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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/30/2011	.	
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The Committee on Transportation (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 1506 and 1507

insert:

Section 33. Subsection (4) of section 310.002, Florida Statutes, is amended to read:

310.002 Definitions.—As used in this chapter, except where the context clearly indicates otherwise:

(4) "Port" means any place in the state into which vessels enter or depart and includes, without limitation, Fernandina, Nassau Inlet, Jacksonville, St. Augustine, Canaveral, Port Citrus, Ft. Pierce, Palm Beach, Port Everglades, Miami, Key West, Boca Grande, Charlotte Harbor, Punta Gorda, Tampa, Port Tampa, Port Manatee, St. Petersburg, Clearwater, Apalachicola, Carrabelle, Panama City, Port St. Joe, and Pensacola.



269278

16 Section 34. Subsection (1) of section 311.09, Florida  
17 Statutes, is amended to read:

18 311.09 Florida Seaport Transportation and Economic  
19 Development Council.—

20 (1) The Florida Seaport Transportation and Economic  
21 Development Council is created within the Department of  
22 Transportation. The council consists of the following 18 ~~17~~  
23 members: the port director, or the port director's designee, of  
24 each of the ports of Jacksonville, Port Canaveral, Port Citrus,  
25 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,  
26 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key  
27 West, and Fernandina; the secretary of the Department of  
28 Transportation or his or her designee; the director of the  
29 Office of Tourism, Trade, and Economic Development or his or her  
30 designee; and the secretary of the Department of Community  
31 Affairs or his or her designee.

32 Section 35. Subsection (3) of section 316.075, Florida  
33 Statutes, is amended to read:

34 316.075 Traffic control signal devices.—

35 (3) (a) No traffic control signal device shall be used which  
36 does not exhibit a yellow or "caution" light between the green  
37 or "go" signal and the red or "stop" signal.

38 (b) No traffic control signal device shall display other  
39 than the color red at the top of the vertical signal, nor shall  
40 it display other than the color red at the extreme left of the  
41 horizontal signal.

42 (c) The Department of Transportation shall establish  
43 minimum yellow light change interval times for traffic control  
44 devices. The minimum yellow light change interval time shall be  
45 established in accordance with nationally recognized engineering  
46 standards set forth in the Institute of Transportation Engineers  
47 Traffic Engineering Handbook, and any such established time may



269278

48 not be less than the recognized national standard.

49 Section 36. Present subsections (3) and (4) of section  
50 316.0083, Florida Statutes, are renumbered as subsections (4)  
51 and (5), respectively, and a new subsection (3) is added to that  
52 section, to read:

53 316.0083 Mark Wandall Traffic Safety Program;  
54 administration; report.-

55 (3) A notice of violation and a traffic citation may not be  
56 issued pursuant to this section for a violation committed at an  
57 intersection where the traffic signal device does not meet all  
58 requirements under s. 316.075(3). Any such notice of violation  
59 or citation is unenforceable and the court, clerk of court,  
60 designated official, or authorized operator of a traffic  
61 violations bureau shall dismiss the citation without penalty or  
62 assessment of points against the license of the person cited.

63 Section 37. Section 316.2045, Florida Statutes, is  
64 repealed.

65 Section 38. Section 316.2046, Florida Statutes, is created  
66 to read:

67 316.2046 Obstruction of public streets, highways, and  
68 roads.-

69 (1) LEGISLATIVE FINDINGS.-The Legislature finds that:

70 (a) Ensuring public safety on public streets, highways, and  
71 roads is an important and substantial state interest.

72 (b) Obstruction of the free flow of traffic on public  
73 streets, highways, and roads endangers the public safety.

74 (c) Obtrusive and distracting activities that impede  
75 pedestrian traffic adjacent to streets, highways, and roads can  
76 also disrupt the free flow of traffic and endanger public  
77 safety.

78 (d) Soliciting funds or engaging in a commercial exchange  
79 with a person who is in a vehicle that is not stopped in a



269278

80 driveway or designated parking area endangers the safe movement  
81 of vehicles.

82 (2) DEFINITIONS.—As used in this section, the term  
83 “solicit” means to request employment, business, contributions,  
84 donations, sales, or exchanges of any kind.

85 (3) PERMIT REQUIRED.—It is unlawful for any person,  
86 willfully and without a permit, to solicit or obstruct the free,  
87 convenient, and normal use of any public street, highway, or  
88 road by standing or approaching motor vehicles while on or  
89 immediately adjacent to the street, highway, or road in a manner  
90 that could endanger the safe movement of vehicles or pedestrians  
91 traveling thereon.

92 (a) Each county and municipality shall adopt a permitting  
93 process that protects public safety but does not impair the  
94 rights of free speech, except to the extent necessary to protect  
95 public safety. The permitting process must authorize or deny a  
96 permit within 2 business days. A permit application denial by a  
97 county or municipality shall be in writing and be based on a  
98 finding that the proposed activity:

- 99 1. Increases the likelihood of traffic accidents;  
100 2. Violates traffic laws, rules, or ordinances;  
101 3. Makes the sidewalk impassable for pedestrians; or  
102 4. Significantly increases the likelihood of harm to  
103 motorists and passersby.

104 (b) If the county or municipality approves the permit, it  
105 must issue to the applicant a document specifying:

- 106 1. The name and address of the person to whom the permit is  
107 granted;  
108 2. The name of the company the person represents, if any;  
109 and  
110 3. The expiration date of the permit.

111 (c) The permitholder must keep the permit on his or her



269278

112 person at all times when engaging in activity authorized by the  
113 permit.

114 (d) The cost of the permit may not exceed an amount that is  
115 reasonably necessary to administer the permitting process.  
116 However, a permit may not be denied to any applicant for lack of  
117 financial means, as attested to by a signed affidavit.

118 (4) LOCAL GOVERNMENT JURISDICTION.—For purposes of this  
119 section, counties and municipalities have original jurisdiction  
120 over non-limited access state roads, and local roads, streets,  
121 and highways within their physical jurisdiction. Counties and  
122 municipalities may increase the restrictions of the permit  
123 program if those restrictions are narrowly tailored to serve an  
124 important public purpose. A county or municipality may opt out  
125 of the permit program by a majority vote of the members of the  
126 county or municipal governing body. This section does not  
127 preempt any existing ordinances.

128 (5) EXCEPTIONS.—This section does not:

129 (a) Restrict a person from passively standing or sitting on  
130 a public sidewalk and holding a sign if that person does not  
131 obstruct the flow of vehicle or pedestrian traffic.

132 (b) Apply to any art festival, parade, fair, or other  
133 special event permitted by the appropriate county or  
134 municipality where the streets are blocked off from the normal  
135 flow of traffic.

136 (c) Apply to:

137 1. Law enforcement officers carrying out their duties;

138 2. Emergency vehicles responding to an emergency or  
139 possible emergency;

140 3. Mail-delivery vehicles;

141 4. Service vehicles performing work adjacent to the  
142 roadway; and

143 5. Any commercial vehicle that is used solely for the



269278

144 purpose of collecting solid waste or recyclable or recovered  
145 materials and that is stopped for the sole purpose of collecting  
146 solid waste or recyclable or recovered materials.

147 (6) VIOLATIONS.—Any person who violates the provisions of  
148 this section, upon conviction, shall be cited for a pedestrian  
149 violation, punishable as provided in chapter 318. An additional  
150 \$10 shall be added to the fine levied under chapter 318. Moneys  
151 collected from this additional \$10 fine shall be deposited into  
152 the Grants and Donations Trust Fund of the Department of  
153 Children and Family Services and used by the State Office on  
154 Homelessness to supplement grants made under s. 420.622(4) and  
155 (5).

156 (7) ENFORCEMENT.—The Department of Highway Safety and Motor  
157 Vehicles and other law enforcement agencies are authorized and  
158 directed to enforce this section.

159 Section 39. Section 316.2047, Florida Statutes, is created  
160 to read:

161 316.2047 Panhandling.—

162 (1) LEGISLATIVE FINDINGS.—The Legislature finds that  
163 panhandling, soliciting, or demanding money, gifts, or donations  
164 may interfere with the safe ingress and egress of human and  
165 vehicular traffic into public buildings, public areas, and  
166 public transportation areas, thereby constituting a threat to  
167 the public health, welfare, and safety of the citizenry. The  
168 Legislature also finds that aggressive and fraudulent  
169 panhandling are threats to public safety and personal security.

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

171 (a) "Aggressive panhandling" means to knowingly request  
172 money, gifts, or donations:

173 1. By unwanted touching, detaining, impeding, or  
174 intimidation;

175 2. Under circumstances that warrant justifiable and



269278

176 reasonable alarm or immediate concern for the safety of persons  
177 or property in the vicinity;

178 3. By following the solicited person after that person has  
179 made a negative response; or

180 4. By using obscene or abusive language or gestures that  
181 are reasonably likely to intimidate or cause fear of bodily  
182 harm.

183 (b) "False or misleading representation" means, without  
184 limitation:

185 1. Stating that the donation is needed to meet a specific  
186 need, when the solicitor already has sufficient funds to meet  
187 that need and does not disclose that fact;

188 2. Stating that the solicitor is from out of town and  
189 stranded, when such is not true;

190 3. Wearing a military uniform or other indication of  
191 military service when the solicitor is not a present or former  
192 member of the service indicated;

193 4. Wearing or displaying an indication of physical  
194 disability, when the solicitor does not suffer the disability  
195 indicated;

196 5. Using any makeup or device to simulate any deformity; or

197 6. Stating that the solicitor is homeless, when he or she  
198 is not.

199 (c) "Fraudulent panhandling" means to knowingly make any  
200 false or misleading representation in the course of soliciting a  
201 donation.

202 (d) "Panhandling" means to:

203 1. Solicit, request, or beg for an immediate donation of  
204 money or something else of value; or

205 2. Offer an individual an item of little or no monetary  
206 value in exchange for money or another gratuity under  
207 circumstances that would cause a reasonable individual to



269278

208 understand that the transaction is only a donation.

209 (3) PROHIBITED ACTIVITY.—It is unlawful to:

210 (a) Engage in aggressive panhandling.

211 (b) Engage in panhandling:

212 1. Within 20 feet of a bus stop;

213 2. Within 20 feet of an automated teller machine or the

214 entrance to a bank;

215 3. While blocking the entrance to a building or motor

216 vehicle; or

217 4. In a parking garage owned or operated by a county, a

218 municipality, or an agency of the state or the Federal

219 Government.

220 (c) Engage in fraudulent panhandling.

221 (4) LOCAL GOVERNMENT JURISDICTION.—Counties and

222 municipalities may increase the restrictions on panhandling if

223 those restrictions are nondiscriminatory and narrowly tailored

224 to serve an important public purpose. A county or municipality

225 may opt out of the provisions of this section by a majority vote

226 of the members of the county or municipal governing body. This

227 section does not preempt any existing ordinances that are

228 consistent with this section.

229 (5) VIOLATIONS; PENALTIES.—Any person who violates the

230 provisions of this section, upon conviction, shall be cited for

231 a pedestrian violation, punishable as provided in chapter 318.

232 An additional \$10 shall be added to the fine levied under

233 chapter 318. Moneys collected from this additional \$10 fine

234 shall be deposited into the Grants and Donations Trust Fund of

235 the Department of Children and Family Services and used by the

236 State Office on Homelessness to supplement grants made under s.

237 420.622(4) and (5).

238 (6) ENFORCEMENT.—The Department of Highway Safety and Motor

239 Vehicles and other law enforcement agencies are authorized and





269278

240 directed to enforce this section.

241 Section 40. Paragraph (c) of subsection (2) of section  
242 316.302, Florida Statutes, is amended to read:

243 316.302 Commercial motor vehicles; safety regulations;  
244 transporters and shippers of hazardous materials; enforcement.—

245 (2)

246 (c) Except as provided in 49 C.F.R. s. 395.1, a person who  
247 operates a commercial motor vehicle solely in intrastate  
248 commerce not transporting any hazardous material in amounts that  
249 require placarding pursuant to 49 C.F.R. part 172 may not drive  
250 after having been on duty more than 70 hours in any period of 7  
251 consecutive days or more than 80 hours in any period of 8  
252 consecutive days if the motor carrier operates every day of the  
253 week. Thirty-four consecutive hours off duty shall constitute  
254 the end of any such period of 7 or 8 consecutive days. This  
255 weekly limit does not apply to a person who operates a  
256 commercial motor vehicle solely within this state while  
257 transporting, during harvest periods, any unprocessed  
258 agricultural products or unprocessed food or fiber that is  
259 subject to seasonal harvesting from place of harvest to the  
260 first place of processing or storage or from place of harvest  
261 directly to market or while transporting livestock, livestock  
262 feed, or farm supplies directly related to growing or harvesting  
263 agricultural products. Upon request of the Department of  
264 Transportation, motor carriers shall furnish time records or  
265 other written verification to that department so that the  
266 Department of Transportation can determine compliance with this  
267 subsection. These time records must be furnished to the  
268 Department of Transportation within 2 days after receipt of that  
269 department's request. Falsification of such information is  
270 subject to a civil penalty not to exceed \$100. The provisions of  
271 this paragraph do not apply to operators of farm labor vehicles



269278

272 operated during a state of emergency declared by the Governor or  
273 operated pursuant to s. 570.07(21), and do not apply to drivers  
274 of utility service vehicles as defined in 49 C.F.R. s. 395.2.

275 Section 41. Subsection (26) of section 334.044, Florida  
276 Statutes, is amended to read:

277 334.044 Department; powers and duties.—The department shall  
278 have the following general powers and duties:

279 (26) To provide for the enhancement of environmental  
280 benefits, including air and water quality; to prevent roadside  
281 erosion; to conserve the natural roadside growth and scenery;  
282 and to provide for the implementation and maintenance of  
283 roadside conservation, enhancement, and stabilization programs.  
284 No more less than 1.5 percent of the amount contracted for  
285 construction projects that add capacity to the existing system  
286 shall be allocated by the department for the purchase of plant  
287 materials, if such amount does not exceed \$1 million per  
288 project. ~~with,~~ To the greatest extent practical, a minimum of 50  
289 percent of these funds shall be allocated for large plant  
290 materials and the remaining funds for other plant materials. All  
291 such plant materials shall be purchased from Florida commercial  
292 nursery stock in this state on a uniform competitive bid basis.  
293 The department will develop grades and standards for landscaping  
294 materials purchased through this process. To accomplish these  
295 activities, the department may contract with nonprofit  
296 organizations having the primary purpose of developing youth  
297 employment opportunities.

298 Section 42. Section 337.406, Florida Statutes, is amended  
299 to read:

300 337.406 Unlawful use of state transportation facility  
301 right-of-way; penalties.—

302 (1) Except when leased as provided in s. 337.25(5) ~~or~~  
303 ~~otherwise authorized by the rules of the department,~~ it is



269278

304 unlawful to make any use of any limited access highway ~~the~~  
305 ~~right-of-way of any state transportation facility~~, including  
306 appendages thereto, ~~outside of an incorporated municipality~~ in  
307 any manner that interferes with the safe and efficient movement  
308 of people and property from place to place on the transportation  
309 facility. Failure to prohibit the use of right-of-way in this  
310 manner will endanger the health, safety, and general welfare of  
311 the public by causing distractions to motorists, unsafe  
312 pedestrian movement within travel lanes, sudden stoppage or  
313 slowdown of traffic, rapid lane changing and other dangerous  
314 traffic movement, increased vehicular accidents, and motorist  
315 injuries and fatalities. Such prohibited uses include, but are  
316 not limited to, the free distribution or sale, or display or  
317 solicitation for free distribution or sale, of any merchandise,  
318 goods, property or services; the solicitation for charitable  
319 purposes; the servicing or repairing of any vehicle, except the  
320 rendering of emergency service; the storage of vehicles being  
321 serviced or repaired on abutting property or elsewhere; and the  
322 display of advertising of any sort, ~~except that any portion of a~~  
323 ~~state transportation facility may be used for an art festival,~~  
324 ~~parade, fair, or other special event if permitted by the~~  
325 ~~appropriate local governmental entity.~~ Counties and  
326 municipalities shall regulate the use of transportation  
327 facilities within their jurisdiction, except limited access  
328 highways, pursuant to s. 316.2046. The Department of  
329 Transportation shall regulate the use of rest areas and welcome  
330 centers as limited public forums that are provided to the public  
331 for safety rest stops. Accordingly, the uses within these rest  
332 areas and welcome centers may be limited. ~~Local government~~  
333 ~~entities may issue permits of limited duration for the temporary~~  
334 ~~use of the right-of-way of a state transportation facility for~~  
335 ~~any of these prohibited uses if it is determined that the use~~



269278

336 ~~will not interfere with the safe and efficient movement of~~  
337 ~~traffic and the use will cause no danger to the public. The~~  
338 ~~permitting authority granted in this subsection shall be~~  
339 ~~exercised by the municipality within incorporated municipalities~~  
340 ~~and by the county outside an incorporated municipality. Before a~~  
341 ~~road on the State Highway System may be temporarily closed for a~~  
342 ~~special event, the local governmental entity which permits the~~  
343 ~~special event to take place must determine that the temporary~~  
344 ~~closure of the road is necessary and must obtain the prior~~  
345 ~~written approval for the temporary road closure from the~~  
346 ~~department. Nothing in this subsection shall be construed to~~  
347 ~~authorize such activities on any limited access highway. Local~~  
348 ~~governmental entities may, within their respective~~  
349 ~~jurisdictions, initiate enforcement action by the appropriate~~  
350 ~~code enforcement authority or law enforcement authority for a~~  
351 ~~violation of this section.~~

352 ~~(2) Persons holding valid peddlers' licenses issued by~~  
353 ~~appropriate governmental entities may make sales from vehicles~~  
354 ~~standing on the right-of-way to occupants of abutting property~~  
355 ~~only.~~

356 ~~(2)(3)~~ The Department of Highway Safety and Motor Vehicles  
357 and other law enforcement agencies are authorized and directed  
358 to enforce this statute.

359 ~~(3)(4)~~ Camping is prohibited on any portion of the right-  
360 of-way of the State Highway System that is within 100 feet of a  
361 bridge, causeway, overpass, or ramp.

362 ~~(4)(5)~~ The violation of any provision of this section or  
363 any rule promulgated by the department pursuant to this section  
364 constitutes a misdemeanor of the second degree, punishable as  
365 provided in s. 775.082 or s. 775.083, and each day a violation  
366 continues to exist constitutes a separate offense.

367 Section 43. Subsections (1) and (4) of section 337.408,



269278

368 Florida Statutes, are amended to read:

369 337.408 Regulation of bus stop benches, transit shelters,  
370 street light poles, waste disposal receptacles, and modular news  
371 racks within rights-of-way.—

372 (1) Benches or transit shelters, including advertising  
373 displayed on benches or transit shelters, may be installed  
374 within the right-of-way limits of any municipal, county, or  
375 state road, except a limited access highway, provided that such  
376 benches or transit shelters are for the comfort or convenience  
377 of the general public or are at designated stops on official bus  
378 routes and provided that written authorization has been given to  
379 a qualified private supplier of such service by the municipal  
380 government within whose incorporated limits such benches or  
381 transit shelters are installed or by the county government  
382 within whose unincorporated limits such benches or transit  
383 shelters are installed. A municipality or county may authorize  
384 the installation, without public bid, of benches and transit  
385 shelters together with advertising displayed thereon within the  
386 right-of-way limits of such roads. All installations shall be in  
387 compliance with all applicable laws and rules including, without  
388 limitation, the Americans with Disabilities Act. Municipalities  
389 and counties shall indemnify, defend, and hold harmless the  
390 department from any suits, actions, proceedings, claims, losses,  
391 costs, charges, expenses, damages, liabilities, attorney fees,  
392 and court costs relating to the installation, removal, or  
393 relocation of such installations. Any contract for the  
394 installation of benches or transit shelters or advertising on  
395 benches or transit shelters which was entered into before April  
396 8, 1992, without public bidding is ratified and affirmed. Such  
397 benches or transit shelters may not interfere with right-of-way  
398 preservation and maintenance. Any bench or transit shelter  
399 located on a sidewalk within the right-of-way limits of any road



269278

400 on the State Highway System or the county road system shall be  
401 located so as to leave at least 36 inches of clearance for  
402 pedestrians and persons in wheelchairs. Such clearance shall be  
403 measured in a direction perpendicular to the centerline of the  
404 road.

405 (4) The department has the authority to direct the  
406 immediate relocation or removal of any bus stop bench, transit  
407 shelter, waste disposal receptacle, public pay telephone, or  
408 modular news rack that endangers life or property, or that is  
409 otherwise not in compliance with applicable laws and rules,  
410 except that transit bus benches that were placed in service  
411 before April 1, 1992, are not required to comply with bench size  
412 and advertising display size requirements established by the  
413 department before March 1, 1992. If a municipality or county  
414 fails to comply with the department's direction, the department  
415 shall remove the noncompliant installation, charge the cost of  
416 the removal to the municipality or county, and may deduct or  
417 offset such cost from any other funding available to the  
418 municipality or county from the department. Any transit bus  
419 ~~bench that was in service before April 1, 1992, may be replaced~~  
420 ~~with a bus bench of the same size or smaller, if the bench is~~  
421 ~~damaged or destroyed or otherwise becomes unusable.~~ The  
422 department may adopt rules relating to the regulation of bench  
423 size and advertising display size requirements. If a  
424 municipality or county within which a bench is to be located has  
425 adopted an ordinance or other applicable regulation that  
426 establishes bench size or advertising display sign requirements  
427 different from requirements specified in department rule, the  
428 local government requirement applies within the respective  
429 municipality or county. Placement of any bench or advertising  
430 display on the National Highway System under a local ordinance  
431 or regulation adopted under this subsection is subject to



269278

432 approval of the Federal Highway Administration.

433 Section 44. Section 373.413, Florida Statutes, is amended  
434 to read:

435 373.413 Permits for construction or alteration.—

436 (1) Except for the exemptions set forth herein, the  
437 governing board or the department may require such permits and  
438 impose such reasonable conditions as are necessary to assure  
439 that the construction or alteration of any stormwater management  
440 system, dam, impoundment, reservoir, appurtenant work, or works  
441 will comply with the provisions of this part and applicable  
442 rules promulgated thereto and will not be harmful to the water  
443 resources of the district. The department or the governing board  
444 may delineate areas within the district wherein permits may be  
445 required.

446 (2) A person proposing to construct or alter a stormwater  
447 management system, dam, impoundment, reservoir, appurtenant  
448 work, or works subject to such permit shall apply to the  
449 governing board or department for a permit authorizing such  
450 construction or alteration. The application shall contain the  
451 following:

452 (a) Name and address of the applicant.

453 (b) Name and address of the owner or owners of the land  
454 upon which the works are to be constructed and a legal  
455 description of such land.

456 (c) Location of the work.

457 (d) Sketches of construction pending tentative approval.

458 (e) Name and address of the person who prepared the plans  
459 and specifications of construction.

460 (f) Name and address of the person who will construct the  
461 proposed work.

462 (g) General purpose of the proposed work.

463 (h) Such other information as the governing board or



269278

464 department may require.

465 (3) After receipt of an application for a permit, the  
466 governing board or department shall publish notice of the  
467 application by sending a notice to any persons who have filed a  
468 written request for notification of any pending applications  
469 affecting the particular designated area. Such notice may be  
470 sent by regular mail. The notice shall contain the name and  
471 address of the applicant; a brief description of the proposed  
472 activity, including any mitigation; the location of the proposed  
473 activity, including whether it is located within an Outstanding  
474 Florida Water or aquatic preserve; a map identifying the  
475 location of the proposed activity subject to the application; a  
476 depiction of the proposed activity subject to the application; a  
477 name or number identifying the application and the office where  
478 the application can be inspected; and any other information  
479 required by rule.

480 (4) In addition to the notice required by subsection (3),  
481 the governing board or department may publish, or require an  
482 applicant to publish at the applicant's expense, in a newspaper  
483 of general circulation within the affected area, a notice of  
484 receipt of the application and a notice of intended agency  
485 action. This subsection does not limit the discretionary  
486 authority of the department or the governing board of a water  
487 management district to publish, or to require an applicant to  
488 publish at the applicant's expense, any notice under this  
489 chapter. The governing board or department shall also provide  
490 notice of this intended agency action to the applicant and to  
491 persons who have requested a copy of the intended agency action  
492 for that specific application.

493 (5) The governing board or department may charge a  
494 subscription fee to any person who has filed a written request  
495 for notification of any pending applications to cover the cost





269278

496 of duplication and mailing charges.

497 (6) It is the intent of the Legislature that the governing  
498 board or department exercise flexibility in the permitting of  
499 stormwater management systems associated with the construction  
500 or alteration of systems serving state transportation projects  
501 and facilities. Because of the unique limitations of linear  
502 facilities, the governing board or department shall balance the  
503 expenditure of public funds for stormwater treatment for state  
504 transportation projects and facilities and the treatment  
505 objectives to be achieved. In consideration thereof, the  
506 governing board or department shall allow alternatives to on-  
507 site treatment, including but not limited to regional stormwater  
508 treatment systems. The Department of Transportation shall not be  
509 responsible for the abatement of pollutants and flows entering  
510 its stormwater management systems from offsite; however, this  
511 subsection does not prohibit the Department of Transportation  
512 from receiving and managing such pollutants and flows when it is  
513 found to be cost-effective and prudent. Further, in association  
514 with right-of-way acquisition for state transportation projects,  
515 the Department of Transportation is responsible for providing  
516 stormwater treatment and attenuation for additional right-of-  
517 way, but shall not be responsible for modifying permits of  
518 adjacent lands when it is not the permittee. Further, in  
519 association with right-of-way acquisition for state  
520 transportation projects, the Department of Transportation is  
521 responsible for providing stormwater treatment and attenuation  
522 for additional right-of-way, but shall not be responsible for  
523 modifying permits of adjacent lands when it is not the  
524 permittee. To accomplish this, the governing board or department  
525 shall adopt rules for these activities.

526 Section 45. Subsections (1), (2), (3), (4), and (5) of  
527 section 373.4137, Florida Statutes, are amended to read:



269278

528           373.4137 Mitigation requirements for specified  
529 transportation projects.—

530           (1) The Legislature finds that environmental mitigation for  
531 the impact of transportation projects proposed by the Department  
532 of Transportation or a transportation authority established  
533 pursuant to chapter 348 or chapter 349 can be more effectively  
534 achieved by regional, long-range mitigation planning rather than  
535 on a project-by-project basis. It is the intent of the  
536 Legislature that mitigation to offset the adverse effects of  
537 these transportation projects be funded by the Department of  
538 Transportation and be carried out by the water management  
539 districts, including the use of mitigation banks and any other  
540 mitigation options that satisfy state and federal requirements  
541 ~~established pursuant to this part.~~

542           (2) Environmental impact inventories for transportation  
543 projects proposed by the Department of Transportation or a  
544 transportation authority established pursuant to chapter 348 or  
545 chapter 349 shall be developed as follows:

546           (a) By July 1 of each year, the Department of  
547 Transportation or a transportation authority established  
548 pursuant to chapter 348 or chapter 349 which chooses to  
549 participate in this program shall submit to the water management  
550 districts a list ~~copy~~ of its projects in the adopted work  
551 program and an environmental impact inventory of habitats  
552 addressed in the rules adopted pursuant to this part and s. 404  
553 of the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted  
554 by its plan of construction for transportation projects in the  
555 next 3 years of the tentative work program. The Department of  
556 Transportation or a transportation authority established  
557 pursuant to chapter 348 or chapter 349 may also include in its  
558 environmental impact inventory the habitat impacts of any future  
559 transportation project. The Department of Transportation and



269278

560 each transportation authority established pursuant to chapter  
561 348 or chapter 349 may fund any mitigation activities for future  
562 projects using current year funds.

563 (b) The environmental impact inventory shall include a  
564 description of these habitat impacts, including their location,  
565 acreage, and type; state water quality classification of  
566 impacted wetlands and other surface waters; any other state or  
567 regional designations for these habitats; and a list survey of  
568 threatened species, endangered species, and species of special  
569 concern affected by the proposed project.

570 (3) (a) To fund development and implementation of the  
571 mitigation plan for the projected impacts identified in the  
572 environmental impact inventory described in subsection (2), the  
573 Department of Transportation shall identify funds quarterly in  
574 an escrow account within the State Transportation Trust Fund for  
575 the environmental mitigation phase of projects budgeted by the  
576 Department of Transportation for the current fiscal year. The  
577 escrow account shall be maintained by the Department of  
578 Transportation for the benefit of the water management  
579 districts. Any interest earnings from the escrow account shall  
580 remain with the Department of Transportation.

581 (b) Each transportation authority established pursuant to  
582 chapter 348 or chapter 349 that chooses to participate in this  
583 program shall create an escrow account within its financial  
584 structure and deposit funds in the account to pay for the  
585 environmental mitigation phase of projects budgeted for the  
586 current fiscal year. The escrow account shall be maintained by  
587 the authority for the benefit of the water management districts.  
588 Any interest earnings from the escrow account shall remain with  
589 the authority.

590 (c) Except for current mitigation projects in the  
591 monitoring and maintenance phase and except as allowed by



269278

592 paragraph (d), the water management districts may request a  
593 transfer of funds from an escrow account no sooner than 30 days  
594 prior to the date the funds are needed to pay for activities  
595 associated with development or implementation of the approved  
596 mitigation plan described in subsection (4) for the current  
597 fiscal year, including, but not limited to, design, engineering,  
598 production, and staff support. Actual conceptual plan  
599 preparation costs incurred before plan approval may be submitted  
600 to the Department of Transportation or the appropriate  
601 transportation authority each year with the plan. The conceptual  
602 plan preparation costs of each water management district will be  
603 paid from mitigation funds associated with the environmental  
604 impact inventory for the current year. The amount transferred to  
605 the escrow accounts each year by the Department of  
606 Transportation and participating transportation authorities  
607 established pursuant to chapter 348 or chapter 349 shall  
608 correspond to a cost per acre of \$75,000 multiplied by the  
609 projected acres of impact identified in the environmental impact  
610 inventory described in subsection (2). However, the \$75,000 cost  
611 per acre does not constitute an admission against interest by  
612 the state or its subdivisions nor is the cost admissible as  
613 evidence of full compensation for any property acquired by  
614 eminent domain or through inverse condemnation. Each July 1, the  
615 cost per acre shall be adjusted by the percentage change in the  
616 average of the Consumer Price Index issued by the United States  
617 Department of Labor for the most recent 12-month period ending  
618 September 30, compared to the base year average, which is the  
619 average for the 12-month period ending September 30, 1996. Each  
620 quarter, the projected acreage of impact shall be reconciled  
621 with the acreage of impact of projects as permitted, including  
622 permit modifications, pursuant to this part and s. 404 of the  
623 Clean Water Act, 33 U.S.C. s. 1344. The subject year's transfer



269278

624 of funds shall be adjusted accordingly to reflect the acreage of  
625 impacts as permitted. The Department of Transportation and  
626 participating transportation authorities established pursuant to  
627 chapter 348 or chapter 349 are authorized to transfer such funds  
628 from the escrow accounts to the water management districts to  
629 carry out the mitigation programs. Environmental mitigation  
630 funds that are identified or maintained in an escrow account for  
631 the benefit of a water management district may be released if  
632 the associated transportation project is excluded in whole or  
633 part from the mitigation plan. For a mitigation project that is  
634 in the maintenance and monitoring phase, the water management  
635 district may request and receive a one-time payment based on the  
636 project's expected future maintenance and monitoring costs. Upon  
637 disbursement of the final maintenance and monitoring payment,  
638 the obligation of the department or the participating  
639 transportation authority is satisfied, the water management  
640 district has the continuing responsibility for the mitigation  
641 project, and the escrow account for the project established by  
642 the Department of Transportation or the participating  
643 transportation authority may be closed. Any interest earned on  
644 these disbursed funds shall remain with the water management  
645 district and must be used as authorized under this section.

646 (d) Beginning in the 2005-2006 fiscal year, each water  
647 management district shall be paid a lump-sum amount of \$75,000  
648 per acre, adjusted as provided under paragraph (c), for  
649 federally funded transportation projects that are included on  
650 the environmental impact inventory and that have an approved  
651 mitigation plan. Beginning in the 2009-2010 fiscal year, each  
652 water management district shall be paid a lump-sum amount of  
653 \$75,000 per acre, adjusted as provided under paragraph (c), for  
654 federally funded and nonfederally funded transportation projects  
655 that have an approved mitigation plan. All mitigation costs,



269278

656 including, but not limited to, the costs of preparing conceptual  
657 plans and the costs of design, construction, staff support,  
658 future maintenance, and monitoring the mitigated acres shall be  
659 funded through these lump-sum amounts.

660 (4) Prior to March 1 of each year, each water management  
661 district, in consultation with the Department of Environmental  
662 Protection, the United States Army Corps of Engineers, the  
663 Department of Transportation, participating transportation  
664 authorities established pursuant to chapter 348 or chapter 349,  
665 and other appropriate federal, state, and local governments, and  
666 other interested parties, including entities operating  
667 mitigation banks, shall develop a plan for the primary purpose  
668 of complying with the mitigation requirements adopted pursuant  
669 to this part and 33 U.S.C. s. 1344. In developing such plans,  
670 the districts shall utilize sound ecosystem management practices  
671 to address significant water resource needs and shall focus on  
672 activities of the Department of Environmental Protection and the  
673 water management districts, such as surface water improvement  
674 and management (SWIM) projects and lands identified for  
675 potential acquisition for preservation, restoration or  
676 enhancement, and the control of invasive and exotic plants in  
677 wetlands and other surface waters, to the extent that such  
678 activities comply with the mitigation requirements adopted under  
679 this part and 33 U.S.C. s. 1344. In determining the activities  
680 to be included in such plans, the districts shall also consider  
681 the purchase of credits from public or private mitigation banks  
682 permitted under s. 373.4136 and associated federal authorization  
683 and shall include such purchase as a part of the mitigation plan  
684 when such purchase would offset the impact of the transportation  
685 project, provide equal benefits to the water resources than  
686 other mitigation options being considered, and provide the most  
687 cost-effective mitigation option. The mitigation plan shall be



269278

688 submitted to the water management district governing board, or  
689 its designee, for review and approval. At least 14 days prior to  
690 approval, the water management district shall provide a copy of  
691 the draft mitigation plan to any person who has requested a  
692 copy.

693 (a) For each transportation project with a funding request  
694 for the next fiscal year, the mitigation plan must include a  
695 brief explanation of why a mitigation bank was or was not chosen  
696 as a mitigation option, including an estimation of identifiable  
697 costs of the mitigation bank and nonbank options to the extent  
698 practicable.

699 (b) Specific projects may be excluded from the mitigation  
700 plan, in whole or in part, and are ~~shall~~ not be subject to this  
701 section upon the election agreement of the Department of  
702 Transportation, ~~or~~ a transportation authority, if applicable, or  
703 ~~and~~ the appropriate water management district ~~that the inclusion~~  
704 ~~of such projects would hamper the efficiency or timeliness of~~  
705 ~~the mitigation planning and permitting process. The water~~  
706 ~~management district may choose to exclude a project in whole or~~  
707 ~~in part if the district is unable to identify mitigation that~~  
708 ~~would offset impacts of the project.~~

709 (5) The water management district shall ensure ~~be~~  
710 ~~responsible for ensuring~~ that mitigation requirements pursuant  
711 to 33 U.S.C. s. 1344 are met for the impacts identified in the  
712 environmental impact inventory described in subsection (2), by  
713 implementation of the approved plan described in subsection (4)  
714 to the extent funding is provided by the Department of  
715 Transportation, or a transportation authority established  
716 pursuant to chapter 348 or chapter 349, if applicable. During  
717 the federal permitting process, the water management district  
718 may deviate from the approved mitigation plan in order to comply  
719 with federal permitting requirements.



269278

720 Section 46. Paragraph (c) of subsection (1) of section  
721 374.976, Florida Statutes, is amended to read:

722 374.976 Authority to address impacts of waterway  
723 development projects.—

724 (1) Each inland navigation district is empowered and  
725 authorized to undertake programs intended to alleviate the  
726 problems associated with its waterway or waterways, including,  
727 but not limited to, the following:

728 (c) The district is authorized to aid and cooperate with  
729 the Federal Government; state; member counties; nonmember  
730 counties that contain any part of the intracoastal waterway  
731 within their boundaries; navigation districts; the seaports of  
732 Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm  
733 Beach, Port Everglades, Miami, Port Manatee, St. Petersburg,  
734 Tampa, Port St. Joe, Panama City, Pensacola, Key West, and  
735 Fernandina; and local governments within the district in  
736 planning and carrying out public navigation, local and regional  
737 anchorage management, beach renourishment, public recreation,  
738 inlet management, environmental education, and boating safety  
739 projects, directly related to the waterways. The district is  
740 also authorized to enter into cooperative agreements with the  
741 United States Army Corps of Engineers, state, and member  
742 counties, and to covenant in any such cooperative agreement to  
743 pay part of the costs of acquisition, planning, development,  
744 construction, reconstruction, extension, improvement, operation,  
745 and maintenance of such projects.

746 Section 47. Subsection (9) of section 403.021, Florida  
747 Statutes, is amended to read:

748 403.021 Legislative declaration; public policy.—

749 (9) (a) The Legislature finds and declares that it is  
750 essential to preserve and maintain authorized water depth in the  
751 existing navigation channels, port harbors, turning basins, and





269278

752 harbor berths of this state in order to provide for the  
753 continued safe navigation of deepwater shipping commerce. The  
754 department shall recognize that maintenance of authorized water  
755 depths consistent with port master plans developed pursuant to  
756 s. 163.3178(2)(k) is an ongoing, continuous, beneficial, and  
757 necessary activity that is in the public interest; and it shall  
758 develop a regulatory process that shall enable the ports of this  
759 state to conduct such activities in an environmentally sound,  
760 safe, expeditious, and cost-efficient manner. It is the further  
761 intent of the Legislature that the permitting and enforcement of  
762 dredging, dredged-material management, and other related  
763 activities for Florida's deepwater ports pursuant to this  
764 chapter and chapters 161, 253, and 373 shall be consolidated  
765 within the department's Division of Water Resource Management  
766 and, with the concurrence of the affected deepwater port or  
767 ports, may be administered by a district office of the  
768 department or delegated to an approved local environmental  
769 program.

770 (b) The provisions of paragraph (a) apply only to the port  
771 waters, dredged-material management sites, port harbors,  
772 navigation channels, turning basins, and harbor berths used for  
773 deepwater commercial navigation in the ports of Jacksonville,  
774 Tampa, Port Everglades, Miami, Port Canaveral, Port Citrus, Ft.  
775 Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St.  
776 Petersburg, Pensacola, Fernandina, and Key West.

777 Section 48. Subsection (26) of section 403.061, Florida  
778 Statutes, is amended to read:

779 403.061 Department; powers and duties.—The department shall  
780 have the power and the duty to control and prohibit pollution of  
781 air and water in accordance with the law and rules adopted and  
782 promulgated by it and, for this purpose, to:

783 (26) (a) Develop standards and criteria for waters used for



269278

784 deepwater shipping which standards and criteria consider  
785 existing water quality; appropriate mixing zones and other  
786 requirements for maintenance dredging in previously constructed  
787 deepwater navigation channels, port harbors, turning basins, or  
788 harbor berths; and appropriate mixing zones for disposal of  
789 spoil material from dredging and, where necessary, develop a  
790 separate classification for such waters. Such classification,  
791 standards, and criteria shall recognize that the present  
792 dedicated use of these waters is for deepwater commercial  
793 navigation.

794 (b) The provisions of paragraph (a) apply only to the port  
795 waters, spoil disposal sites, port harbors, navigation channels,  
796 turning basins, and harbor berths used for deepwater commercial  
797 navigation in the ports of Jacksonville, Tampa, Port Everglades,  
798 Miami, Port Canaveral, Port Citrus, Ft. Pierce, Palm Beach, Port  
799 Manatee, Port St. Joe, Panama City, St. Petersburg, Port Bartow,  
800 Florida Power Corporation's Crystal River Canal, Boca Grande,  
801 Green Cove Springs, and Pensacola.

802  
803 The department shall implement such programs in conjunction  
804 with its other powers and duties and shall place special  
805 emphasis on reducing and eliminating contamination that presents  
806 a threat to humans, animals or plants, or to the environment.

807 Section 49. Subsection (3) of section 403.813, Florida  
808 Statutes, is amended to read:

809 403.813 Permits issued at district centers; exceptions.—

810 (3) For maintenance dredging conducted under this section  
811 by the seaports of Jacksonville, Port Canaveral, Port Citrus,  
812 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,  
813 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key  
814 West, and Fernandina or by inland navigation districts:

815 (a) A mixing zone for turbidity is granted within a 150-



269278

816 meter radius from the point of dredging while dredging is  
817 ongoing, except that the mixing zone may not extend into areas  
818 supporting wetland communities, submerged aquatic vegetation, or  
819 hardbottom communities.

820 (b) The discharge of the return water from the site used  
821 for the disposal of dredged material shall be allowed only if  
822 such discharge does not result in a violation of water quality  
823 standards in the receiving waters. The return-water discharge  
824 into receiving waters shall be granted a mixing zone for  
825 turbidity within a 150-meter radius from the point of discharge  
826 during and immediately after the dredging, except that the  
827 mixing zone may not extend into areas supporting wetland  
828 communities, submerged aquatic vegetation, or hardbottom  
829 communities.

830 (c) The state may not exact a charge for material that this  
831 subsection allows a public port or an inland navigation district  
832 to remove.

833 (d) The use of flocculants at the site used for disposal of  
834 the dredged material is allowed if the use, including supporting  
835 documentation, is coordinated in advance with the department and  
836 the department has determined that the use is not harmful to  
837 water resources.

838 (e) This subsection does not prohibit maintenance dredging  
839 of areas where the loss of original design function and  
840 constructed configuration has been caused by a storm event,  
841 provided that the dredging is performed as soon as practical  
842 after the storm event. Maintenance dredging that commences  
843 within 3 years after the storm event shall be presumed to  
844 satisfy this provision. If more than 3 years are needed to  
845 commence the maintenance dredging after the storm event, a  
846 request for a specific time extension to perform the maintenance  
847 dredging shall be submitted to the department, prior to the end



269278

848 of the 3-year period, accompanied by a statement, including  
849 supporting documentation, demonstrating that contractors are not  
850 available or that additional time is needed to obtain  
851 authorization for the maintenance dredging from the United  
852 States Army Corps of Engineers.

853 Section 50. Section 403.816, Florida Statutes, is amended  
854 to read:

855 403.816 Permits for maintenance dredging of deepwater ports  
856 and beach restoration projects.—

857 (1) The department shall establish a permit system under  
858 this chapter and chapter 253 which provides for the performance,  
859 for up to 25 years from the issuance of the original permit, of  
860 maintenance dredging of permitted navigation channels, port  
861 harbors, turning basins, harbor berths, and beach restoration  
862 projects approved pursuant to chapter 161. However, permits  
863 issued for dredging river channels which are not a part of a  
864 deepwater port shall be valid for no more than five years. No  
865 charge shall be exacted by the state for material removed during  
866 such maintenance dredging by a public port authority.

867 (2) The provisions of s. 253.77 do not apply to a permit  
868 for maintenance dredging and spoil site approval when there is  
869 no change in the size or location of the spoil disposal site and  
870 when the applicant provides documentation to the department that  
871 the appropriate lease, easement, or consent of use for the  
872 project site issued pursuant to chapter 253 is recorded in the  
873 county where the project is located.

874 (3) The provisions of this section relating to ports apply  
875 only to the port waters, spoil disposal sites, port harbors,  
876 navigation channels, turning basins, and harbor berths used for  
877 deepwater commercial navigation in the ports of Jacksonville,  
878 Tampa, Port Everglades, Miami, Port Canaveral, Port Citrus, Ft.  
879 Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St.



269278

880 Petersburg, Port Bartow, Florida Power Corporation's Crystal  
881 River Canal, Boca Grande, Green Cove Springs, and Pensacola.

882

883

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

885 And the title is amended as follows:

886 Delete line 76

887 and insert:

888 changes made by the act; amending s. 310.002, F.S.;

889 redefining the term "port" to include Port Citrus; amending s.

890 311.09, F.S.; including a representative of Port Citrus as a

891 member of the Florida Seaport Transportation and Economic

892 Development Council; amending s. 316.075, F.S.; providing for

893 minimum yellow light change interval times for traffic control

894 devices; amending s. 316.0083, F.S.; prohibiting the issuance of

895 a traffic citation for certain traffic light violations unless

896 the light meets specified requirements; repealing s. 316.2045,

897 F.S., relating to obstruction of public streets, highways, and

898 roads; creating s. 316.2046, F.S., relating to obstruction of

899 public streets, highways, and roads; providing legislative

900 findings; defining the term "solicit"; requiring a permit in

901 order to obstruct the use of any public street, highway, or road

902 when that obstruction may endanger the safe movement of vehicles

903 or pedestrians; requiring each county or municipality to adopt a

904 permitting process that protects public safety but does not

905 impair the rights of free speech; providing criteria for the

906 permitting process; limiting the cost of the permit to the

907 amount required to administer the permitting process;

908 prohibiting the denial of a permit due to lack of funds, as

909 attested to by a signed affidavit; providing for jurisdiction

910 over non-limited access state roads, and local roads, streets,

911 and highways for counties and municipalities; providing



269278

912 exceptions; providing that a violation of the act is a  
913 pedestrian violation, punishable under ch. 318, F.S.; providing  
914 for an additional fine; providing for the disposition of moneys  
915 collected; providing for enforcement by the Department of  
916 Highway Safety and Motor Vehicles and other law enforcement  
917 agencies; creating s. 316.2047, F.S., relating to panhandling;  
918 providing legislative findings; defining terms; prohibiting  
919 aggressive panhandling, panhandling under certain circumstances,  
920 and fraudulent panhandling; authorizing counties and  
921 municipalities to increase the restrictions on panhandling under  
922 certain conditions; providing that a violation of the act is a  
923 pedestrian violation, punishable under ch. 318, F.S.; providing  
924 for an additional fine; providing for the disposition of moneys  
925 collected; providing for enforcement by the Department of  
926 Highway Safety and Motor Vehicles and other law enforcement  
927 agencies; amending s. 316.302, F.S.; providing that certain  
928 restrictions on the number of consecutive hours that a  
929 commercial motor vehicle may operate do not apply to a farm  
930 labor vehicle operated during a state of emergency or during an  
931 emergency pertaining to agriculture; amending s. 334.044, F.S.;  
932 revising the types of transportation projects for which  
933 landscaping materials must be purchased; limiting the amount of  
934 funds that may be allocated for such purchases; amending s.  
935 337.406, F.S.; removing the Department of Transportation's  
936 authority to provide exceptions to the unlawful use of the  
937 right-of-way of any state transportation facility; broadening  
938 provisions to prohibit the unlawful use of any limited access  
939 highway; removing an exception to prohibited uses provided for  
940 art festivals, parades, fairs, or other special events; removing  
941 a local government's authority to issue certain permits;  
942 authorizing counties and municipalities to regulate the use of  
943 transportation facilities within their respective jurisdictions,



269278

944 with the exception of limited access highways; authorizing the  
945 Department of Transportation to regulate the use of welcome  
946 centers and rest stops; removing provisions authorizing valid  
947 peddler licensees to make sales from vehicles standing on the  
948 rights-of-way of welcome centers and rest stops; amending s.  
949 337.408, F.S., revising requirements for the installation of bus  
950 stop benches, transit shelters, street light poles, waste  
951 disposal receptacles, and modular news racks within the public  
952 rights-of-way; requiring compliance with the Americans With  
953 Disabilities Act; providing responsibilities for removal of  
954 noncompliant installations; amending s. 373.413, F.S.; providing  
955 legislative intent regarding flexibility in the permitting of  
956 stormwater management systems; requiring the cost of stormwater  
957 treatment for a transportation project to be balanced with  
958 benefits to the public; absolving the Department of  
959 Transportation of responsibility for the abatement of pollutants  
960 entering its stormwater facilities from offsite sources and from  
961 updating permits for adjacent lands impacted by right-of-way  
962 acquisition; authorizing the water management districts and the  
963 department to adopt rules; amending s. 373.4137, F.S.; revising  
964 mitigation requirements for transportation projects to include  
965 other nonspecified mitigation options; providing for the release  
966 of escrowed mitigation funds under certain circumstances;  
967 providing for the exclusion of projects from a mitigation plan  
968 upon the election of one or more agencies rather than the  
969 agreement of all parties; amending s. 374.976, F.S.; conforming  
970 provisions to include Port Citrus in provisions relating to the  
971 authority of inland navigation districts; amending s. 403.021,  
972 F.S.; conforming provisions to include Port Citrus in  
973 legislative declarations relating to environmental control;  
974 amending s. 403.061, F.S.; conforming provisions to include Port  
975 Citrus in provisions relating to powers of the Department of



269278

976 Environmental Protection; amending s. 403.813, F.S.; conforming  
977 provisions to include Port Citrus in provisions relating to  
978 permits issued at Department of Environmental Protection  
979 district centers; amending s. 403.816, F.S.; conforming  
980 provisions to include Port Citrus in provisions relating to  
981 certain maintenance projects at deepwater ports and beach  
982 restoration projects; providing an effective date.

983  
984 WHEREAS, the state has a significant and substantial  
985 interest in vehicular and pedestrian safety and the free flow of  
986 traffic, and

987 WHEREAS, studies have shown that Florida is one of the most  
988 dangerous states in the country for pedestrians, and

989 WHEREAS, while the streets may have been the natural and  
990 proper places for the public dissemination of information prior  
991 to the advent of the automobile, the streets, highways, and  
992 roads of this state are now used primarily for transportation,  
993 and

994 WHEREAS, obstructing the flow of pedestrian traffic on a  
995 sidewalk can cause pedestrians to enter into the roadway and is  
996 a serious threat to public safety, and

997 WHEREAS, the current permitting provisions curtail behavior  
998 only on sidewalks and streets, which is a danger to public  
999 safety, and

1000 WHEREAS, the provisions of this act directed toward  
1001 ordinary panhandling are designed to promote public safety,  
1002 including minimizing panhandling in transit systems or in areas  
1003 where panhandling is likely to intimidate persons who are  
1004 solicited, and

1005 WHEREAS, aggressive panhandling may obstruct the free flow  
1006 of traffic when carried out in or adjacent to a roadway, may  
1007 intimidate citizens who may choose to avoid certain public areas





269278

1008 or give money to panhandlers in order to avoid an escalation of  
1009 aggressive behavior, and generally threatens public safety and  
1010 diminishes the quality of life for residents and tourists alike,  
1011 and

1012 WHEREAS, an important public purpose is served when the  
1013 public safety is protected in keeping with rights granted by the  
1014 First Amendment to the United States Constitution, NOW,  
1015 THEREFORE,

1016  
1017