 operation of the airport, when either requesting from or
 972 submitting to a state or federal governmental agency with
 973 funding or approval jurisdiction a "finding of no significant
 974 impact," an environmental assessment, a site-selection study, an
 975 airport master plan, or any amendment to an airport master plan,
 976 shall submit simultaneously a copy of said request, submittal,
 977 assessment, study, plan, or amendments by certified mail to all
 978 affected local governments. For the purposes of this subsection,
 979 "affected local government" is defined as any city or county
 980 having jurisdiction over the airport and any city or county
 981 located within 2 miles of the boundaries of the land subject to
 982 the airport master plan.

983 Section 15. Section 333.065, Florida Statutes, is repealed.

984 Section 16. Section 333.07, Florida Statutes, is amended to
 985 read:

986 333.07 Local government permitting of airspace obstructions

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987 ~~Permits and variances.-~~

988 (1) PERMITS.-

989 (a) Any person proposing to erect, construct, or alter any
 990 structure, increase the height of any structure, permit the
 991 growth of any vegetation, or otherwise use his or her property
 992 in violation of the airport protection zoning regulations
 993 adopted under this chapter shall apply for a permit. A ~~Any~~
 994 ~~airport zoning regulations adopted under this chapter may~~
 995 ~~require that a permit be obtained before any new structure or~~
 996 ~~use may be constructed or established and before any existing~~
 997 ~~use or structure may be substantially changed or substantially~~
 998 ~~altered or repaired. In any event, however, all such regulations~~
 999 ~~shall provide that before any nonconforming structure or tree~~
 1000 ~~may be replaced, substantially altered or repaired, rebuilt,~~
 1001 ~~allowed to grow higher, or replanted, a permit must be secured~~
 1002 ~~from the administrative agency authorized to administer and~~
 1003 ~~enforce the regulations, authorizing such replacement, change,~~
 1004 ~~or repair. No permit may not shall be issued granted that would~~
 1005 ~~allow the establishment or creation of an airport hazard or~~
 1006 ~~would permit a nonconforming structure or vegetation tree or~~
 1007 ~~nonconforming use to be made or become higher or to become a~~
 1008 ~~greater hazard to air navigation than it was when the applicable~~
 1009 ~~regulation was adopted or than it is when the application for a~~
 1010 ~~permit is made.~~

1011 (b) Whenever the political subdivision or its
 1012 administrative agency determines that a nonconforming use or
 1013 nonconforming structure or vegetation tree has been abandoned or
 1014 is more than 80 percent torn down, destroyed, deteriorated, or
 1015 decayed, a ~~no~~ permit may not shall be granted that would allow

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1016 ~~the said structure or vegetation tree to exceed the applicable~~
 1017 ~~height limit or otherwise deviate from the zoning regulations.~~
 1018 ~~and, Whether an application is made for a permit under this~~
 1019 ~~subsection or not, the said agency may by appropriate action,~~
 1020 ~~compel the owner of the nonconforming structure or vegetation~~
 1021 ~~may be required tree, at his or her own expense, to lower,~~
 1022 ~~remove, reconstruct, alter, or equip such object as may be~~
 1023 ~~necessary to conform to the regulations. If the owner of the~~
 1024 ~~nonconforming structure or vegetation neglects or refuses tree~~
 1025 ~~shall neglect or refuse to comply with the such order for 10~~
 1026 ~~days after notice thereof, the said agency may report the~~
 1027 ~~violation to the political subdivision involved therein. The,~~
 1028 ~~which subdivision, through its appropriate agency, may proceed~~
 1029 ~~to have the object so lowered, removed, reconstructed, altered,~~
 1030 ~~or equipped, and assess the cost and expense thereof upon the~~
 1031 ~~object or the land where whereon it is or was located, and,~~
 1032 ~~unless such an assessment is paid within 90 days from the~~
 1033 ~~service of notice thereof on the owner or the owner's agent, of~~
 1034 ~~such object or land, the sum shall be a lien on said land, and~~
 1035 ~~shall bear interest thereafter at the rate of 6 percent per~~
 1036 ~~annum until paid, and shall be collected in the same manner as~~
 1037 ~~taxes on real property are collected by said political~~
 1038 ~~subdivision, or, at the option of said political subdivision,~~
 1039 ~~said lien may be enforced in the manner provided for enforcement~~
 1040 ~~of liens by chapter 85.~~

1041 ~~(c) Except as provided herein, applications for permits~~
 1042 ~~shall be granted, provided the matter applied for meets the~~
 1043 ~~provisions of this chapter and the regulations adopted and in~~
 1044 ~~force hereunder.~~

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1045 (2) CONSIDERATIONS WHEN ISSUING OR DENYING PERMITS.-In
 1046 determining whether to issue or deny a permit, the political
 1047 subdivision or its administrative agency must consider the
 1048 impact of the following, as applicable:

1049 (a) The safety of persons on the ground and in the air.
 1050 (b) The safe and efficient use of navigable airspace.
 1051 (c) The nature of the terrain and height of existing
 1052 structures.

1053 (d) The construction or alteration of the proposed
 1054 structure on the state licensing standards for a public-use
 1055 airport, contained in chapter 330 and chapter 14-60 of the
 1056 Florida Administrative Code.

1057 (e) The character of existing and planned flight operations
 1058 and developments at public-use airports.

1059 (f) Federal airways; visual flight rules, flyways and
 1060 corridors; and instrument approaches as designated by the
 1061 Federal Aviation Administration.

1062 (g) The construction or alteration of the proposed
 1063 structure on the minimum descent altitude or the decision height
 1064 at the affected airport.

1065 (h) The cumulative effects on navigable airspace of all
 1066 existing structures, and all other known proposed structures in
 1067 the area.

1068 (i) Requirements contained in s. 333.03(2) and (3).
 1069 (j) Additional requirements adopted by the local
 1070 jurisdiction pertinent to evaluation and protection of airspace
 1071 and airport operations.

1072 ~~(2) VARIANCES.—~~
 1073 ~~(a) Any person desiring to erect any structure, increase~~

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1074 ~~the height of any structure, permit the growth of any tree, or~~
 1075 ~~otherwise use his or her property in violation of the airport~~
 1076 ~~zoning regulations adopted under this chapter or any land~~
 1077 ~~development regulation adopted pursuant to the provisions of~~
 1078 ~~chapter 163 pertaining to airport land use compatibility, may~~
 1079 ~~apply to the board of adjustment for a variance from the zoning~~
 1080 ~~regulations in question. At the time of filing the application,~~
 1081 ~~the applicant shall forward to the department by certified mail,~~
 1082 ~~return receipt requested, a copy of the application. The~~
 1083 ~~department shall have 45 days from receipt of the application to~~
 1084 ~~comment and to provide its comments or waiver of that right to~~
 1085 ~~the applicant and the board of adjustment. The department shall~~
 1086 ~~include its explanation for any objections stated in its~~
 1087 ~~comments. If the department fails to provide its comments within~~
 1088 ~~45 days of receipt of the application, its right to comment is~~
 1089 ~~waived. The board of adjustment may proceed with its~~
 1090 ~~consideration of the application only upon the receipt of the~~
 1091 ~~department's comments or waiver of that right as demonstrated by~~
 1092 ~~the filing of a copy of the return receipt with the board.~~
 1093 ~~Noncompliance with this section shall be grounds to appeal~~
 1094 ~~pursuant to s. 333.08 and to apply for judicial relief pursuant~~
 1095 ~~to s. 333.11. Such variances may only be allowed where a literal~~
 1096 ~~application or enforcement of the regulations would result in~~
 1097 ~~practical difficulty or unnecessary hardship and where the~~
 1098 ~~relief granted would not be contrary to the public interest but~~
 1099 ~~would do substantial justice and be in accordance with the~~
 1100 ~~spirit of the regulations and this chapter. However, any~~
 1101 ~~variance may be allowed subject to any reasonable conditions~~
 1102 ~~that the board of adjustment may deem necessary to effectuate~~

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1103 ~~the purposes of this chapter.~~

1104 ~~(b) The Department of Transportation shall have the~~
 1105 ~~authority to appeal any variance granted under this chapter~~
 1106 ~~pursuant to s. 333.08, and to apply for judicial relief pursuant~~
 1107 ~~to s. 333.11.~~

1108 (3) OBSTRUCTION MARKING AND LIGHTING.—

1109 (a) In issuing a granting any permit ~~or variance~~ under this
 1110 section, the political subdivision or its administrative agency
 1111 ~~or board of adjustment~~ shall require the owner of the structure
 1112 or vegetation tree in question to install, operate, and maintain
 1113 thereon, at his or her own expense, ~~such~~ marking and lighting in
 1114 conformance with the specific standards established by the
 1115 Federal Aviation Administration as may be necessary to indicate
 1116 to aircraft pilots the presence of an obstruction.

1117 (b) Such marking and lighting shall conform to the specific
 1118 standards established by rule by the department of
 1119 ~~Transportation.~~

1120 ~~(c) Existing structures not in compliance on October 1,~~
 1121 ~~1988, shall be required to comply whenever the existing marking~~
 1122 ~~requires refurbishment, whenever the existing lighting requires~~
 1123 ~~replacement, or within 5 years of October 1, 1988, whichever~~
 1124 ~~occurs first.~~

1125 Section 17. Section 333.08, Florida Statutes, is repealed.

1126 Section 18. Section 333.09, Florida Statutes, is amended to
 1127 read:

1128 333.09 Administration of airport zoning regulations.—

1129 (1) ADMINISTRATION AND ENFORCEMENT.—All airport zoning
 1130 regulations adopted under this chapter shall provide for the
 1131 administration and enforcement of such regulations by the

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1132 affected political subdivisions or by an administrative agency
 1133 created by the subdivisions which may be an agency created by
 1134 such regulations or any official, board, or other existing
 1135 agency of the political subdivision adopting the regulations or
 1136 ~~of one of the political subdivisions which participated in the~~
 1137 ~~creation of the joint airport zoning board adopting the~~
 1138 ~~regulations, if satisfactory to that political subdivision, but~~
 1139 ~~in no case shall such administrative agency be or include any~~
 1140 ~~member of the board of adjustment.~~ The duties of any
 1141 administrative agency designated pursuant to this chapter shall
 1142 include that of hearing and deciding all permits under s. 333.07
 1143 s. 333.07(1), deciding all matters under s. 333.07(3), as they
 1144 pertain to such agency, and all other matters under this chapter
 1145 applying to said agency, ~~but such agency shall not have or~~
 1146 ~~exercise any of the powers herein delegated to the board of~~
 1147 ~~adjustment.~~

1148 (2) LOCAL GOVERNMENT PROCESS.—

1149 (a) Any political subdivision required to adopt airport
 1150 zoning regulations under this chapter must provide a process to:

1151 1. Issue or deny permits consistent with s. 333.07,
 1152 including requests for exceptions to airport zoning regulations.

1153 2. Notify the department of receipt of a complete permit
 1154 application consistent with s. 333.025(4).

1155 3. Enforce any permit, order, requirement, decision, or
 1156 determination made by the administrative agency with respect to
 1157 the airport zoning regulations.

1158 (b) Where a zoning board or permitting body already exists
 1159 within a political subdivision, the zoning board or permitting
 1160 body may implement the permitting and appeals process.

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1161 Otherwise, the political subdivision shall implement the
 1162 permitting and appeals process in a manner consistent with its
 1163 constitutional powers and areas of jurisdiction.

1164 (3) APPEALS.—

1165 (a) Any person aggrieved or taxpayer affected by any
 1166 decision in the administration of airport zoning regulations
 1167 adopted under this chapter, or any governing body of a political
 1168 subdivision or any joint airport zoning board, which contends
 1169 that the decision is an improper application of airport zoning
 1170 regulations may use the process established for an appeal.

1171 (b) All appeals taken under this section must be taken
 1172 within a reasonable time, as provided by the political
 1173 subdivision or its administrative agency, by filing with the
 1174 entity from which appeal is taken a notice of appeal specifying
 1175 the grounds for appeal.

1176 (c) An appeal stays all proceedings in the underlying
 1177 action, unless the entity from which the appeal is taken
 1178 certifies pursuant to the rules for appeal that by reason of the
 1179 facts stated in the certificate, a stay would, in its opinion,
 1180 cause imminent peril to life or property. In that case,
 1181 proceedings may not be stayed except by an order of the
 1182 political subdivision or its administrative agency following
 1183 notice to the entity from which the appeal is taken and on good
 1184 cause shown.

1185 (d) The political subdivision or its administrative agency
 1186 must set a reasonable time for the hearing of appeals, give
 1187 public notice and due notice to the parties in interest, and
 1188 decide the same within a reasonable time. At the hearing, a
 1189 party may appear in person, by agent, or by attorney.

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1190 (e) The political subdivision or its administrative agency
 1191 may, in conformity with the provisions of this chapter, reverse,
 1192 affirm, or modify the underlying order, requirement, decision,
 1193 or determination from which the appeal is taken.

1194 Section 19. Section 333.10, Florida Statutes, is repealed.

1195 Section 20. Section 333.11, Florida Statutes, is amended to
 1196 read:

1197 333.11 Judicial review.—

1198 (1) Any person aggrieved, or taxpayer affected, by any
 1199 decision of a ~~board of adjustment, or~~ any governing body of a
 1200 political subdivision, ~~or the Department of Transportation or~~
 1201 any joint airport zoning board, or ~~of~~ any administrative agency
 1202 hereunder, may apply for judicial relief to the circuit court in
 1203 the judicial circuit where the political subdivision board of
 1204 ~~adjustment~~ is located within 30 days after rendition of the
 1205 decision ~~by the board of adjustment~~. Review shall be by petition
 1206 for writ of certiorari, which shall be governed by the Florida
 1207 Rules of Appellate Procedure.

1208 ~~(2) Upon presentation of such petition to the court, it may~~
 1209 ~~allow a writ of certiorari, directed to the board of adjustment,~~
 1210 ~~to review such decision of the board. The allowance of the writ~~
 1211 ~~shall not stay the proceedings upon the decision appealed from,~~
 1212 ~~but the court may, on application, on notice to the board, on~~
 1213 ~~due hearing and due cause shown, grant a restraining order.~~

1214 ~~(3) The board of adjustment shall not be required to return~~
 1215 ~~the original papers acted upon by it, but it shall be sufficient~~
 1216 ~~to return certified or sworn copies thereof or of such portions~~
 1217 ~~thereof as may be called for by the writ. The return shall~~
 1218 ~~concisely set forth such other facts as may be pertinent and~~

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1219 material to show the grounds of the decision appealed from and
1220 shall be verified.

1221 ~~(2)~~(4) The court shall have exclusive jurisdiction to
1222 affirm, modify, or set aside the decision brought up for review,
1223 ~~in whole or in part,~~ and if need be, to order further
1224 proceedings by the political subdivision or its administrative
1225 agency board of adjustment. The findings of fact by the
1226 political subdivision or its administrative agency board, if
1227 supported by substantial evidence, shall be accepted by the
1228 court as conclusive. ~~An, and no~~ objection to a decision of the
1229 political subdivision or its administrative agency may not board
1230 shall be considered by the court unless such objection shall
1231 have been urged before the board, or, if it was not so urged,
1232 unless there were reasonable grounds for failure to do so.

1233 ~~(3)~~(5) ~~If in any case in which~~ airport zoning regulations
1234 adopted under this chapter, ~~although generally reasonable,~~ are
1235 held by a court to interfere with the use and enjoyment of a
1236 particular structure or parcel of land to such an extent, or to
1237 be so onerous in their application to such a structure or parcel
1238 of land, as to constitute a taking or deprivation of that
1239 property in violation of the State Constitution or the
1240 Constitution of the United States, such holding shall not affect
1241 the application of such regulations to other structures and
1242 parcels of land, or such regulations as are not involved in the
1243 particular decision.

1244 ~~(4)~~(6) ~~No~~ Judicial appeal ~~shall be or~~ is not permitted
1245 under this section, ~~to any courts until the appellant has~~
1246 exhausted all its remedies through application for local
1247 government permits, exceptions, and appeals, as herein provided,

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1248 save and except an appeal from a decision of the board of
1249 adjustment, the appeal herein provided being from such final
1250 decision of such board only, the appellant being hereby required
1251 to exhaust his or her remedies hereunder of application for
1252 ~~permits, exceptions and variances, and appeal to the board of~~
1253 ~~adjustment, and gaining a determination by said board, before~~
1254 ~~being permitted to appeal to the court hereunder.~~

1255 Section 21. Section 333.12, Florida Statutes, is amended to
1256 read:

1257 333.12 Acquisition of air rights. ~~When in any case which:~~
1258 ~~it is desired to remove, lower or otherwise terminate a~~
1259 ~~nonconforming structure or use presents an air hazard and the~~
1260 ~~structure cannot be removed, lowered, or otherwise terminated;~~
1261 or the approach protection necessary cannot, because of
1262 constitutional limitations, be provided by airport regulations
1263 under this chapter; or it appears advisable that the necessary
1264 approach protection be provided by acquisition of property
1265 rights rather than by airport zoning regulations, the political
1266 subdivision within which the property or nonconforming use is
1267 located, or the political subdivision owning or operating the
1268 airport or being served by it, may acquire, by purchase, grant,
1269 or condemnation in the manner provided by chapter 73, such air
1270 right, avigation navigation easement conveying the airspace over
1271 another property for use by the airport, or other estate,
1272 portion or interest in the property or nonconforming structure
1273 or use or such interest in the air above such property,
1274 vegetation tree, structure, or use, in question, as may be
1275 necessary to effectuate the purposes of this chapter, and in so
1276 doing, if by condemnation, to have the right to take immediate

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1277 possession of the property, interest in property, air right, or
 1278 other right sought to be condemned, at the time, and in the
 1279 manner and form, and as authorized by chapter 74. In the case of
 1280 the purchase of any property, ~~or any easement,~~ or estate or
 1281 interest therein or the acquisition of the same by the power of
 1282 eminent domain, the political subdivision making such purchase
 1283 or exercising such power shall in addition to the damages for
 1284 the taking, injury, or destruction of property also pay the cost
 1285 of the removal and relocation of any structure or any public
 1286 utility which is required to be moved to a new location.

1287 Section 22. Section 333.135, Florida Statutes, is created
 1288 to read:

1289 333.135 Transition provisions.-

1290 (1) A provision of an airport zoning regulation in effect
 1291 on the effective date of this section that conflicts with this
 1292 chapter must be amended to conform to the requirements of this
 1293 chapter by July 1, 2016.

1294 (2) By October 1, 2017, a political subdivision having an
 1295 airport hazard area within its territorial limits, which has not
 1296 adopted airport zoning regulations, must adopt airport zoning
 1297 regulations for the airport hazard area which are consistent
 1298 with this chapter.

1299 (3) For those local governments that have not yet adopted
 1300 airport protection zoning regulations pursuant to this chapter,
 1301 the department shall administer the permitting process as
 1302 provided in s. 333.025.

1303 Section 23. Section 333.14, Florida Statutes, is repealed.

1304 Section 24. Subsections (36) and (37) of section 334.03,
 1305 Florida Statutes, are amended to read:

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1306 334.03 Definitions.—When used in the Florida Transportation
 1307 Code, the term:

1308 (36) "511" or "511 services" means all three-digit
 1309 ~~telecommunications dialing to access interactive voice response~~
 1310 ~~telephone~~ traveler information services provided in the state to
 1311 include, but not be limited to, the terms ~~as~~ defined by the
 1312 Federal Communications Commission in FCC Order No. 00-256, July
 1313 31, 2000.

1314 ~~(37) "Interactive voice response" means a software~~
 1315 ~~application that accepts a combination of voice telephone input~~
 1316 ~~and touch-tone keypad selection and provides appropriate~~
 1317 ~~responses in the form of voice, fax, callback, e-mail, and other~~
 1318 ~~media.~~

1319 Section 25. Subsection (31) of section 334.044, Florida
 1320 Statutes, is amended to read:

1321 334.044 Department; powers and duties.—The department shall
 1322 have the following general powers and duties:

1323 (31) To provide oversight of traveler information systems
 1324 ~~that may include the provision of interactive voice response~~
 1325 ~~telephone systems accessible via the 511 services number~~ as
 1326 assigned by the Federal Communications Commission for traveler
 1327 information services. The department shall ensure that uniform
 1328 standards and criteria for the collection and dissemination of
 1329 traveler information are applied using interactive voice
 1330 response systems.

1331 Section 26. Section 334.60, Florida Statutes, is amended to
 1332 read:

1333 334.60 511 traveler information system.—The department is
 1334 the state's lead agency for implementing 511 services and is the

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1335 state's point of contact for coordinating all 511 services ~~with~~
 1336 ~~telecommunications service providers.~~

1337 (1) The department shall:

1338 ~~(a)(1)~~ Implement and administer 511 services in the state;

1339 ~~(b)(2)~~ Coordinate with other transportation authorities in
 1340 the state to provide multimodal traveler information through 511
 1341 services and other means;

1342 ~~(c)(3)~~ Develop uniform standards and criteria for the
 1343 collection and dissemination of traveler information using the
 1344 511 services ~~number or other interactive voice response systems;~~
 1345 and

1346 ~~(d)(4)~~ Enter into joint participation agreements or
 1347 contracts with highway authorities and public transit districts
 1348 to share the costs of implementing and administering 511
 1349 services in the state. The department may also enter into other
 1350 agreements or contracts with private firms relating to the 511
 1351 services to offset the costs of implementing and administering
 1352 511 services in the state.

1353 (2) The department shall adopt rules to administer the
 1354 coordination of 511 traveler information ~~phone~~ services in the
 1355 state.

1356 Section 27. Subsections (3) and (4) of section 335.065,
 1357 Florida Statutes, are amended to read:

1358 335.065 Bicycle and pedestrian ways along state roads and
 1359 transportation facilities.—

1360 (3) The department, in cooperation with the Department of
 1361 Environmental Protection, shall establish a statewide integrated
 1362 system of bicycle and pedestrian ways in such a manner as to
 1363 take full advantage of any such ways which are maintained by any

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1364 governmental entity. ~~The department may enter into a concession~~
 1365 ~~agreement with a not-for-profit entity or private sector~~
 1366 ~~business or entity for commercial sponsorship displays on~~
 1367 ~~multiuse trails and related facilities and use any concession~~
 1368 ~~agreement revenues for the maintenance of the multiuse trails~~
 1369 ~~and related facilities. Commercial sponsorship displays are~~
 1370 ~~subject to the requirements of the Highway Beautification Act of~~
 1371 ~~1965 and all federal laws and agreements, when applicable. For~~
 1372 ~~the purposes of this section, bicycle facilities may be~~
 1373 ~~established as part of or separate from the actual roadway and~~
 1374 ~~may utilize existing road rights-of-way or other rights-of-way~~
 1375 ~~or easements acquired for public use.~~

1376 (a) A concession agreement shall be administered by the
 1377 department and must include the requirements of this section.

1378 (b)1. Signage or displays erected under this section shall
 1379 comply with s. 337.407 and chapter 479 and shall be limited as
 1380 follows:

1381 a. One large sign or display, not to exceed 16 square feet
 1382 in area, may be located at each trailhead or parking area.

1383 b. One small sign or display, not to exceed 4 square feet
 1384 in area, may be located at each designated trail public access
 1385 point.

1386 2. ~~Before installation, each name or sponsorship display~~
 1387 ~~must be approved by the department.~~

1388 3. ~~The department shall ensure that the size, color,~~
 1389 ~~materials, construction, and location of all signs are~~
 1390 ~~consistent with the management plan for the property and the~~
 1391 ~~standards of the department, do not intrude on natural and~~
 1392 ~~historic settings, and contain only a logo selected by the~~

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1393 ~~sponsor and the following sponsorship wording:~~

1394

1395 ~~... (Name of the sponsor) ... proudly sponsors the costs~~
 1396 ~~of maintaining the ... (Name of the greenway or~~
 1397 ~~trail)....~~

1398

1399 ~~4. All costs of a display, including development,~~
 1400 ~~construction, installation, operation, maintenance, and removal~~
 1401 ~~costs, shall be paid by the concessionaire.~~

1402

1403 ~~(c) A concession agreement shall be for a minimum of 1~~
 1404 ~~year, but may be for a longer period under a multiyear~~
 1405 ~~agreement, and may be terminated for just cause by the~~
 1406 ~~department upon 60 days' advance notice. Just cause for~~
 1407 ~~termination of a concession agreement includes, but is not~~
 1408 ~~limited to, violation of the terms of the concession agreement~~
 1409 ~~or this section.~~

1410

1411 ~~(4) (a) The department may use appropriated funds to support~~
 1412 ~~the establishment of a statewide system of intereconnected~~
 1413 ~~multiuse trails and to pay the costs of planning, land~~
 1414 ~~acquisition, design, and construction of such trails and related~~
 1415 ~~facilities. The department shall give funding priority to~~
 1416 ~~projects that:~~

1417

1418 ~~1. Are identified by the Florida Greenways and Trails~~
 1419 ~~Council as a priority within the Florida Greenways and Trails~~
 1420 ~~System under chapter 260.~~

1421

1422 ~~2. Support the transportation needs of bicyclists and~~
 1423 ~~pedestrians.~~

1424

1425 ~~3. Have national, statewide, or regional importance.~~

1426

1427 ~~4. Facilitate an intereconnected system of trails by~~

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1422 ~~completing gaps between existing trails.~~

1423

1424 ~~(b) A project funded under this subsection shall:~~

1425

1426 ~~1. Be included in the department's work program developed~~
 1427 ~~in accordance with s. 339.135.~~

1428

1429 ~~2. Be operated and maintained by an entity other than the~~
 1430 ~~department upon completion of construction. The department is~~
 1431 ~~not obligated to provide funds for the operation and maintenance~~
 1432 ~~of the project.~~

1433

1434 Section 28. Section 335.21, Florida Statutes, is created to
 1435 read:

1436

1437 335.21 Governing bodies of independent special districts
 1438 regulating the operation of public vehicles on public highways.-
 1439 Notwithstanding any provision of local law, the membership of
 1440 the governing body of any independent special district created
 1441 for the purpose of regulating the operation of public vehicles
 1442 upon the public highways under the jurisdiction of any such
 1443 independent special district shall consist of seven members.
 1444 Four members shall be appointed by the Governor, one member
 1445 shall be appointed by the governing body of the largest
 1446 municipality situated within the jurisdiction of the independent
 1447 special district, and two members shall be appointed by the
 1448 governing body of the county in which the independent special
 1449 district has jurisdiction. All appointees must be residents of
 1450 the county in which the independent special district has
 1451 jurisdiction.

1452

1453 Section 29. Subsection (4) of section 338.165, Florida
 1454 Statutes, is amended to read:

1455

1456 ~~338.165 Continuation of tolls.-~~

1457

1458 (4) Notwithstanding any other law to the contrary, pursuant

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1451 to s. 11, Art. VII of the State Constitution, and subject to the
 1452 requirements of subsection (2), the Department of Transportation
 1453 may request the Division of Bond Finance to issue bonds secured
 1454 by toll revenues collected on the Alligator Alley, the Sunshine
 1455 Skyway Bridge, ~~the Decline East Expressway, the Navarre Bridge,~~
 1456 and the Pinellas Bayway to fund transportation projects located
 1457 within the county or counties in which the project is located
 1458 and contained in the adopted work program of the department.

1459 Section 30. Subsection (5) is added to section 338.227,
 1460 Florida Statutes, to read:

1461 338.227 Turnpike revenue bonds.—

1462 (5) Notwithstanding s. 215.82, bonds issued pursuant to
 1463 this section are not required to be validated pursuant to
 1464 chapter 75, but may be validated at the option of the Division
 1465 of Bond Finance. Any complaint for such validation must be filed
 1466 in the circuit court of the county where the seat of state
 1467 government is situated. The notice required to be published by
 1468 s. 75.06 must be published only in the county where the
 1469 complaint is filed. The complaint and order of the circuit court
 1470 shall be served only on the state attorney of the circuit in
 1471 which the action is pending.

1472 Section 31. Paragraph (c) of subsection (3) of section
 1473 338.231, Florida Statutes, is amended to read:

1474 338.231 Turnpike tolls, fixing; pledge of tolls and other
 1475 revenues.—The department shall at all times fix, adjust, charge,
 1476 and collect such tolls and amounts for the use of the turnpike
 1477 system as are required in order to provide a fund sufficient
 1478 with other revenues of the turnpike system to pay the cost of
 1479 maintaining, improving, repairing, and operating such turnpike

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1480 system; to pay the principal of and interest on all bonds issued
 1481 to finance or refinance any portion of the turnpike system as
 1482 the same become due and payable; and to create reserves for all
 1483 such purposes.

1484 (3)

1485 (c) Notwithstanding any other provision of law to the
 1486 contrary, any prepaid toll account of any kind which has
 1487 remained inactive for 10 ~~3~~ years shall be presumed unclaimed and
 1488 its disposition shall be handled by the Department of Financial
 1489 Services in accordance with all applicable provisions of chapter
 1490 717 relating to the disposition of unclaimed property, and the
 1491 prepaid toll account shall be closed by the department.

1492 Section 32. Section 339.81, Florida Statutes, is created to
 1493 read:

1494 339.81 Florida Shared-Use Nonmotorized Trail Network.—

1495 (1) The Florida Shared-Use Nonmotorized Trail Network is
 1496 created as a component of the Florida Greenways and Trails
 1497 System established in chapter 260. The network consists of
 1498 multiuse trails or shared-use paths physically separated from
 1499 motor vehicle traffic and constructed with asphalt, concrete, or
 1500 another hard surface which, by virtue of design, location,
 1501 extent of connectivity or potential connectivity, and allowable
 1502 uses, provide nonmotorized transportation opportunities for
 1503 bicyclists and pedestrians between and within a wide range of
 1504 points of origin and destinations, including, but not limited
 1505 to, communities, conservation areas, state parks, beaches, and
 1506 other natural or cultural attractions for a variety of trip
 1507 purposes, including work, school, shopping, and other personal
 1508 business, as well as social, recreational, and personal fitness

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1509 purposes.

1510 (2) Network components do not include sidewalks, nature
 1511 trails, loop trails wholly within a single park or natural area,
 1512 or on-road facilities, such as bicycle lanes or routes other
 1513 than:

1514 (a) On-road facilities that are no greater than one-half
 1515 mile in length connecting two or more nonmotorized trails, if
 1516 the provision of non-road facilities is unfeasible and if such
 1517 on-road facilities are signed and marked for nonmotorized use;
 1518 or

1519 (b) On-road components of the Florida Keys Overseas
 1520 Heritage Trail.

1521 (3) The department shall include a project to be
 1522 constructed as part of the Shared-Use Nonmotorized Trail Network
 1523 in its work program developed pursuant to s. 339.135.

1524 (4) The planning, development, operation, and maintenance
 1525 of the Shared-Use Nonmotorized Trail Network is declared to be a
 1526 public purpose, and the department, together with other agencies
 1527 of this state and all counties, municipalities, and special
 1528 districts of this state, may spend public funds for such
 1529 purposes and may accept gifts and grants of funds, property, or
 1530 property rights from public or private sources to be used for
 1531 such purposes.

1532 (5) The department may enter into a memorandum of agreement
 1533 with a local government or other agency of the state to transfer
 1534 maintenance responsibilities of an individual network component.
 1535 The department may contract with a not-for-profit entity or
 1536 private sector business or entity to provide maintenance
 1537 services on an individual network component.

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1538 (6) The department may adopt rules to aid in the
 1539 development and maintenance of components of the network.

1540 Section 33. Section 339.82, Florida Statutes, is created to
 1541 read:

1542 339.82 Shared-Use Nonmotorized Trail Network Plan.—

1543 (1) The department shall develop a Shared-Use Nonmotorized
 1544 Trail Network Plan in coordination with the Department of
 1545 Environmental Protection, metropolitan planning organizations,
 1546 affected local governments and public agencies, and the Florida
 1547 Greenways and Trails Council. The plan must be consistent with
 1548 the Florida Greenways and Trails Plan developed under s. 260.014
 1549 and must be updated at least once every 5 years.

1550 (2) The Shared-Use Nonmotorized Trail Network Plan must
 1551 include all of the following:

1552 (a) A needs assessment, including, but not limited to, a
 1553 comprehensive inventory and analysis of existing trails that may
 1554 be considered for inclusion in the Shared-Use Nonmotorized Trail
 1555 Network.

1556 (b) A project prioritization process that includes
 1557 assigning funding priority to projects that:

1558 1. Are identified by the Florida Greenways and Trails
 1559 Council as a priority within the Florida Greenways and Trails
 1560 System under chapter 260;

1561 2. Facilitate an interconnected network of trails by
 1562 completing gaps between existing facilities; and

1563 3. Maximize use of federal, local, and private funding and
 1564 support mechanisms, including, but not limited to, donation of
 1565 funds, real property, and maintenance responsibilities.

1566 (c) A map illustrating existing and planned facilities and

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1567 identifying critical gaps between facilities.

1568 (d) A finance plan based on reasonable projections of
 1569 anticipated revenues, including both 5-year and 10-year cost-
 1570 feasible components.

1571 (e) Performance measures that include quantifiable
 1572 increases in trail network access and connectivity.

1573 (f) A timeline for the completion of the base network using
 1574 new and existing data from the department, the Department of
 1575 Environmental Protection, and other sources.

1576 (g) A marketing plan prepared in consultation with the
 1577 Florida Tourism Industry Marketing Corporation.

1578 Section 34. Section 339.83, Florida Statutes, is created to
 1579 read:

1580 339.83 Sponsorship of Shared-Use Nonmotorized Trails.-

1581 (1) The department may enter into a concession agreement
 1582 with a not-for-profit entity or private sector business or
 1583 entity for commercial sponsorship signs, pavement markings, and
 1584 exhibits on nonmotorized trails and related facilities
 1585 constructed as part of the Shared-Use Nonmotorized Trail
 1586 Network. The concession agreement may also provide for
 1587 recognition of trail sponsors in any brochure, map, or website
 1588 providing trail information. Trail websites may provide links to
 1589 sponsors. Revenue from such agreements may be used for the
 1590 maintenance of the nonmotorized trails and related facilities.

1591 (a) A concession agreement shall be administered by the
 1592 department.

1593 (b)1. Signage, pavement markings, or exhibits erected
 1594 pursuant to this section must comply with s. 337.407 and chapter
 1595 479 and are limited as follows:

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1596 a. One large sign, pavement marking, or exhibit, not to
 1597 exceed 16 square feet in area, may be located at each trailhead
 1598 or parking area.

1599 b. One small sign, pavement marking, or exhibit, not to
 1600 exceed 4 square feet in area, may be located at each designated
 1601 trail public access point where parking is not provided.

1602 c. Pavement markings denoting specified distances must be
 1603 located at least 1 mile apart.

1604 2. Before installation, each sign, pavement marking, or
 1605 exhibit must be approved by the department.

1606 3. The department shall ensure that the size, color,
 1607 materials, construction, and location of all signs, pavement
 1608 markings, and exhibits are consistent with the management plan
 1609 for the property and the standards of the department, do not
 1610 intrude on natural and historic settings, and contain a logo
 1611 selected by the sponsor and the following sponsorship wording:

1612 ...(Name of the sponsor)... proudly sponsors the costs
 1613 of maintaining the ...(Name of the greenway or
 1614 trail)....

1615
 1616
 1617 4. Exhibits may provide additional information and
 1618 materials including, but not limited to, maps and brochures for
 1619 trail user services related or proximate to the trail. Pavement
 1620 markings may display mile marker information.

1621 5. The costs of a sign, pavement marking, or exhibit,
 1622 including development, construction, installation, operation,
 1623 maintenance, and removal costs, shall be paid by the
 1624 concessionaire.

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1625 (c) A concession agreement shall be for a minimum of 1
 1626 year, but may be for a longer period under a multiyear
 1627 agreement, and may be terminated for just cause by the
 1628 department upon 60 days' advance notice. Just cause for
 1629 termination of a concession agreement includes, but is not
 1630 limited to, violation of the terms of the concession agreement
 1631 or this section.

1632 (2) Pursuant to s. 287.057, the department may contract for
 1633 the provision of services related to the trail sponsorship
 1634 program, including recruitment and qualification of businesses,
 1635 review of applications, permit issuance, and fabrication,
 1636 installation, and maintenance of signs, pavement markings, and
 1637 exhibits. The department may reject all proposals and seek
 1638 another request for proposals or otherwise perform the work. The
 1639 contract may allow the contractor to retain a portion of the
 1640 annual fees as compensation for its services.

1641 (3) This section does not create a proprietary or
 1642 compensable interest in any sponsorship site or location for any
 1643 permittee, and the department may terminate permits or change
 1644 locations of sponsorship sites as it determines necessary for
 1645 construction or improvement of facilities.

1646 (4) The department may adopt rules to establish
 1647 requirements for qualification of businesses, qualification and
 1648 location of sponsorship sites, and permit applications and
 1649 processing. The department may adopt rules to establish other
 1650 criteria necessary to implement this section and to provide for
 1651 variances when necessary to serve the interest of the public or
 1652 when required to ensure equitable treatment of program
 1653 participants.

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1654 Section 35. (1) The Office of Economic and Demographic
 1655 Research shall evaluate and determine the economic benefits, as
 1656 defined in s. 288.005(1), Florida Statutes, of the state's
 1657 investment in the Department of Transportation's adopted work
 1658 program developed in accordance with s. 339.135(5), Florida
 1659 Statutes, for fiscal year 2015-2016, including the following 4
 1660 fiscal years. At a minimum, a separate return on investment
 1661 shall be projected for each of the following areas:

- 1662 (a) Roads and highways;
- 1663 (b) Rails;
- 1664 (c) Public transit;
- 1665 (d) Aviation; and
- 1666 (e) Seaports.

1667
 1668 The analysis is limited to the funding anticipated by the
 1669 adopted work program, but may address the continuing economic
 1670 impact for those transportation projects in the 5 years beyond
 1671 the conclusion of the adopted work program. The analysis must
 1672 also evaluate the number of jobs created, the increase or
 1673 decrease in personal income, and the impact on gross domestic
 1674 product from the direct, indirect, and induced effects on the
 1675 state's investment in each area.

1676 (2) The Department of Transportation and each of its
 1677 district offices shall provide the Office of Economic and
 1678 Demographic Research full access to all data necessary to
 1679 complete the analysis, including any confidential data.

1680 (3) The Office of Economic and Demographic Research shall
 1681 submit the analysis to the President of the Senate and the
 1682 Speaker of the House of Representatives by January 1, 2016.

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1683 Section 36. For the purpose of incorporating the amendment
 1684 made by this act to section 333.01, Florida Statutes, in a
 1685 reference thereto, subsection (6) of section 350.81, Florida
 1686 Statutes, is reenacted to read:
 1687 350.81 Communications services offered by governmental
 1688 entities.—
 1689 (6) To ensure the safe and secure transportation of
 1690 passengers and freight through an airport facility, as defined
 1691 in s. 159.27(17), an airport authority or other governmental
 1692 entity that provides or is proposing to provide communications
 1693 services only within the boundaries of its airport layout plan,
 1694 as defined in s. 333.01(6), to subscribers which are integral
 1695 and essential to the safe and secure transportation of
 1696 passengers and freight through the airport facility, is exempt
 1697 from this section. An airport authority or other governmental
 1698 entity that provides or is proposing to provide shared-tenant
 1699 service under s. 364.339, but not dial tone enabling subscribers
 1700 to complete calls outside the airport layout plan, to one or
 1701 more subscribers within its airport layout plan which are not
 1702 integral and essential to the safe and secure transportation of
 1703 passengers and freight through the airport facility is exempt
 1704 from this section. An airport authority or other governmental
 1705 entity that provides or is proposing to provide communications
 1706 services to one or more subscribers within its airport layout
 1707 plan which are not integral and essential to the safe and secure
 1708 transportation of passengers and freight through the airport
 1709 facility, or to one or more subscribers outside its airport
 1710 layout plan, is not exempt from this section. By way of example
 1711 and not limitation, the integral, essential subscribers may

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1712 include airlines and emergency service entities, and the
 1713 nonintegral, nonessential subscribers may include retail shops,
 1714 restaurants, hotels, or rental car companies.
 1715 Section 37. This act shall take effect July 1, 2015.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/19/2015
Meeting Date

1554
Bill Number (if applicable)
391500
Amendment Barcode (if applicable)

Topic Transportation

Name Gerard O'Rourke

Job Title Legislative Director

Address 605 Suwannee St.

Phone 850 414 4147

Tallahassee FL 32308
City State Zip

Email gerard.orourke@dot.state.fl.us

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FDOT

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/19/15
Meeting Date

SB 1554
Bill Number (if applicable)

Topic GOVERNING BOARD STRUCTURE

Amendment Barcode (if applicable)

Name KYLE COCKREAN

Job Title EXECUTIVE DIRECTOR

Address 4148 N ALMENDIA

Phone (813) 410-1927

Street

TAMPA

City

FL

State

33602

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing HILLS. CNTY PUBLIC TRANS. COMM.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/19/15

Meeting Date

1554

Bill Number (if applicable)

Topic SEAPORT DEVELOPMENT

Amendment Barcode (if applicable)

Name MICHAEL RUBIN

Job Title VP GOVT AFFAIRS

Address 502 E JEFFERSON ST

Phone 950 022-8028

Street

Jacksonville

City

FL

State

32301

Zip

Email

Speaking: [] For [] Against [] Information

Waive Speaking: [x] In Support [] Against (The Chair will read this information into the record.)

Representing FLORIDA PORTS COUNCIL

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [x] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/19/15

Meeting Date

1554

Bill Number (if applicable)

Topic Transportation

Amendment Barcode (if applicable)

Name Justin Day

Job Title Director

Address 701 S. Howard Ave, Suite 320¹⁰⁴⁻

Phone 850 222 8900

Street

Tampa

City

FL

State

33606

Zip

Email jd@cordenaspartners.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Port Tampa Bay

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/19/2015

Meeting Date

1554

Bill Number (if applicable)

W/D

230598

Amendment Barcode (if applicable)

Topic Amendment 230598

Name Jim Boxold

Job Title Secretary - F.D.O.T.

Address 605 Suwannee St.

Street

Phone _____

Tallahassee

FL

32308

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Department of Transportation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

Amended 8

A black and white copy of this document is not official

2325

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

James C. Boxold

is duly appointed

**Secretary,
Department of Transportation**

for a term beginning on the
Sixth day of January, A.D., 2015,
to serve at the pleasure of the Governor
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Fifth day of February, A.D., 2015*

Ken Detzner

Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

If photocopied or chemically altered, the word "VOID" will appear.

State of Florida appears in small letters across the face of this 8 1/2 x 11 document



RICK SCOTT
GOVERNOR

RECEIVED

15 FEB 25 PM 1:16

DIV. OF COLLECTIONS
SECRETARY OF STATE

February 24, 2015

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 20.23, Florida Statutes:

James C. Boxold

as Secretary of the Department of Transportation, subject to confirmation by the Senate. This appointment is effective January 6, 2015, for a term ending at the pleasure of the Governor.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/vh

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

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DEPT. OF TRANSPORTATION

2015 JAN 22 PM 2:55

DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Leon

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Secretary of the Florida Department of Transportation

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature [Handwritten Signature]

Sworn to and subscribed before me this 22nd day of January, 2015

Signature of Officer Administering Oath or of Notary Public
[Handwritten Signature]



JENNIFFER L. PARFITT
MY COMMISSION # FF 005193
EXPIRES: August 4, 2017
Bonded Thru Budget Notary Services

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

Street or Post Office Box _____

City, State, Zip Code _____

James C. Boxold

Print name as you desire commission issued

Signature [Handwritten Signature]

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

January 22, 2015

Date Completed

1. Name: Mr. Boxold James Christian
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 605 Suwannee Street Tallahassee
Street Office # City
Florida 32301 (850) 414-5200
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address:
Street City County

Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business Residence Fax # (850) 414-5201
(optional)

4. A. List all your places of residence for the last five (5) years.

<u>Address</u>	<u>City & State</u>	<u>From</u>	<u>To</u>

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

<u>Address</u>	<u>City & State</u>	<u>From</u>	<u>To</u>

5. Date of Birth: Place of Birth:

6. Social Security Number:

7. Driver License Number: Issuing State: Florida

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain

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 DEPARTMENT OF STATE
 JAN 22 PM 2:53
 DIVISION OF ELECTIONS
 TALLAHASSEE, FL

9. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization: _____

10. Since what year have you been a continuous resident of Florida? 2001

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Leon B. Current Party Affiliation: Republican

12. Education

A. High School: Palm Beach Lakes High School, West Palm Beach, FL Year Graduated: 1992
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
The George Washington University, Washington, DC	1992 - 1995	B.A., Political Science

13. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

A. Dates of Service: _____

B. Branch or Component: _____

C. Date & type of discharge: _____

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
State of Florida/FDOT	Government	Chief of Staff	2013 to present
State of Florida/DACS	Government	Director of Cabinet Affairs	2003-2013
State of Florida/EOG	Government	Deputy Director, Cabinet Affairs	2001-2002
State of Florida/EOG	Government	Government Analyst	2001

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
See above.		

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

Almost twenty years of government policy and management experience, most recently as Chief of Staff at the Florida Department of Transportation, where I was responsible for assisting the Secretary in the supervision and operation of all agency activities, including work program development, planning, project delivery and performance measurement. Prior to that, I advised the Commissioner of Agriculture and the Governor in their capacity as the Florida Cabinet, including the review and approval of transportation financing, state land acquisition and land development/planning issues. Significant experience in federal funding issues from my work for U.S. Representative Porter Goss.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

N/A

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No If "Yes", list:

N/A

D. Identify all association memberships and association offices held by you that relate to this appointment:

N/A

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes No If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
---------------------	--	-----------------------	----------------------------

N/A

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: N/A

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
<u>N/A</u>		

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes No If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____
B. Date of suspension: _____ D. Result: Reinstated Removed Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No If "Yes", list:

A. Title of Office: _____
B. Term of Appointment: _____
C. Confirmation results: _____

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>
Florida Legislature	Florida Department of Transportation
_____	_____
_____	_____

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Ananth Prasad	_____	_____	_____
Terry Rhodes	_____	_____	_____
Kent Perez	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
N/A	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

- Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) s. 119.071(4)(d)(2)

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0150

CERTIFICATION

STATE OF FLORIDA

COUNTY OF Leon

Before me, the undersigned Notary Public of Florida, personally appeared

James C. Baxold

who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

[Signature]
Signature of Applicant-Affiant

Sworn to and subscribed before me this 22nd day of January, 2015.

Jennifer L. Parfitt
Signature of Notary Public-State of Florida



JENNIFER L. PARFITT
MY COMMISSION # FF 005193
EXPIRES: August 4, 2017
Bonded Thru Budget Notary Services

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

My commission expires: 8/4/17

Personally Known OR Produced Identification

Type of Identification Produced _____

(seal)

CourtSmart Tag Report

Room: LL 37
Caption: Senate Transportation

Case:
Judge:

Type:

Started: 3/19/2015 1:04:12 PM

Ends: 3/19/2015 2:04:01 PM

Length: 00:59:50

1:04:14 PM Meeting called to order by Chair Brandes
1:04:17 PM Roll call by Administrative Assistant, Marilyn Hudson
1:04:33 PM Quorum present
1:04:43 PM Comments from Chair Brandes
1:04:50 PM Tab 2- SB 256 introduced by Chair Brandes
1:05:01 PM Explanation of SB 256 by Senator Sobel, Identification Cards
1:05:26 PM Amendment Barcode #858670 introduced by Chair Brandes
1:05:33 PM Explanation of Amendment 858670 by Senator Sobel
1:06:06 PM Comments from Chair Brandes
1:06:12 PM Amendment #858670 adopted
1:06:16 PM Comments Chair Brandes
1:06:26 PM Senator Sobel waives closing
1:06:31 PM Roll call on CS/SB 256 by Administrative Assistant, Marilyn Hudson
1:06:42 PM CS/SB 256 reported favorably
1:07:20 PM Tab 1 - CS/SB 112 introduced by Chair Brandes
1:07:50 PM Explanation of Strike-all Amendment #217292 by Jessica Crawford, Aide to Senator Hays
1:08:19 PM Comments from Chair Brandes
1:08:27 PM Ms. Crawford waives closing on Amendment #217292
1:08:31 PM Substitute Amendment #217292 adopted
1:08:37 PM Comments from Chair Brandes
1:08:46 PM Ms. Crawford waives closing on CS/CS/SB 112
1:08:50 PM Roll call on CS/CS/SB 112 by Administrative Assistant, Marilyn Hudson
1:09:00 PM CS/CS/SB 112 reported favorably
1:09:08 PM Senator Grimsley moves to be shown as voting favorably on CS/SB 256
1:09:21 PM Tab 5 - SB 1374 introduced by Chair Brandes
1:09:24 PM Explanation of Tab 5 by Senator Evers, Farm Vehicles
1:11:11 PM Comments from Chair Brandes
1:11:19 PM Senator Evers waives closing
1:11:22 PM Roll call on SB 1374 by Administrative Assistant, Marilyn Hudson
1:11:36 PM SB 1374 reported favorably
1:11:43 PM Tab 7 - Senate Confirmation Hearing on Secretary of Transportation introduced by Chair Brandes
1:11:56 PM Swearing in of Secretary James C. Boxold by Chair Brandes
1:12:12 PM Comments from Secretary James C. Boxold, Department of Transportation
1:14:32 PM Comments from Chair Brandes
1:14:49 PM Comments from Senator Evers
1:15:16 PM Comments from Chair Brandes
1:15:21 PM Comments from Secretary Boxold
1:15:28 PM Senator Evers moves to recommend confirmation of Secretary Boxold
1:15:36 PM Roll call of confirmation by Administrative Assistant, Marilyn Hudson
1:15:41 PM Secretary Boxold confirmation is reported favorably
1:15:58 PM Chair turned over to Senator Bullard
1:16:08 PM Comments from Chair Bullard and introduction of Tab 6 - SB 1554
1:16:20 PM Explanation of SB 1554 by Senator Brandes, Transportation
1:17:42 PM Comments from Chair Bullard stating Amendment 24 withdrawn, Introduction of #701530 by Senator Bullard
1:18:12 PM Explanation of Amendment Barcode #701530 by Senator Brandes
1:19:03 PM Comments from Chair Bullard
1:19:11 PM Senator Brandes waives closing on Amendment #701530
1:19:16 PM Amendment #701530 adopted
1:19:22 PM Amendment #876494 introduced by Chair Bullard
1:19:29 PM Explanation of #876494 by Senator Brandes
1:19:46 PM Comments from Chair Bullard

1:19:58 PM Senator Brandes waives closing on Amendment #876494
1:20:02 PM Amendment #876494 adopted
1:20:10 PM Amendment #230598 introduced by Chair Bullard
1:20:17 PM Explanation of #230598 by Senator Evers
1:20:56 PM Comments from Chair Bullard
1:21:04 PM Comments from Senator Brandes
1:21:22 PM Comments from Secretary Boxold
1:22:38 PM Question from Senator Evers
1:22:43 PM Response from Secretary Boxold
1:23:24 PM Additional comments from Senator Evers regarding withdrawing amendment
1:23:52 PM Amendment #336656 introduced by Chair Bullard
1:24:05 PM Explanation of Amendment #336656 by Senator Brandes
1:25:57 PM Comments from Chair Bullard regarding Amendment to Amendment #183492
1:26:23 PM Explanation of Amendment #183492 by Senator Brandes
1:26:30 PM Comments from Chair Bullard
1:26:49 PM Amendment to Amendment #183492 adopted
1:26:54 PM Amendment to Amendment #889160 introduced by Chair Bullard
1:27:09 PM Explanation of Amendment to Amendment #889160 by Senator Brandes
1:27:24 PM Comments from Chair Bullard
1:27:33 PM Senator Brandes waives closing on Amendment to Amendment #889160
1:27:42 PM Comments from Chair Bullard
1:27:45 PM Amendment to Amendment #889160 adopted
1:27:50 PM Amendment to Amendment #173636 introduced by Chair Bullard
1:28:03 PM Explanation of Amendment to Amendment #173636 by Senator Brandes
1:28:14 PM Comments from Chair Bullard
1:28:24 PM Senator Brandes waives closing on Amendment to Amendment #173636
1:28:34 PM Amendment to Amendment #173636 adopted
1:28:45 PM Amendment #391500 introduced by Chair Bullard
1:29:02 PM Explanation of Amendment #391500 by Senator Simpson
1:29:16 PM Question from Senator Evers
1:29:27 PM Response from Senator Simpson
1:29:35 PM Follow-up question from Senator Evers
1:29:50 PM Response from Senator Simpson
1:30:00 PM Speaking, Gerard O'Rourke, Legislative Director, Florida Department of Transportation
1:30:13 PM Comments from Chair Bullard
1:30:27 PM Senator Simpson waives closing on Amendment #391500
1:30:39 PM Amendment #391500 adopted
1:30:49 PM Comments from Chair Bullard
1:31:14 PM Closing waived by Senator Brandes
1:31:21 PM Amendment adopted
1:31:27 PM Comments from Chair Bullard regarding returning to the Bill
1:31:36 PM Question from Senator Thompson
1:31:55 PM Response from Senator Brandes
1:32:22 PM Follow-up question from Senator Thompson
1:32:45 PM Response from Senator Brandes
1:33:19 PM Additional question from Senator Thompson
1:33:26 PM Response from Senator Brandes
1:34:17 PM Comments from Chair Bullard
1:34:32 PM Speaker Kyle Cockrean, Executive Director, Hillsborough County Public Transportation Committee in opposition
1:36:11 PM Michael Rubin, Vice President, Government Affairs, Florida Port Council waives in support
1:36:20 PM Justin Day, Director, Port Tampa Bay waives in support
1:36:26 PM Comments from Chair Bullard
1:36:35 PM Debate on the Bill from Senator Thompson
1:37:13 PM Comments from Chair Bullard
1:37:21 PM Senator Brandes closing on the Bill
1:38:54 PM Comments from Chair Bullard
1:38:59 PM Roll call on CS/SB 1554 by Administrative Assistant, Marilyn Hudson
1:39:12 PM CS/SB 1554 reported favorably
1:39:21 PM Chair returned to Chair Brandes
1:39:29 PM Tab 4 - SB 1276 introduced by Chair Brandes
1:39:49 PM Explanation of SB 1276, Expressway Authorities by Senator Flores

1:44:13 PM Comments from Chair Brandes
1:44:21 PM Question from Senator Thompson
1:44:36 PM Response from Senator Flores
1:45:01 PM Comments from Chair Brandes
1:45:13 PM Speaker Jess McCarty, Assistant County Attorney, Miami-Dade County in opposition
1:45:54 PM Speaker Fausto Gomez, Miami-Dade Expressway Authority in opposition
1:52:21 PM Comments from Chair Brandes
1:52:30 PM Senator Evers would like to shown as voting favorably on S/SB 1554
1:52:46 PM Senator Braynon would like to be shown as voting favorably on CS/SB256, SB 1374, CS/SB 1154 and SB 112
1:53:19 PM Speaker Juan C. Zapata, Miami Dade County Commissioner
1:55:18 PM Comments from Chair Brandes
1:55:27 PM Debate on the Bill from Senator Braynon
1:57:00 PM Debate on the Bill from Senator Thompson
1:58:11 PM Senator Flores closing on SB 1276
2:00:19 PM Comments from Chair Brandes
2:00:26 PM Roll call on SB 1276 by Administrative Assistant, Marilyn Hudson
2:00:37 PM SB 1276 reported favorably
2:01:05 PM Tab 3 - SB 562 introduced by Chair Brandes
2:01:11 PM Explanation of Tab 3, Growth Management by Senator Simpson
2:01:26 PM Comments from Chair Brandes
2:01:37 PM Speaker Eric Pool, Assistant Legislative Director, Florida Association of Counties in opposition
2:01:59 PM David Cruz, Assistant General Counsel, Florida League of Cities in opposition
2:02:23 PM Bill Hunter, President, Association of Florida Community Developers, Inc. in support
2:02:30 PM Amy Datz, Retired State Transportation Environmental Planner, Environmental Caucus of Florida waives in opposition
2:02:43 PM Senator Simpson waives closing
2:02:47 PM Roll call on SB 562 by Administrative Assistant, Marilyn Hudson
2:02:56 PM SB 562 reported favorably
2:03:10 PM Senator Simpson would like to be shown voting favorably on SB 1374
2:03:25 PM Chair Brandes states that Amy Datz, Parent of a Child with Developmental Disabilities would like to be shown as voting favorably on CS/SB 256
2:03:40 PM Chair Brandes states that Col. Mike Prendergast, Florida Department of Veterans Affairs waives in support on CS/SB 112
2:03:46 PM Senator Simpson moves to rise