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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Transportation, Tourism, and
Economic Development)

A bill to be entitled

An act relating to transportation; amending s. 20.23,
F.S.; 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
duties for specified counties; amending s. 215.82,
F.S.; deleting a cross-reference; amending s.
260.0144, F.S.; providing that certain commercial
sponsorship may be displayed on state greenway and
trail facilities not included within the Florida
Shared-Use Nonmotorized Trail Network; deleting
provisions relating to the authorization of sponsored
state greenways and trails at specified facilities or
property; creating s. 288.365, F.S.; providing that
the Port of Palm Beach is deemed eligible and granted
authority to apply to the federal government to seek
approval from the Foreign-Trade Zones Board through an
alternative site framework to include specified
counties in the proposed service area without
obtaining approvals from certain municipalities;
providing applicability; amending s. 311.07, F.S.;
increasing the minimum amount that shall be made
available annually from the State Transportation Fund



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27 to fund the Florida Seaport Transportation and
28 Economic Development Program; amending s. 311.09,
29 F.S.; reducing the number of members of the Florida
30 Seaport Transportation and Economic Development
31 Council; removing Port Citrus from the council
32 membership; increasing the amount per year the
33 department must include in its annual legislative
34 budget request for the Florida Seaport Transportation
35 and Economic Development Program; deleting obsolete
36 language; amending s. 316.003, F.S.; defining and
37 redefining terms; amending s. 316.0895, F.S.;
38 providing that provisions prohibiting a driver from
39 following certain vehicles within a certain distance
40 do not apply to truck tractor-semitrailer combinations
41 under certain conditions; providing for financial
42 responsibility; amending s. 316.130, F.S.; revising
43 traffic regulations relating to pedestrians crossing
44 roadways; amending s. 316.303, F.S.; providing
45 exceptions to the prohibition of certain television-
46 type receiving equipment and certain electronic
47 displays in vehicles; amending s. 316.515, F.S.;
48 extending the allowable length of certain semitrailers
49 authorized to operate on public roads under certain
50 conditions; authorizing the Department of
51 Transportation to permit truck tractor-semitrailer
52 combinations where the total number of overwidth
53 deliveries of manufactured buildings may be reduced by
54 the transport of multiple sections or single units on
55 an overlength trailer of no more than a specified



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56 length under certain circumstances; amending s.
57 316.545, F.S.; providing a specified penalty for
58 commercial motor vehicles that obtain temporary
59 registration permits entering the state at, or
60 operating on designated routes to, a port-of-entry
61 location; amending s. 333.01, F.S.; defining and
62 redefining terms; amending s. 333.025, F.S.; revising
63 requirements relating to securing a permit for the
64 proposed construction or alteration of structures that
65 would exceed specified federal obstruction standards;
66 requiring such permits only within an airport hazard
67 area if the proposed construction is within a set
68 radius of a certain airport reference point; providing
69 that existing, planned, and proposed facilities at
70 public-use airports contained in certain plans or
71 documents will be protected from structures that
72 exceed federal obstruction standards; providing that a
73 permit is not required when political subdivisions
74 have adopted adequate airport protection zoning
75 regulations and have established a permitting process,
76 subject to certain requirements; providing for a
77 review period by the department to run concurrent with
78 such permitting process, subject to certain
79 requirements and exemptions; specifying certain
80 factors the department shall consider in determining
81 whether to issue or deny a permit; directing the
82 department to require an owner of a permitted
83 obstruction or vegetation to install, operate, and
84 maintain marking and lighting subject to certain



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85 requirements; prohibiting a permit from being approved
86 solely on the basis that a proposed structure will not
87 exceed specified federal obstruction standards;
88 providing certain administrative review for the denial
89 of a permit; amending s. 333.03, F.S.; revising the
90 requirements relating to the adoption of airport
91 protection zoning regulations by certain political
92 subdivisions; revising the requirements of such
93 adopted airport protection zoning regulations;
94 providing that the department is available to assist
95 political subdivisions with regard to federal
96 obstruction standards; revising requirements relating
97 to airport land use compatibility zoning regulations
98 that address, at a minimum, landfill locations and
99 noise contours; requiring adoption of airport zoning
100 regulations that restrict substantial modifications to
101 existing incompatible uses within runway protection
102 zones; requiring that updates and amendments to local
103 airport zoning codes, rules, and regulations be filed
104 with the department within a certain time after
105 adoption; revising requirements relating to
106 educational structures or sites; providing that a
107 governing body operating a public-use airport may
108 establish more restrictive airport protection zoning
109 regulations for certain purposes; amending s. 333.04,
110 F.S.; revising provisions relating to comprehensive
111 plan or policy regulations, including airport
112 protection zoning regulations under certain
113 circumstances; amending s. 333.05, F.S.; revising



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114 provisions relating to the procedure for adoption,
115 amendment, or deletion of airport zoning regulations;
116 revising provisions relating to airport zoning
117 commissions; amending s. 333.06, F.S.; revising
118 provisions relating to airport zoning requirements,
119 and airport master plans that are prepared by certain
120 public-use airports; repealing s. 333.065, F.S.,
121 relating to guidelines regarding land use near
122 airports; amending s. 333.07, F.S.; revising
123 provisions relating to permits for use of structures
124 or vegetation in violation of airport protection
125 zoning regulations; specifying factors a political
126 subdivision or its administrative agency must consider
127 when determining whether to issue or deny a permit;
128 deleting provisions relating to applying for a
129 variance from zoning regulations; revising provisions
130 relating to obstruction marking and lighting
131 requirements when a political subdivision or its
132 administrative agency issues a permit; repealing s.
133 333.08, F.S., relating to appeals in regard to airport
134 zoning regulations; amending s. 333.09, F.S.;
135 requiring all airport zoning regulations to provide
136 for the administration and enforcement of such
137 regulations by the affected political subdivisions or
138 an administrative agency created by the subdivisions;
139 requiring a political subdivision that must adopt
140 airport zoning regulations to provide a permitting
141 process subject to certain requirements and
142 exceptions; providing for an appeals process for



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143 decisions in the administration of airport zoning
144 regulations, subject to certain requirements;
145 repealing s. 333.10, F.S., relating to boards of
146 adjustment provided for by all airport zoning
147 regulations; amending s. 333.11, F.S.; revising
148 provisions relating to judicial review for decisions
149 made by any governing body of a political subdivision,
150 joint airport zoning board, or administrative agency;
151 requiring the appellant to exhaust all its remedies
152 through application for local government permits,
153 exceptions, and appeals before judicial appeal is
154 permitted; amending s. 333.12, F.S.; revising
155 provisions relating to the acquisition of air rights;
156 providing that a certain political subdivision may
157 acquire air right, avigation easement, other estate,
158 or interest in a nonconforming structure or use that
159 presents an air hazard and cannot be removed, lowered,
160 or otherwise terminated, subject to certain
161 requirements; creating s. 333.135, F.S.; requiring
162 that certain airport zoning regulations be amended to
163 conform by a certain date; requiring certain political
164 subdivisions to adopt airport zoning regulations by a
165 certain date; directing the department to administer
166 the permitting process for local governments that have
167 not adopted airport protection zoning regulations;
168 repealing s. 333.14, F.S., relating to a short title;
169 amending s. 334.03, F.S.; redefining the term "511" or
170 "511 services"; deleting the term "interactive voice
171 response"; amending s. 334.044, F.S.; removing the



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172 provision of interactive voice response telephone
173 systems accessible via the 511 number that may be
174 included in traveler information systems; removing a
175 requirement that applied uniform standards and
176 criteria for collection and dissemination of traveler
177 information using interactive voice response systems;
178 authorizing the department to assume certain
179 responsibilities under the National Environmental
180 Policy Act with respect to highway projects within the
181 state and certain related responsibilities relating to
182 review or approval of a highway project; authorizing
183 the department to enter into certain agreements
184 related to the federal surface transportation project
185 delivery program under certain federal law;
186 authorizing the department to adopt implementing
187 rules; authorizing the department to adopt certain
188 relevant federal environmental standards; providing a
189 limited waiver of sovereign immunity to civil suit in
190 federal court consistent with certain federal law;
191 amending s. 334.60, F.S.; revising provisions relating
192 to the 511 traveler information system; amending s.
193 335.065, F.S.; deleting provisions relating to certain
194 commercial sponsorship displays on multiuse trails and
195 related facilities; deleting provisions relating to
196 funding a statewide system of interconnected multiuse
197 trails; amending s. 338.165, F.S.; removing an option
198 to issue certain bonds secured by toll revenues
199 collected on the Beeline-East Expressway and the
200 Navarre Bridge; amending s. 338.227, F.S.; providing



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201 that bonds issued are not required to be validated
202 pursuant to ch. 75, F.S., but may be validated at the
203 option of the Division of Bond Finance; providing
204 filing, notice, and service requirements relating to
205 complaints for such validation; amending s. 338.231,
206 F.S.; increasing the number of years before an
207 inactive prepaid toll account shall be presumed
208 unclaimed; deleting provisions relating to using the
209 revenues from the turnpike system to pay the principal
210 and interest of a specified series of bonds and
211 certain expenses of the Sawgrass Expressway; amending
212 s. 339.175, F.S.; requiring certain long-range
213 transportation plans to include assessment of capital
214 investment and other measures necessary to make the
215 most efficient use of existing transportation
216 facilities to improve safety; requiring the
217 assessments to include consideration of infrastructure
218 and technological improvements necessary to
219 accommodate advances in vehicle technology; amending
220 s. 339.64, F.S.; requiring the Department of
221 Transportation to coordinate with certain partners and
222 industry representatives to consider infrastructure
223 and technological improvements necessary to
224 accommodate advances in vehicle technology in
225 Strategic Intermodal System facilities; requiring the
226 Strategic Intermodal System Plan to include a needs
227 assessment regarding such infrastructure and
228 technological improvements; creating s. 339.81, F.S.;
229 creating the Florida Shared-Use Nonmotorized Trail



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230 Network; specifying the composition of the network;
231 requiring the network to be included in the Department
232 of Transportation's work program; declaring the
233 planning, development, operation, and maintenance of
234 the network to be a public purpose; authorizing the
235 department to transfer maintenance responsibilities to
236 local governments or other state agencies and contract
237 with not-for-profit or private sector entities to
238 provide maintenance services; requiring funding to be
239 allocated to the Florida Shared-Use Nonmotorized Trail
240 Network in the program and resource plan of the
241 department; authorizing the department to adopt rules;
242 creating s. 339.82, F.S.; directing the department to
243 develop a Shared-Use Nonmotorized Trail Network Plan,
244 subject to certain requirements; creating s. 339.83,
245 F.S.; creating a trail sponsorship program, subject to
246 certain requirements and restrictions; directing the
247 Office of Economic and Demographic Research to
248 evaluate and determine the economic benefits of the
249 state's investment in the Department of
250 Transportation's adopted work program for a certain
251 timeframe, subject to certain requirements; directing
252 the Department of Transportation and each of its
253 district offices to provide the Office of Economic and
254 Demographic Research full access to certain data;
255 requiring the Office of Economic and Demographic
256 Research to submit the analysis to the Legislature by
257 a certain date; repealing s. 341.0532, F.S., relating
258 to statewide transportation corridors; providing a



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259 directive to the Division of Law Revision and
260 Information; creating s. 345.0001, F.S.; providing a
261 short title; creating s. 345.0002, F.S.; defining
262 terms; creating s. 345.0003, F.S.; authorizing certain
263 counties to form the Northwest Florida Regional
264 Transportation Finance Authority to construct,
265 maintain, or operate transportation projects in a
266 given region of the state; specifying procedural
267 requirements; creating s. 345.0004, F.S.; specifying
268 the powers and duties of the authority, subject to
269 certain restrictions; requiring that the authority
270 comply with certain reporting and documentation
271 requirements; creating s. 345.0005, F.S.; authorizing
272 the issuing of bonds on behalf of the authority under
273 the State Bond Act and by the authority itself;
274 specifying requirements and restrictions for such
275 bonds under certain circumstances; creating s.
276 345.0006, F.S.; providing rights and remedies of
277 bondholders; creating s. 345.0007, F.S.; designating
278 the Department of Transportation as the agent of the
279 authority for specified purposes; authorizing the
280 administration and management of projects by the
281 department; limiting the powers of the department as
282 an agent; establishing the fiscal responsibilities of
283 the authority; creating s. 345.0008, F.S.; authorizing
284 the department to provide for or commit its resources
285 for the authority project or system, if approved by
286 the Legislature, subject to legislative budget request
287 procedures and prohibitions and appropriation



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288 procedures; authorizing the payment of expenses
289 incurred by the department on behalf of the authority;
290 requiring the department to receive a share of the
291 revenue from the authority; providing calculations for
292 disbursement of revenues; creating s. 345.0009, F.S.;
293 authorizing the authority to acquire private or public
294 property and property rights for a project or plan;
295 establishing the rights and liabilities and remedial
296 actions relating to property acquired for a
297 transportation project or corridor; creating s.
298 345.001, F.S.; authorizing contracts between
299 governmental entities and the authority; creating s.
300 345.0011, F.S.; pledging that the state will not limit
301 or alter the vested rights of the authority or the
302 department with regard to any issued bonds or other
303 rights relating to the bonds if such vested rights
304 affect the rights of bondholders; creating s.
305 345.0012, F.S.; exempting the authority from certain
306 taxes and assessments; providing exceptions; creating
307 s. 345.0013, F.S.; providing that bonds or obligations
308 issued under this chapter are legal investments for
309 specified entities; creating s. 345.0014, F.S.;
310 providing applicability; providing legislative
311 findings and intent relating to transportation
312 funding; directing the Center for Urban Transportation
313 Research to conduct a study on implementing a system
314 in this state which charges drivers based on their
315 vehicle miles traveled as an alternative to the
316 present fuel tax structure to fund transportation



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317 projects; specifying requirements of the study;
318 requiring that the findings of the study be presented
319 to the Legislature by a certain date; directing the
320 center, in consultation with the Florida
321 Transportation Commission, to establish the framework
322 for a pilot project that will evaluate the feasibility
323 of implementing a system that charges drivers based on
324 their vehicle miles traveled; specifying requirements
325 for the design of the pilot project framework;
326 authorizing the center to expend up to a certain
327 amount for the study and pilot project design
328 contingent upon legislative appropriation; requiring
329 that the pilot project design be completed by a
330 certain date and submitted in a report to the
331 Legislature; reenacting s. 350.81(6), F.S., relating
332 to the definition of the term "airport layout plan,"
333 to incorporate the amendment made to s. 333.01, F.S.,
334 in a reference thereto; providing an effective date.

335
336 Be It Enacted by the Legislature of the State of Florida:

337
338 Section 1. Paragraph (d) of subsection (3) and paragraph
339 (d) of subsection (4) of section 20.23, Florida Statutes, are
340 amended to read:

341 20.23 Department of Transportation.—There is created a
342 Department of Transportation which shall be a decentralized
343 agency.

344 (3)

345 ~~(d) The secretary shall appoint an inspector general~~



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346 ~~pursuant to s. 20.055 who shall be directly responsible to the~~
347 ~~secretary and shall serve at the pleasure of the secretary.~~

348 (4)

349 ~~(d) The district director for the Fort Myers Urban Office~~
350 ~~of the Department of Transportation is responsible for~~
351 ~~developing the 5-year Transportation Plan for Charlotte,~~
352 ~~Collier, DeSoto, Glades, Hendry, and Lee Counties. The Fort~~
353 ~~Myers Urban Office also is responsible for providing policy,~~
354 ~~direction, local government coordination, and planning for those~~
355 ~~counties.~~

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

358 215.82 Validation; when required.-

359 (2) Any bonds issued pursuant to this act which are
360 validated shall be validated in the manner provided by chapter
361 75. In actions to validate bonds to be issued in the name of the
362 State Board of Education under s. 9(a) and (d), Art. XII of the
363 State Constitution and bonds to be issued pursuant to chapter
364 259, the Land Conservation Act of 1972, the complaint shall be
365 filed in the circuit court of the county where the seat of state
366 government is situated, the notice required to be published by
367 s. 75.06 shall be published only in the county where the
368 complaint is filed, and the complaint and order of the circuit
369 court shall be served only on the state attorney of the circuit
370 in which the action is pending. In any action to validate bonds
371 issued pursuant to s. 1010.62 or issued pursuant to s. 9(a)(1),
372 Art. XII of the State Constitution or issued pursuant to s.
373 215.605 ~~or s. 338.227~~, the complaint shall be filed in the
374 circuit court of the county where the seat of state government



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375 is situated, the notice required to be published by s. 75.06
376 shall be published in a newspaper of general circulation in the
377 county where the complaint is filed and in two other newspapers
378 of general circulation in the state, and the complaint and order
379 of the circuit court shall be served only on the state attorney
380 of the circuit in which the action is pending; provided,
381 however, that if publication of notice pursuant to this section
382 would require publication in more newspapers than would
383 publication pursuant to s. 75.06, such publication shall be made
384 pursuant to s. 75.06.

385 Section 3. Section 260.0144, Florida Statutes, is amended
386 to read:

387 260.0144 Sponsorship of state greenways and trails.—The
388 department may enter into a concession agreement with a not-for-
389 profit entity or private sector business or entity for
390 commercial sponsorship to be displayed on state greenway and
391 trail facilities not included within the Florida Shared-Use
392 Nonmotorized Trail Network established in chapter 339 ~~or~~
393 ~~property specified in this section.~~ The department may establish
394 the cost for entering into a concession agreement.

395 (1) A concession agreement shall be administered by the
396 department and must include the requirements found in this
397 section.

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

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



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

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

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

411 (d) The department shall ensure that the size, color,
412 materials, construction, and location of all signs are
413 consistent with the management plan for the property and the
414 standards of the department, do not intrude on natural and
415 historic settings, and contain only a logo selected by the
416 sponsor and the following sponsorship wording:

417
418 ... (Name of the sponsor) ... proudly sponsors the costs
419 of maintaining the ... (Name of the greenway or
420 trail)

421
422 ~~(e) Sponsored state greenways and trails are authorized at~~
423 ~~the following facilities or property:~~

- 424 1. ~~Florida Keys Overseas Heritage Trail.~~
425 2. ~~Blackwater Heritage Trail.~~
426 3. ~~Tallahassee-St. Marks Historic Railroad State Trail.~~
427 4. ~~Nature Coast State Trail.~~
428 5. ~~Withlacoochee State Trail.~~
429 6. ~~General James A. Van Fleet State Trail.~~
430 7. ~~Palatka-Lake Butler State Trail.~~

431 (e) ~~(f)~~ The department may enter into commercial sponsorship
432 agreements for other state greenways or trails as authorized in



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433 this section. A qualified entity that desires to enter into a
434 commercial sponsorship agreement shall apply to the department
435 on forms adopted by department rule.

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

439 (3) A concession agreement shall be for a minimum of 1
440 year, but may be for a longer period under a multiyear
441 agreement, and may be terminated for just cause by the
442 department upon 60 days' advance notice. Just cause for
443 termination of a concession agreement includes, but is not
444 limited to, violation of the terms of the concession agreement
445 or any provision of this section.

446 (4) Commercial sponsorship pursuant to a concession
447 agreement is for public relations or advertising purposes of the
448 not-for-profit entity or private sector business or entity, and
449 may not be construed by that not-for-profit entity or private
450 sector business or entity as having a relationship to any other
451 actions of the department.

452 (5) This section does not create a proprietary or
453 compensable interest in any sign, display site, or location.

454 (6) Proceeds from concession agreements shall be
455 distributed as follows:

456 (a) Eighty-five percent shall be deposited into the
457 appropriate department trust fund that is the source of funding
458 for management and operation of state greenway and trail
459 facilities and properties.

460 (b) Fifteen percent shall be deposited into the State
461 Transportation Trust Fund for use in the Traffic and Bicycle



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462 Safety Education Program and the Safe Paths to School Program
463 administered by the Department of Transportation.

464 (7) The department may adopt rules to administer this
465 section.

466 Section 4. Section 288.365, Florida Statutes, is created to
467 read:

468 288.365 Notwithstanding chapter 74-570, Laws of Florida, as
469 amended by chapter 90-462, Laws of Florida, the Port of Palm
470 Beach is deemed eligible and granted authority to apply to the
471 Federal Government to seek approval from the Foreign-Trade Zones
472 Board through an alternative site framework to include all of
473 Palm Beach, Martin, and St. Lucie Counties in the proposed
474 service area without requirement to obtain approvals from
475 incorporated municipalities within the service area. However,
476 the designation of any area as a foreign-trade zone does not
477 authorize an exemption from any law, any local zoning or land
478 use designation or ordinance of any municipality or county, or
479 any tax imposed by the state or by any political subdivision,
480 agency, or instrumentality thereof.

481 Section 5. Subsection (2) of section 311.07, Florida
482 Statutes, is amended to read:

483 311.07 Florida seaport transportation and economic
484 development funding.—

485 (2) A minimum of \$25 ~~\$15~~ million per year shall be made
486 available from the State Transportation Trust Fund to fund the
487 Florida Seaport Transportation and Economic Development Program.
488 The Florida Seaport Transportation and Economic Development
489 Council created in s. 311.09 shall develop guidelines for
490 project funding. Council staff, the Department of



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491 Transportation, and the Department of Economic Opportunity shall
492 work in cooperation to review projects and allocate funds in
493 accordance with the schedule required for the Department of
494 Transportation to include these projects in the tentative work
495 program developed pursuant to s. 339.135(4).

496 Section 6. Subsections (1), (9), and (12) of section
497 311.09, Florida Statutes, are amended to read:

498 311.09 Florida Seaport Transportation and Economic
499 Development Council.—

500 (1) The Florida Seaport Transportation and Economic
501 Development Council is created within the Department of
502 Transportation. The council consists of the following 16 ~~17~~
503 members: the port director, or the port director's designee, of
504 each of the ports of Jacksonville, Port Canaveral, ~~Port Citrus,~~
505 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,
506 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
507 West, and Fernandina; the secretary of the Department of
508 Transportation or his or her designee; and the director of the
509 Department of Economic Opportunity or his or her designee.

510 (9) The Department of Transportation shall include at least
511 \$25 ~~no less than \$15~~ million per year in its annual legislative
512 budget request for the Florida Seaport Transportation and
513 Economic Development Program funded under s. 311.07. Such budget
514 shall include funding for projects approved by the council which
515 have been determined by each agency to be consistent. The
516 department shall include the specific approved Florida Seaport
517 Transportation and Economic Development Program projects to be
518 funded under s. 311.07 during the ensuing fiscal year in the
519 tentative work program developed pursuant to s. 339.135(4). The



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520 total amount of funding to be allocated to Florida Seaport
521 Transportation and Economic Development Program projects under
522 s. 311.07 during the successive 4 fiscal years shall also be
523 included in the tentative work program developed pursuant to s.
524 339.135(4). The council may submit to the department a list of
525 approved projects that could be made production-ready within the
526 next 2 years. The list shall be submitted by the department as
527 part of the needs and project list prepared pursuant to s.
528 339.135(2)(b). However, the department shall, upon written
529 request of the Florida Seaport Transportation and Economic
530 Development Council, submit work program amendments pursuant to
531 s. 339.135(7) to the Governor within 10 days after the later of
532 the date the request is received by the department or the
533 effective date of the amendment, termination, or closure of the
534 applicable funding agreement between the department and the
535 affected seaport, as required to release the funds from the
536 existing commitment. Notwithstanding s. 339.135(7)(c), any work
537 program amendment to transfer prior year funds from one approved
538 seaport project to another seaport project is subject to the
539 procedures in s. 339.135(7)(d). Notwithstanding any provision of
540 law to the contrary, the department may transfer unexpended
541 budget between the seaport projects as identified in the
542 approved work program amendments.

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



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

553 Section 7. Subsections (6), (47), and present subsection
554 (90) of section 316.003, Florida Statutes, are amended, present
555 subsections (91), (92), and (93) of that section are
556 redesignated as subsections (93), (95), and (96), respectively,
557 and new subsections (90), (92), and (94) are added to that
558 section, to read:

559 316.003 Definitions.—The following words and phrases, when
560 used in this chapter, shall have the meanings respectively
561 ascribed to them in this section, except where the context
562 otherwise requires:

563 (6) CROSSWALK.—

564 (a) Unmarked crosswalk.—An unmarked part of the roadway at
565 an intersection used by pedestrians for crossing the roadway
566 ~~That part of a roadway at an intersection included within the~~
567 ~~connections of the lateral lines of the sidewalks on opposite~~
568 ~~sides of the highway, measured from the curbs or, in the absence~~
569 ~~of curbs, from the edges of the traversable roadway.~~

570 (b) Marked crosswalk.—Pavement marking lines on the roadway
571 surface, which may include contrasting pavement texture, style,
572 or colored portions of the roadway at an intersection used by
573 pedestrians for crossing the roadway ~~Any portion of a roadway at~~
574 ~~an intersection or elsewhere distinctly indicated for pedestrian~~
575 ~~crossing by lines or other markings on the surface.~~

576 (c) Midblock crosswalk.—A location between intersections
577 where the roadway surface is marked by pavement marking lines,



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578 which may include contrasting pavement texture, style or colored
579 portion of the roadway at a signalized or unsignalized crosswalk
580 used for pedestrian roadway crossings and may include a
581 pedestrian refuge island.

582 (47) SIDEWALK.—That portion of a street ~~between the~~
583 ~~curbline, or the lateral line, of a roadway and the adjacent~~
584 ~~property lines,~~ intended for use by pedestrians, adjacent to the
585 roadway between the curb or edge of the roadway and the property
586 line.

587 (90) AUTONOMOUS TECHNOLOGY.—Technology installed on a motor
588 vehicle which has the capability to drive the vehicle on which
589 the technology is installed without the active control of or
590 monitoring by a human operator.

591 ~~(91)~~ (90) AUTONOMOUS VEHICLE.—Any vehicle equipped with
592 autonomous technology. ~~The term "autonomous technology" means~~
593 ~~technology installed on a motor vehicle that has the capability~~
594 ~~to drive the vehicle on which the technology is installed~~
595 ~~without the active control or monitoring by a human operator.~~
596 The term excludes a motor vehicle enabled with active safety
597 systems or driver assistance systems, including, without
598 limitation, a system to provide electronic blind spot
599 assistance, crash avoidance, emergency braking, parking
600 assistance, adaptive cruise control, lane keep assistance, lane
601 departure warning, or traffic jam and queuing assistant, unless
602 any such system alone or in combination with other systems
603 enables the vehicle on which the technology is installed to
604 drive without the active control or monitoring by a human
605 operator.

606 (92) DRIVER-ASSISTIVE TRUCK PLATOONING TECHNOLOGY.—Vehicle



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607 automation technology that integrates sensor array, wireless
608 communications, vehicle controls, and specialized software to
609 synchronize acceleration and braking between up to two truck
610 tractor-semitrailer combinations, while leaving each vehicle's
611 steering control and systems command in the control of the
612 vehicle's driver.

613 (94) PORT-OF-ENTRY.-A designated location that allows
614 drivers of commercial motor vehicles to purchase temporary
615 registration permits necessary to operate legally within the
616 state. The locations and the designated routes to such locations
617 shall be determined by the Department of Transportation.

618 Section 8. Subsection (2) of section 316.0895, Florida
619 Statutes, is amended to read:

620 316.0895 Following too closely.-

621 (2) It is unlawful for the driver of any motor truck, motor
622 truck drawing another vehicle, or vehicle towing another vehicle
623 or trailer, when traveling upon a roadway outside of a business
624 or residence district, to follow within 300 feet of another
625 motor truck, motor truck drawing another vehicle, or vehicle
626 towing another vehicle or trailer. The provisions of this
627 subsection shall not be construed to prevent overtaking and
628 passing nor shall the same apply upon any lane specially
629 designated for use by motor trucks or other slow-moving
630 vehicles. This subsection does not apply to two truck tractor-
631 semitrailer combinations equipped and connected with driver-
632 assistive truck-platooning technology, as defined in s. 316.003,
633 and operating on a multilane limited access facility, if the
634 owner or operator complies with the financial responsibility
635 requirement of s. 316.86.



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636 Section 9. Paragraphs (b) and (c) of subsection (7) of
637 section 316.130, Florida Statutes, are amended to read:

638 316.130 Pedestrians; traffic regulations.—

639 (7)

640 (b) The driver of a vehicle at any crosswalk location where
641 the approach is not controlled by a traffic signal or stop sign
642 must signage so indicates shall stop and remain stopped to allow
643 a pedestrian to cross a roadway when the pedestrian is in the
644 crosswalk or steps into the crosswalk and is upon the half of
645 the roadway upon which the vehicle is traveling or turning, or
646 when the pedestrian is approaching so closely from the opposite
647 half of the roadway as to be in danger. Any pedestrian crossing
648 a roadway at a point where a pedestrian tunnel or overhead
649 pedestrian crossing has been provided must yield the right-of-
650 way to all vehicles upon the roadway.

651 ~~(c) When traffic control signals are not in place or in~~
652 ~~operation and there is no signage indicating otherwise, the~~
653 ~~driver of a vehicle shall yield the right-of-way, slowing down~~
654 ~~or stopping if need be to so yield, to a pedestrian crossing the~~
655 ~~roadway within a crosswalk when the pedestrian is upon the half~~
656 ~~of the roadway upon which the vehicle is traveling or when the~~
657 ~~pedestrian is approaching so closely from the opposite half of~~
658 ~~the roadway as to be in danger. Any pedestrian crossing a~~
659 ~~roadway at a point where a pedestrian tunnel or overhead~~
660 ~~pedestrian crossing has been provided shall yield the right-of-~~
661 ~~way to all vehicles upon the roadway.~~

662 Section 10. Subsections (1) and (3) of section 316.303,
663 Florida Statutes, are amended to read:

664 316.303 Television receivers.—



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665 (1) No motor vehicle operated on the highways of this state
666 shall be equipped with television-type receiving equipment so
667 located that the viewer or screen is visible from the driver's
668 seat, unless the vehicle is equipped with autonomous technology,
669 as defined in s. 316.003(90), and is being operated in
670 autonomous mode, as provided in s. 316.85(2); or unless the
671 vehicle is equipped and operating with driver-assistive truck-
672 platooning technology, as defined in s. 316.003(92).

673 (3) This section does not prohibit the use of an electronic
674 display used in conjunction with a vehicle navigation system; or
675 an electronic display used by an operator of a vehicle equipped
676 with autonomous technology, as defined in s. 316.003(90), while
677 the vehicle is being operated in autonomous mode, as provided in
678 s. 316.85(2); or an electronic display used by the operator of a
679 vehicle equipped and operating with driver-assistive truck
680 platooning technology, as defined in s. 316.003(92).

681 Section 11. Paragraph (b) of subsection (3) and subsection
682 (14) of section 316.515, Florida Statutes, are amended to read:
683 316.515 Maximum width, height, length.—

684 (3) LENGTH LIMITATION.—Except as otherwise provided in this
685 section, length limitations apply solely to a semitrailer or
686 trailer, and not to a truck tractor or to the overall length of
687 a combination of vehicles. No combination of commercial motor
688 vehicles coupled together and operating on the public roads may
689 consist of more than one truck tractor and two trailing units.
690 Unless otherwise specifically provided for in this section, a
691 combination of vehicles not qualifying as commercial motor
692 vehicles may consist of no more than two units coupled together;
693 such nonqualifying combination of vehicles may not exceed a



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694 total length of 65 feet, inclusive of the load carried thereon,
695 but exclusive of safety and energy conservation devices approved
696 by the department for use on vehicles using public roads.
697 Notwithstanding any other provision of this section, a truck
698 tractor-semitrailer combination engaged in the transportation of
699 automobiles or boats may transport motor vehicles or boats on
700 part of the power unit; and, except as may otherwise be mandated
701 under federal law, an automobile or boat transporter semitrailer
702 may not exceed 50 feet in length, exclusive of the load;
703 however, the load may extend up to an additional 6 feet beyond
704 the rear of the trailer. The 50-foot length limitation does not
705 apply to non-stinger-steered automobile or boat transporters
706 that are 65 feet or less in overall length, exclusive of the
707 load carried thereon, or to stinger-steered automobile or boat
708 transporters that are 75 feet or less in overall length,
709 exclusive of the load carried thereon. For purposes of this
710 subsection, a "stinger-steered automobile or boat transporter"
711 is an automobile or boat transporter configured as a semitrailer
712 combination wherein the fifth wheel is located on a drop frame
713 located behind and below the rearmost axle of the power unit.
714 Notwithstanding paragraphs (a) and (b), any straight truck or
715 truck tractor-semitrailer combination engaged in the
716 transportation of horticultural trees may allow the load to
717 extend up to an additional 10 feet beyond the rear of the
718 vehicle, provided said trees are resting against a retaining bar
719 mounted above the truck bed so that the root balls of the trees
720 rest on the floor and to the front of the truck bed and the tops
721 of the trees extend up over and to the rear of the truck bed,
722 and provided the overhanging portion of the load is covered with



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723 protective fabric.

724 (b) *Semitrailers.*—

725 1. A semitrailer operating in a truck tractor-semitrailer
726 combination may not exceed 48 feet in extreme overall outside
727 dimension, measured from the front of the unit to the rear of
728 the unit and the load carried thereon, exclusive of safety and
729 energy conservation devices approved by the department for use
730 on vehicles using public roads, unless it complies with
731 subparagraph 2. A semitrailer which exceeds 48 feet in length
732 and is used to transport divisible loads may operate in this
733 state only if issued a permit under s. 316.550 and if such
734 trailer meets the requirements of this chapter relating to
735 vehicle equipment and safety. Except for highways on the tandem
736 trailer truck highway network, public roads deemed unsafe for
737 longer semitrailer vehicles or those roads on which such longer
738 vehicles are determined not to be in the interest of public
739 convenience shall, in conformance with s. 316.006, be restricted
740 by the Department of Transportation or by the local authority to
741 use by semitrailers not exceeding a length of 48 feet, inclusive
742 of the load carried thereon but exclusive of safety and energy
743 conservation devices approved by the department for use on
744 vehicles using public roads. Truck tractor-semitrailer
745 combinations shall be afforded reasonable access to terminals;
746 facilities for food, fuel, repairs, and rest; and points of
747 loading and unloading.

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



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752 restricted by the Department of Transportation or other roads
753 restricted by local authorities, if:

754 a. The distance between the kingpin or other peg that locks
755 into the fifth wheel of a truck tractor and the center of the
756 rear axle or rear group of axles does not exceed 41 feet, or, in
757 the case of a semitrailer used exclusively or primarily to
758 transport vehicles in connection with motorsports competition
759 events, the distance does not exceed 46 feet from the kingpin to
760 the center of the rear axles; and

761 b. It is equipped with a substantial rear-end underride
762 protection device meeting the requirements of 49 C.F.R. s.
763 393.86, "Rear End Protection."

764 (14) MANUFACTURED BUILDINGS.—The Department of
765 Transportation may, in its discretion and upon application and
766 good cause shown therefor that the same is not contrary to the
767 public interest, issue a special permit for truck tractor-
768 semitrailer combinations where the total number of overwidth
769 deliveries of manufactured buildings, as defined in s.
770 553.36(13), may be reduced by permitting the use of multiple
771 sections or single units on an overlength trailer of no more
772 than 80 ~~54~~ feet.

773 Section 12. Paragraph (b) of subsection (2) of section
774 316.545, Florida Statutes, is amended to read:

775 316.545 Weight and load unlawful; special fuel and motor
776 fuel tax enforcement; inspection; penalty; review.—

777 (2)

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



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781 in compliance with the declared gross vehicle weight. If its
782 gross weight exceeds the declared weight, the penalty shall be 5
783 cents per pound on the difference between such weights. In those
784 cases when the commercial vehicle, as defined in s. 316.003(66),
785 is being operated over the highways of the state with an expired
786 registration or with no registration from this or any other
787 jurisdiction or is not registered under the applicable
788 provisions of chapter 320, the penalty herein shall apply on the
789 basis of 5 cents per pound on that scaled weight which exceeds
790 35,000 pounds on laden truck tractor-semitrailer combinations or
791 tandem trailer truck combinations, 10,000 pounds on laden
792 straight trucks or straight truck-trailer combinations, or
793 10,000 pounds on any unladen commercial motor vehicle. A
794 commercial motor vehicle entering the state at a designated
795 port-of-entry location, as defined in s. 316.003(94), or
796 operating on designated routes to a port-of-entry location,
797 which obtains a temporary registration permit shall be assessed
798 a penalty limited to the difference between its gross weight and
799 the declared gross vehicle weight at 5 cents per pound. If the
800 license plate or registration has not been expired for more than
801 90 days, the penalty imposed under this paragraph may not exceed
802 \$1,000. In the case of special mobile equipment as defined in s.
803 316.003(48), which qualifies for the license tax provided for in
804 s. 320.08(5)(b), being operated on the highways of the state
805 with an expired registration or otherwise not properly
806 registered under the applicable provisions of chapter 320, a
807 penalty of \$75 shall apply in addition to any other penalty
808 which may apply in accordance with this chapter. A vehicle found
809 in violation of this section may be detained until the owner or



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810 operator produces evidence that the vehicle has been properly
811 registered. Any costs incurred by the retention of the vehicle
812 shall be the sole responsibility of the owner. A person who has
813 been assessed a penalty pursuant to this paragraph for failure
814 to have a valid vehicle registration certificate pursuant to the
815 provisions of chapter 320 is not subject to the delinquent fee
816 authorized in s. 320.07 if such person obtains a valid
817 registration certificate within 10 working days after such
818 penalty was assessed.

819 Section 13. Section 333.01, Florida Statutes, is amended to
820 read:

821 333.01 Definitions.—For the purpose of this chapter, the
822 following words, terms, and phrases shall have the following
823 ~~meanings herein given, unless otherwise specifically defined, or~~
824 ~~unless another intention clearly appears, or the context~~
825 ~~otherwise requires:~~

826 (1) "Aeronautical study" means a Federal Aviation
827 Administration review conducted pursuant to 14 C.F.R. part 77,
828 concerning the effect of proposed construction or alteration on
829 the use of air navigation facilities or navigable airspace by
830 aircraft. ~~"Aeronautics" means transportation by aircraft; the~~
831 ~~operation, construction, repair, or maintenance of aircraft,~~
832 ~~aircraft power plants and accessories, including the repair,~~
833 ~~packing, and maintenance of parachutes; the design,~~
834 ~~establishment, construction, extension, operation, improvement,~~
835 ~~repair, or maintenance of airports, restricted landing areas, or~~
836 ~~other air navigation facilities, and air instruction.~~

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



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839 utilized or to be utilized in the interest of the public for
840 such purpose.

841 (3) "Airport hazard" means any obstruction that exceeds
842 ~~structure or tree or use of land which would exceed~~ the federal
843 obstruction standards as contained in 14 C.F.R. ss. 77.15,
844 77.17, 77.19, 77.21, and 77.23 ~~77.21, 77.23, 77.25, 77.28, and~~
845 ~~77.29~~ and which obstructs the airspace required for the flight
846 of aircraft in taking off, maneuvering, or landing, or that is
847 otherwise hazardous to such taking off, maneuvering, or landing
848 of aircraft and for which no person has ~~previously~~ obtained a
849 permit ~~or variance~~ pursuant to s. 333.025 or s. 333.07.

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

853 (5) "Airport land use compatibility zoning" means airport
854 zoning regulations governing ~~restricting~~ the use of land
855 adjacent to or in the immediate vicinity of airports in the
856 manner provided ~~enumerated~~ in ss. 333.03(2) ~~s. 333.03(2)~~ ~~to~~
857 ~~activities and (3) purposes compatible with the continuation of~~
858 ~~normal airport operations including landing and takeoff of~~
859 ~~aircraft in order to promote public health, safety, and general~~
860 ~~welfare.~~

861 (6) "Airport layout plan" means a scaled detailed, scale
862 ~~engineering~~ drawing or set of drawings in either paper or
863 electronic form of the existing, ~~including pertinent dimensions,~~
864 ~~of an airport's current and planned~~ airport facilities which
865 provides a graphic representation of the existing and long-term
866 development plan for the airport and demonstrates the
867 preservation and continuity of safety, utility, and efficiency



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

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

872 (8) "Airport protection zoning" means airport zoning
873 regulations governing airport hazards in the manner provided in
874 s. 333.03.

875 (9) "Department" means the Department of Transportation as
876 created by s. 20.23.

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

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

884 (12)-(7) "Obstruction" means any object of natural growth,
885 terrain, or permanent or temporary construction or alteration,
886 including equipment or materials used and any permanent or
887 temporary apparatus, or alteration of any permanent or temporary
888 existing structure by a change in its height, including existing
889 or proposed appurtenances, or lateral dimensions, including
890 equipment or material used therein, which exceeds ~~existing or~~
891 ~~proposed manmade object or object of natural growth or terrain~~
892 ~~that violates~~ the standards contained in 14 C.F.R. ss. 77.15,
893 77.17, 77.19, 77.21, and 77.23 ~~77.21, 77.23, 77.25, 77.28, and~~
894 ~~77.29.~~

895 (13)-(8) "Person" means any individual, firm, copartnership,
896 corporation, company, association, joint-stock association, or



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897 body politic, and includes any trustee, receiver, assignee, or
898 other similar representative thereof.

899 (14)(9) "Political subdivision" means the local government
900 of any county, city, town, village, or other subdivision or
901 agency thereof, or any district or special district, port
902 commission, port authority, or other such agency authorized to
903 establish or operate airports in the state.

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

907 (16)(10) "Runway protection clear zone" or "RPZ" means an
908 area at ground level beyond the a runway end which is intended
909 to enhance the safety and protection of people and property on
910 the ground clear zone as defined in 14 C.F.R. s. 151.9(b).

911 (17)(11) "Structure" means any object, constructed,
912 erected, altered, or installed by humans, including, but without
913 limitation thereof, buildings, towers, smokestacks, utility
914 poles, power generation equipment, and overhead transmission
915 lines.

916 (18) "Substantial modification" means any repair,
917 reconstruction, rehabilitation, or improvement of a structure
918 when the actual cost of the repair, reconstruction,
919 rehabilitation, or improvement of the structure equals or
920 exceeds 50 percent of the market value of the structure.

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

922 Section 14. Section 333.025, Florida Statutes, is amended
923 to read:

924 333.025 Permit required for structures exceeding federal
925 obstruction standards.-



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926 (1) A person proposing the construction or alteration ~~In~~
927 ~~order to prevent the erection~~ of structures hazardous ~~dangerous~~
928 to air navigation, subject to the provisions of subsections (2),
929 (3), and (4), must ~~each person shall~~ secure from the department
930 ~~of Transportation~~ a permit for the proposed construction or
931 ~~erection,~~ alteration, ~~or modification~~ of any structure the
932 result of which would exceed the federal obstruction standards
933 as contained in 14 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and
934 77.23 ~~77.21, 77.23, 77.25, 77.28, and 77.29~~. However, permits
935 from the department ~~of Transportation~~ will be required only
936 within an airport hazard area where federal obstruction
937 standards are exceeded and if the proposed construction is
938 within a 10-nautical-mile radius of the airport reference point,
939 located at the approximate geometric ~~geographical~~ center of all
940 useable runways of public-use airports or ~~a publicly owned or~~
941 ~~operated airport,~~ a military airport, ~~or an airport licensed by~~
942 ~~the state for public use.~~

943 (2) Existing, planned, and proposed ~~Affected airports will~~
944 ~~be considered as having these~~ facilities at public-use airports
945 contained in an ~~which are shown on the~~ airport master plan, on
946 ~~or~~ an airport layout plan submitted to the Federal Aviation
947 Administration Airport District Office, or in comparable
948 military documents, ~~and will be~~ ~~so~~ protected from structures
949 that exceed federal obstruction standards. ~~Planned or proposed~~
950 ~~public-use airports which are the subject of a notice or~~
951 ~~proposal submitted to the Federal Aviation Administration or to~~
952 ~~the Department of Transportation shall also be protected.~~

953 (3) Permit requirements of subsection (1) do ~~shall~~ not
954 apply to structures ~~projects~~ which received construction permits



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955 from the Federal Communications Commission for structures
956 exceeding federal obstruction standards prior to May 20, 1975,
957 ~~provided such structures now exist;~~ nor does subsection (1)
958 ~~shall it~~ apply to previously approved structures now existing,
959 or any necessary replacement or repairs to such existing
960 structures, so long as the height and location is unchanged.

961 (4) When political subdivisions have adopted adequate
962 airport airspace protection zoning regulations in compliance
963 with s. 333.03~~7~~ and such regulations are on file with the
964 department ~~of Transportation,~~ and have established a permitting
965 process in compliance with s. 333.09(2), a permit for such
966 structure shall not be required from the department ~~of~~
967 ~~Transportation.~~ To evaluate technical consistency with this
968 section, there is a 15-day department review period concurrent
969 with the permitting process prescribed by s. 333.09. Upon
970 receipt of a complete permit application, the local government
971 shall forward to the department's Aviation Office by certified
972 mail, return receipt requested, or by delivery service that
973 provides a receipt evidencing delivery, a copy of the
974 application. Cranes, construction equipment, and other temporary
975 structures, in use or in place for a period not to exceed 18
976 consecutive months, are exempt from this requirement, unless
977 requested by the department's Aviation Office.

978 (5) The department ~~of Transportation~~ shall, within 30 days
979 of the receipt of an application for a permit, issue or deny a
980 permit for the construction or erection, alteration, ~~or~~
981 ~~modification~~ of any structure ~~the result of~~ which would exceed
982 federal obstruction standards as contained in 14 C.F.R. ss.
983 77.15, 77.17, 77.19, 77.21, and 77.23 ~~77.21, 77.23, 77.25,~~



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984 ~~77.28, and 77.29.~~ The department shall review permit
985 applications in conformity with s. 120.60.

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

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

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

992 (c) The nature of the terrain and height of existing
993 structures ~~The character of flying operations and planned~~
994 ~~developments of airports.~~

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

1000 (e) The character of existing and planned flight operations
1001 and developments at public-use airports ~~Whether the construction~~
1002 ~~of the proposed structure would cause an increase in the minimum~~
1003 ~~descent altitude or the decision height at the affected airport.~~

1004 (f) Federal airways; visual flight rules, flyways and
1005 corridors; and instrument approaches as designated by the
1006 Federal Aviation Administration ~~Technological advances.~~

1007 (g) Whether the construction of the proposed structure
1008 would cause an increase in the minimum descent altitude or the
1009 decision height at the affected airport ~~The safety of persons on~~
1010 ~~the ground and in the air.~~

1011 (h) The cumulative effects on navigable airspace of all
1012 existing structures and all other known and proposed structures



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1013 in the area ~~land use density.~~

1014 ~~(i) The safe and efficient use of navigable airspace.~~

1015 ~~(j) The cumulative effects on navigable airspace of all~~
1016 ~~existing structures, proposed structures identified in the~~
1017 ~~applicable jurisdictions' comprehensive plans, and all other~~
1018 ~~known proposed structures in the area.~~

1019 (7) When issuing a permit under this section, the
1020 department ~~of Transportation~~ shall, ~~as a specific condition of~~
1021 ~~such permit,~~ require the owner ~~obstruction marking and lighting~~
1022 ~~of the permitted~~ structure or vegetation to install, operate,
1023 and maintain thereon, at his or her own expense, marking and
1024 lighting in conformance with the specific standards established
1025 by the Federal Aviation Administration ~~structure as provided in~~
1026 ~~s. 333.07(3)(b).~~

1027 (8) The department may ~~of Transportation~~ shall not approve
1028 a permit for the construction or alteration ~~erection~~ of a
1029 structure unless the applicant submits both documentation
1030 showing compliance with the federal requirement for notification
1031 of proposed construction or alteration and a valid aeronautical
1032 study evaluation, and no permit shall be approved solely on the
1033 basis that such proposed structure will not exceed federal
1034 obstruction standards as contained in 14 C.F.R. ss. 77.15,
1035 77.17, 77.19, 77.21, or 77.23 ~~77.21, 77.23, 77.25, 77.28, or~~
1036 ~~77.29,~~ or any other federal aviation regulation.

1037 (9) The denial of a permit under this section is subject to
1038 the administrative review provisions of chapter 120.

1039 Section 15. Section 333.03, Florida Statutes, is amended to
1040 read:

1041 333.03 Requirement ~~Power~~ to adopt airport zoning



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1042 regulations.-

1043 (1) (a) ~~Every In order to prevent the creation or~~
1044 ~~establishment of airport hazards, every~~ political subdivision
1045 having an airport hazard area within its territorial limits
1046 shall, ~~by October 1, 1977,~~ adopt, administer, and enforce, ~~under~~
1047 ~~the police power and~~ in the manner and upon the conditions
1048 ~~hereinafter~~ prescribed in this section, airport protection
1049 zoning regulations for ~~such~~ airport hazards ~~hazard~~ area.

1050 (b) Where an airport is owned or controlled by a political
1051 subdivision and an ~~any~~ airport hazard area ~~appertaining to such~~
1052 ~~airport~~ is located wholly or partly outside the territorial
1053 limits of the ~~said~~ political subdivision, the political
1054 subdivision owning or controlling the airport and any ~~the~~
1055 political subdivision within which the airport hazard area is
1056 located, must ~~shall~~ either:

1057 1. By interlocal agreement, ~~in accordance with the~~
1058 ~~provisions of chapter 163,~~ adopt, administer, and enforce a set
1059 of airport protection zoning regulations applicable to the
1060 airport hazard area ~~in question~~; or

1061 2. By ordinance, regulation, or resolution duly adopted,
1062 create a joint airport zoning board, which must ~~board shall have~~
1063 ~~the same power to~~ adopt, administer, and enforce a set of
1064 airport protection zoning regulations applicable to the airport
1065 hazard area in each ~~question as that vested in paragraph (a) in~~
1066 ~~the~~ political subdivision in ~~within~~ which the airport hazard
1067 ~~such~~ area is located. Each such joint airport zoning board shall
1068 have as members two representatives appointed by each
1069 participating political subdivision ~~participating in its~~
1070 ~~creation and,~~ in addition, a chair elected by a majority of the



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1071 members so appointed. ~~The~~ ~~However,~~ the airport manager or
1072 representative of each airport in managers of the affected
1073 participating political subdivisions shall serve on the board in
1074 a nonvoting capacity.

1075 (c) Airport protection zoning regulations adopted under
1076 paragraph (a) must ~~shall~~, at ~~as a~~ minimum, require:

1077 1. A permit ~~variance~~ for the ~~erection,~~ construction or
1078 ~~alteration, or modification~~ of any structure that ~~which~~ would
1079 cause the structure to exceed the federal obstruction standards
1080 as contained in 14 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and
1081 77.23. ~~77.21, 77.23, 77.25, 77.28, and 77.29;~~

1082 2. Obstruction marking and lighting for structures
1083 exceeding the federal obstruction standards as contained in 14
1084 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and 77.23, as specified
1085 in s. 333.07(3). ~~;~~

1086 3. Documentation showing compliance with the federal
1087 requirement for notification of proposed construction or
1088 alteration and a valid aeronautical study ~~evaluation~~ submitted
1089 by each person applying for a permit. ~~variance;~~

1090 4. Consideration of the criteria in s. 333.025(6), when
1091 determining whether to issue or deny a permit. ~~variance;~~ ~~and~~

1092 5. That a permit may not ~~no variance shall~~ be approved
1093 solely on the basis that the ~~such~~ proposed structure will not
1094 exceed federal obstruction standards as contained in 14 C.F.R.
1095 ss. 77.15, 77.17, 77.19, 77.21, or 77.23 ~~77.21, 77.23, 77.25,~~
1096 ~~77.28, or 77.29,~~ or any other federal aviation regulation.

1097 (d) The department is available to provide assistance to
1098 political subdivisions with regard to federal obstruction
1099 standards ~~shall issue copies of the federal obstruction~~



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1100 ~~standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25,~~
1101 ~~77.28, and 77.29 to each political subdivision having airport~~
1102 ~~hazard areas and, in cooperation with political subdivisions,~~
1103 ~~shall issue appropriate airport zoning maps depicting within~~
1104 ~~each county the maximum allowable height of any structure or~~
1105 ~~tree. Material distributed pursuant to this subsection shall be~~
1106 ~~at no cost to authorized recipients.~~

1107 (2) In the manner provided in subsection (1), ~~interim~~
1108 ~~airport land use compatibility zoning regulations~~ must ~~shall~~ be
1109 ~~adopted, administered, and enforced. Airport land-use~~
1110 ~~compatibility zoning~~ When political subdivisions have adopted
1111 ~~land development~~ regulations must, at a minimum, in accordance
1112 ~~with the provisions of chapter 163 which address the use of land~~
1113 ~~in the manner consistent with the provisions herein, adoption of~~
1114 ~~airport land use compatibility regulations pursuant to this~~
1115 ~~subsection shall not be required. Interim airport land use~~
1116 ~~compatibility zoning regulations shall consider the following:~~

1117 (a) Prohibiting any new and restricting any existing
1118 ~~Whether sanitary landfills are located~~ within the following
1119 ~~areas:~~

1120 1. Within 10,000 feet from the nearest point of any runway
1121 ~~used or planned to be used by~~ turbine ~~turbojet or turboprop~~
1122 ~~aircraft.~~

1123 2. Within 5,000 feet from the nearest point of any runway
1124 ~~used only by~~ nonturbine ~~piston-type~~ aircraft.

1125 3. Outside the perimeters defined in subparagraphs 1. and
1126 ~~2., but still within the lateral limits of the civil airport~~
1127 ~~imaginary surfaces defined in 14 C.F.R. part~~ 77.19 ~~77.25.~~ Case-
1128 ~~by-case review of such landfills is advised.~~



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1129 (b) ~~Where~~ Whether any landfill is located and constructed
1130 so that it attracts or sustains hazardous bird movements from
1131 feeding, water, or roosting areas into, or across, the runways
1132 or approach and departure patterns of aircraft, ~~the political~~
1133 ~~subdivision shall request from the airport authority or other~~
1134 ~~governing body operating the airport a report on such bird~~
1135 ~~feeding or roosting areas that at the time of the request are~~
1136 ~~known to the airport. In preparing its report, the authority, or~~
1137 ~~other governing body, shall consider whether the landfill~~
1138 operator will be required to incorporate bird management
1139 techniques or other practices to minimize bird hazards to
1140 airborne aircraft. ~~The airport authority or other governing body~~
1141 ~~shall respond to the political subdivision no later than 30 days~~
1142 ~~after receipt of such request.~~

1143 (c) Where an airport authority or other governing body
1144 operating a ~~publicly owned,~~ public-use airport has conducted a
1145 noise study in accordance with the provisions of 14 C.F.R. part
1146 150, or where the public-use airport owner has established noise
1147 contours pursuant to another public study approved by the
1148 Federal Aviation Administration, incompatible uses, as
1149 established in 14 C.F.R. part 150, appendix A noise study, or as
1150 a part of an alternative FAA-approved public study, may not be
1151 permitted within the noise contours established by that study,
1152 except where such use is specifically contemplated by such study
1153 with appropriate mitigation or similar techniques described in
1154 the study ~~neither residential construction nor any educational~~
1155 ~~facility as defined in chapter 1013, with the exception of~~
1156 ~~aviation school facilities, shall be permitted within the area~~
1157 ~~contiguous to the airport defined by an outer noise contour that~~



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1158 ~~is considered incompatible with that type of construction by 14~~
1159 ~~C.F.R. part 150, Appendix A or an equivalent noise level as~~
1160 ~~established by other types of noise studies.~~

1161 (d) Where an airport authority or other governing body
1162 operating a ~~publicly owned,~~ public-use airport has not conducted
1163 a noise study, neither residential construction nor any
1164 educational facility ~~as defined in chapter 1013,~~ with the
1165 exception of aviation school facilities, shall be permitted
1166 within an area contiguous to the airport measuring one-half the
1167 length of the longest runway on either side of and at the end of
1168 each runway centerline.

1169 (3) In the manner provided in subsection (1), airport
1170 zoning regulations ~~shall be adopted~~ which restrict new
1171 incompatible uses, ~~activities,~~ or substantial modifications to
1172 existing incompatible uses ~~construction~~ within runway protection
1173 clear zones ~~shall be adopted~~ , ~~including uses, activities, or~~
1174 ~~construction in runway clear zones which are incompatible with~~
1175 ~~normal airport operations or endanger public health, safety, and~~
1176 ~~welfare by resulting in congregations of people, emissions of~~
1177 ~~light or smoke, or attraction of birds. Such regulations shall~~
1178 ~~prohibit the construction of an educational facility of a public~~
1179 ~~or private school at either end of a runway of a publicly owned,~~
1180 ~~public-use airport within an area which extends 5 miles in a~~
1181 ~~direct line along the centerline of the runway, and which has a~~
1182 ~~width measuring one half the length of the runway. Exceptions~~
1183 ~~approving construction of an educational facility within the~~
1184 ~~delineated area shall only be granted when the political~~
1185 ~~subdivision administering the zoning regulations makes specific~~
1186 ~~findings detailing how the public policy reasons for allowing~~



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1187 ~~the construction outweigh health and safety concerns prohibiting~~
1188 ~~such a location.~~

1189 ~~(4) The procedures outlined in subsections (1), (2), and~~
1190 ~~(3) for the adoption of such regulations are supplemental to any~~
1191 ~~existing procedures utilized by political subdivisions in the~~
1192 ~~adoption of such regulations.~~

1193 ~~(4)(5)~~ The department of Transportation shall provide
1194 technical assistance to any political subdivision requesting
1195 assistance in the preparation of an airport zoning regulation
1196 code. A copy of all local airport zoning codes, rules, and
1197 regulations, and amendments and proposed and granted permits
1198 variances thereto, shall be filed with the department. All
1199 updates and amendments to local airport zoning codes, rules, and
1200 regulations must be filed with the department within 30 days
1201 after adoption.

1202 ~~(5)(6) Nothing in Subsection (2) and or subsection (3) may~~
1203 ~~not shall be construed to~~ require the removal, alteration, sound
1204 conditioning, or other change, or to interfere with the
1205 continued use or adjacent expansion of any educational structure
1206 or site in existence on July 1, 1993, ~~or be construed to~~
1207 ~~prohibit the construction of any new structure for which a site~~
1208 ~~has been determined as provided in former s. 235.19, as of July~~
1209 ~~1, 1993.~~

1210 (6) This section may not preclude an airport authority,
1211 local government, or other governing body operating a public-use
1212 airport from establishing airport protection zoning regulations
1213 more restrictive than herein prescribed in order to protect the
1214 safety and welfare of the public in the air and on the ground.

1215 Section 16. Section 333.04, Florida Statutes, is amended to



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1216 read:

1217 333.04 Comprehensive zoning regulations; most stringent to
1218 prevail where conflicts occur.—

1219 (1) INCORPORATION.—In the event that a political
1220 subdivision has adopted, or hereafter adopts, a comprehensive
1221 plan or policy ~~zoning ordinance~~ regulating, among other things,
1222 the height of buildings, structures, and natural objects, and
1223 uses of property, any airport zoning regulations applicable to
1224 the same area or portion thereof may be incorporated in and made
1225 a part of such comprehensive plans or policies ~~zoning~~
1226 ~~regulations~~, and be administered and enforced in connection
1227 therewith.

1228 (2) CONFLICT.—In the event of conflict between any airport
1229 zoning regulations adopted under this chapter and any other
1230 regulations applicable to the same area, whether the conflict be
1231 with respect to the height of structures or vegetation ~~trees~~,
1232 the use of land, or any other matter, and whether such
1233 regulations were adopted by the political subdivision which
1234 adopted the airport zoning regulations or by some other
1235 political subdivision, the more stringent limitation or
1236 requirement shall govern and prevail.

1237 Section 17. Section 333.05, Florida Statutes, is amended to
1238 read:

1239 333.05 Procedure for adoption of zoning regulations.—

1240 (1) NOTICE AND HEARING.—~~No~~ Airport zoning regulations may
1241 not shall be adopted, amended, or deleted ~~changed~~ under this
1242 chapter except by action of the legislative body of the
1243 political subdivision ~~in question~~, or the joint board provided
1244 in s. 333.03(1)(b) by the political subdivisions ~~bodies~~ therein



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1245 provided and set forth, after a public hearing in relation
1246 thereto, at which parties in interest and citizens shall have an
1247 opportunity to be heard. Notice of the hearing shall be
1248 published at least once a week for 2 consecutive weeks in an
1249 official paper, or a paper of general circulation, in the
1250 political subdivision or subdivisions where ~~in which are located~~
1251 the airport zoning regulations are ~~areas~~ to be adopted, amended,
1252 or deleted ~~zoned~~.

1253 (2) AIRPORT ZONING COMMISSION.—Prior to the initial zoning
1254 of any airport area under this chapter the political subdivision
1255 or joint airport zoning board which is to adopt, administer, and
1256 enforce the regulations shall appoint a commission, to be known
1257 as the airport zoning commission, to recommend the boundaries of
1258 the various zones to be established and the regulations to be
1259 adopted therefor. Such commission shall make a preliminary
1260 report and hold public hearings thereon before submitting its
1261 final report, and the legislative body of the political
1262 subdivision or the joint airport zoning board shall not hold its
1263 public hearings or take any action until it has received the
1264 final report of such commission, and at least 15 days shall
1265 elapse between the receipt of the final report of the commission
1266 and the hearing to be held by the latter board. Where a planning
1267 ~~city plan~~ commission, airport commission, or comprehensive
1268 zoning commission already exists, it may be appointed as the
1269 airport zoning commission.

1270 Section 18. Section 333.06, Florida Statutes, is amended to
1271 read:

1272 333.06 Airport zoning requirements.—

1273 (1) REASONABLENESS.—All airport zoning regulations adopted



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1274 under this chapter shall be reasonable and ~~none~~ shall not impose
1275 any requirement or restriction which is not reasonably necessary
1276 to effectuate the purposes of this chapter. In determining what
1277 regulations it may adopt, each political subdivision and joint
1278 airport zoning board shall consider, among other things, the
1279 character of the flying operations expected to be conducted at
1280 the airport, the nature of the terrain within the airport hazard
1281 area and runway protection clear zones, the character of the
1282 neighborhood, the uses to which the property to be zoned is put
1283 and adaptable, and the impact of any new use, activity, or
1284 construction on the airport's operating capability and capacity.

1285 (2) INDEPENDENT JUSTIFICATION.—The purpose of all airport
1286 zoning regulations adopted under this chapter is to provide both
1287 airspace protection and land uses ~~use~~ compatible with airport
1288 operations. Each aspect of this purpose requires independent
1289 justification in order to promote the public interest in safety,
1290 health, and general welfare. Specifically, construction in a
1291 runway protection clear zone which does not exceed airspace
1292 height restrictions is not conclusive evidence ~~per se~~ that such
1293 use, activity, or construction is compatible with airport
1294 operations.

1295 (3) NONCONFORMING USES.—No airport protection zoning
1296 regulations adopted under this chapter shall require the
1297 removal, lowering, or other change or alteration of any
1298 structure or vegetation ~~tree~~ not conforming to the regulations
1299 when adopted or amended, or otherwise interfere with the
1300 continuance of any nonconforming use, except as provided in s.
1301 333.07(1) and (3).

1302 (4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO AFFECTED



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1303 LOCAL GOVERNMENTS.—An airport master plan shall be prepared by
1304 each public-use ~~publicly owned and operated~~ airport licensed by
1305 the department ~~of Transportation~~ under chapter 330. The
1306 authorized entity having responsibility for governing the
1307 operation of the airport, when either requesting from or
1308 submitting to a state or federal governmental agency with
1309 funding or approval jurisdiction a “finding of no significant
1310 impact,” an environmental assessment, a site-selection study, an
1311 airport master plan, or any amendment to an airport master plan,
1312 shall submit simultaneously a copy of said request, submittal,
1313 assessment, study, plan, or amendments by certified mail to all
1314 affected local governments. For the purposes of this subsection,
1315 “affected local government” is defined as any city or county
1316 having jurisdiction over the airport and any city or county
1317 located within 2 miles of the boundaries of the land subject to
1318 the airport master plan.

1319 Section 19. Section 333.065, Florida Statutes, is repealed.

1320 Section 20. Section 333.07, Florida Statutes, is amended to
1321 read:

1322 333.07 Local government permitting of airspace obstructions
1323 ~~Permits and variances.—~~

1324 (1) PERMITS.—

1325 (a) Any person proposing to erect, construct, or alter any
1326 structure, increase the height of any structure, permit the
1327 growth of any vegetation, or otherwise use his or her property
1328 in violation of the airport protection zoning regulations
1329 adopted under this chapter shall apply for a permit. A Any
1330 ~~airport zoning regulations adopted under this chapter may~~
1331 ~~require that a permit be obtained before any new structure or~~



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1332 ~~use may be constructed or established and before any existing~~
1333 ~~use or structure may be substantially changed or substantially~~
1334 ~~altered or repaired. In any event, however, all such regulations~~
1335 ~~shall provide that before any nonconforming structure or tree~~
1336 ~~may be replaced, substantially altered or repaired, rebuilt,~~
1337 ~~allowed to grow higher, or replanted, a permit must be secured~~
1338 ~~from the administrative agency authorized to administer and~~
1339 ~~enforce the regulations, authorizing such replacement, change,~~
1340 ~~or repair. No permit may not shall be issued granted that would~~
1341 allow the establishment or creation of an airport hazard or
1342 would permit a nonconforming structure or vegetation ~~tree~~ or
1343 nonconforming use to be made or become higher or to become a
1344 greater hazard to air navigation than it was when the applicable
1345 regulation was adopted or than it is when the application for a
1346 permit is made.

1347 (b) Whenever the political subdivision or its
1348 administrative agency determines that a nonconforming use or
1349 nonconforming structure or vegetation ~~tree~~ has been abandoned or
1350 is more than 80 percent torn down, destroyed, deteriorated, or
1351 decayed, ~~a~~ ~~no~~ permit may not ~~shall~~ be granted that would allow
1352 ~~the said~~ structure or vegetation ~~tree~~ to exceed the applicable
1353 height limit or otherwise deviate from the zoning regulations. ~~†~~
1354 ~~and~~, Whether an application is made for a permit under this
1355 subsection or not, ~~the said agency may by appropriate action,~~
1356 ~~compel~~ the owner of the nonconforming structure or vegetation
1357 may be required ~~tree~~, at his or her own expense, to lower,
1358 remove, reconstruct, alter, or equip such object as may be
1359 necessary to conform to the regulations. If the owner of the
1360 nonconforming structure or vegetation neglects or refuses ~~tree~~



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1361 ~~shall neglect or refuse to comply with the such order for 10~~
1362 ~~days after notice thereof, the said agency may report the~~
1363 ~~violation to the political subdivision involved therein. The,~~
1364 ~~which subdivision, through its appropriate agency, may proceed~~
1365 ~~to have the object so lowered, removed, reconstructed, altered,~~
1366 ~~or equipped, and assess the cost and expense thereof upon the~~
1367 ~~object or the land where whereon it is or was located, and,~~
1368 ~~unless such an assessment is paid within 90 days from the~~
1369 ~~service of notice thereof on the owner or the owner's agent, of~~
1370 ~~such object or land, the sum shall be a lien on said land, and~~
1371 ~~shall bear interest thereafter at the rate of 6 percent per~~
1372 ~~annum until paid, and shall be collected in the same manner as~~
1373 ~~taxes on real property are collected by said political~~
1374 ~~subdivision, or, at the option of said political subdivision,~~
1375 ~~said lien may be enforced in the manner provided for enforcement~~
1376 ~~of liens by chapter 85.~~

1377 ~~(c) Except as provided herein, applications for permits~~
1378 ~~shall be granted, provided the matter applied for meets the~~
1379 ~~provisions of this chapter and the regulations adopted and in~~
1380 ~~force hereunder.~~

1381 (2) CONSIDERATIONS WHEN ISSUING OR DENYING PERMITS.-In
1382 determining whether to issue or deny a permit, the political
1383 subdivision or its administrative agency must consider the
1384 following, as applicable:

1385 (a) The safety of persons on the ground and in the air.

1386 (b) The safe and efficient use of navigable airspace.

1387 (c) The nature of the terrain and height of existing
1388 structures.

1389 (d) The construction or alteration of the proposed



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1390 structure on the state licensing standards for a public-use
1391 airport, contained in chapter 330 and chapter 14-60 of the
1392 Florida Administrative Code.

1393 (e) The character of existing and planned flight operations
1394 and developments at public-use airports.

1395 (f) Federal airways; visual flight rules, flyways and
1396 corridors; and instrument approaches as designated by the
1397 Federal Aviation Administration.

1398 (g) The construction or alteration of the proposed
1399 structure on the minimum descent altitude or the decision height
1400 at the affected airport.

1401 (h) The cumulative effects on navigable airspace of all
1402 existing structures, and all other known proposed structures in
1403 the area.

1404 (i) Requirements contained in s. 333.03(2) and (3).

1405 (j) Additional requirements adopted by the local
1406 jurisdiction pertinent to evaluation and protection of airspace
1407 and airport operations.

1408 ~~(2) VARIANCES.—~~

1409 ~~(a) Any person desiring to erect any structure, increase~~
1410 ~~the height of any structure, permit the growth of any tree, or~~
1411 ~~otherwise use his or her property in violation of the airport~~
1412 ~~zoning regulations adopted under this chapter or any land~~
1413 ~~development regulation adopted pursuant to the provisions of~~
1414 ~~chapter 163 pertaining to airport land use compatibility, may~~
1415 ~~apply to the board of adjustment for a variance from the zoning~~
1416 ~~regulations in question. At the time of filing the application,~~
1417 ~~the applicant shall forward to the department by certified mail,~~
1418 ~~return receipt requested, a copy of the application. The~~



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1419 ~~department shall have 45 days from receipt of the application to~~
1420 ~~comment and to provide its comments or waiver of that right to~~
1421 ~~the applicant and the board of adjustment. The department shall~~
1422 ~~include its explanation for any objections stated in its~~
1423 ~~comments. If the department fails to provide its comments within~~
1424 ~~45 days of receipt of the application, its right to comment is~~
1425 ~~waived. The board of adjustment may proceed with its~~
1426 ~~consideration of the application only upon the receipt of the~~
1427 ~~department's comments or waiver of that right as demonstrated by~~
1428 ~~the filing of a copy of the return receipt with the board.~~
1429 ~~Noncompliance with this section shall be grounds to appeal~~
1430 ~~pursuant to s. 333.08 and to apply for judicial relief pursuant~~
1431 ~~to s. 333.11. Such variances may only be allowed where a literal~~
1432 ~~application or enforcement of the regulations would result in~~
1433 ~~practical difficulty or unnecessary hardship and where the~~
1434 ~~relief granted would not be contrary to the public interest but~~
1435 ~~would do substantial justice and be in accordance with the~~
1436 ~~spirit of the regulations and this chapter. However, any~~
1437 ~~variance may be allowed subject to any reasonable conditions~~
1438 ~~that the board of adjustment may deem necessary to effectuate~~
1439 ~~the purposes of this chapter.~~

1440 ~~(b) The Department of Transportation shall have the~~
1441 ~~authority to appeal any variance granted under this chapter~~
1442 ~~pursuant to s. 333.08, and to apply for judicial relief pursuant~~
1443 ~~to s. 333.11.~~

1444 (3) OBSTRUCTION MARKING AND LIGHTING.—

1445 (a) In issuing a ~~granting any permit or variance~~ under this
1446 section, the political subdivision or its administrative agency
1447 ~~or board of adjustment~~ shall require the owner of the structure



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1448 or vegetation tree in question to install, operate, and maintain
1449 thereon, at his or her own expense, ~~such~~ marking and lighting in
1450 conformance with the specific standards established by the
1451 Federal Aviation Administration ~~as may be necessary to indicate~~
1452 ~~to aircraft pilots the presence of an obstruction.~~

1453 (b) Such marking and lighting shall conform to the specific
1454 standards established by rule by the department ~~of~~
1455 ~~Transportation.~~

1456 ~~(c) Existing structures not in compliance on October 1,~~
1457 ~~1988, shall be required to comply whenever the existing marking~~
1458 ~~requires refurbishment, whenever the existing lighting requires~~
1459 ~~replacement, or within 5 years of October 1, 1988, whichever~~
1460 ~~occurs first.~~

1461 Section 21. Section 333.08, Florida Statutes, is repealed.

1462 Section 22. Section 333.09, Florida Statutes, is amended to
1463 read:

1464 333.09 Administration of airport zoning regulations.-

1465 (1) ADMINISTRATION AND ENFORCEMENT.-All airport zoning
1466 regulations adopted under this chapter shall provide for the
1467 administration and enforcement of such regulations by the
1468 political subdivisions or their ~~by an administrative agency~~
1469 ~~which may be an agency created by such regulations or any~~
1470 ~~official, board, or other existing agency of the political~~
1471 ~~subdivision adopting the regulations or of one of the political~~
1472 ~~subdivisions which participated in the creation of the joint~~
1473 ~~airport zoning board adopting the regulations, if satisfactory~~
1474 ~~to that political subdivision, but in no case shall such~~
1475 ~~administrative agency be or include any member of the board of~~
1476 ~~adjustment. The duties of any administrative agency designated~~



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1477 pursuant to this chapter shall include that of hearing and
1478 deciding all permits under s. 333.07 ~~s. 333.07(1)~~, ~~deciding all~~
1479 ~~matters under s. 333.07(3)~~, as they pertain to such agency, and
1480 all other matters under this chapter applying to said agency,
1481 ~~but such agency shall not have or exercise any of the powers~~
1482 ~~herein delegated to the board of adjustment.~~

1483 (2) LOCAL GOVERNMENT PROCESS.-

1484 (a) Any political subdivision required to adopt airport
1485 zoning regulations under this chapter must provide a process to:

1486 1. Issue or deny permits consistent with s. 333.07,
1487 including requests for exceptions to airport zoning regulations.

1488 2. Notify the department of receipt of a complete permit
1489 application consistent with s. 333.025(4).

1490 3. Enforce any permit, order, requirement, decision, or
1491 determination made by the administrative agency with respect to
1492 the airport zoning regulations.

1493 (b) Where a zoning board or permitting body already exists
1494 within a political subdivision, the zoning board or permitting
1495 body may implement the permitting and appeals process.

1496 Otherwise, the political subdivision shall implement the
1497 permitting and appeals process in a manner consistent with its
1498 constitutional powers and areas of jurisdiction.

1499 (3) APPEALS.-

1500 (a) Any person, political subdivision or its administrative
1501 agency, or any joint airport zoning board, which contends that
1502 the decision made by a political subdivision or its
1503 administrative agency is an improper application of airport
1504 zoning regulations may use the process established for an
1505 appeal.



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1506 (b) All appeals taken under this section must be taken
1507 within a reasonable time, as provided by the political
1508 subdivision or its administrative agency, by filing with the
1509 entity from which appeal is taken a notice of appeal specifying
1510 the grounds for appeal.

1511 (c) An appeal stays all proceedings in the underlying
1512 action, unless the entity from which the appeal is taken
1513 certifies pursuant to the rules for appeal that by reason of the
1514 facts stated in the certificate, a stay would, in its opinion,
1515 cause imminent peril to life or property. In that case,
1516 proceedings may not be stayed except by an order of the
1517 political subdivision or its administrative agency following
1518 notice to the entity from which the appeal is taken and on good
1519 cause shown.

1520 (d) The political subdivision or its administrative agency
1521 must set a reasonable time for the hearing of appeals, give
1522 public notice and due notice to the parties in interest, and
1523 decide the same within a reasonable time. At the hearing, a
1524 party may appear in person, by agent, or by attorney.

1525 (e) The political subdivision or its administrative agency
1526 may, in conformity with the provisions of this chapter, reverse,
1527 affirm, or modify the underlying order, requirement, decision,
1528 or determination from which the appeal is taken.

1529 Section 23. Section 333.10, Florida Statutes, is repealed.

1530 Section 24. Section 333.11, Florida Statutes, is amended to
1531 read:

1532 333.11 Judicial review.—

1533 (1) Any person, ~~aggrieved, or taxpayer affected, by any~~
1534 ~~decision of a board of adjustment, or any governing body of a~~



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1535 political subdivision or its administrative agency, or the
1536 ~~Department of Transportation or~~ any joint airport zoning board
1537 affected by a decision of a political subdivision, or its of any
1538 administrative agency hereunder, may apply for judicial relief
1539 to the circuit court in the judicial circuit where the political
1540 subdivision board of adjustment is located within 30 days after
1541 rendition of the decision ~~by the board of adjustment.~~ Review
1542 shall be by petition for writ of certiorari, which shall be
1543 governed by the Florida Rules of Appellate Procedure.

1544 ~~(2) Upon presentation of such petition to the court, it may~~
1545 ~~allow a writ of certiorari, directed to the board of adjustment,~~
1546 ~~to review such decision of the board. The allowance of the writ~~
1547 ~~shall not stay the proceedings upon the decision appealed from,~~
1548 ~~but the court may, on application, on notice to the board, on~~
1549 ~~due hearing and due cause shown, grant a restraining order.~~

1550 ~~(3) The board of adjustment shall not be required to return~~
1551 ~~the original papers acted upon by it, but it shall be sufficient~~
1552 ~~to return certified or sworn copies thereof or of such portions~~
1553 ~~thereof as may be called for by the writ. The return shall~~
1554 ~~concisely set forth such other facts as may be pertinent and~~
1555 ~~material to show the grounds of the decision appealed from and~~
1556 ~~shall be verified.~~

1557 ~~(2)(4)~~ The court shall have exclusive jurisdiction to
1558 affirm, modify, or set aside the decision brought up for review,
1559 ~~in whole or in part,~~ and if need be, to order further
1560 proceedings by the political subdivision or its administrative
1561 agency board of adjustment. The findings of fact by the
1562 political subdivision or its administrative agency board, if
1563 supported by substantial evidence, shall be accepted by the



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1564 court as conclusive. An, and no objection to a decision of the
1565 political subdivision or its administrative agency may not board
1566 shall be considered by the court unless such objection was
1567 raised in the underlying proceeding shall have been urged before
1568 the board, or, if it was not so urged, unless there were
1569 reasonable grounds for failure to do so.

1570 (3) ~~(5)~~ If In any case in which airport zoning regulations
1571 adopted under this chapter, ~~although generally reasonable,~~ are
1572 held by a court to interfere with the use and enjoyment of a
1573 particular structure or parcel of land to such an extent, or to
1574 be so onerous in their application to such a structure or parcel
1575 of land, as to constitute a taking or deprivation of that
1576 property in violation of the State Constitution or the
1577 Constitution of the United States, such holding shall not affect
1578 the application of such regulations to other structures and
1579 parcels of land, or such regulations as are not involved in the
1580 particular decision.

1581 (4) ~~(6)~~ No Judicial appeal ~~shall be or is not~~ permitted
1582 under this section, to any courts until the appellant has
1583 exhausted all its remedies through application for local
1584 government permits, exceptions, and appeals, as herein provided,
1585 ~~save and except an appeal from a decision of the board of~~
1586 ~~adjustment, the appeal herein provided being from such final~~
1587 ~~decision of such board only, the appellant being hereby required~~
1588 ~~to exhaust his or her remedies hereunder of application for~~
1589 ~~permits, exceptions and variances, and appeal to the board of~~
1590 ~~adjustment, and gaining a determination by said board, before~~
1591 ~~being permitted to appeal to the court hereunder.~~

1592 Section 25. Section 333.12, Florida Statutes, is amended to



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1593 read:
1594 333.12 Acquisition of air rights. ~~When in any case which:~~
1595 ~~it is desired to remove, lower or otherwise terminate a~~
1596 nonconforming structure or use presents an air hazard and the
1597 structure cannot be removed, lowered, or otherwise terminated;
1598 or the approach protection necessary cannot, because of
1599 constitutional limitations, be provided by airport regulations
1600 under this chapter; or it appears advisable that the necessary
1601 approach protection be provided by acquisition of property
1602 rights rather than by airport zoning regulations, the political
1603 subdivision within which the property or nonconforming use is
1604 located, or the political subdivision owning or operating the
1605 airport or being served by it, may acquire, by purchase, grant,
1606 or condemnation in the manner provided by chapter 73, such air
1607 right, avigation navigation easement conveying the airspace over
1608 another property for use by the airport, or other estate,
1609 portion or interest in the property or nonconforming structure
1610 or use or such interest in the air above such property,
1611 vegetation tree, structure, or use, in question, as may be
1612 necessary to effectuate the purposes of this chapter, and in so
1613 doing, if by condemnation, to have the right to take immediate
1614 possession of the property, interest in property, air right, or
1615 other right sought to be condemned, at the time, and in the
1616 manner and form, and as authorized by chapter 74. In the case of
1617 the purchase of any property, ~~or any easement,~~ or estate or
1618 interest therein or the acquisition of the same by the power of
1619 eminent domain, the political subdivision making such purchase
1620 or exercising such power shall in addition to the damages for
1621 the taking, injury, or destruction of property also pay the cost



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1622 of the removal and relocation of any structure or any public
1623 utility which is required to be moved to a new location.

1624 Section 26. Section 333.135, Florida Statutes, is created
1625 to read:

1626 333.135 Transition provisions.—

1627 (1) A provision of an airport zoning regulation in effect
1628 on July 1, 2015, that conflicts with this chapter must be
1629 amended to conform to the requirements of this chapter by July
1630 1, 2016.

1631 (2) By October 1, 2017, a political subdivision having an
1632 airport within its territorial limits, which has not adopted
1633 airport zoning regulations, must adopt airport zoning
1634 regulations which are consistent with this chapter.

1635 (3) For those political subdivisions that have not yet
1636 adopted airport zoning regulations pursuant to this chapter, the
1637 department shall administer the permitting process as provided
1638 in s. 333.025.

1639 Section 27. Section 333.14, Florida Statutes, is repealed.

1640 Section 28. Subsections (36) and (37) of section 334.03,
1641 Florida Statutes, are amended to read:

1642 334.03 Definitions.—When used in the Florida Transportation
1643 Code, the term:

1644 (36) "511" or "511 services" means all three-digit
1645 telecommunications dialing to access interactive voice response
1646 telephone traveler information services provided in the state to
1647 include, but not be limited to, the terms as defined by the
1648 Federal Communications Commission in FCC Order No. 00-256, July
1649 31, 2000.

1650 ~~(37) "Interactive voice response" means a software~~



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1651 ~~application that accepts a combination of voice telephone input~~
1652 ~~and touch-tone keypad selection and provides appropriate~~
1653 ~~responses in the form of voice, fax, callback, e-mail, and other~~
1654 ~~media.~~

1655 Section 29. Subsection (31) of section 334.044, Florida
1656 Statutes, is amended, and subsection (34) of that section is
1657 created, to read:

1658 334.044 Department; powers and duties.—The department shall
1659 have the following general powers and duties:

1660 (31) To provide oversight of traveler information systems
1661 ~~that may include the provision of interactive voice response~~
1662 ~~telephone systems accessible via the 511 services number~~ as
1663 assigned by the Federal Communications Commission for traveler
1664 information services. The department shall ensure that uniform
1665 standards and criteria for the collection and dissemination of
1666 traveler information are applied ~~using interactive voice~~
1667 ~~response systems.~~

1668 (34) The department may assume responsibilities of the
1669 United States Department of Transportation with respect to
1670 highway projects within the state under the National
1671 Environmental Policy Act of 1969 (42 U.S.C. s. 4321 et seq.) and
1672 with respect to related responsibilities for environmental
1673 review, consultation, or other action required under any federal
1674 environmental law pertaining to review or approval of a highway
1675 project within the state. The department may assume
1676 responsibilities under 23 U.S.C. s. 327 and enter into one or
1677 more agreements, including memoranda of understanding, with the
1678 United States Secretary of Transportation related to the federal
1679 surface transportation project delivery program for the delivery



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1680 of highway projects, as provided by 23 U.S.C. s. 327. The
1681 department may adopt rules to implement this subsection and may
1682 adopt relevant federal environmental standards as the standards
1683 for this state for a program described in this subsection.
1684 Sovereign immunity to civil suit in federal court is waived
1685 consistent with 23 U.S.C. s. 327 and limited to the compliance,
1686 discharge, or enforcement of a responsibility assumed by the
1687 department under this subsection.

1688 Section 30. Section 334.60, Florida Statutes, is amended to
1689 read:

1690 334.60 511 traveler information system.—The department is
1691 the state's lead agency for implementing 511 services and is the
1692 state's point of contact for coordinating all 511 services ~~with~~
1693 ~~telecommunications service providers.~~

1694 (1) The department shall:

1695 (a) ~~(1)~~ Implement and administer 511 services in the state;

1696 (b) ~~(2)~~ Coordinate with other transportation authorities in
1697 the state to provide multimodal traveler information through 511
1698 services and other means;

1699 (c) ~~(3)~~ Develop uniform standards and criteria for the
1700 collection and dissemination of traveler information using ~~the~~
1701 511 services ~~number or other interactive voice response systems;~~
1702 and

1703 (d) ~~(4)~~ Enter into joint participation agreements or
1704 contracts with highway authorities and public transit districts
1705 to share the costs of implementing and administering 511
1706 services in the state. The department may also enter into other
1707 agreements or contracts with private firms relating to the 511
1708 services to offset the costs of implementing and administering



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1709 511 services in the state.

1710 (2) The department shall adopt rules to administer the
1711 coordination of 511 traveler information ~~phone~~ services in the
1712 state.

1713 Section 31. Subsections (3) and (4) of section 335.065,
1714 Florida Statutes, are amended to read:

1715 335.065 Bicycle and pedestrian ways along state roads and
1716 transportation facilities.—

1717 (3) The department, in cooperation with the Department of
1718 Environmental Protection, shall establish a statewide integrated
1719 system of bicycle and pedestrian ways in such a manner as to
1720 take full advantage of any such ways which are maintained by any
1721 governmental entity. ~~The department may enter into a concession~~
1722 ~~agreement with a not-for-profit entity or private sector~~
1723 ~~business or entity for commercial sponsorship displays on~~
1724 ~~multiuse trails and related facilities and use any concession~~
1725 ~~agreement revenues for the maintenance of the multiuse trails~~
1726 ~~and related facilities. Commercial sponsorship displays are~~
1727 ~~subject to the requirements of the Highway Beautification Act of~~
1728 ~~1965 and all federal laws and agreements, when applicable. For~~
1729 ~~the purposes of this section, bicycle facilities may be~~
1730 ~~established as part of or separate from the actual roadway and~~
1731 ~~may utilize existing road rights-of-way or other rights-of-way~~
1732 ~~or easements acquired for public use.~~

1733 (a) ~~A concession agreement shall be administered by the~~
1734 ~~department and must include the requirements of this section.~~

1735 (b)1. ~~Signage or displays erected under this section shall~~
1736 ~~comply with s. 337.407 and chapter 479 and shall be limited as~~
1737 ~~follows:~~



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1738 ~~a. One large sign or display, not to exceed 16 square feet~~
1739 ~~in area, may be located at each trailhead or parking area.~~

1740 ~~b. One small sign or display, not to exceed 4 square feet~~
1741 ~~in area, may be located at each designated trail public access~~
1742 ~~point.~~

1743 ~~2. Before installation, each name or sponsorship display~~
1744 ~~must be approved by the department.~~

1745 ~~3. The department shall ensure that the size, color,~~
1746 ~~materials, construction, and location of all signs are~~
1747 ~~consistent with the management plan for the property and the~~
1748 ~~standards of the department, do not intrude on natural and~~
1749 ~~historic settings, and contain only a logo selected by the~~
1750 ~~sponsor and the following sponsorship wording:~~

1751
1752 ~~... (Name of the sponsor) ... proudly sponsors the costs~~
1753 ~~of maintaining the ... (Name of the greenway or~~
1754 ~~trail)....~~

1755
1756 ~~4. All costs of a display, including development,~~
1757 ~~construction, installation, operation, maintenance, and removal~~
1758 ~~costs, shall be paid by the concessionaire.~~

1759 ~~(c) A concession agreement shall be for a minimum of 1~~
1760 ~~year, but may be for a longer period under a multiyear~~
1761 ~~agreement, and may be terminated for just cause by the~~
1762 ~~department upon 60 days' advance notice. Just cause for~~
1763 ~~termination of a concession agreement includes, but is not~~
1764 ~~limited to, violation of the terms of the concession agreement~~
1765 ~~or this section.~~

1766 ~~(4) (a) The department may use appropriated funds to support~~



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1767 ~~the establishment of a statewide system of interconnected~~
1768 ~~multiuse trails and to pay the costs of planning, land~~
1769 ~~acquisition, design, and construction of such trails and related~~
1770 ~~facilities. The department shall give funding priority to~~
1771 ~~projects that:~~

1772 ~~1. Are identified by the Florida Greenways and Trails~~
1773 ~~Council as a priority within the Florida Greenways and Trails~~
1774 ~~System under chapter 260.~~

1775 ~~2. Support the transportation needs of bicyclists and~~
1776 ~~pedestrians.~~

1777 ~~3. Have national, statewide, or regional importance.~~

1778 ~~4. Facilitate an interconnected system of trails by~~
1779 ~~completing gaps between existing trails.~~

1780 ~~(b) A project funded under this subsection shall:~~

1781 ~~1. Be included in the department's work program developed~~
1782 ~~in accordance with s. 339.135.~~

1783 ~~2. Be operated and maintained by an entity other than the~~
1784 ~~department upon completion of construction. The department is~~
1785 ~~not obligated to provide funds for the operation and maintenance~~
1786 ~~of the project.~~

1787 Section 32. Subsection (4) of section 338.165, Florida
1788 Statutes, is amended to read:

1789 338.165 Continuation of tolls.—

1790 (4) Notwithstanding any other law to the contrary, pursuant
1791 to s. 11, Art. VII of the State Constitution, and subject to the
1792 requirements of subsection (2), the Department of Transportation
1793 may request the Division of Bond Finance to issue bonds secured
1794 by toll revenues collected on the Alligator Alley, the Sunshine
1795 Skyway Bridge, ~~the Beeline-East Expressway, the Navarre Bridge,~~



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1796 and the Pinellas Bayway to fund transportation projects located
1797 within the county or counties in which the project is located
1798 and contained in the adopted work program of the department.

1799 Section 33. Subsection (5) is added to section 338.227,
1800 Florida Statutes, to read:

1801 338.227 Turnpike revenue bonds.—

1802 (5) Notwithstanding s. 215.82, bonds issued pursuant to
1803 this section are not required to be validated pursuant to
1804 chapter 75, but may be validated at the option of the Division
1805 of Bond Finance. Any complaint for such validation must be filed
1806 in the circuit court of the county where the seat of state
1807 government is situated. The notice required to be published by
1808 s. 75.06 must be published only in the county where the
1809 complaint is filed. The complaint and order of the circuit court
1810 shall be served only on the state attorney of the circuit in
1811 which the action is pending.

1812 Section 34. Paragraph (c) of subsection (3) of section
1813 338.231, Florida Statutes, and subsections (5) and (6) of that
1814 section, are amended to read:

1815 338.231 Turnpike tolls, fixing; pledge of tolls and other
1816 revenues.—The department shall at all times fix, adjust, charge,
1817 and collect such tolls and amounts for the use of the turnpike
1818 system as are required in order to provide a fund sufficient
1819 with other revenues of the turnpike system to pay the cost of
1820 maintaining, improving, repairing, and operating such turnpike
1821 system; to pay the principal of and interest on all bonds issued
1822 to finance or refinance any portion of the turnpike system as
1823 the same become due and payable; and to create reserves for all
1824 such purposes.



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(3)

(c) Notwithstanding any other provision of law to the contrary, any prepaid toll account of any kind which has remained inactive for 10 ~~3~~ years shall be presumed unclaimed and its disposition shall be handled by the Department of Financial Services in accordance with all applicable provisions of chapter 717 relating to the disposition of unclaimed property, and the prepaid toll account shall be closed by the department.

~~(5) In each fiscal year while any of the bonds of the Broward County Expressway Authority series 1984 and series 1986- A remain outstanding, the department is authorized to pledge revenues from the turnpike system to the payment of principal and interest of such series of bonds and the operation and maintenance expenses of the Sawgrass Expressway, to the extent gross toll revenues of the Sawgrass Expressway are insufficient to make such payments. The terms of an agreement relative to the pledge of turnpike system revenue will be negotiated with the parties of the 1984 and 1986 Broward County Expressway Authority lease-purchase agreements, and subject to the covenants of those agreements. The agreement must establish that the Sawgrass Expressway is subject to the planning, management, and operating control of the department limited only by the terms of the lease-purchase agreements. The department shall provide for the payment of operation and maintenance expenses of the Sawgrass Expressway until such agreement is in effect. This pledge of turnpike system revenues is subordinate to the debt service requirements of any future issue of turnpike bonds, the payment of turnpike system operation and maintenance expenses, and subject to any subsequent resolution or trust indenture relating~~



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1854 ~~to the issuance of such turnpike bonds.~~

1855 (5) ~~(6)~~ The use and disposition of revenues pledged to bonds
1856 are subject to ss. 338.22-338.241 and such regulations as the
1857 resolution authorizing the issuance of the bonds or such trust
1858 agreement may provide.

1859 Section 35. Paragraph (c) of subsection (7) of section
1860 339.175, Florida Statutes, is amended to read:

1861 339.175 Metropolitan planning organization.—

1862 (7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must
1863 develop a long-range transportation plan that addresses at least
1864 a 20-year planning horizon. The plan must include both long-
1865 range and short-range strategies and must comply with all other
1866 state and federal requirements. The prevailing principles to be
1867 considered in the long-range transportation plan are: preserving
1868 the existing transportation infrastructure; enhancing Florida's
1869 economic competitiveness; and improving travel choices to ensure
1870 mobility. The long-range transportation plan must be consistent,
1871 to the maximum extent feasible, with future land use elements
1872 and the goals, objectives, and policies of the approved local
1873 government comprehensive plans of the units of local government
1874 located within the jurisdiction of the M.P.O. Each M.P.O. is
1875 encouraged to consider strategies that integrate transportation
1876 and land use planning to provide for sustainable development and
1877 reduce greenhouse gas emissions. The approved long-range
1878 transportation plan must be considered by local governments in
1879 the development of the transportation elements in local
1880 government comprehensive plans and any amendments thereto. The
1881 long-range transportation plan must, at a minimum:

1882 (c) Assess capital investment and other measures necessary



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1883 to:

1884 1. Ensure the preservation of the existing metropolitan
1885 transportation system including requirements for the operation,
1886 resurfacing, restoration, and rehabilitation of major roadways
1887 and requirements for the operation, maintenance, modernization,
1888 and rehabilitation of public transportation facilities; and

1889 2. Make the most efficient use of existing transportation
1890 facilities to relieve vehicular congestion, improve safety, and
1891 maximize the mobility of people and goods. Such efforts shall
1892 include, but not be limited to, consideration of infrastructure
1893 and technological improvements necessary to accommodate advances
1894 in vehicle technology, such as autonomous vehicle technology and
1895 other developments.

1896
1897 In the development of its long-range transportation plan, each
1898 M.P.O. must provide the public, affected public agencies,
1899 representatives of transportation agency employees, freight
1900 shippers, providers of freight transportation services, private
1901 providers of transportation, representatives of users of public
1902 transit, and other interested parties with a reasonable
1903 opportunity to comment on the long-range transportation plan.
1904 The long-range transportation plan must be approved by the
1905 M.P.O.

1906 Section 36. Paragraph (c) is added to subsection (3) of
1907 section 339.64, Florida Statutes, and paragraph (a) of
1908 subsection (4) of that section is amended, to read:

1909 339.64 Strategic Intermodal System Plan.—

1910 (3)

1911 (c) The department also shall coordinate with federal,



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1912 regional, and local partners, as well as industry
1913 representatives, to consider infrastructure and technological
1914 improvements necessary to accommodate advances in vehicle
1915 technology, such as autonomous vehicle technology and other
1916 developments, in Strategic Intermodal System facilities.

1917 (4) The Strategic Intermodal System Plan shall include the
1918 following:

1919 (a) A needs assessment. Such assessment shall include, but
1920 not be limited to, consideration of infrastructure and
1921 technological improvements necessary to accommodate advances in
1922 vehicle technology, such as autonomous vehicle technology and
1923 other developments.

1924 Section 37. Section 339.81, Florida Statutes, is created to
1925 read:

1926 339.81 Florida Shared-Use Nonmotorized Trail Network.—

1927 (1) The Legislature finds that increasing demands continue
1928 to be placed on the state's transportation system by a growing
1929 economy, continued population growth, and increasing tourism.
1930 The Legislature also finds that significant challenges exist in
1931 providing additional capacity to the conventional transportation
1932 system and will require enhanced accommodation of alternative
1933 travel modes to meet the needs of residents and visitors. The
1934 Legislature further finds that improving bicyclist and
1935 pedestrian safety for both residents and visitors remains a high
1936 priority. Therefore, the Legislature declares that the
1937 development of a nonmotorized trail network will increase
1938 mobility and recreational alternatives for residents and
1939 visitors of this state, enhance economic prosperity, enrich
1940 quality of life, enhance safety, and reflect responsible



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1941 environmental stewardship. To that end, it is the intent of the
1942 Legislature that the department make use of its expertise in
1943 efficiently providing transportation projects to develop the
1944 Florida Shared-Use Nonmotorized Trail Network, consisting of a
1945 statewide network of nonmotorized trails which allows
1946 nonmotorized vehicles and pedestrians to access a variety of
1947 origins and destinations with limited exposure to motorized
1948 vehicles.

1949 (2) The Florida Shared-Use Nonmotorized Trail Network is
1950 created as a component of the Florida Greenways and Trails
1951 System established in chapter 260. The statewide network
1952 consists of multiuse trails or shared-use paths physically
1953 separated from motor vehicle traffic and constructed with
1954 asphalt, concrete, or another hard surface which, by virtue of
1955 design, location, extent of connectivity or potential
1956 connectivity, and allowable uses, provides nonmotorized
1957 transportation opportunities for bicyclists and pedestrians
1958 statewide between and within a wide range of points of origin
1959 and destinations, including, but not limited to, communities,
1960 conservation areas, state parks, beaches, and other natural or
1961 cultural attractions for a variety of trip purposes, including
1962 work, school, shopping, and other personal business, as well as
1963 social, recreational, and personal fitness purposes.

1964 (3) Network components do not include sidewalks, nature
1965 trails, loop trails wholly within a single park or natural area,
1966 or on-road facilities, such as bicycle lanes or routes other
1967 than:

1968 (a) On-road facilities that are no longer than one-half
1969 mile connecting two or more nonmotorized trails, if the



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1970 provision of a non-motorized trail without the use of the on-
1971 road facility is not feasible, and if such on-road facilities
1972 are signed and marked for nonmotorized use; or

1973 (b) On-road components of the Florida Keys Overseas
1974 Heritage Trail.

1975 (4) The planning, development, operation, and maintenance
1976 of the Florida Shared-Use Nonmotorized Trail Network is declared
1977 to be a public purpose, and the department, together with other
1978 agencies of this state and all counties, municipalities, and
1979 special districts of this state, may spend public funds for such
1980 purposes and accept gifts and grants of funds, property, or
1981 property rights from public or private sources to be used for
1982 such purposes.

1983 (5) The department shall include the Florida Shared-Use
1984 Nonmotorized Trail Network in its work program developed
1985 pursuant to s. 339.135. For purposes of funding and maintaining
1986 projects within the network, the department shall allocate in
1987 its program and resource plan a minimum of \$50 million annually,
1988 beginning in the 2015-2016 fiscal year.

1989 (6) The department may enter into a memorandum of agreement
1990 with a local government or other agency of the state to transfer
1991 maintenance responsibilities of an individual network component.
1992 The department may contract with a not-for-profit entity or
1993 private sector business or entity to provide maintenance
1994 services on an individual network component.

1995 (7) The department may adopt rules to aid in the
1996 development and maintenance of components of the network.

1997 Section 38. Section 339.82, Florida Statutes, is created to
1998 read:



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1999 339.82 Shared-Use Nonmotorized Trail Network Plan.-
2000 (1) The department shall develop a Shared-Use Nonmotorized
2001 Trail Network Plan in coordination with the Department of
2002 Environmental Protection, metropolitan planning organizations,
2003 affected local governments and public agencies, and the Florida
2004 Greenways and Trails Council. The plan must be consistent with
2005 the Florida Greenways and Trails Plan developed under s. 260.014
2006 and must be updated at least once every 5 years.
2007 (2) The Shared-Use Nonmotorized Trail Network Plan must
2008 include all of the following:
2009 (a) A needs assessment, including, but not limited to, a
2010 comprehensive inventory and analysis of existing trails that may
2011 be considered for inclusion in the Shared-Use Nonmotorized Trail
2012 Network.
2013 (b) A project prioritization process that includes
2014 assigning funding priority to projects that:
2015 1. Are identified by the Florida Greenways and Trails
2016 Council as a priority within the Florida Greenways and Trails
2017 System under chapter 260;
2018 2. Facilitate an interconnected network of trails by
2019 completing gaps between existing facilities; and
2020 3. Maximize use of federal, local, and private funding and
2021 support mechanisms, including, but not limited to, donation of
2022 funds, real property, and maintenance responsibilities.
2023 (c) A map illustrating existing and planned facilities and
2024 identifying critical gaps between facilities.
2025 (d) A finance plan based on reasonable projections of
2026 anticipated revenues, including both 5-year and 10-year cost-
2027 feasible components.



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2028 (e) Performance measures that include quantifiable
2029 increases in trail network access and connectivity.

2030 (f) A timeline for the completion of the base network using
2031 new and existing data from the department, the Department of
2032 Environmental Protection, and other sources.

2033 (g) A marketing plan prepared in consultation with the
2034 Florida Tourism Industry Marketing Corporation.

2035 Section 39. Section 339.83, Florida Statutes, is created to
2036 read:

2037 339.83 Sponsorship of Shared-Use Nonmotorized Trails.-

2038 (1) The department may enter into a concession agreement
2039 with a not-for-profit entity or private sector business or
2040 entity for commercial sponsorship signs, pavement markings, and
2041 exhibits on nonmotorized trails and related facilities
2042 constructed as part of the Shared-Use Nonmotorized Trail
2043 Network. The concession agreement may also provide for
2044 recognition of trail sponsors in any brochure, map, or website
2045 providing trail information. Trail websites may provide links to
2046 sponsors. Revenue from such agreements may be used for the
2047 maintenance of the nonmotorized trails and related facilities.

2048 (a) A concession agreement shall be administered by the
2049 department.

2050 (b)1. Signage, pavement markings, or exhibits erected
2051 pursuant to this section must comply with s. 337.407 and chapter
2052 479 and are limited as follows:

2053 a. One large sign, pavement marking, or exhibit, not to
2054 exceed 16 square feet in area, may be located at each trailhead
2055 or parking area.

2056 b. One small sign, pavement marking, or exhibit, not to



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2057 exceed 4 square feet in area, may be located at each designated
2058 trail public access point where parking is not provided.

2059 c. Pavement markings denoting specified distances must be
2060 located at least 1 mile apart.

2061 2. Before installation, each sign, pavement marking, or
2062 exhibit must be approved by the department.

2063 3. The department shall ensure that the size, color,
2064 materials, construction, and location of all signs, pavement
2065 markings, and exhibits are consistent with the management plan
2066 for the property and the standards of the department, do not
2067 intrude on natural and historic settings, and contain a logo
2068 selected by the sponsor and the following sponsorship wording:

2069 ...(Name of the sponsor)... proudly sponsors the costs
2070 of maintaining the ...(Name of the greenway or
2071 trail)....

2072
2073
2074 4. Exhibits may provide additional information and
2075 materials including, but not limited to, maps and brochures for
2076 trail user services related or proximate to the trail. Pavement
2077 markings may display mile marker information.

2078 5. The costs of a sign, pavement marking, or exhibit,
2079 including development, construction, installation, operation,
2080 maintenance, and removal costs, shall be paid by the
2081 concessionaire.

2082 (c) A concession agreement shall be for a minimum of 1
2083 year, but may be for a longer period under a multiyear
2084 agreement, and may be terminated for just cause by the
2085 department upon 60 days' advance notice. Just cause for



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2086 termination of a concession agreement includes, but is not
2087 limited to, violation of the terms of the concession agreement
2088 or this section.

2089 (2) Pursuant to s. 287.057, the department may contract for
2090 the provision of services related to the trail sponsorship
2091 program, including recruitment and qualification of businesses,
2092 review of applications, permit issuance, and fabrication,
2093 installation, and maintenance of signs, pavement markings, and
2094 exhibits. The department may reject all proposals and seek
2095 another request for proposals or otherwise perform the work. The
2096 contract may allow the contractor to retain a portion of the
2097 annual fees as compensation for its services.

2098 (3) This section does not create a proprietary or
2099 compensable interest in any sponsorship site or location for any
2100 permittee, and the department may terminate permits or change
2101 locations of sponsorship sites as it determines necessary for
2102 construction or improvement of facilities.

2103 (4) The department may adopt rules to establish
2104 requirements for qualification of businesses, qualification and
2105 location of sponsorship sites, and permit applications and
2106 processing. The department may adopt rules to establish other
2107 criteria necessary to implement this section and to provide for
2108 variances when necessary to serve the interest of the public or
2109 when required to ensure equitable treatment of program
2110 participants.

2111 Section 40. (1) The Office of Economic and Demographic
2112 Research shall evaluate and determine the economic benefits, as
2113 defined in s. 288.005(1), Florida Statutes, of the state's
2114 investment in the Department of Transportation's adopted work



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2115 program developed in accordance with s. 339.135(5), Florida
2116 Statutes, for fiscal year 2015-2016, including the following 4
2117 fiscal years. At a minimum, a separate return on investment
2118 shall be projected for each of the following areas:

- 2119 (a) Roads and highways;
- 2120 (b) Rails;
- 2121 (c) Public transit;
- 2122 (d) Aviation; and
- 2123 (e) Seaports.

2124

2125 The analysis is limited to the funding anticipated by the
2126 adopted work program, but may address the continuing economic
2127 impact for those transportation projects in the 5 years beyond
2128 the conclusion of the adopted work program. The analysis must
2129 also evaluate the number of jobs created, the increase or
2130 decrease in personal income, and the impact on gross domestic
2131 product from the direct, indirect, and induced effects on the
2132 state's investment in each area.

2133 (2) The Department of Transportation and each of its
2134 district offices shall provide the Office of Economic and
2135 Demographic Research full access to all data necessary to
2136 complete the analysis, including any confidential data.

2137 (3) The Office of Economic and Demographic Research shall
2138 submit the analysis to the President of the Senate and the
2139 Speaker of the House of Representatives by January 1, 2016.

2140 Section 41. Section 341.0532, Florida Statutes, is
2141 repealed.

2142 Section 42. The Division of Law Revision and Information is
2143 directed to create chapter 345, Florida Statutes, consisting of



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2144 ss. 345.0001-345.0014, Florida Statutes, to be entitled the
2145 "Northwest Florida Regional Transportation Finance Authority."

2146 Section 43. Section 345.0001, Florida Statutes, is created
2147 to read:

2148 345.0001 Short title.—This act may be cited as the
2149 "Northwest Florida Regional Transportation Finance Authority
2150 Act."

2151 Section 44. Section 345.0002, Florida Statutes, is created
2152 to read:

2153 345.0002 Definitions.—As used in this chapter, the term:

2154 (1) "Agency of the state" means the state and any
2155 department of, or any corporation, agency, or instrumentality
2156 created, designated, or established by, the state.

2157 (2) "Area served" means Escambia County. However, upon a
2158 contiguous county's consent to inclusion within the area served
2159 by the authority and with the agreement of the authority, the
2160 term shall also include the geographical area of such county
2161 contiguous to Escambia County.

2162 (3) "Authority" means the Northwest Florida Regional
2163 Transportation Finance Authority, a body politic and corporate,
2164 and an agency of the state, established under this chapter.

2165 (4) "Bonds" means the notes, bonds, refunding bonds, or
2166 other evidences of indebtedness or obligations, in temporary or
2167 definitive form, which the authority may issue under this
2168 chapter.

2169 (5) "Department" means the Department of Transportation.

2170 (6) "Division" means the Division of Bond Finance of the
2171 State Board of Administration.

2172 (7) "Federal agency" means the United States, the President



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2173 of the United States, and any department of, or any bureau,
2174 corporation, agency, or instrumentality created, designated, or
2175 established by, the United States Government.

2176 (8) "Members" means the governing body of the authority,
2177 and the term "member" means one of the individuals constituting
2178 such governing body.

2179 (9) "Regional system" or "system" means, generally, a
2180 modern system of roads, bridges, causeways, tunnels, and mass
2181 transit services within the area of the authority, with access
2182 limited or unlimited as the authority may determine, and the
2183 buildings and structures and appurtenances and facilities
2184 related to the system, including all approaches, streets, roads,
2185 bridges, and avenues of access for the system.

2186 (10) "Revenues" means the tolls, revenues, rates, fees,
2187 charges, receipts, rentals, contributions, and other income
2188 derived from or in connection with the operation or ownership of
2189 a regional system, including the proceeds of any use and
2190 occupancy insurance on any portion of the system, but excluding
2191 state funds available to the authority and any other municipal
2192 or county funds available to the authority under an agreement
2193 with a municipality or county.

2194 Section 45. Section 18. Section 345.0003, Florida Statutes,
2195 is created to read:

2196 345.0003 Regional transportation finance authority
2197 formation and membership.—

2198 (1) Escambia County, alone or together with any consenting
2199 contiguous county, may form a regional finance authority for the
2200 purposes of constructing, maintaining, and operating
2201 transportation projects in the northwest region of this state.



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2202 The authority shall be governed in accordance with this chapter.
2203 The area served by the authority may not be expanded beyond
2204 Escambia County without the approval of the county commission of
2205 each contiguous county that will be a part of the authority.

2206 (2) The governing body of the authority shall consist of a
2207 board of voting members as follows:

2208 (a) The county commission of each county in the area served
2209 by the authority shall appoint two members. Each member must be
2210 a resident of the county from which he or she is appointed and,
2211 if possible, must represent the business and civic interests of
2212 the community.

2213 (b) The Governor shall appoint an equal number of members
2214 to the board as those appointed by the county commissions. The
2215 members appointed by the Governor must be residents of the area
2216 served by the authority.

2217 (c) The district secretary of the department serving in the
2218 district that includes Escambia County.

2219 (3) The term of office of each member shall be for 4 years
2220 or until his or her successor is appointed and qualified.

2221 (4) A member may not hold an elected office during the term
2222 of his or her membership.

2223 (5) A vacancy occurring in the governing body before the
2224 expiration of the member's term shall be filled for the
2225 remainder of the unexpired term by the respective appointing
2226 authority in the same manner as the original appointment.

2227 (6) Before entering upon his or her official duties, each
2228 member must take and subscribe to an oath before an official
2229 authorized by law to administer oaths that he or she will
2230 honestly, faithfully, and impartially perform the duties of his



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2231 or her office as a member of the governing body of the authority
2232 and that he or she will not neglect any duties imposed on him or
2233 her by this chapter.

2234 (7) The Governor may remove from office a member of the
2235 authority for misconduct, malfeasance, misfeasance, or
2236 nonfeasance in office.

2237 (8) Members of the authority shall designate a chair from
2238 among the membership.

2239 (9) Members of the authority shall serve without
2240 compensation, but are entitled to reimbursement for per diem and
2241 other expenses in accordance with s. 112.061 while in
2242 performance of their official duties.

2243 (10) A majority of the members of the authority shall
2244 constitute a quorum, and resolutions enacted or adopted by a
2245 vote of a majority of the members present and voting at any
2246 meeting are effective without publication, posting, or any
2247 further action of the authority.

2248 Section 46. Section 345.0004, Florida Statutes, is created
2249 to read:

2250 345.0004 Powers and duties.—

2251 (1) The authority shall plan, develop, finance, construct,
2252 reconstruct, improve, own, operate, and maintain a regional
2253 system in the area served by the authority. The authority may
2254 not exercise these powers with respect to an existing system for
2255 transporting people and goods by any means that is owned by
2256 another entity without the consent of that entity. If the
2257 authority acquires, purchases, or inherits an existing entity,
2258 the authority shall inherit and assume all rights, assets,
2259 appropriations, privileges, and obligations of the existing



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2260 entity.

2261 (2) The authority may exercise all powers necessary,
2262 appurtenant, convenient, or incidental to the carrying out of
2263 the purposes of this section, including, but not limited to, the
2264 following rights and powers:

2265 (a) To sue and be sued, implead and be impleaded, and
2266 complain and defend in all courts in its own name.

2267 (b) To adopt and use a corporate seal.

2268 (c) To have the power of eminent domain, including the
2269 procedural powers granted under chapters 73 and 74.

2270 (d) To acquire, purchase, hold, lease as a lessee, and use
2271 any property, real, personal, or mixed, tangible or intangible,
2272 or any interest therein, necessary or desirable for carrying out
2273 the purposes of the authority.

2274 (e) To sell, convey, exchange, lease, or otherwise dispose
2275 of any real or personal property acquired by the authority,
2276 including air rights, which the authority and the department
2277 have determined is not needed for the construction, operation,
2278 and maintenance of the system.

2279 (f) To fix, alter, charge, establish, and collect rates,
2280 fees, rentals, and other charges for the use of any system owned
2281 or operated by the authority, which rates, fees, rentals, and
2282 other charges must be sufficient to comply with any covenants
2283 made with the holders of any bonds issued under this act. This
2284 right and power may be assigned or delegated by the authority to
2285 the department.

2286 (g) To borrow money; to make and issue negotiable notes,
2287 bonds, refunding bonds, and other evidences of indebtedness or
2288 obligations, in temporary or definitive form, to finance all or



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2289 part of the improvement of the authority's system and
2290 appurtenant facilities, including the approaches, streets,
2291 roads, bridges, and avenues of access for the system and for any
2292 other purpose authorized by this chapter, the bonds to mature no
2293 more than 30 years after the date of the issuance; to secure the
2294 payment of such bonds or any part thereof by a pledge of its
2295 revenues, rates, fees, rentals, or other charges, including
2296 municipal or county funds received by the authority under an
2297 agreement between the authority and a municipality or county;
2298 and, in general, to provide for the security of the bonds and
2299 the rights and remedies of the holders of the bonds. However,
2300 municipal or county funds may not be pledged for the
2301 construction of a project for which a toll is to be charged
2302 unless the anticipated tolls are reasonably estimated by the
2303 governing board of the municipality or county, on the date of
2304 its resolution pledging the funds, to be sufficient to cover the
2305 principal and interest of such obligations during the period
2306 when the pledge of funds is in effect.

2307 1. The authority shall reimburse a municipality or county
2308 for sums spent from municipal or county funds used for the
2309 payment of the bond obligations.

2310 2. If the authority elects to fund or refund bonds issued
2311 by the authority before the maturity of the bonds, the proceeds
2312 of the funding or refunding bonds, pending the prior redemption
2313 of the bonds to be funded or refunded, shall be invested in
2314 direct obligations of the United States, and the outstanding
2315 bonds may be funded or refunded by the issuance of bonds under
2316 this chapter.

2317 (h) To make contracts of every name and nature, including,



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2318 but not limited to, partnerships providing for participation in
2319 ownership and revenues, and to execute each instrument necessary
2320 or convenient for the conduct of its business.

2321 (i) Without limitation of the foregoing, to cooperate with,
2322 to accept grants from, and to enter into contracts or other
2323 transactions with any federal agency, the state, or any agency
2324 or any other public body of the state.

2325 (j) To employ an executive director, attorney, staff, and
2326 consultants. Upon the request of the authority, the department
2327 shall furnish the services of a department employee to act as
2328 the executive director of the authority.

2329 (k) To accept funds or other property from private
2330 donations.

2331 (l) To act and do things necessary or convenient for the
2332 conduct of its business and the general welfare of the
2333 authority, in order to carry out the powers granted to it by
2334 this act or any other law.

2335 (3) The authority may not pledge the credit or taxing power
2336 of the state or a political subdivision or agency of the state.
2337 Obligations of the authority may not be considered to be
2338 obligations of the state or of any other political subdivision
2339 or agency of the state. Except for the authority, the state or
2340 any political subdivision or agency of the state is not liable
2341 for the payment of the principal of or interest on such
2342 obligations.

2343 (4) The authority may not, other than by consent of the
2344 affected county or an affected municipality, enter into an
2345 agreement that would legally prohibit the construction of a road
2346 by the county or the municipality.



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2347 (5) The authority shall comply with the statutory
2348 requirements of general application which relate to the filing
2349 of a report or documentation required by law, including the
2350 requirements of ss. 189.015, 189.016, 189.051, and 189.08.

2351 Section 47. Section 345.0005, Florida Statutes, is created
2352 to read:

2353 345.0005 Bonds.—

2354 (1) Bonds may be issued on behalf of the authority pursuant
2355 to the State Bond Act in such principal amount as the authority
2356 determines is necessary to achieve its corporate purposes,
2357 including construction, reconstruction, improvement, extension,
2358 and repair of the regional system; the acquisition cost of real
2359 property; interest on bonds during construction and for a
2360 reasonable period thereafter; and establishment of reserves to
2361 secure bonds.

2362 (2) Bonds issued on behalf of the authority under
2363 subsection (1) must:

2364 (a) Be authorized by resolution of the members of the
2365 authority and bear such date or dates; mature at such time or
2366 times not exceeding 30 years after their respective dates; bear
2367 interest at a rate or rates not exceeding the maximum rate fixed
2368 by general law for authorities; be in such denominations; be in
2369 such form, either coupon or fully registered; carry such
2370 registration, exchangeability, and interchangeability
2371 privileges; be payable in such medium of payment and at such
2372 place or places; be subject to such terms of redemption; and be
2373 entitled to such priorities of lien on the revenues and other
2374 available moneys as such resolution or any resolution after the
2375 bonds' issuance provides.



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2376 (b) Be sold at public sale in the manner provided in the
2377 State Bond Act. Temporary bonds or interim certificates may be
2378 issued to the purchaser or purchasers of such bonds pending the
2379 preparation of definitive bonds and may contain such terms and
2380 conditions as determined by the authority.

2381 (3) A resolution that authorizes bonds may specify
2382 provisions that must be part of the contract with the holders of
2383 the bonds as to:

2384 (a) The pledging of all or any part of the revenues,
2385 available municipal or county funds, or other charges or
2386 receipts of the authority derived from the regional system.

2387 (b) The construction, reconstruction, improvement,
2388 extension, repair, maintenance, and operation of the system, or
2389 any part or parts of the system, and the duties and obligations
2390 of the authority with reference thereto.

2391 (c) Limitations on the purposes to which the proceeds of
2392 the bonds, then or thereafter issued, or of any loan or grant by
2393 any federal agency or the state or any political subdivision of
2394 the state may be applied.

2395 (d) The fixing, charging, establishing, revising,
2396 increasing, reducing, and collecting of tolls, rates, fees,
2397 rentals, or other charges for use of the services and facilities
2398 of the system or any part of the system.

2399 (e) The setting aside of reserves or sinking funds and the
2400 regulation and disposition of such reserves or sinking funds.

2401 (f) Limitations on the issuance of additional bonds.

2402 (g) The terms of any deed of trust or indenture securing
2403 the bonds, or under which the bonds may be issued.

2404 (h) Any other or additional matters, of like or different



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2405 character, which in any way affect the security or protection of
2406 the bonds.

2407 (4) The authority may enter into deeds of trust,
2408 indentures, or other agreements with banks or trust companies
2409 within or without the state, as security for such bonds, and
2410 may, under such agreements, assign and pledge any of the
2411 revenues and other available moneys, including any available
2412 municipal or county funds, under the terms of this chapter. The
2413 deed of trust, indenture, or other agreement may contain
2414 provisions that are customary in such instruments or that the
2415 authority may authorize, including, but without limitation,
2416 provisions that:

2417 (a) Pledge any part of the revenues or other moneys
2418 lawfully available.

2419 (b) Apply funds and safeguard funds on hand or on deposit.

2420 (c) Provide for the rights and remedies of the trustee and
2421 the holders of the bonds.

2422 (d) Provide for the terms of the bonds or for resolutions
2423 authorizing the issuance of the bonds.

2424 (e) Provide for any additional matters, of like or
2425 different character, which affect the security or protection of
2426 the bonds.

2427 (5) Bonds issued under this act are negotiable instruments
2428 and have the qualities and incidents of negotiable instruments
2429 under the law merchant and the negotiable instruments law of the
2430 state.

2431 (6) A resolution that authorizes the issuance of authority
2432 bonds and pledges the revenues of the system must require that
2433 revenues of the system be periodically deposited into



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2434 appropriate accounts in sufficient sums to pay the costs of
2435 operation and maintenance of the system for the current fiscal
2436 year as set forth in the annual budget of the authority and to
2437 reimburse the department for any unreimbursed costs of operation
2438 and maintenance of the system from prior fiscal years before
2439 revenues of the system are deposited into accounts for the
2440 payment of interest or principal owing or that may become owing
2441 on such bonds.

2442 (7) State funds may not be used or pledged to pay the
2443 principal of or interest on any authority bonds, and all such
2444 bonds must contain a statement on their face to this effect.

2445 Section 48. Section 345.0006, Florida Statutes, is created
2446 to read:

2447 345.0006 Remedies of bondholders.—

2448 (1) The rights and the remedies granted to authority
2449 bondholders under this chapter are in addition to and not in
2450 limitation of any rights and remedies lawfully granted to such
2451 bondholders by the resolution or indenture providing for the
2452 issuance of bonds, or by any deed of trust, indenture, or other
2453 agreement under which the bonds may be issued or secured. If the
2454 authority defaults in the payment of the principal or interest
2455 on the bonds issued under this chapter after such principal or
2456 interest becomes due, whether at maturity or upon call for
2457 redemption, as provided in the resolution or indenture, and such
2458 default continues for 30 days, or if the authority fails or
2459 refuses to comply with this chapter or any agreement made with,
2460 or for the benefit of, the holders of the bonds, the holders of
2461 25 percent in aggregate principal amount of the bonds then
2462 outstanding are entitled as of right to the appointment of a



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2463 trustee to represent such bondholders for the purposes of the
2464 default if the holders of 25 percent in aggregate principal
2465 amount of the bonds then outstanding first give written notice
2466 to the authority and to the department of their intention to
2467 appoint a trustee.

2468 (2) The trustee and a trustee under a deed of trust,
2469 indenture, or other agreement may, or upon the written request
2470 of the holders of 25 percent or such other percentages specified
2471 in any deed of trust, indenture, or other agreement, in
2472 principal amount of the bonds then outstanding, shall, in any
2473 court of competent jurisdiction, in its own name:

2474 (a) By mandamus or other suit, action, or proceeding at
2475 law, or in equity, enforce all rights of the bondholders,
2476 including the right to require the authority to fix, establish,
2477 maintain, collect, and charge rates, fees, rentals, and other
2478 charges, adequate to carry out any agreement as to, or pledge
2479 of, the revenues, and to require the authority to carry out any
2480 other covenants and agreements with or for the benefit of the
2481 bondholders, and to perform its and their duties under this
2482 chapter.

2483 (b) Bring suit upon the bonds.

2484 (c) By action or suit in equity, require the authority to
2485 account as if it were the trustee of an express trust for the
2486 bondholders.

2487 (d) By action or suit in equity, enjoin any acts or things
2488 that may be unlawful or in violation of the rights of the
2489 bondholders.

2490 (3) A trustee, if appointed under this section or acting
2491 under a deed of trust, indenture, or other agreement, and



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2492 regardless of whether all bonds have been declared due and
2493 payable, is entitled to the appointment of a receiver. The
2494 receiver may enter upon and take possession of the system or the
2495 facilities or any part or parts of the system, the revenues, and
2496 other pledged moneys, for and on behalf of and in the name of,
2497 the authority and the bondholders. The receiver may collect and
2498 receive revenues and other pledged moneys in the same manner as
2499 the authority. The receiver shall deposit such revenues and
2500 moneys in a separate account and apply all such revenues and
2501 moneys remaining after allowance for payment of all costs of
2502 operation and maintenance of the system in such manner as the
2503 court directs. In a suit, action, or proceeding by the trustee,
2504 the fees, counsel fees, and expenses of the trustee, and the
2505 receiver, if any, and all costs and disbursements allowed by the
2506 court must be a first charge on any revenues after payment of
2507 the costs of operation and maintenance of the system. The
2508 trustee also has all other powers necessary or appropriate for
2509 the exercise of any functions specifically described in this
2510 section or incident to the representation of the bondholders in
2511 the enforcement and protection of their rights.

2512 (4) A receiver appointed pursuant to this section to
2513 operate and maintain the system or a facility or a part of a
2514 facility may not sell, assign, mortgage, or otherwise dispose of
2515 any of the assets belonging to the authority. The powers of the
2516 receiver are limited to the operation and maintenance of the
2517 system or any facility or part of a facility and to the
2518 collection and application of revenues and other moneys due the
2519 authority, in the name and for and on behalf of the authority
2520 and the bondholders. A holder of bonds or a trustee does not



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2521 have the right in any suit, action, or proceeding, at law or in
2522 equity, to compel a receiver, or a receiver may not be
2523 authorized or a court may not direct a receiver, to sell,
2524 assign, mortgage, or otherwise dispose of any assets of whatever
2525 kind or character belonging to the authority.

2526 Section 49. Section 345.0007, Florida Statutes, is created
2527 to read:

2528 345.0007 Department to construct, operate, and maintain
2529 facilities.—

2530 (1) The department is the agent of the authority for the
2531 purpose of performing all phases of a project, including, but
2532 not limited to, constructing improvements and extensions to the
2533 system, with the exception of the transit facilities. The
2534 division and the authority shall provide to the department
2535 complete copies of the documents, agreements, resolutions,
2536 contracts, and instruments that relate to the project and shall
2537 request that the department perform the construction work,
2538 including the planning, surveying, design, and actual
2539 construction of the completion of, extensions of, and
2540 improvements to the system. After the issuance of bonds to
2541 finance construction of an improvement or addition to the
2542 system, the division and the authority shall transfer to the
2543 credit of an account of the department in the State Treasury the
2544 necessary funds for construction. The department shall proceed
2545 with construction and use the funds for the purpose authorized
2546 by law for construction of roads and bridges. The authority may
2547 alternatively, with the consent and approval of the department,
2548 elect to appoint a local agency certified by the department to
2549 administer federal aid projects in accordance with federal law



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2550 as the authority's agent for the purpose of performing each
2551 phase of a project.

2552 (2) Notwithstanding subsection (1), the department is the
2553 agent of the authority for the purpose of operating and
2554 maintaining the system, with the exception of transit
2555 facilities. The costs incurred by the department for operation
2556 and maintenance shall be reimbursed from revenues of the system.
2557 The appointment of the department as agent for the authority
2558 does not create an independent obligation on the part of the
2559 department to operate and maintain a system. The authority shall
2560 remain obligated as principal to operate and maintain its
2561 system, and the authority's bondholders do not have an
2562 independent right to compel the department to operate or
2563 maintain the authority's system.

2564 (3) The authority shall fix, alter, charge, establish, and
2565 collect tolls, rates, fees, rentals, and other charges for the
2566 authority's facilities, as otherwise provided in this chapter.

2567 Section 50. Section 345.0008, Florida Statutes, is created
2568 to read:

2569 345.0008 Department contributions to authority projects.—

2570 (1) Subject to appropriation by the Legislature, the
2571 department may, at the request of the authority, pay all or part
2572 of the cost of financial, engineering, or traffic feasibility
2573 studies or of the design, financing, acquisition, or
2574 construction of an authority project or portion of the system
2575 that is included in the 10-year Strategic Intermodal Plan.

2576 (a) Pursuant to chapter 216, the department shall include
2577 funding for such payments in its legislative budget request. The
2578 request for funding may be included in the 5-year Tentative Work



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2579 Program developed under s. 339.135; however, it must appear as a
2580 distinct funding item in the legislative budget request and must
2581 be supported by a financial feasibility test provided by the
2582 department.

2583 (b) Funding provided for authority projects shall appear in
2584 the General Appropriations Act as a distinct fixed capital
2585 outlay item and must clearly identify the related authority
2586 project.

2587 (c) The department may not make a budget request to fund
2588 the acquisition or construction of a proposed authority project
2589 unless the estimated net revenues of the proposed project will
2590 be sufficient to pay at least 50 percent of the annual debt
2591 service on the bonds associated with the project by the end of
2592 12 years of operation and at least 100 percent of the debt
2593 service on the bonds by the end of 30 years of operation.

2594 (2) The department may use its engineers and other
2595 personnel, including consulting engineers and traffic engineers,
2596 to conduct the feasibility studies authorized under subsection
2597 (1).

2598 (3) The department may participate in authority-funded
2599 projects that, at a minimum:

2600 (a) Serve national, statewide, or regional functions and
2601 function as part of an integrated regional transportation
2602 system.

2603 (b) Are identified in the capital improvements element of a
2604 comprehensive plan that has been determined to be in compliance
2605 with part II of chapter 163. Further, the project shall be in
2606 compliance with local government comprehensive plan policies
2607 relative to corridor management.



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- 2608 (c) Are consistent with the Strategic Intermodal System
2609 Plan developed under s. 339.64.
- 2610 (d) Have a commitment for local, regional, or private
2611 financial matching funds as a percentage of the overall project
2612 cost.
- 2613 (4) Before approval, the department must determine that the
2614 proposed project:
- 2615 (a) Is in the public's best interest;
2616 (b) Does not require state funding, unless the project is
2617 on the State Highway System;
- 2618 (c) Has adequate safeguards in place to ensure that no
2619 additional costs will be imposed on or service disruptions will
2620 affect the traveling public and residents of this state if the
2621 department cancels or defaults on the agreement; and
- 2622 (d) Has adequate safeguards in place to ensure that the
2623 department and the authority have the opportunity to add
2624 capacity to the proposed project and other transportation
2625 facilities serving similar origins and destinations.
- 2626 (5) An obligation or expense incurred by the department
2627 under this section is a part of the cost of the authority
2628 project for which the obligation or expense was incurred. The
2629 department may require that money contributed by the department
2630 under this section be repaid from tolls of the project on which
2631 the money was spent, other revenue of the authority, or other
2632 sources of funds.
- 2633 (6) The department shall receive from the authority a share
2634 of the authority's net revenues equal to the ratio of the
2635 department's total contributions to the authority under this
2636 section to the sum of: the department's total contributions



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2637 under this section; contributions by any local government to the
2638 cost of revenue-producing authority projects; and the sale
2639 proceeds of authority bonds after payment of costs of issuance.
2640 For the purpose of this subsection, the net revenues of the
2641 authority are determined by deducting from gross revenues the
2642 payment of debt service, administrative expenses, operations and
2643 maintenance expenses, and all reserves required to be
2644 established under any resolution under which authority bonds are
2645 issued.

2646 Section 51. Section 345.0009, Florida Statutes, is created
2647 to read:

2648 345.0009 Acquisition of lands and property.-

2649 (1) For the purposes of this chapter, the authority may
2650 acquire private or public property and property rights,
2651 including rights of access, air, view, and light, by gift,
2652 devise, purchase, condemnation by eminent domain proceedings, or
2653 transfer from another political subdivision of the state, as the
2654 authority may find necessary for any of the purposes of this
2655 chapter, including, but not limited to, any lands reasonably
2656 necessary for securing applicable permits, areas necessary for
2657 management of access, borrow pits, drainage ditches, water
2658 retention areas, rest areas, replacement access for landowners
2659 whose access is impaired due to the construction of a facility,
2660 and replacement rights-of-way for relocated rail and utility
2661 facilities; for existing, proposed, or anticipated
2662 transportation facilities on the system or in a transportation
2663 corridor designated by the authority; or for the purposes of
2664 screening, relocation, removal, or disposal of junkyards and
2665 scrap metal processing facilities. Each authority shall also



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2666 have the power to condemn any material and property necessary
2667 for such purposes.

2668 (2) The authority shall exercise the right of eminent
2669 domain conferred under this section in the manner provided by
2670 law.

2671 (3) An authority that acquires property for a
2672 transportation facility or in a transportation corridor is not
2673 liable under chapter 376 or chapter 403 for preexisting soil or
2674 groundwater contamination due solely to its ownership. This
2675 section does not affect the rights or liabilities of any past or
2676 future owners of the acquired property or the liability of any
2677 governmental entity for the results of its actions which create
2678 or exacerbate a pollution source. The authority and the
2679 Department of Environmental Protection may enter into
2680 interagency agreements for the performance, funding, and
2681 reimbursement of the investigative and remedial acts necessary
2682 for property acquired by the authority.

2683 Section 52. Section 345.001, Florida Statutes, is created
2684 to read:

2685 345.001 Cooperation with other units, boards, agencies, and
2686 individuals.—A county, municipality, drainage district, road and
2687 bridge district, school district, or any other political
2688 subdivision, board, commission, or individual in, or of, the
2689 state may make and enter into a contract, lease, conveyance,
2690 partnership, or other agreement with the authority which
2691 complies with this chapter. The authority may make and enter
2692 into contracts, leases, conveyances, partnerships, and other
2693 agreements with any political subdivision, agency, or
2694 instrumentality of the state and any federal agency,



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2695 corporation, or individual to carry out the purposes of this
2696 chapter.

2697 Section 53. Section 345.0011, Florida Statutes, is created
2698 to read:

2699 345.0011 Covenant of the state.—The state pledges to, and
2700 agrees with, any person, firm, or corporation, or federal or
2701 state agency subscribing to or acquiring the bonds to be issued
2702 by the authority for the purposes of this chapter that the state
2703 will not limit or alter the rights vested by this chapter in the
2704 authority and the department until all bonds at any time issued,
2705 together with the interest thereon, are fully paid and
2706 discharged insofar as the rights vested in the authority and the
2707 department affect the rights of the holders of bonds issued
2708 under this chapter. The state further pledges to, and agrees
2709 with, the United States that if a federal agency constructs or
2710 contributes any funds for the completion, extension, or
2711 improvement of the system, or any parts of the system, the state
2712 will not alter or limit the rights and powers of the authority
2713 and the department in any manner that is inconsistent with the
2714 continued maintenance and operation of the system or the
2715 completion, extension, or improvement of the system, or that
2716 would be inconsistent with the due performance of any agreements
2717 between the authority and any such federal agency, and the
2718 authority and the department shall continue to have and may
2719 exercise all powers granted in this section, so long as the
2720 powers are necessary or desirable to carry out the purposes of
2721 this chapter and the purposes of the United States in the
2722 completion, extension, or improvement of the system, or any part
2723 of the system.



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2724 Section 54. Section 345.0012, Florida Statutes, is created
2725 to read:

2726 345.0012 Exemption from taxation.—The authority created
2727 under this chapter is for the benefit of the people of the
2728 state, for the increase of their commerce and prosperity, and
2729 for the improvement of their health and living conditions. The
2730 authority performs essential governmental functions under this
2731 chapter, therefore, the authority is not required to pay any
2732 taxes or assessments of any kind or nature upon any property
2733 acquired or used by it for such purposes, or upon any rates,
2734 fees, rentals, receipts, income, or charges received by it.
2735 Also, the bonds issued by the authority, their transfer and the
2736 income from their issuance, including any profits made on the
2737 sale of the bonds, shall be free from taxation by the state or
2738 by any political subdivision, taxing agency, or instrumentality
2739 of the state. The exemption granted by this section does not
2740 apply to any tax imposed by chapter 220 on interest, income, or
2741 profits on debt obligations owned by corporations.

2742 Section 55. Section 345.0013, Florida Statutes, is created
2743 to read:

2744 345.0013 Eligibility for investments and security.—Bonds or
2745 other obligations issued under this chapter are legal
2746 investments for banks, savings banks, trustees, executors,
2747 administrators, and all other fiduciaries, and for all state,
2748 municipal, and other public funds, and are also securities
2749 eligible for deposit as security for all state, municipal, or
2750 other public funds, notwithstanding any other law to the
2751 contrary.

2752 Section 56. Section 345.0014, Florida Statutes, is created



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2753 to read:

2754 345.0014 Applicability.—

2755 (1) The powers conferred by this chapter are in addition to
2756 the powers conferred by other laws and do not repeal any other
2757 general or special law or local ordinance, but supplement them,
2758 and provide a complete method for the exercise of the powers
2759 granted in this chapter. The extension and improvement of a
2760 system, and the issuance of bonds under this chapter to finance
2761 all or part of the cost of such extension or improvement, may be
2762 accomplished through compliance with this chapter without regard
2763 to or necessity for compliance with the limitations or
2764 restrictions contained in any other general, special, or local
2765 law, including, but not limited to, s. 215.821. Approval of any
2766 bonds issued under this act by the qualified electors or
2767 qualified electors who are freeholders in the state or in any
2768 political subdivision of the state is not required for the
2769 issuance of such bonds under this chapter.

2770 (2) This act does not repeal, rescind, or modify any other
2771 law relating to the State Board of Administration, the
2772 Department of Transportation, or the Division of Bond Finance of
2773 the State Board of Administration; however, this chapter
2774 supersedes any other law that is inconsistent with its
2775 provisions, including, but not limited to, s. 215.821.

2776 Section 57. (1) LEGISLATIVE FINDINGS AND INTENT.—The
2777 Legislature recognizes that the existing fuel tax structure used
2778 to derive revenues for the funding of transportation projects in
2779 this state will soon be inadequate to meet the state's needs. To
2780 address this emerging need, the Legislature directs the Center
2781 for Urban Transportation Research to establish an extensive



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2782 study on the impact of implementing a system that charges
2783 drivers based on the vehicle miles traveled as an alternative,
2784 sustainable source of transportation funding and to establish
2785 the framework for implementation of a pilot demonstration
2786 project. The Legislature recognizes that, over time, the current
2787 fuel tax structure has become less viable as the primary funding
2788 source for transportation projects. While the fuel tax has
2789 functioned as a true user fee for decades, significant increases
2790 in mandated vehicle fuel efficiency and the introduction of
2791 electric and hybrid vehicles have significantly eroded the
2792 revenues derived from this tax. The Legislature also recognizes
2793 that there are legitimate privacy concerns related to a tax
2794 mechanism that would charge users of the highway system on the
2795 basis of miles traveled. Other concerns include the cost of
2796 implementing such a system and institutional issues associated
2797 with revenue sharing. Therefore, it is the intent of the
2798 Legislature that this study and demonstration design will, at a
2799 minimum, address these issues. To accomplish this task, the
2800 Center for Urban Transportation Research in consultation with
2801 the Florida Transportation Commission shall establish a project
2802 advisory board to assist the center in analyzing this
2803 alternative funding concept and in developing specific elements
2804 of the pilot project that will demonstrate the feasibility of
2805 transitioning Florida to a transportation funding system based
2806 on vehicle miles traveled.

2807 (2) VEHICLE-MILES-TRAVELED STUDY.—The Center for Urban
2808 Transportation Research shall conduct a study on the viability
2809 of implementing a system in this state which charges drivers
2810 based on their vehicle miles traveled as an alternative to the



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2811 present fuel tax structure to fund transportation projects. The
2812 study will inventory previous research and findings from pilot
2813 projects being conducted in other states. The study will address
2814 at a minimum previous work conducted in these broad areas:
2815 assessment of technologies; behavioral and privacy concerns;
2816 equity impacts; and policy implications of a vehicle miles
2817 traveled road charging system. The effort will also quantify the
2818 current costs to collect traditional highway user fees. This
2819 study will synthesize findings of completed research and
2820 demonstrations in the area of vehicle-miles-traveled charges and
2821 analyze their applicability to Florida. The Center for Urban
2822 Transportation Research shall present the findings of this study
2823 phase to the Legislature no later than January 30, 2016.

2824 (3) VEHICLE-MILES-TRAVELED PILOT PROJECT DESIGN.—

2825 (a) In the course of the study, the Center for Urban
2826 Transportation Research in consultation with the Florida
2827 Transportation Commission shall establish the framework for a
2828 pilot project that will evaluate the feasibility of implementing
2829 a system that charges drivers based on their vehicle miles
2830 traveled.

2831 (b) In the design of the pilot project framework, the
2832 Center for Urban Transportation Research shall address at a
2833 minimum these elements: the geographic location for the pilot;
2834 special fleets or classes of vehicles; evaluation criteria for
2835 the demonstration; consumer choice in the method of reporting
2836 miles traveled; privacy options for participants in the pilot
2837 project; the recording of miles traveled with and without
2838 locational information; records retention and destruction; and
2839 cyber security.



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2840 (c) Contingent upon legislative appropriation, the Center
2841 for Urban Transportation Research may expend up to \$400,000 for
2842 the study and pilot project design.

2843 (d) The pilot project design shall be completed no later
2844 than December 31, 2016, and submitted in a report to the
2845 Legislature so that implementation of a pilot project can occur
2846 in 2017.

2847 Section 58. For the purpose of incorporating the amendment
2848 made by this act to section 333.01, Florida Statutes, in a
2849 reference thereto, subsection (6) of section 350.81, Florida
2850 Statutes, is reenacted to read:

2851 350.81 Communications services offered by governmental
2852 entities.—

2853 (6) To ensure the safe and secure transportation of
2854 passengers and freight through an airport facility, as defined
2855 in s. 159.27(17), an airport authority or other governmental
2856 entity that provides or is proposing to provide communications
2857 services only within the boundaries of its airport layout plan,
2858 as defined in s. 333.01(6), to subscribers which are integral
2859 and essential to the safe and secure transportation of
2860 passengers and freight through the airport facility, is exempt
2861 from this section. An airport authority or other governmental
2862 entity that provides or is proposing to provide shared-tenant
2863 service under s. 364.339, but not dial tone enabling subscribers
2864 to complete calls outside the airport layout plan, to one or
2865 more subscribers within its airport layout plan which are not
2866 integral and essential to the safe and secure transportation of
2867 passengers and freight through the airport facility is exempt
2868 from this section. An airport authority or other governmental



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2869 entity that provides or is proposing to provide communications
2870 services to one or more subscribers within its airport layout
2871 plan which are not integral and essential to the safe and secure
2872 transportation of passengers and freight through the airport
2873 facility, or to one or more subscribers outside its airport
2874 layout plan, is not exempt from this section. By way of example
2875 and not limitation, the integral, essential subscribers may
2876 include airlines and emergency service entities, and the
2877 nonintegral, nonessential subscribers may include retail shops,
2878 restaurants, hotels, or rental car companies.

2879 Section 59. This act shall take effect July 1, 2015.