

By Senator Brandes

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1                                   A bill to be entitled  
2           An act relating to transportation; amending s. 20.23,  
3           F.S.; deleting the requirement that the Secretary of  
4           Transportation appoint an inspector general pursuant  
5           to s. 20.055, F.S.; deleting the requirement that the  
6           district director for the Fort Myers Urban Office of  
7           the Department of Transportation be responsible for  
8           developing the 5-year Transportation Plan and other  
9           services for specified counties; amending s. 215.82,  
10          F.S.; removing a cross-reference relating to actions  
11          to validate bonds; amending s. 260.0144, F.S.;  
12          providing that certain commercial sponsorship may be  
13          displayed on state greenway and trail facilities not  
14          included within the Florida Shared-Use Nonmotorized  
15          Trail Network; deleting provisions relating to the  
16          authorization of sponsored state greenways and trails  
17          at specified facilities or property; amending s.  
18          311.07, F.S.; increasing the minimum amount per year  
19          that shall be made available from the State  
20          Transportation Fund to fund the Florida Seaport  
21          Transportation and Economic Development Program;  
22          amending s. 311.09, F.S.; increasing the amount per  
23          year the department shall include in its annual  
24          legislative budget request for the Florida Seaport  
25          Transportation and Economic Development Program;  
26          amending s. 316.003, F.S.; redefining the terms  
27          "crosswalk" and "sidewalk"; defining the term "port-  
28          of-entry"; amending s. 316.130, F.S.; revising traffic  
29          regulations relating to pedestrians crossing roadways;

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30 amending s. 316.545, F.S.; providing a specified  
31 penalty for commercial motor vehicles that obtain  
32 temporary registration permits entering the state at,  
33 or operating on designated routes to, a port-of-entry  
34 location; amending s. 333.01, F.S.; defining terms;  
35 redefining terms; amending s. 333.025, F.S.; revising  
36 requirements relating to securing a permit for the  
37 proposed construction or alteration of structures that  
38 would exceed specified federal obstruction standards;  
39 requiring such permits only within an airport hazard  
40 area if the proposed construction is within a set  
41 radius of a certain airport reference point; providing  
42 that existing, planned, and proposed facilities at  
43 public-use airports contained in certain plans or  
44 documents will be protected from structures that  
45 exceed federal obstruction standards; providing that a  
46 permit is not required when political subdivisions  
47 have adopted adequate airport protection zoning  
48 regulations and have established a permitting process,  
49 subject to certain requirements; providing for a  
50 review period by the department to run concurrent with  
51 such permitting process, subject to certain  
52 requirements and exemptions; specifying certain  
53 factors the department shall consider in determining  
54 whether to issue or deny a permit; directing the  
55 department to require an owner of a permitted  
56 obstruction or vegetation to install, operate, and  
57 maintain marking and lighting subject to certain  
58 requirements; prohibiting a permit from being approved

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59 solely on the basis that a proposed structure will not  
60 exceed specified federal obstruction standards;  
61 providing certain administrative review for the denial  
62 of a permit; amending s. 333.03, F.S.; revising the  
63 requirements relating to the adoption of airport  
64 protection zoning regulations by certain political  
65 subdivisions; revising the requirements of such  
66 adopted airport protection zoning regulations;  
67 providing that the department is available to assist  
68 political subdivisions with regard to federal  
69 obstruction standards; revising requirements relating  
70 to airport land use compatibility zoning regulations  
71 that address, at a minimum, landfill locations and  
72 noise contours; requiring adoption of airport zoning  
73 regulations that restrict substantial modifications to  
74 existing incompatible uses within runway protection  
75 zones; requiring that updates and amendments to local  
76 airport zoning codes, rules, and regulations be filed  
77 with the department within a certain time after  
78 adoption; revising requirements relating to  
79 educational structures or sites; providing that a  
80 governing body operating a public-use airport may  
81 establish more restrictive airport protection zoning  
82 regulations for certain purposes; amending s. 333.04,  
83 F.S.; revising provisions relating to comprehensive  
84 plan or policy regulations, including airport  
85 protection zoning regulations under certain  
86 circumstances; amending s. 333.05, F.S.; revising  
87 provisions relating to the procedure for adoption,

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88 amendment, or deletion of airport zoning regulations;  
89 revising provisions relating to airport zoning  
90 commissions; amending s. 333.06, F.S.; revising  
91 provisions relating to airport zoning requirements,  
92 and airport master plans that are prepared by certain  
93 public-use airports; repealing s. 333.065, F.S.,  
94 relating to guidelines regarding land use near  
95 airports; amending s. 333.07, F.S.; revising  
96 provisions relating to permits for use of structures  
97 or vegetation in violation of airport protection  
98 zoning regulations; specifying factors a political  
99 subdivision or its administrative agency must consider  
100 when determining whether to issue or deny a permit;  
101 deleting provisions relating to applying for a  
102 variance from zoning regulations; revising provisions  
103 relating to obstruction marking and lighting  
104 requirements when a political subdivision or its  
105 administrative agency issues a permit; repealing s.  
106 333.08, F.S., relating to appeals in regard to airport  
107 zoning regulations; amending s. 333.09, F.S.;

108 requiring all airport zoning regulations to provide  
109 for the administration and enforcement of such  
110 regulations by the affected political subdivisions or  
111 an administrative agency created by the subdivisions;  
112 requiring a political subdivision that must adopt  
113 airport zoning regulations to provide a permitting  
114 process subject to certain requirements and  
115 exceptions; providing for an appeals process for  
116 decisions in the administration of airport zoning

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117 regulations, subject to certain requirements;  
118 repealing s. 333.10, F.S., relating to boards of  
119 adjustment provided for by all airport zoning  
120 regulations; amending s. 333.11, F.S.; revising  
121 provisions relating to judicial review for decisions  
122 made by any governing body of a political subdivision,  
123 joint airport zoning board, or administrative agency;  
124 requiring the appellant to exhaust all its remedies  
125 through application for local government permits,  
126 exceptions, and appeals before judicial appeal is  
127 permitted; amending s. 333.12, F.S.; revising  
128 provisions relating to the acquisition of air rights;  
129 providing that a certain political subdivision may  
130 acquire air right, avigation easement, other estate,  
131 or interest in a nonconforming structure or use that  
132 presents an air hazard and cannot be removed, lowered,  
133 or otherwise terminated, subject to certain  
134 requirements; creating s. 333.135, F.S.; requiring  
135 that certain airport zoning regulations be amended to  
136 conform by a certain date; requiring certain political  
137 subdivisions to adopt airport zoning regulations for  
138 an airport hazard area by a certain date; directing  
139 the department to administer the permitting process  
140 for local governments that have not adopted airport  
141 protection zoning regulations; repealing s. 333.14,  
142 F.S., relating to a short title; amending s. 334.03,  
143 F.S.; redefining the term "511" or "511 services";  
144 deleting the term "interactive voice response";  
145 amending s. 334.044, F.S.; removing the provision of

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146 interactive voice response telephone systems  
147 accessible via the 511 number that may be included in  
148 traveler information systems; amending s. 334.60,  
149 F.S.; revising provisions relating to the 511 traveler  
150 information system; amending s. 335.065, F.S.;  
151 deleting provisions relating to certain commercial  
152 sponsorship displays on multiuse trails and related  
153 facilities; deleting provisions relating to funding a  
154 statewide system of interconnected multiuse trails;  
155 creating s. 335.21, F.S.; requiring the governing body  
156 of any independent special district created to  
157 regulate the operation of public vehicles on public  
158 highways to consist of a certain number of members;  
159 providing appointment requirements for such members;  
160 amending s. 338.165, F.S.; removing an option to issue  
161 certain bonds secured by toll revenues collected on  
162 the Beeline East Expressway and the Navarre Bridge;  
163 amending s. 338.227, F.S.; providing that bonds issued  
164 are not required to be validated pursuant to ch. 75,  
165 F.S., but may be validated at the option of the  
166 Division of Bond Finance; providing filing, notice,  
167 and service requirements relating to complaints for  
168 such validation; amending s. 338.231, F.S.; increasing  
169 the number of years before an inactive prepaid toll  
170 account shall be presumed unclaimed; creating s.  
171 339.81, F.S.; creating the Florida Shared-Use  
172 Nonmotorized Trail Network; specifying the  
173 composition, purpose, and requirements of the network;  
174 authorizing the department certain powers related to

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175 planning, development, operation, and maintenance of  
176 the network; creating s. 339.82, F.S.; directing the  
177 department to develop a Shared-Use Nonmotorized Trail  
178 Network Plan, subject to certain requirements;  
179 creating s. 339.83, F.S.; creating a trail sponsorship  
180 program, subject to certain requirements and  
181 restrictions; directing the Office of Economic and  
182 Demographic Research to evaluate and determine the  
183 economic benefits of the state's investment in the  
184 Department of Transportation's adopted work program  
185 for a certain timeframe, subject to certain  
186 requirements; directing the Department of  
187 Transportation and each of its district offices to  
188 provide the Office of Economic and Demographic  
189 Research full access to certain data; requiring the  
190 Office of Economic and Demographic Research to submit  
191 the analysis to the Legislature by a certain date;  
192 reenacting s. 350.81(6), F.S., relating to the  
193 definition of the term "airport layout plan," to  
194 incorporate the amendment made to s. 333.01, F.S., in  
195 a reference thereto; providing an effective date.

196

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

198

199 Section 1. Paragraph (d) of subsection (3) and paragraph  
200 (d) of subsection (4) of section 20.23, Florida Statutes, are  
201 amended to read:

202

203

20.23 Department of Transportation.—There is created a  
Department of Transportation which shall be a decentralized

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204 agency.

205 (3)

206 ~~(d) The secretary shall appoint an inspector general~~  
207 ~~pursuant to s. 20.055 who shall be directly responsible to the~~  
208 ~~secretary and shall serve at the pleasure of the secretary.~~

209 (4)

210 ~~(d) The district director for the Fort Myers Urban Office~~  
211 ~~of the Department of Transportation is responsible for~~  
212 ~~developing the 5-year Transportation Plan for Charlotte,~~  
213 ~~Collier, DeSoto, Glades, Hendry, and Lee Counties. The Fort~~  
214 ~~Myers Urban Office also is responsible for providing policy,~~  
215 ~~direction, local government coordination, and planning for those~~  
216 ~~counties.~~

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

219 215.82 Validation; when required.—

220 (2) Any bonds issued pursuant to this act which are  
221 validated shall be validated in the manner provided by chapter  
222 75. In actions to validate bonds to be issued in the name of the  
223 State Board of Education under s. 9(a) and (d), Art. XII of the  
224 State Constitution and bonds to be issued pursuant to chapter  
225 259, the Land Conservation Act of 1972, the complaint shall be  
226 filed in the circuit court of the county where the seat of state  
227 government is situated, the notice required to be published by  
228 s. 75.06 shall be published only in the county where the  
229 complaint is filed, and the complaint and order of the circuit  
230 court shall be served only on the state attorney of the circuit  
231 in which the action is pending. In any action to validate bonds  
232 issued pursuant to s. 1010.62 or issued pursuant to s. 9(a)(1),

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233 Art. XII of the State Constitution or issued pursuant to s.  
234 215.605 ~~or s. 338.227~~, the complaint shall be filed in the  
235 circuit court of the county where the seat of state government  
236 is situated, the notice required to be published by s. 75.06  
237 shall be published in a newspaper of general circulation in the  
238 county where the complaint is filed and in two other newspapers  
239 of general circulation in the state, and the complaint and order  
240 of the circuit court shall be served only on the state attorney  
241 of the circuit in which the action is pending; provided,  
242 however, that if publication of notice pursuant to this section  
243 would require publication in more newspapers than would  
244 publication pursuant to s. 75.06, such publication shall be made  
245 pursuant to s. 75.06.

246 Section 3. Section 260.0144, Florida Statutes, is amended  
247 to read:

248 260.0144 Sponsorship of state greenways and trails.—The  
249 department may enter into a concession agreement with a not-for-  
250 profit entity or private sector business or entity for  
251 commercial sponsorship to be displayed on state greenway and  
252 trail facilities not included within the Florida Shared-Use  
253 Nonmotorized Trail Network established in chapter 339 ~~or~~  
254 ~~property specified in this section~~. The department may establish  
255 the cost for entering into a concession agreement.

256 (1) A concession agreement shall be administered by the  
257 department and must include the requirements found in this  
258 section.

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

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

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

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

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

272 (d) The department shall ensure that the size, color,  
273 materials, construction, and location of all signs are  
274 consistent with the management plan for the property and the  
275 standards of the department, do not intrude on natural and  
276 historic settings, and contain only a logo selected by the  
277 sponsor and the following sponsorship wording:

278  
279 ... (Name of the sponsor) ... proudly sponsors the costs  
280 of maintaining the ... (Name of the greenway or  
281 trail) ....

282  
283 ~~(e) Sponsored state greenways and trails are authorized at~~  
284 ~~the following facilities or property:~~

285 1. ~~Florida Keys Overseas Heritage Trail.~~

286 2. ~~Blackwater Heritage Trail.~~

287 3. ~~Tallahassee St. Marks Historic Railroad State Trail.~~

288 4. ~~Nature Coast State Trail.~~

289 5. ~~Withlacoochee State Trail.~~

290 6. ~~General James A. Van Fleet State Trail.~~

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291 ~~7. Palatka Lake Butler State Trail.~~

292 (e)~~(f)~~ The department may enter into commercial sponsorship  
293 agreements for other state greenways or trails as authorized in  
294 this section. A qualified entity that desires to enter into a  
295 commercial sponsorship agreement shall apply to the department  
296 on forms adopted by department rule.

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

300 (3) A concession agreement shall be for a minimum of 1  
301 year, but may be for a longer period under a multiyear  
302 agreement, and may be terminated for just cause by the  
303 department upon 60 days' advance notice. Just cause for  
304 termination of a concession agreement includes, but is not  
305 limited to, violation of the terms of the concession agreement  
306 or any provision of this section.

307 (4) Commercial sponsorship pursuant to a concession  
308 agreement is for public relations or advertising purposes of the  
309 not-for-profit entity or private sector business or entity, and  
310 may not be construed by that not-for-profit entity or private  
311 sector business or entity as having a relationship to any other  
312 actions of the department.

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

315 (6) Proceeds from concession agreements shall be  
316 distributed as follows:

317 (a) Eighty-five percent shall be deposited into the  
318 appropriate department trust fund that is the source of funding  
319 for management and operation of state greenway and trail

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320 facilities and properties.

321 (b) Fifteen percent shall be deposited into the State  
322 Transportation Trust Fund for use in the Traffic and Bicycle  
323 Safety Education Program and the Safe Paths to School Program  
324 administered by the Department of Transportation.

325 (7) The department may adopt rules to administer this  
326 section.

327 Section 4. Subsection (2) of section 311.07, Florida  
328 Statutes, is amended to read:

329 311.07 Florida seaport transportation and economic  
330 development funding.—

331 (2) A minimum of \$25 ~~\$15~~ million per year shall be made  
332 available from the State Transportation Trust Fund to fund the  
333 Florida Seaport Transportation and Economic Development Program.  
334 The Florida Seaport Transportation and Economic Development  
335 Council created in s. 311.09 shall develop guidelines for  
336 project funding. Council staff, the Department of  
337 Transportation, and the Department of Economic Opportunity shall  
338 work in cooperation to review projects and allocate funds in  
339 accordance with the schedule required for the Department of  
340 Transportation to include these projects in the tentative work  
341 program developed pursuant to s. 339.135(4).

342 Section 5. Subsection (9) of section 311.09, Florida  
343 Statutes, is amended to read:

344 311.09 Florida Seaport Transportation and Economic  
345 Development Council.—

346 (9) The Department of Transportation shall include at least  
347 \$25 ~~no less than \$15~~ million per year in its annual legislative  
348 budget request for the Florida Seaport Transportation and

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349 Economic Development Program funded under s. 311.07. Such budget  
350 shall include funding for projects approved by the council which  
351 have been determined by each agency to be consistent. The  
352 department shall include the specific approved Florida Seaport  
353 Transportation and Economic Development Program projects to be  
354 funded under s. 311.07 during the ensuing fiscal year in the  
355 tentative work program developed pursuant to s. 339.135(4). The  
356 total amount of funding to be allocated to Florida Seaport  
357 Transportation and Economic Development Program projects under  
358 s. 311.07 during the successive 4 fiscal years shall also be  
359 included in the tentative work program developed pursuant to s.  
360 339.135(4). The council may submit to the department a list of  
361 approved projects that could be made production-ready within the  
362 next 2 years. The list shall be submitted by the department as  
363 part of the needs and project list prepared pursuant to s.  
364 339.135(2)(b). However, the department shall, upon written  
365 request of the Florida Seaport Transportation and Economic  
366 Development Council, submit work program amendments pursuant to  
367 s. 339.135(7) to the Governor within 10 days after the later of  
368 the date the request is received by the department or the  
369 effective date of the amendment, termination, or closure of the  
370 applicable funding agreement between the department and the  
371 affected seaport, as required to release the funds from the  
372 existing commitment. Notwithstanding s. 339.135(7)(c), any work  
373 program amendment to transfer prior year funds from one approved  
374 seaport project to another seaport project is subject to the  
375 procedures in s. 339.135(7)(d). Notwithstanding any provision of  
376 law to the contrary, the department may transfer unexpended  
377 budget between the seaport projects as identified in the

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378 approved work program amendments.

379 Section 6. Subsections (6) and (47) of section 316.003,  
380 Florida Statutes, are amended, and subsection (94) is added to  
381 that section, to read:

382 316.003 Definitions.—The following words and phrases, when  
383 used in this chapter, shall have the meanings respectively  
384 ascribed to them in this section, except where the context  
385 otherwise requires:

386 (6) CROSSWALK.—

387 (a) Unmarked crosswalk.—An unmarked part of the roadway at  
388 an intersection used by pedestrians for crossing the roadway  
389 ~~That part of a roadway at an intersection included within the~~  
390 ~~connections of the lateral lines of the sidewalks on opposite~~  
391 ~~sides of the highway, measured from the curbs or, in the absence~~  
392 ~~of curbs, from the edges of the traversable roadway.~~

393 (b) Marked crosswalks.—Pavement marking lines on the  
394 roadway surface, which may include contrasting pavement texture,  
395 style, or colored portions of the roadway at an intersection  
396 used by pedestrians for crossing the roadway ~~Any portion of a~~  
397 ~~roadway at an intersection or elsewhere distinctly indicated for~~  
398 ~~pedestrian crossing by lines or other markings on the surface.~~

399 (c) Midblock crosswalk.—A location between intersections  
400 where the roadway surface is marked by pavement marking lines on  
401 the roadway surface, which may include contrasting pavement  
402 texture, style or colored portion of the roadway at a signalized  
403 or unsignalized crosswalk used for pedestrian roadway crossings  
404 and may include a pedestrian refuge island.

405 (47) SIDEWALK.—That portion of a street ~~between the~~  
406 ~~curbline, or the lateral line, of a roadway and the adjacent~~

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407 ~~property lines,~~ intended for use by pedestrians, adjacent to the  
408 roadway between the curb or edge of the roadway and the property  
409 line.

410 (94) PORT-OF-ENTRY.—A designated location that allows  
411 drivers of commercial motor vehicles to purchase temporary  
412 registration permits necessary to operate legally within the  
413 state. The locations and the designated routes to such locations  
414 shall be determined by the Department of Transportation.

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

417 316.130 Pedestrians; traffic regulations.—

418 (7)

419 (b) The driver of a vehicle at any crosswalk location where  
420 the approach is not controlled by a traffic signal or stop sign  
421 must signage so indicates shall stop and remain stopped to allow  
422 a pedestrian to cross a roadway when the pedestrian is in the  
423 crosswalk or steps into the crosswalk and is upon the half of  
424 the roadway upon which the vehicle is traveling or turning, or  
425 when the pedestrian is approaching so closely from the opposite  
426 half of the roadway as to be in danger. Any pedestrian crossing  
427 a roadway at a point where a pedestrian tunnel or overhead  
428 pedestrian crossing has been provided must yield the right-of-  
429 way to all vehicles upon the roadway.

430 ~~(c) When traffic control signals are not in place or in~~  
431 ~~operation and there is no signage indicating otherwise, the~~  
432 ~~driver of a vehicle shall yield the right-of-way, slowing down~~  
433 ~~or stopping if need be to so yield, to a pedestrian crossing the~~  
434 ~~roadway within a crosswalk when the pedestrian is upon the half~~  
435 ~~of the roadway upon which the vehicle is traveling or when the~~

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436 ~~pedestrian is approaching so closely from the opposite half of~~  
437 ~~the roadway as to be in danger. Any pedestrian crossing a~~  
438 ~~roadway at a point where a pedestrian tunnel or overhead~~  
439 ~~pedestrian crossing has been provided shall yield the right of-~~  
440 ~~way to all vehicles upon the roadway.~~

441 Section 8. Paragraph (b) of subsection (2) of section  
442 316.545, Florida Statutes, is amended to read:

443 316.545 Weight and load unlawful; special fuel and motor  
444 fuel tax enforcement; inspection; penalty; review.—

445 (2)

446 (b) The officer or inspector shall inspect the license  
447 plate or registration certificate of the commercial vehicle, as  
448 defined in s. 316.003(66), to determine if its gross weight is  
449 in compliance with the declared gross vehicle weight. If its  
450 gross weight exceeds the declared weight, the penalty shall be 5  
451 cents per pound on the difference between such weights. In those  
452 cases when the commercial vehicle, as defined in s. 316.003(66),  
453 is being operated over the highways of the state with an expired  
454 registration or with no registration from this or any other  
455 jurisdiction or is not registered under the applicable  
456 provisions of chapter 320, the penalty herein shall apply on the  
457 basis of 5 cents per pound on that scaled weight which exceeds  
458 35,000 pounds on laden truck tractor-semitrailer combinations or  
459 tandem trailer truck combinations, 10,000 pounds on laden  
460 straight trucks or straight truck-trailer combinations, or  
461 10,000 pounds on any unladen commercial motor vehicle. A  
462 commercial motor vehicle entering the state at a designated  
463 port-of-entry location, as defined in s. 316.003(94), or  
464 operating on designated routes to a port-of-entry location,

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465 which obtains a temporary registration permit shall be assessed  
466 a penalty limited to the difference between its gross weight and  
467 the declared gross vehicle weight at 5 cents per pound. If the  
468 license plate or registration has not been expired for more than  
469 90 days, the penalty imposed under this paragraph may not exceed  
470 \$1,000. In the case of special mobile equipment as defined in s.  
471 316.003(48), which qualifies for the license tax provided for in  
472 s. 320.08(5)(b), being operated on the highways of the state  
473 with an expired registration or otherwise not properly  
474 registered under the applicable provisions of chapter 320, a  
475 penalty of \$75 shall apply in addition to any other penalty  
476 which may apply in accordance with this chapter. A vehicle found  
477 in violation of this section may be detained until the owner or  
478 operator produces evidence that the vehicle has been properly  
479 registered. Any costs incurred by the retention of the vehicle  
480 shall be the sole responsibility of the owner. A person who has  
481 been assessed a penalty pursuant to this paragraph for failure  
482 to have a valid vehicle registration certificate pursuant to the  
483 provisions of chapter 320 is not subject to the delinquent fee  
484 authorized in s. 320.07 if such person obtains a valid  
485 registration certificate within 10 working days after such  
486 penalty was assessed.

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

489 333.01 Definitions.—For the purpose of this chapter, the  
490 following words, terms, and phrases shall have the following  
491 meanings ~~herein given, unless otherwise specifically defined, or~~  
492 ~~unless another intention clearly appears, or the context~~  
493 ~~otherwise requires:~~

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494 (1) "Aeronautical study" means a Federal Aviation  
495 Administration review conducted pursuant to 14 C.F.R. part 77,  
496 concerning the effect of proposed construction or alteration on  
497 the use of air navigation facilities or navigable airspace by  
498 aircraft. "Aeronautics" means transportation by aircraft; the  
499 operation, construction, repair, or maintenance of aircraft,  
500 aircraft power plants and accessories, including the repair,  
501 packing, and maintenance of parachutes; the design,  
502 establishment, construction, extension, operation, improvement,  
503 repair, or maintenance of airports, restricted landing areas, or  
504 other air navigation facilities, and air instruction.

505 (2) "Airport" means any area of land or water designed and  
506 set aside for the landing and taking off of aircraft and  
507 utilized or to be utilized in the interest of the public for  
508 such purpose.

509 (3) "Airport hazard" means any obstruction ~~structure or~~  
510 ~~tree or use of land~~ which exceeds ~~would exceed~~ the federal  
511 obstruction standards as contained in 14 C.F.R. ss. 77.15,  
512 77.17, 77.19, 77.21, and 77.23 ~~77.21, 77.23, 77.25, 77.28, and~~  
513 ~~77.29~~ and which obstructs the airspace required for the flight  
514 of aircraft in taking off, maneuvering, or landing; or is  
515 otherwise hazardous to such taking off, maneuvering, or landing  
516 of aircraft and for which no person has ~~previously~~ obtained a  
517 permit ~~or variance~~ pursuant to s. 333.025 or s. 333.07.

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

521 (5) "Airport land use compatibility zoning" means airport  
522 zoning regulations regulating ~~restricting~~ the use of land

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523 adjacent to or in the immediate vicinity of airports in the  
524 manner provided ~~enumerated~~ in s. 333.03(2) ~~to activities and (3)~~  
525 ~~purposes compatible with the continuation of normal airport~~  
526 ~~operations including landing and takeoff of aircraft in order to~~  
527 ~~promote public health, safety, and general welfare.~~

528 (6) "Airport layout plan" means a scaled detailed, scale  
529 engineering drawing or set of drawings in either paper or  
530 electronic form of the existing, including pertinent dimensions,  
531 of an airport's current and planned airport facilities which  
532 provides a graphic representation of the existing and long-term  
533 development plan for the airport and demonstrates the  
534 preservation and continuity of safety, utility, and efficiency  
535 of the airport, their locations, and runway usage.

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

539 (8) "Department" means the Department of Transportation as  
540 created by s. 20.23.

541 (9) "Educational facility" means any structure, land, or  
542 use thereof that includes a public or private kindergarten  
543 through 12th grade school, charter school, magnet school, state  
544 college campus, or university campus. Space used for educational  
545 purposes within a multitenant building may not be treated as an  
546 educational facility for the purpose of this chapter.

547 (10) "Landfill" means the same as the term is defined in s.  
548 403.703.

549 (11) ~~(7)~~ "Obstruction" means any object of natural growth,  
550 terrain, or permanent or temporary construction or alteration,  
551 including equipment or materials used and any permanent or

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552 temporary apparatus, or alteration of any permanent or temporary  
553 existing structure by a change in its height, including  
554 appurtenances, or lateral dimensions, including equipment or  
555 material used therein, existing or proposed, which exceeds  
556 ~~manmade object or object of natural growth or terrain that~~  
557 ~~violates~~ the standards contained in 14 C.F.R. ss. 77.15, 77.17,  
558 77.19, 77.21, and 77.23 ~~77.21, 77.23, 77.25, 77.28, and 77.29.~~

559 (12)~~(8)~~ "Person" means any individual, firm, copartnership,  
560 corporation, company, association, joint-stock association, or  
561 body politic, and includes any trustee, receiver, assignee, or  
562 other similar representative thereof.

563 (13)~~(9)~~ "Political subdivision" means the local government  
564 of any county, city, town, village, or other subdivision or  
565 agency thereof, or any district or special district, port  
566 commission, port authority, or other such agency authorized to  
567 establish or operate airports in the state.

568 (14) "Public-use airport" means an airport, publicly or  
569 privately owned, which is open for use by the public.

570 (15)~~(10)~~ "Runway protection clear zone" or "RPZ" means an  
571 area at ground level beyond the a runway end intended to enhance  
572 the safety and protection of people and property on the ground  
573 ~~clear zone as defined in 14 C.F.R. s. 151.9(b).~~

574 (16)~~(11)~~ "Structure" means any object, constructed,  
575 erected, altered, or installed by humans, including, but without  
576 limitation thereof, buildings, towers, smokestacks, utility  
577 poles, power generation equipment, and overhead transmission  
578 lines.

579 (17) "Substantial modification" means any repair,  
580 reconstruction, rehabilitation, or improvement of a structure

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581 when the actual cost of the repair, reconstruction,  
582 rehabilitation, or improvement of the structure equals or  
583 exceeds 50 percent of the market value of the structure.

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

585 Section 10. Section 333.025, Florida Statutes, is amended  
586 to read:

587 333.025 Permit required for structures exceeding federal  
588 obstruction standards.-

589 (1) A person proposing the construction or alteration in  
590 ~~order to prevent the erection~~ of structures hazardous dangerous  
591 to air navigation, subject to the provisions of subsections (2),  
592 (3), and (4), must each person shall secure from the department  
593 ~~of Transportation~~ a permit for the proposed construction or  
594 ~~erection, alteration, or modification~~ of any structure the  
595 result of which would exceed the federal obstruction standards  
596 as contained in 14 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and  
597 77.23 77.21, 77.23, 77.25, 77.28, and 77.29. However, permits  
598 from the department ~~of Transportation~~ will be required only  
599 within an airport hazard area where federal obstruction  
600 standards are exceeded and if the proposed construction is  
601 within a 10-nautical-mile radius of the airport reference point,  
602 located at the approximate geometric geographical center of all  
603 useable runways of public-use airports or a publicly owned or  
604 ~~operated airport, a military airport, or an airport licensed by~~  
605 ~~the state for public use.~~

606 (2) Existing, planned, and proposed ~~Affected airports will~~  
607 ~~be considered as having those facilities at public-use airports~~  
608 contained in an which are shown on the airport master plan, on  
609 ~~or~~ an airport layout plan submitted to the Federal Aviation

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610 Administration Airport District Office, or in comparable  
611 military documents, ~~and will be so protected~~ from structures  
612 that exceed federal obstruction standards. Planned or proposed  
613 ~~public use airports which are the subject of a notice or~~  
614 ~~proposal submitted to the Federal Aviation Administration or to~~  
615 ~~the Department of Transportation shall also be protected.~~

616 (3) Permit requirements of subsection (1) ~~do~~ shall not  
617 apply to structures ~~projects~~ which received construction permits  
618 from the Federal Communications Commission for structures  
619 exceeding federal obstruction standards prior to May 20, 1975, ~~or~~  
620 ~~provided such structures now exist; nor does subsection (1)~~  
621 ~~shall it~~ apply to previously approved structures now existing,  
622 or any necessary replacement or repairs to such existing  
623 structures, so long as the height and location is unchanged.

624 (4) When political subdivisions have adopted adequate  
625 airport airspace protection zoning regulations in compliance  
626 with s. 333.03, ~~and such regulations are on file with the~~  
627 ~~department of Transportation, and have established a permitting~~  
628 process in compliance with s. 333.09(2), a permit for such  
629 ~~structure shall not be required from the department of~~  
630 ~~Transportation. To evaluate technical consistency with this~~  
631 section, there is a 15-day department review period concurrent  
632 with the permitting process prescribed by s. 333.09. Upon  
633 receipt of a complete permit application, the local government  
634 shall forward to the department's Aviation and Spaceports Office  
635 by certified mail, return receipt requested, or by delivery  
636 service that provides a receipt evidencing delivery, a copy of  
637 the application. Cranes, construction equipment, and other  
638 temporary structures, in use or in place for a period not to

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639 exceed 18 consecutive months, are exempt from this requirement,  
 640 unless requested by the department's Aviation and Spaceports  
 641 Office.

642 (5) The department ~~of Transportation~~ shall, within 30 days  
 643 of the receipt of an application for a permit, issue or deny a  
 644 permit for the construction or erection, alteration, ~~or~~  
 645 ~~modification~~ of any structure ~~the result of~~ which would exceed  
 646 federal obstruction standards as contained in 14 C.F.R. ss.  
 647 77.15, 77.17, 77.19, 77.21, and 77.23 ~~77.21, 77.23, 77.25,~~  
 648 ~~77.28, and 77.29.~~ The department shall review permit  
 649 applications in conformity with s. 120.60.

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

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

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

656 (c) The nature of the terrain and height of existing  
 657 structures ~~The character of flying operations and planned~~  
 658 ~~developments of airports.~~

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

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

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

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

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

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

679           ~~(j) The cumulative effects on navigable airspace of all~~  
680 ~~existing structures, proposed structures identified in the~~  
681 ~~applicable jurisdictions' comprehensive plans, and all other~~  
682 ~~known proposed structures in the area.~~

683           (7) When issuing a permit under this section, the  
684 department ~~of Transportation shall, as a specific condition of~~  
685 ~~such permit,~~ require the owner ~~obstruction marking and lighting~~  
686 of the permitted obstruction or vegetation to install, operate,  
687 and maintain thereon, at his or her own expense, marking and  
688 lighting in conformance with the specific standards established  
689 by the Federal Aviation Administration ~~structure as provided in~~  
690 ~~s. 333.07(3)(b).~~

691           (8) The department ~~may~~ of Transportation shall not approve  
692 a permit for the erection of a structure unless the applicant  
693 submits both documentation showing compliance with the federal  
694 requirement for notification of proposed construction and a  
695 valid aeronautical study ~~evaluation,~~ and no permit shall be  
696 approved solely on the basis that such proposed structure will

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697 not exceed federal obstruction standards as contained in 14  
698 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, or 77.23 ~~77.21, 77.23,~~  
699 ~~77.25, 77.28, or 77.29,~~ or any other federal aviation  
700 regulation.

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

703 Section 11. Section 333.03, Florida Statutes, is amended to  
704 read:

705 333.03 Requirement ~~Power~~ to adopt airport zoning  
706 regulations.-

707 (1) (a) Every ~~In order to prevent the creation or~~  
708 ~~establishment of airport hazards, every~~ political subdivision  
709 having an airport hazard area within its territorial limits  
710 shall, ~~by October 1, 1977,~~ adopt, administer, and enforce, ~~under~~  
711 ~~the police power and~~ in the manner and upon the conditions  
712 ~~hereinafter~~ prescribed in this section, airport protection  
713 zoning regulations for ~~such~~ airport hazards ~~hazard area.~~

714 (b) Where an airport is owned or controlled by a political  
715 subdivision and an ~~any~~ airport hazard area ~~appertaining to such~~  
716 ~~airport~~ is located wholly or partly outside the territorial  
717 limits of the ~~said~~ political subdivision, the political  
718 subdivision owning or controlling the airport and any ~~the~~  
719 political subdivision within which the airport hazard area is  
720 located, must ~~shall~~ either:

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

725 2. By ordinance, regulation, or resolution duly adopted,

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726 create a joint airport zoning board, which must ~~board shall have~~  
 727 ~~the same power to~~ adopt, administer, and enforce a set of  
 728 airport protection zoning regulations applicable to the airport  
 729 hazard area in each ~~question as that vested in paragraph (a) in~~  
 730 ~~the~~ political subdivision in within which the airport hazard  
 731 ~~such~~ area is located. Each such joint airport zoning board shall  
 732 have as members two representatives appointed by each  
 733 participating political subdivision ~~participating in its~~  
 734 ~~creation and,~~ in addition, a chair elected by a majority of the  
 735 members so appointed. The ~~However,~~ the airport manager or  
 736 representative of each airport in ~~managers of the affected~~  
 737 participating political subdivisions shall serve on the board in  
 738 a nonvoting capacity.

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

741 1. A permit ~~variance~~ for the erection, construction, or  
 742 ~~alteration, or modification~~ of any structure that ~~which~~ would  
 743 cause the structure to exceed the federal obstruction standards  
 744 as contained in 14 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and  
 745 77.23. ~~77.21, 77.23, 77.25, 77.28, and 77.29;~~

746 2. Obstruction marking and lighting for structures  
 747 exceeding the federal obstruction standards as contained in 14  
 748 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and 77.23, as specified  
 749 in s. 333.07(3). ~~†~~

750 3. Documentation showing compliance with the federal  
 751 requirement for notification of proposed construction or  
 752 alteration and a valid aeronautical study ~~evaluation~~ submitted  
 753 by each person applying for a permit. ~~variance;~~

754 4. Consideration of the criteria in s. 333.025(6), when

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755 determining whether to issue or deny a permit. ~~variance;~~ and

756 5. That a permit may not ~~no variance shall~~ be approved  
757 solely on the basis that the such proposed structure will not  
758 exceed federal obstruction standards as contained in 14 C.F.R.  
759 ss. 77.15, 77.17, 77.19, 77.21, or 77.23 ~~77.21, 77.23, 77.25,  
760 ~~77.28, or 77.29,~~ or any other federal aviation regulation.~~

761 (d) The department is available to provide assistance to  
762 political subdivisions with regard to federal obstruction  
763 standards ~~shall issue copies of the federal obstruction~~  
764 ~~standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25,  
765 ~~77.28, and 77.29 to each political subdivision having airport~~  
766 ~~hazard areas and, in cooperation with political subdivisions,~~  
767 ~~shall issue appropriate airport zoning maps depicting within~~  
768 ~~each county the maximum allowable height of any structure or~~  
769 ~~tree. Material distributed pursuant to this subsection shall be~~  
770 ~~at no cost to authorized recipients.~~~~

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

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

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

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

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

793 (b) Where ~~Whether~~ any landfill is located and constructed  
794 so that it attracts or sustains hazardous bird movements from  
795 feeding, water, or roosting areas into, or across, the runways  
796 or approach and departure patterns of aircraft, ~~The political~~  
797 ~~subdivision shall request from the airport authority or other~~  
798 ~~governing body operating the airport a report on such bird~~  
799 ~~feeding or roosting areas that at the time of the request are~~  
800 ~~known to the airport. In preparing its report, the authority, or~~  
801 ~~other governing body, shall consider whether the landfill~~  
802 operator will be required to incorporate bird management  
803 techniques or other practices to minimize bird hazards to  
804 airborne aircraft. The airport authority or other governing body  
805 shall respond to the political subdivision no later than 30 days  
806 after receipt of such request.

807 (c) Where an airport authority or other governing body  
808 operating a ~~publicly owned,~~ public-use airport has conducted a  
809 noise study in accordance with the provisions of 14 C.F.R. part  
810 150, or where the public-use airport owner has established noise  
811 contours pursuant to another public study approved by the  
812 Federal Aviation Administration, incompatible uses, as

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813 established in 14 C.F.R. part 150, appendix A noise study, or as  
814 a part of an alternative FAA-approved public study, may not be  
815 permitted within the noise contours established by that study,  
816 except where such use is specifically contemplated by such study  
817 with appropriate mitigation or similar techniques described in  
818 the study ~~neither residential construction nor any educational~~  
819 ~~facility as defined in chapter 1013, with the exception of~~  
820 ~~aviation school facilities, shall be permitted within the area~~  
821 ~~contiguous to the airport defined by an outer noise contour that~~  
822 ~~is considered incompatible with that type of construction by 14~~  
823 ~~C.F.R. part 150, Appendix A or an equivalent noise level as~~  
824 ~~established by other types of noise studies.~~

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

833 (3) In the manner provided in subsection (1), airport  
834 zoning regulations ~~shall be adopted~~ which restrict new  
835 incompatible uses, ~~activities,~~ or substantial modifications to  
836 existing incompatible uses ~~construction~~ within runway protection  
837 clear zones ~~shall be adopted~~ , ~~including uses, activities, or~~  
838 ~~construction in runway clear zones which are incompatible with~~  
839 ~~normal airport operations or endanger public health, safety, and~~  
840 ~~welfare by resulting in congregations of people, emissions of~~  
841 ~~light or smoke, or attraction of birds. Such regulations shall~~

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842 ~~prohibit the construction of an educational facility of a public~~  
843 ~~or private school at either end of a runway of a publicly owned,~~  
844 ~~public-use airport within an area which extends 5 miles in a~~  
845 ~~direct line along the centerline of the runway, and which has a~~  
846 ~~width measuring one half the length of the runway. Exceptions~~  
847 ~~approving construction of an educational facility within the~~  
848 ~~delineated area shall only be granted when the political~~  
849 ~~subdivision administering the zoning regulations makes specific~~  
850 ~~findings detailing how the public policy reasons for allowing~~  
851 ~~the construction outweigh health and safety concerns prohibiting~~  
852 ~~such a location.~~

853 ~~(4) The procedures outlined in subsections (1), (2), and~~  
854 ~~(3) for the adoption of such regulations are supplemental to any~~  
855 ~~existing procedures utilized by political subdivisions in the~~  
856 ~~adoption of such regulations.~~

857 ~~(4)(5)~~ The department ~~of Transportation~~ shall provide  
858 technical assistance to any political subdivision requesting  
859 assistance in the preparation of an airport zoning regulation  
860 code. A copy of all local airport zoning codes, rules, and  
861 regulations, and amendments and proposed and granted permits  
862 variances thereto, shall be filed with the department. All  
863 updates and amendments to local airport zoning codes, rules, and  
864 regulations must be filed with the department within 30 days  
865 after adoption.

866 ~~(5)(6) Nothing in Subsection (2) and or subsection (3) may~~  
867 not ~~shall be construed to~~ require the removal, alteration, sound  
868 conditioning, or other change, or to interfere with the  
869 continued use or adjacent expansion of any educational structure  
870 or site in existence on July 1, 1993, ~~or be construed to~~

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871 ~~prohibit the construction of any new structure for which a site~~  
872 ~~has been determined as provided in former s. 235.19, as of July~~  
873 ~~1, 1993.~~

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

879 Section 12. Section 333.04, Florida Statutes, is amended to  
880 read:

881 333.04 Comprehensive zoning regulations; most stringent to  
882 prevail where conflicts occur.—

883 (1) INCORPORATION.—In the event that a political  
884 subdivision has adopted, or hereafter adopts, a comprehensive  
885 plan or policy ~~zoning ordinance~~ regulating, among other things,  
886 the height of buildings, structures, and natural objects, and  
887 uses of property, any airport protection zoning regulations  
888 applicable to the same area or portion thereof may be  
889 incorporated in and made a part of such comprehensive plans or  
890 policies ~~zoning regulations~~, and be administered and enforced in  
891 connection therewith.

892 (2) CONFLICT.—In the event of conflict between any airport  
893 zoning regulations adopted under this chapter and any other  
894 regulations applicable to the same area, whether the conflict be  
895 with respect to the height of structures or vegetation ~~trees~~,  
896 the use of land, or any other matter, and whether such  
897 regulations were adopted by the political subdivision which  
898 adopted the airport protection zoning regulations or by some  
899 other political subdivision, the more stringent limitation or

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900 requirement shall govern and prevail.

901 Section 13. Section 333.05, Florida Statutes, is amended to  
902 read:

903 333.05 Procedure for adoption of zoning regulations.—

904 (1) NOTICE AND HEARING.—~~No~~ Airport zoning regulations may  
905 not shall be adopted, amended, or deleted ~~changed~~ under this  
906 chapter except by action of the legislative body of the  
907 political subdivision or subdivisions affected in question, or  
908 the joint board provided in s. 333.03(1)(b) by the political  
909 subdivisions ~~bodies~~ therein provided and set forth, after a  
910 public hearing in relation thereto, at which parties in interest  
911 and citizens shall have an opportunity to be heard. Notice of  
912 the hearing shall be published at least once a week for 2  
913 consecutive weeks in an official paper, or a paper of general  
914 circulation, in the political subdivision or subdivisions where  
915 ~~in which are located~~ the airport zoning regulations are ~~areas~~ to  
916 be adopted, amended, or deleted ~~zoned~~.

917 (2) AIRPORT ZONING COMMISSION.—Prior to the initial zoning  
918 of any airport area under this chapter the political subdivision  
919 or joint airport zoning board which is to adopt, administer, and  
920 enforce the regulations shall appoint a commission, to be known  
921 as the airport zoning commission, to recommend the boundaries of  
922 the various zones to be established and the regulations to be  
923 adopted therefor. Such commission shall make a preliminary  
924 report and hold public hearings thereon before submitting its  
925 final report, and the legislative body of the political  
926 subdivision or the joint airport zoning board shall not hold its  
927 public hearings or take any action until it has received the  
928 final report of such commission, and at least 15 days shall

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929 elapse between the receipt of the final report of the commission  
930 and the hearing to be held by the latter board. Where a planning  
931 ~~city plan~~ commission, airport commission, or comprehensive  
932 zoning commission already exists, it may be appointed as the  
933 airport zoning commission.

934 Section 14. Section 333.06, Florida Statutes, is amended to  
935 read:

936 333.06 Airport zoning requirements.—

937 (1) REASONABLENESS.—All airport zoning regulations adopted  
938 under this chapter shall be reasonable and ~~none~~ shall not impose  
939 any requirement or restriction which is not reasonably necessary  
940 to effectuate the purposes of this chapter. In determining what  
941 regulations it may adopt, each political subdivision and joint  
942 airport zoning board shall consider, among other things, the  
943 character of the flying operations expected to be conducted at  
944 the airport, the nature of the terrain within the airport hazard  
945 area and runway protection ~~clear~~ zones, the character of the  
946 neighborhood, the uses to which the property to be zoned is put  
947 and adaptable, and the impact of any new use, activity, or  
948 construction on the airport's operating capability and capacity.

949 (2) INDEPENDENT JUSTIFICATION.—The purpose of all airport  
950 zoning regulations adopted under this chapter is to provide both  
951 airspace protection and land uses ~~use~~ compatible with airport  
952 operations. Each aspect of this purpose requires independent  
953 justification in order to promote the public interest in safety,  
954 health, and general welfare. Specifically, construction in a  
955 runway protection ~~clear~~ zone which does not exceed airspace  
956 height restrictions is not conclusive ~~evidence per se~~ that such  
957 use, activity, or construction is compatible with airport

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958 operations.

959 (3) NONCONFORMING USES.—No airport protection zoning  
960 regulations adopted under this chapter shall require the  
961 removal, lowering, or other change or alteration of any  
962 structure or vegetation ~~tree~~ not conforming to the regulations  
963 when adopted or amended, or otherwise interfere with the  
964 continuance of any nonconforming use, except as provided in s.  
965 333.07(1) and (3).

966 (4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO AFFECTED  
967 LOCAL GOVERNMENTS.—An airport master plan shall be prepared by  
968 each public-use ~~publicly owned and operated~~ airport licensed by  
969 the department ~~of Transportation~~ under chapter 330. The  
970 authorized entity having responsibility for governing the  
971 operation of the airport, when either requesting from or  
972 submitting to a state or federal governmental agency with  
973 funding or approval jurisdiction a "finding of no significant  
974 impact," an environmental assessment, a site-selection study, an  
975 airport master plan, or any amendment to an airport master plan,  
976 shall submit simultaneously a copy of said request, submittal,  
977 assessment, study, plan, or amendments by certified mail to all  
978 affected local governments. For the purposes of this subsection,  
979 "affected local government" is defined as any city or county  
980 having jurisdiction over the airport and any city or county  
981 located within 2 miles of the boundaries of the land subject to  
982 the airport master plan.

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

984 Section 16. Section 333.07, Florida Statutes, is amended to  
985 read:

986 333.07 Local government permitting of airspace obstructions

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987 ~~Permits and variances.-~~

988 (1) PERMITS.-

989 (a) Any person proposing to erect, construct, or alter any  
990 structure, increase the height of any structure, permit the  
991 growth of any vegetation, or otherwise use his or her property  
992 in violation of the airport protection zoning regulations  
993 adopted under this chapter shall apply for a permit. A Any  
994 ~~airport zoning regulations adopted under this chapter may~~  
995 ~~require that a permit be obtained before any new structure or~~  
996 ~~use may be constructed or established and before any existing~~  
997 ~~use or structure may be substantially changed or substantially~~  
998 ~~altered or repaired. In any event, however, all such regulations~~  
999 ~~shall provide that before any nonconforming structure or tree~~  
1000 ~~may be replaced, substantially altered or repaired, rebuilt,~~  
1001 ~~allowed to grow higher, or replanted, a permit must be secured~~  
1002 ~~from the administrative agency authorized to administer and~~  
1003 ~~enforce the regulations, authorizing such replacement, change,~~  
1004 ~~or repair. No permit may not shall be issued granted~~ that would  
1005 allow the establishment or creation of an airport hazard or  
1006 would permit a nonconforming structure or vegetation ~~tree~~ or  
1007 nonconforming use to be made or become higher or to become a  
1008 greater hazard to air navigation than it was when the applicable  
1009 regulation was adopted or than it is when the application for a  
1010 permit is made.

1011 (b) Whenever the political subdivision or its  
1012 administrative agency determines that a nonconforming use or  
1013 nonconforming structure or vegetation ~~tree~~ has been abandoned or  
1014 is more than 80 percent torn down, destroyed, deteriorated, or  
1015 decayed, ~~a~~ no permit may not ~~shall~~ be granted that would allow

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1016 ~~the said~~ structure or vegetation tree to exceed the applicable  
1017 height limit or otherwise deviate from the zoning regulations.~~.~~  
1018 ~~and,~~ Whether an application is made for a permit under this  
1019 subsection or not, the ~~said agency may by appropriate action,~~  
1020 ~~compel the~~ owner of the nonconforming structure or vegetation  
1021 may be required tree, at his or her own expense, to lower,  
1022 remove, reconstruct, alter, or equip such object as may be  
1023 necessary to conform to the regulations. If the owner of the  
1024 nonconforming structure or vegetation neglects or refuses tree  
1025 ~~shall neglect or refuse~~ to comply with the ~~such~~ order for 10  
1026 days after notice ~~thereof~~, the ~~said~~ agency may report the  
1027 violation to the political subdivision involved therein. The  
1028 ~~which~~ subdivision, through its appropriate agency, may proceed  
1029 to have the object so lowered, removed, reconstructed, altered,  
1030 or equipped, and assess the cost and expense thereof upon the  
1031 object or the land where ~~whereon~~ it is or was located,~~and,~~  
1032 ~~unless such an assessment is paid within 90 days from the~~  
1033 ~~service of notice thereof on the owner or the owner's agent, of~~  
1034 ~~such object or land, the sum shall be a lien on said land, and~~  
1035 ~~shall bear interest thereafter at the rate of 6 percent per~~  
1036 ~~annum until paid, and shall be collected in the same manner as~~  
1037 ~~taxes on real property are collected by said political~~  
1038 ~~subdivision, or, at the option of said political subdivision,~~  
1039 ~~said lien may be enforced in the manner provided for enforcement~~  
1040 ~~of liens by chapter 85.~~

1041 ~~(c) Except as provided herein, applications for permits~~  
1042 ~~shall be granted, provided the matter applied for meets the~~  
1043 ~~provisions of this chapter and the regulations adopted and in~~  
1044 ~~force hereunder.~~

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1045 (2) CONSIDERATIONS WHEN ISSUING OR DENYING PERMITS.-In  
 1046 determining whether to issue or deny a permit, the political  
 1047 subdivision or its administrative agency must consider the  
 1048 impact of the following, as applicable:

1049 (a) The safety of persons on the ground and in the air.

1050 (b) The safe and efficient use of navigable airspace.

1051 (c) The nature of the terrain and height of existing  
 1052 structures.

1053 (d) The construction or alteration of the proposed  
 1054 structure on the state licensing standards for a public-use  
 1055 airport, contained in chapter 330 and chapter 14-60 of the  
 1056 Florida Administrative Code.

1057 (e) The character of existing and planned flight operations  
 1058 and developments at public-use airports.

1059 (f) Federal airways; visual flight rules, flyways and  
 1060 corridors; and instrument approaches as designated by the  
 1061 Federal Aviation Administration.

1062 (g) The construction or alteration of the proposed  
 1063 structure on the minimum descent altitude or the decision height  
 1064 at the affected airport.

1065 (h) The cumulative effects on navigable airspace of all  
 1066 existing structures, and all other known proposed structures in  
 1067 the area.

1068 (i) Requirements contained in s. 333.03(2) and (3).

1069 (j) Additional requirements adopted by the local  
 1070 jurisdiction pertinent to evaluation and protection of airspace  
 1071 and airport operations.

1072 ~~(2) VARIANCES.-~~

1073 ~~(a) Any person desiring to erect any structure, increase~~

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1074 ~~the height of any structure, permit the growth of any tree, or~~  
1075 ~~otherwise use his or her property in violation of the airport~~  
1076 ~~zoning regulations adopted under this chapter or any land~~  
1077 ~~development regulation adopted pursuant to the provisions of~~  
1078 ~~chapter 163 pertaining to airport land use compatibility, may~~  
1079 ~~apply to the board of adjustment for a variance from the zoning~~  
1080 ~~regulations in question. At the time of filing the application,~~  
1081 ~~the applicant shall forward to the department by certified mail,~~  
1082 ~~return receipt requested, a copy of the application. The~~  
1083 ~~department shall have 45 days from receipt of the application to~~  
1084 ~~comment and to provide its comments or waiver of that right to~~  
1085 ~~the applicant and the board of adjustment. The department shall~~  
1086 ~~include its explanation for any objections stated in its~~  
1087 ~~comments. If the department fails to provide its comments within~~  
1088 ~~45 days of receipt of the application, its right to comment is~~  
1089 ~~waived. The board of adjustment may proceed with its~~  
1090 ~~consideration of the application only upon the receipt of the~~  
1091 ~~department's comments or waiver of that right as demonstrated by~~  
1092 ~~the filing of a copy of the return receipt with the board.~~  
1093 ~~Noncompliance with this section shall be grounds to appeal~~  
1094 ~~pursuant to s. 333.08 and to apply for judicial relief pursuant~~  
1095 ~~to s. 333.11. Such variances may only be allowed where a literal~~  
1096 ~~application or enforcement of the regulations would result in~~  
1097 ~~practical difficulty or unnecessary hardship and where the~~  
1098 ~~relief granted would not be contrary to the public interest but~~  
1099 ~~would do substantial justice and be in accordance with the~~  
1100 ~~spirit of the regulations and this chapter. However, any~~  
1101 ~~variance may be allowed subject to any reasonable conditions~~  
1102 ~~that the board of adjustment may deem necessary to effectuate~~

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1103 ~~the purposes of this chapter.~~

1104 ~~(b) The Department of Transportation shall have the~~  
1105 ~~authority to appeal any variance granted under this chapter~~  
1106 ~~pursuant to s. 333.08, and to apply for judicial relief pursuant~~  
1107 ~~to s. 333.11.~~

1108 (3) OBSTRUCTION MARKING AND LIGHTING.—

1109 (a) In issuing a ~~granting any permit or variance~~ under this  
1110 section, the political subdivision or its administrative agency  
1111 ~~or board of adjustment~~ shall require the owner of the structure  
1112 or vegetation tree in question to install, operate, and maintain  
1113 thereon, at his or her own expense, ~~such~~ marking and lighting in  
1114 conformance with the specific standards established by the  
1115 Federal Aviation Administration ~~as may be necessary to indicate~~  
1116 ~~to aircraft pilots the presence of an obstruction.~~

1117 (b) Such marking and lighting shall conform to the specific  
1118 standards established by rule by the department ~~of~~  
1119 Transportation.

1120 ~~(c) Existing structures not in compliance on October 1,~~  
1121 ~~1988, shall be required to comply whenever the existing marking~~  
1122 ~~requires refurbishment, whenever the existing lighting requires~~  
1123 ~~replacement, or within 5 years of October 1, 1988, whichever~~  
1124 ~~occurs first.~~

1125 Section 17. Section 333.08, Florida Statutes, is repealed.

1126 Section 18. Section 333.09, Florida Statutes, is amended to  
1127 read:

1128 333.09 Administration of airport zoning regulations.—

1129 (1) ADMINISTRATION AND ENFORCEMENT.—All airport zoning  
1130 regulations adopted under this chapter shall provide for the  
1131 administration and enforcement of such regulations by the

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1132 ~~affected political subdivisions or by an administrative agency~~  
 1133 ~~created by the subdivisions which may be an agency created by~~  
 1134 ~~such regulations or any official, board, or other existing~~  
 1135 ~~agency of the political subdivision adopting the regulations or~~  
 1136 ~~of one of the political subdivisions which participated in the~~  
 1137 ~~creation of the joint airport zoning board adopting the~~  
 1138 ~~regulations, if satisfactory to that political subdivision, but~~  
 1139 ~~in no case shall such administrative agency be or include any~~  
 1140 ~~member of the board of adjustment. The duties of any~~  
 1141 ~~administrative agency designated pursuant to this chapter shall~~  
 1142 ~~include that of hearing and deciding all permits under s. 333.07~~  
 1143 ~~s. 333.07(1), deciding all matters under s. 333.07(3), as they~~  
 1144 ~~pertain to such agency, and all other matters under this chapter~~  
 1145 ~~applying to said agency, but such agency shall not have or~~  
 1146 ~~exercise any of the powers herein delegated to the board of~~  
 1147 ~~adjustment.~~

1148 (2) LOCAL GOVERNMENT PROCESS.-

1149 (a) Any political subdivision required to adopt airport  
 1150 zoning regulations under this chapter must provide a process to:

1151 1. Issue or deny permits consistent with s. 333.07,  
 1152 including requests for exceptions to airport zoning regulations.

1153 2. Notify the department of receipt of a complete permit  
 1154 application consistent with s. 333.025(4).

1155 3. Enforce any permit, order, requirement, decision, or  
 1156 determination made by the administrative agency with respect to  
 1157 the airport zoning regulations.

1158 (b) Where a zoning board or permitting body already exists  
 1159 within a political subdivision, the zoning board or permitting  
 1160 body may implement the permitting and appeals process.

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1161 Otherwise, the political subdivision shall implement the  
1162 permitting and appeals process in a manner consistent with its  
1163 constitutional powers and areas of jurisdiction.

1164 (3) APPEALS.—

1165 (a) Any person aggrieved or taxpayer affected by any  
1166 decision in the administration of airport zoning regulations  
1167 adopted under this chapter, or any governing body of a political  
1168 subdivision or any joint airport zoning board, which contends  
1169 that the decision is an improper application of airport zoning  
1170 regulations may use the process established for an appeal.

1171 (b) All appeals taken under this section must be taken  
1172 within a reasonable time, as provided by the political  
1173 subdivision or its administrative agency, by filing with the  
1174 entity from which appeal is taken a notice of appeal specifying  
1175 the grounds for appeal.

1176 (c) An appeal stays all proceedings in the underlying  
1177 action, unless the entity from which the appeal is taken  
1178 certifies pursuant to the rules for appeal that by reason of the  
1179 facts stated in the certificate, a stay would, in its opinion,  
1180 cause imminent peril to life or property. In that case,  
1181 proceedings may not be stayed except by an order of the  
1182 political subdivision or its administrative agency following  
1183 notice to the entity from which the appeal is taken and on good  
1184 cause shown.

1185 (d) The political subdivision or its administrative agency  
1186 must set a reasonable time for the hearing of appeals, give  
1187 public notice and due notice to the parties in interest, and  
1188 decide the same within a reasonable time. At the hearing, a  
1189 party may appear in person, by agent, or by attorney.

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1190       (e) The political subdivision or its administrative agency  
1191 may, in conformity with the provisions of this chapter, reverse,  
1192 affirm, or modify the underlying order, requirement, decision,  
1193 or determination from which the appeal is taken.

1194       Section 19. Section 333.10, Florida Statutes, is repealed.

1195       Section 20. Section 333.11, Florida Statutes, is amended to  
1196 read:

1197       333.11 Judicial review.—

1198       (1) Any person aggrieved, or taxpayer affected, by any  
1199 decision of ~~a board of adjustment, or~~ any governing body of a  
1200 political subdivision, ~~or the Department of Transportation or~~  
1201 any joint airport zoning board, or ~~of~~ any administrative agency  
1202 hereunder, may apply for judicial relief to the circuit court in  
1203 the judicial circuit where the political subdivision ~~board of~~  
1204 ~~adjustment~~ is located within 30 days after rendition of the  
1205 decision ~~by the board of adjustment~~. Review shall be by petition  
1206 for writ of certiorari, which shall be governed by the Florida  
1207 Rules of Appellate Procedure.

1208       ~~(2) Upon presentation of such petition to the court, it may~~  
1209 ~~allow a writ of certiorari, directed to the board of adjustment,~~  
1210 ~~to review such decision of the board. The allowance of the writ~~  
1211 ~~shall not stay the proceedings upon the decision appealed from,~~  
1212 ~~but the court may, on application, on notice to the board, on~~  
1213 ~~due hearing and due cause shown, grant a restraining order.~~

1214       ~~(3) The board of adjustment shall not be required to return~~  
1215 ~~the original papers acted upon by it, but it shall be sufficient~~  
1216 ~~to return certified or sworn copies thereof or of such portions~~  
1217 ~~thereof as may be called for by the writ. The return shall~~  
1218 ~~concisely set forth such other facts as may be pertinent and~~

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1219 ~~material to show the grounds of the decision appealed from and~~  
1220 ~~shall be verified.~~

1221 (2)~~(4)~~ The court shall have exclusive jurisdiction to  
1222 affirm, modify, or set aside the decision brought up for review,  
1223 ~~in whole or in part,~~ and if need be, to order further  
1224 proceedings by the political subdivision or its administrative  
1225 agency board of adjustment. The findings of fact by the  
1226 political subdivision or its administrative agency board, if  
1227 supported by substantial evidence, shall be accepted by the  
1228 court as conclusive. An,~~and no~~ objection to a decision of the  
1229 political subdivision or its administrative agency may not board  
1230 ~~shall be considered by the court unless such objection shall~~  
1231 ~~have been urged before the board, or, if it was not so urged,~~  
1232 ~~unless there were reasonable grounds for failure to do so.~~

1233 (3)~~(5)~~ If In~~any case in which~~ airport zoning regulations  
1234 adopted under this chapter,~~although generally reasonable,~~ are  
1235 held by a court to interfere with the use and enjoyment of a  
1236 particular structure or parcel of land to such an extent, or to  
1237 be so onerous in their application to such a structure or parcel  
1238 of land, as to constitute a taking or deprivation of that  
1239 property in violation of the State Constitution or the  
1240 Constitution of the United States, such holding shall not affect  
1241 the application of such regulations to other structures and  
1242 parcels of land, or such regulations as are not involved in the  
1243 particular decision.

1244 (4)~~(6)~~ No Judicial appeal ~~shall be or is not~~ permitted  
1245 under this section, ~~to any courts~~ until the appellant has  
1246 exhausted all its remedies through application for local  
1247 government permits, exceptions, and appeals, ~~as herein provided,~~

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1248 ~~save and except an appeal from a decision of the board of~~  
1249 ~~adjustment, the appeal herein provided being from such final~~  
1250 ~~decision of such board only, the appellant being hereby required~~  
1251 ~~to exhaust his or her remedies hereunder of application for~~  
1252 ~~permits, exceptions and variances, and appeal to the board of~~  
1253 ~~adjustment, and gaining a determination by said board, before~~  
1254 ~~being permitted to appeal to the court hereunder.~~

1255 Section 21. Section 333.12, Florida Statutes, is amended to  
1256 read:

1257 333.12 Acquisition of air rights.—~~When In any case which:~~  
1258 ~~it is desired to remove, lower or otherwise terminate a~~  
1259 ~~nonconforming structure or use presents an air hazard and the~~  
1260 ~~structure cannot be removed, lowered, or otherwise terminated;~~  
1261 ~~or the approach protection necessary cannot, because of~~  
1262 ~~constitutional limitations, be provided by airport regulations~~  
1263 ~~under this chapter; or it appears advisable that the necessary~~  
1264 ~~approach protection be provided by acquisition of property~~  
1265 ~~rights rather than by airport zoning regulations, the political~~  
1266 ~~subdivision within which the property or nonconforming use is~~  
1267 ~~located, or the political subdivision owning or operating the~~  
1268 ~~airport or being served by it, may acquire, by purchase, grant,~~  
1269 ~~or condemnation in the manner provided by chapter 73, such air~~  
1270 ~~right, avigation navigation easement conveying the airspace over~~  
1271 ~~another property for use by the airport, or other estate,~~  
1272 ~~portion or interest in the property or nonconforming structure~~  
1273 ~~or use or such interest in the air above such property,~~  
1274 ~~vegetation tree, structure, or use, in question, as may be~~  
1275 ~~necessary to effectuate the purposes of this chapter, and in so~~  
1276 ~~doing, if by condemnation, to have the right to take immediate~~

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1277 possession of the property, interest in property, air right, or  
1278 other right sought to be condemned, at the time, and in the  
1279 manner and form, and as authorized by chapter 74. In the case of  
1280 the purchase of any property, ~~or any easement,~~ or estate or  
1281 interest therein or the acquisition of the same by the power of  
1282 eminent domain, the political subdivision making such purchase  
1283 or exercising such power shall in addition to the damages for  
1284 the taking, injury, or destruction of property also pay the cost  
1285 of the removal and relocation of any structure or any public  
1286 utility which is required to be moved to a new location.

1287 Section 22. Section 333.135, Florida Statutes, is created  
1288 to read:

1289 333.135 Transition provisions.—

1290 (1) A provision of an airport zoning regulation in effect  
1291 on the effective date of this section that conflicts with this  
1292 chapter must be amended to conform to the requirements of this  
1293 chapter by July 1, 2016.

1294 (2) By October 1, 2017, a political subdivision having an  
1295 airport hazard area within its territorial limits, which has not  
1296 adopted airport zoning regulations, must adopt airport zoning  
1297 regulations for the airport hazard area which are consistent  
1298 with this chapter.

1299 (3) For those local governments that have not yet adopted  
1300 airport protection zoning regulations pursuant to this chapter,  
1301 the department shall administer the permitting process as  
1302 provided in s. 333.025.

1303 Section 23. Section 333.14, Florida Statutes, is repealed.

1304 Section 24. Subsections (36) and (37) of section 334.03,  
1305 Florida Statutes, are amended to read:

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1306 334.03 Definitions.—When used in the Florida Transportation  
1307 Code, the term:

1308 (36) "511" or "511 services" means all three-digit  
1309 ~~telecommunications dialing to access interactive voice response~~  
1310 ~~telephone~~ traveler information services provided in the state to  
1311 include, but not be limited to, the terms ~~as~~ defined by the  
1312 Federal Communications Commission in FCC Order No. 00-256, July  
1313 31, 2000.

1314 ~~(37) "Interactive voice response" means a software~~  
1315 ~~application that accepts a combination of voice telephone input~~  
1316 ~~and touch-tone keypad selection and provides appropriate~~  
1317 ~~responses in the form of voice, fax, callback, e-mail, and other~~  
1318 ~~media.~~

1319 Section 25. Subsection (31) of section 334.044, Florida  
1320 Statutes, is amended to read:

1321 334.044 Department; powers and duties.—The department shall  
1322 have the following general powers and duties:

1323 (31) To provide oversight of traveler information systems  
1324 ~~that may include the provision of interactive voice response~~  
1325 ~~telephone systems accessible via the 511 services number~~ as  
1326 assigned by the Federal Communications Commission for traveler  
1327 information services. The department shall ensure that uniform  
1328 standards and criteria for the collection and dissemination of  
1329 traveler information are applied using interactive voice  
1330 response systems.

1331 Section 26. Section 334.60, Florida Statutes, is amended to  
1332 read:

1333 334.60 511 traveler information system.—The department is  
1334 the state's lead agency for implementing 511 services and is the

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1335 state's point of contact for coordinating all 511 services ~~with~~  
1336 ~~telecommunications service providers.~~

1337 (1) The department shall:

1338 (a)~~(1)~~ Implement and administer 511 services in the state;

1339 (b)~~(2)~~ Coordinate with other transportation authorities in  
1340 the state to provide multimodal traveler information through 511  
1341 services and other means;

1342 (c)~~(3)~~ Develop uniform standards and criteria for the  
1343 collection and dissemination of traveler information using ~~the~~  
1344 511 services number or other interactive voice response systems;  
1345 and

1346 (d)~~(4)~~ Enter into joint participation agreements or  
1347 contracts with highway authorities and public transit districts  
1348 to share the costs of implementing and administering 511  
1349 services in the state. The department may also enter into other  
1350 agreements or contracts with private firms relating to the 511  
1351 services to offset the costs of implementing and administering  
1352 511 services in the state.

1353 (2) The department shall adopt rules to administer the  
1354 coordination of 511 traveler information ~~phone~~ services in the  
1355 state.

1356 Section 27. Subsections (3) and (4) of section 335.065,  
1357 Florida Statutes, are amended to read:

1358 335.065 Bicycle and pedestrian ways along state roads and  
1359 transportation facilities.—

1360 (3) The department, in cooperation with the Department of  
1361 Environmental Protection, shall establish a statewide integrated  
1362 system of bicycle and pedestrian ways in such a manner as to  
1363 take full advantage of any such ways which are maintained by any

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1364 governmental entity. ~~The department may enter into a concession~~  
1365 ~~agreement with a not-for-profit entity or private sector~~  
1366 ~~business or entity for commercial sponsorship displays on~~  
1367 ~~multiuse trails and related facilities and use any concession~~  
1368 ~~agreement revenues for the maintenance of the multiuse trails~~  
1369 ~~and related facilities. Commercial sponsorship displays are~~  
1370 ~~subject to the requirements of the Highway Beautification Act of~~  
1371 ~~1965 and all federal laws and agreements, when applicable. For~~  
1372 ~~the purposes of this section, bicycle facilities may be~~  
1373 ~~established as part of or separate from the actual roadway and~~  
1374 ~~may utilize existing road rights-of-way or other rights-of-way~~  
1375 ~~or easements acquired for public use.~~

1376 ~~(a) A concession agreement shall be administered by the~~  
1377 ~~department and must include the requirements of this section.~~

1378 ~~(b)1. Signage or displays erected under this section shall~~  
1379 ~~comply with s. 337.407 and chapter 479 and shall be limited as~~  
1380 ~~follows:~~

1381 ~~a. One large sign or display, not to exceed 16 square feet~~  
1382 ~~in area, may be located at each trailhead or parking area.~~

1383 ~~b. One small sign or display, not to exceed 4 square feet~~  
1384 ~~in area, may be located at each designated trail public access~~  
1385 ~~point.~~

1386 ~~2. Before installation, each name or sponsorship display~~  
1387 ~~must be approved by the department.~~

1388 ~~3. The department shall ensure that the size, color,~~  
1389 ~~materials, construction, and location of all signs are~~  
1390 ~~consistent with the management plan for the property and the~~  
1391 ~~standards of the department, do not intrude on natural and~~  
1392 ~~historic settings, and contain only a logo selected by the~~

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1393 ~~sponsor and the following sponsorship wording:~~

1394

1395 ~~... (Name of the sponsor) ... proudly sponsors the costs~~  
1396 ~~of maintaining the ... (Name of the greenway or~~  
1397 ~~trail) ...~~

1398

1399 ~~4. All costs of a display, including development,~~  
1400 ~~construction, installation, operation, maintenance, and removal~~  
1401 ~~costs, shall be paid by the concessionaire.~~

1402 ~~(c) A concession agreement shall be for a minimum of 1~~  
1403 ~~year, but may be for a longer period under a multiyear~~  
1404 ~~agreement, and may be terminated for just cause by the~~  
1405 ~~department upon 60 days' advance notice. Just cause for~~  
1406 ~~termination of a concession agreement includes, but is not~~  
1407 ~~limited to, violation of the terms of the concession agreement~~  
1408 ~~or this section.~~

1409 ~~(4) (a) The department may use appropriated funds to support~~  
1410 ~~the establishment of a statewide system of interconnected~~  
1411 ~~multiuse trails and to pay the costs of planning, land~~  
1412 ~~acquisition, design, and construction of such trails and related~~  
1413 ~~facilities. The department shall give funding priority to~~  
1414 ~~projects that:~~

1415 ~~1. Are identified by the Florida Greenways and Trails~~  
1416 ~~Council as a priority within the Florida Greenways and Trails~~  
1417 ~~System under chapter 260.~~

1418 ~~2. Support the transportation needs of bicyclists and~~  
1419 ~~pedestrians.~~

1420 ~~3. Have national, statewide, or regional importance.~~

1421 ~~4. Facilitate an interconnected system of trails by~~

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1422 ~~completing gaps between existing trails.~~

1423 ~~(b) A project funded under this subsection shall:~~

1424 ~~1. Be included in the department's work program developed~~  
1425 ~~in accordance with s. 339.135.~~

1426 ~~2. Be operated and maintained by an entity other than the~~  
1427 ~~department upon completion of construction. The department is~~  
1428 ~~not obligated to provide funds for the operation and maintenance~~  
1429 ~~of the project.~~

1430 Section 28. Section 335.21, Florida Statutes, is created to  
1431 read:

1432 335.21 Governing bodies of independent special districts  
1433 regulating the operation of public vehicles on public highways.-  
1434 Notwithstanding any provision of local law, the membership of  
1435 the governing body of any independent special district created  
1436 for the purpose of regulating the operation of public vehicles  
1437 upon the public highways under the jurisdiction of any such  
1438 independent special district shall consist of seven members.  
1439 Four members shall be appointed by the Governor, one member  
1440 shall be appointed by the governing body of the largest  
1441 municipality situated within the jurisdiction of the independent  
1442 special district, and two members shall be appointed by the  
1443 governing body of the county in which the independent special  
1444 district has jurisdiction. All appointees must be residents of  
1445 the county in which the independent special district has  
1446 jurisdiction.

1447 Section 29. Subsection (4) of section 338.165, Florida  
1448 Statutes, is amended to read:

1449 338.165 Continuation of tolls.-

1450 (4) Notwithstanding any other law to the contrary, pursuant

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1451 to s. 11, Art. VII of the State Constitution, and subject to the  
1452 requirements of subsection (2), the Department of Transportation  
1453 may request the Division of Bond Finance to issue bonds secured  
1454 by toll revenues collected on the Alligator Alley, the Sunshine  
1455 Skyway Bridge, ~~the Beeline East Expressway, the Navarre Bridge,~~  
1456 and the Pinellas Bayway to fund transportation projects located  
1457 within the county or counties in which the project is located  
1458 and contained in the adopted work program of the department.

1459 Section 30. Subsection (5) is added to section 338.227,  
1460 Florida Statutes, to read:

1461 338.227 Turnpike revenue bonds.—

1462 (5) Notwithstanding s. 215.82, bonds issued pursuant to  
1463 this section are not required to be validated pursuant to  
1464 chapter 75, but may be validated at the option of the Division  
1465 of Bond Finance. Any complaint for such validation must be filed  
1466 in the circuit court of the county where the seat of state  
1467 government is situated. The notice required to be published by  
1468 s. 75.06 must be published only in the county where the  
1469 complaint is filed. The complaint and order of the circuit court  
1470 shall be served only on the state attorney of the circuit in  
1471 which the action is pending.

1472 Section 31. Paragraph (c) of subsection (3) of section  
1473 338.231, Florida Statutes, is amended to read:

1474 338.231 Turnpike tolls, fixing; pledge of tolls and other  
1475 revenues.—The department shall at all times fix, adjust, charge,  
1476 and collect such tolls and amounts for the use of the turnpike  
1477 system as are required in order to provide a fund sufficient  
1478 with other revenues of the turnpike system to pay the cost of  
1479 maintaining, improving, repairing, and operating such turnpike

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1480 system; to pay the principal of and interest on all bonds issued  
1481 to finance or refinance any portion of the turnpike system as  
1482 the same become due and payable; and to create reserves for all  
1483 such purposes.

1484 (3)

1485 (c) Notwithstanding any other provision of law to the  
1486 contrary, any prepaid toll account of any kind which has  
1487 remained inactive for 10 ~~3~~ years shall be presumed unclaimed and  
1488 its disposition shall be handled by the Department of Financial  
1489 Services in accordance with all applicable provisions of chapter  
1490 717 relating to the disposition of unclaimed property, and the  
1491 prepaid toll account shall be closed by the department.

1492 Section 32. Section 339.81, Florida Statutes, is created to  
1493 read:

1494 339.81 Florida Shared-Use Nonmotorized Trail Network.-

1495 (1) The Florida Shared-Use Nonmotorized Trail Network is  
1496 created as a component of the Florida Greenways and Trails  
1497 System established in chapter 260. The network consists of  
1498 multiuse trails or shared-use paths physically separated from  
1499 motor vehicle traffic and constructed with asphalt, concrete, or  
1500 another hard surface which, by virtue of design, location,  
1501 extent of connectivity or potential connectivity, and allowable  
1502 uses, provide nonmotorized transportation opportunities for  
1503 bicyclists and pedestrians between and within a wide range of  
1504 points of origin and destinations, including, but not limited  
1505 to, communities, conservation areas, state parks, beaches, and  
1506 other natural or cultural attractions for a variety of trip  
1507 purposes, including work, school, shopping, and other personal  
1508 business, as well as social, recreational, and personal fitness

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1509 purposes.

1510 (2) Network components do not include sidewalks, nature  
1511 trails, loop trails wholly within a single park or natural area,  
1512 or on-road facilities, such as bicycle lanes or routes other  
1513 than:

1514 (a) On-road facilities that are no greater than one-half  
1515 mile in length connecting two or more nonmotorized trails, if  
1516 the provision of non-road facilities is unfeasible and if such  
1517 on-road facilities are signed and marked for nonmotorized use;  
1518 or

1519 (b) On-road components of the Florida Keys Overseas  
1520 Heritage Trail.

1521 (3) The department shall include a project to be  
1522 constructed as part of the Shared-Use Nonmotorized Trail Network  
1523 in its work program developed pursuant to s. 339.135.

1524 (4) The planning, development, operation, and maintenance  
1525 of the Shared-Use Nonmotorized Trail Network is declared to be a  
1526 public purpose, and the department, together with other agencies  
1527 of this state and all counties, municipalities, and special  
1528 districts of this state, may spend public funds for such  
1529 purposes and may accept gifts and grants of funds, property, or  
1530 property rights from public or private sources to be used for  
1531 such purposes.

1532 (5) The department may enter into a memorandum of agreement  
1533 with a local government or other agency of the state to transfer  
1534 maintenance responsibilities of an individual network component.  
1535 The department may contract with a not-for-profit entity or  
1536 private sector business or entity to provide maintenance  
1537 services on an individual network component.

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1538       (6) The department may adopt rules to aid in the  
1539 development and maintenance of components of the network.

1540       Section 33. Section 339.82, Florida Statutes, is created to  
1541 read:

1542       339.82 Shared-Use Nonmotorized Trail Network Plan.—

1543       (1) The department shall develop a Shared-Use Nonmotorized  
1544 Trail Network Plan in coordination with the Department of  
1545 Environmental Protection, metropolitan planning organizations,  
1546 affected local governments and public agencies, and the Florida  
1547 Greenways and Trails Council. The plan must be consistent with  
1548 the Florida Greenways and Trails Plan developed under s. 260.014  
1549 and must be updated at least once every 5 years.

1550       (2) The Shared-Use Nonmotorized Trail Network Plan must  
1551 include all of the following:

1552       (a) A needs assessment, including, but not limited to, a  
1553 comprehensive inventory and analysis of existing trails that may  
1554 be considered for inclusion in the Shared-Use Nonmotorized Trail  
1555 Network.

1556       (b) A project prioritization process that includes  
1557 assigning funding priority to projects that:

1558       1. Are identified by the Florida Greenways and Trails  
1559 Council as a priority within the Florida Greenways and Trails  
1560 System under chapter 260;

1561       2. Facilitate an interconnected network of trails by  
1562 completing gaps between existing facilities; and

1563       3. Maximize use of federal, local, and private funding and  
1564 support mechanisms, including, but not limited to, donation of  
1565 funds, real property, and maintenance responsibilities.

1566       (c) A map illustrating existing and planned facilities and

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1567 identifying critical gaps between facilities.

1568 (d) A finance plan based on reasonable projections of  
1569 anticipated revenues, including both 5-year and 10-year cost-  
1570 feasible components.

1571 (e) Performance measures that include quantifiable  
1572 increases in trail network access and connectivity.

1573 (f) A timeline for the completion of the base network using  
1574 new and existing data from the department, the Department of  
1575 Environmental Protection, and other sources.

1576 (g) A marketing plan prepared in consultation with the  
1577 Florida Tourism Industry Marketing Corporation.

1578 Section 34. Section 339.83, Florida Statutes, is created to  
1579 read:

1580 339.83 Sponsorship of Shared-Use Nonmotorized Trails.-

1581 (1) The department may enter into a concession agreement  
1582 with a not-for-profit entity or private sector business or  
1583 entity for commercial sponsorship signs, pavement markings, and  
1584 exhibits on nonmotorized trails and related facilities  
1585 constructed as part of the Shared-Use Nonmotorized Trail  
1586 Network. The concession agreement may also provide for  
1587 recognition of trail sponsors in any brochure, map, or website  
1588 providing trail information. Trail websites may provide links to  
1589 sponsors. Revenue from such agreements may be used for the  
1590 maintenance of the nonmotorized trails and related facilities.

1591 (a) A concession agreement shall be administered by the  
1592 department.

1593 (b)1. Signage, pavement markings, or exhibits erected  
1594 pursuant to this section must comply with s. 337.407 and chapter  
1595 479 and are limited as follows:

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1596 a. One large sign, pavement marking, or exhibit, not to  
1597 exceed 16 square feet in area, may be located at each trailhead  
1598 or parking area.

1599 b. One small sign, pavement marking, or exhibit, not to  
1600 exceed 4 square feet in area, may be located at each designated  
1601 trail public access point where parking is not provided.

1602 c. Pavement markings denoting specified distances must be  
1603 located at least 1 mile apart.

1604 2. Before installation, each sign, pavement marking, or  
1605 exhibit must be approved by the department.

1606 3. The department shall ensure that the size, color,  
1607 materials, construction, and location of all signs, pavement  
1608 markings, and exhibits are consistent with the management plan  
1609 for the property and the standards of the department, do not  
1610 intrude on natural and historic settings, and contain a logo  
1611 selected by the sponsor and the following sponsorship wording:

1612  
1613 ...(Name of the sponsor)... proudly sponsors the costs  
1614 of maintaining the ...(Name of the greenway or  
1615 trail)....

1616  
1617 4. Exhibits may provide additional information and  
1618 materials including, but not limited to, maps and brochures for  
1619 trail user services related or proximate to the trail. Pavement  
1620 markings may display mile marker information.

1621 5. The costs of a sign, pavement marking, or exhibit,  
1622 including development, construction, installation, operation,  
1623 maintenance, and removal costs, shall be paid by the  
1624 concessionaire.

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1625 (c) A concession agreement shall be for a minimum of 1  
1626 year, but may be for a longer period under a multiyear  
1627 agreement, and may be terminated for just cause by the  
1628 department upon 60 days' advance notice. Just cause for  
1629 termination of a concession agreement includes, but is not  
1630 limited to, violation of the terms of the concession agreement  
1631 or this section.

1632 (2) Pursuant to s. 287.057, the department may contract for  
1633 the provision of services related to the trail sponsorship  
1634 program, including recruitment and qualification of businesses,  
1635 review of applications, permit issuance, and fabrication,  
1636 installation, and maintenance of signs, pavement markings, and  
1637 exhibits. The department may reject all proposals and seek  
1638 another request for proposals or otherwise perform the work. The  
1639 contract may allow the contractor to retain a portion of the  
1640 annual fees as compensation for its services.

1641 (3) This section does not create a proprietary or  
1642 compensable interest in any sponsorship site or location for any  
1643 permittee, and the department may terminate permits or change  
1644 locations of sponsorship sites as it determines necessary for  
1645 construction or improvement of facilities.

1646 (4) The department may adopt rules to establish  
1647 requirements for qualification of businesses, qualification and  
1648 location of sponsorship sites, and permit applications and  
1649 processing. The department may adopt rules to establish other  
1650 criteria necessary to implement this section and to provide for  
1651 variances when necessary to serve the interest of the public or  
1652 when required to ensure equitable treatment of program  
1653 participants.

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1654           Section 35. (1) The Office of Economic and Demographic  
1655 Research shall evaluate and determine the economic benefits, as  
1656 defined in s. 288.005(1), Florida Statutes, of the state's  
1657 investment in the Department of Transportation's adopted work  
1658 program developed in accordance with s. 339.135(5), Florida  
1659 Statutes, for fiscal year 2015-2016, including the following 4  
1660 fiscal years. At a minimum, a separate return on investment  
1661 shall be projected for each of the following areas:

1662           (a) Roads and highways;

1663           (b) Rails;

1664           (c) Public transit;

1665           (d) Aviation; and

1666           (e) Seaports.

1667  
1668 The analysis is limited to the funding anticipated by the  
1669 adopted work program, but may address the continuing economic  
1670 impact for those transportation projects in the 5 years beyond  
1671 the conclusion of the adopted work program. The analysis must  
1672 also evaluate the number of jobs created, the increase or  
1673 decrease in personal income, and the impact on gross domestic  
1674 product from the direct, indirect, and induced effects on the  
1675 state's investment in each area.

1676           (2) The Department of Transportation and each of its  
1677 district offices shall provide the Office of Economic and  
1678 Demographic Research full access to all data necessary to  
1679 complete the analysis, including any confidential data.

1680           (3) The Office of Economic and Demographic Research shall  
1681 submit the analysis to the President of the Senate and the  
1682 Speaker of the House of Representatives by January 1, 2016.

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1683           Section 36. For the purpose of incorporating the amendment  
1684 made by this act to section 333.01, Florida Statutes, in a  
1685 reference thereto, subsection (6) of section 350.81, Florida  
1686 Statutes, is reenacted to read:

1687           350.81 Communications services offered by governmental  
1688 entities.—

1689           (6) To ensure the safe and secure transportation of  
1690 passengers and freight through an airport facility, as defined  
1691 in s. 159.27(17), an airport authority or other governmental  
1692 entity that provides or is proposing to provide communications  
1693 services only within the boundaries of its airport layout plan,  
1694 as defined in s. 333.01(6), to subscribers which are integral  
1695 and essential to the safe and secure transportation of  
1696 passengers and freight through the airport facility, is exempt  
1697 from this section. An airport authority or other governmental  
1698 entity that provides or is proposing to provide shared-tenant  
1699 service under s. 364.339, but not dial tone enabling subscribers  
1700 to complete calls outside the airport layout plan, to one or  
1701 more subscribers within its airport layout plan which are not  
1702 integral and essential to the safe and secure transportation of  
1703 passengers and freight through the airport facility is exempt  
1704 from this section. An airport authority or other governmental  
1705 entity that provides or is proposing to provide communications  
1706 services to one or more subscribers within its airport layout  
1707 plan which are not integral and essential to the safe and secure  
1708 transportation of passengers and freight through the airport  
1709 facility, or to one or more subscribers outside its airport  
1710 layout plan, is not exempt from this section. By way of example  
1711 and not limitation, the integral, essential subscribers may

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1712 include airlines and emergency service entities, and the  
1713 nonintegral, nonessential subscribers may include retail shops,  
1714 restaurants, hotels, or rental car companies.

1715 Section 37. This act shall take effect July 1, 2015.