

1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 amending s. 20.23, F.S.; removing the Secretary of
4 Transportation's authority to appoint an inspector
5 general; removing responsibilities of the Fort Myers
6 Urban Office; amending ss. 311.07 and 311.09, F.S.;
7 revising the minimum amount of funds that the
8 department must request for the Florida Seaport
9 Transportation and Economic Development Program;
10 amending s. 316.003, F.S.; revising definitions and
11 defining the term "port-of-entry" for purposes of the
12 Florida Uniform Traffic Control Law; amending s.
13 316.081, F.S.; revising provisions that require
14 driving on the right side of the roadway; amending s.
15 316.130, F.S.; revising provisions relating to right-
16 of-way when a pedestrian is crossing the roadway;
17 amending s. 316.2065, F.S.; revising provisions for
18 operating a bicycle on a roadway; removing the
19 definition of "substandard-width lane"; amending s.
20 316.545, F.S.; revising provisions for fines for
21 certain commercial motor vehicles that obtain a
22 temporary registration permit; amending s. 333.01,
23 F.S.; revising definitions for purposes of airport
24 zoning provisions; amending s. 333.025, F.S.; revising
25 provisions for permits issued by the department for
26 construction or alteration of a structure hazardous to

27 | air navigation; providing for administrative review of
28 | a denial of a permit; amending s. 333.03, F.S.;
29 | revising provisions for certain political subdivisions
30 | to adopt certain airport zoning regulations; amending
31 | s. 333.04, F.S.; revising provisions for incorporation
32 | of airport protection zoning regulations into a
33 | comprehensive plan or policy; providing for conflict
34 | between specified regulations and other regulations
35 | applicable to the same area; amending s. 333.05, F.S.;
36 | revising procedure for adoption of zoning regulations;
37 | amending s. 333.06, F.S.; revising airport zoning
38 | requirements; repealing s. 333.065, F.S., relating to
39 | guidelines regarding land use near airports; amending
40 | s. 333.07, F.S.; revising provisions for permits and
41 | variances; requiring a person proposing to erect,
42 | construct, or alter any structure, increase the height
43 | of any structure, permit the growth of any vegetation,
44 | or otherwise use his or her property in violation of
45 | the airport protection zoning regulations to apply for
46 | a permit; revising provisions for removal of a
47 | nonconforming structure or vegetation; removing
48 | provisions for a variance to airport zoning
49 | regulations for such structure or vegetation;
50 | providing certain considerations for the political
51 | subdivision or its administrative agency to consider
52 | when issuing or denying a permit; revising

53 requirements relating to markings and lighting for the
54 owner of the structure or vegetation; repealing s.
55 333.08, F.S., relating to appeals of agency action
56 relating to airport zoning regulations; amending s.
57 333.09, F.S.; revising provisions for administration
58 of airport zoning regulations; requiring certain
59 political subdivisions or their administrative
60 agencies to provide certain processes for permits with
61 respect to airport zoning regulations; providing for
62 appeal of decisions made in the administration of such
63 regulations; repealing s. 333.10, F.S., relating to
64 boards of adjustment; amending s. 333.11, F.S.;
65 revising provisions for judicial review; amending s.
66 333.12, F.S.; revising provisions for acquisition of
67 air rights by political subdivision; amending s.
68 333.13, F.S.; revising provisions for enforcement and
69 remedies for violations; creating s. 333.135, F.S.;
70 providing a period for political subdivisions to
71 conform airport ordinances with changes made by the
72 act; providing a period for political subdivisions to
73 adopt airport zoning regulations; directing the
74 department to administer specified permitting process
75 for certain political subdivisions; repealing s.
76 333.14, F.S., relating to a short title; amending s.
77 334.03, F.S.; revising the definition of "511" or "511
78 service" used in the Florida Transportation Code;

79 removing the definition of the term "interactive voice
80 response"; amending s. 334.044, F.S.; revising the
81 department's duty to provide oversight of traveler
82 information systems; authorizing the department to
83 assume certain responsibilities of the United States
84 Department of Transportation with respect to highway
85 projects within the state; authorizing the department
86 to enter into certain agreements related to the
87 federal surface transportation project delivery
88 program under specified federal law; authorizing the
89 department to adopt rules and relevant federal
90 environmental standards; providing a limited waiver of
91 sovereign immunity to civil suit in federal court;
92 amending s. 334.60, F.S.; revising department's duty
93 to provide oversight of traveler information systems;
94 amending s. 338.165, F.S.; removing certain facilities
95 from the list of facilities whose toll revenues can be
96 used to secure bonds; amending s. 338.227, F.S.;
97 providing that the validation of turnpike revenues
98 bonds is optional instead of mandatory; providing
99 requirements regarding a complaint for such
100 validation; amending s. 338.231, F.S.; increasing the
101 length of time that a prepaid toll account must be
102 inactive before reverting to unclaimed property;
103 amending s. 339.135, F.S.; revising requirements for
104 amendments to the department's adopted work program to

105 be submitted to the Legislative Budget Commission;
106 amending s. 339.2818, F.S.; revising the definition of
107 the term "small county" for purposes of the Small
108 County Outreach Program; providing that a municipality
109 or county that applies transportation concurrency may
110 not require a developer to pay a fee for the removal
111 of vegetation within the right-of-way limits of road
112 improvements; defining the term "fee"; providing for a
113 municipality or county to exempt itself from such
114 provisions; directing the Office of Economic and
115 Demographic Research to determine the economic
116 benefits of the state's investment in the department's
117 adopted work program; requiring a report to the
118 Legislature; amending s. 215.82, F.S., relating to
119 validation of bonds; conforming to changes made by the
120 act; reenacting s. 350.81(6), F.S., relating to
121 communications services offered by governmental
122 entities, to incorporate the amendment made by the act
123 to s. 333.01, F.S., in a reference thereto; providing
124 an effective date.

125
126 Be It Enacted by the Legislature of the State of Florida:

127
128 Section 1. Paragraphs (d) and (e) of subsection (3) and
129 paragraphs (d), (e), and (f) of subsection (4) of section 20.23,
130 Florida Statutes, are amended to read:

131 20.23 Department of Transportation.—There is created a
 132 Department of Transportation which shall be a decentralized
 133 agency.

134 (3)

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

138 (d)~~(e)~~ The secretary shall appoint a general counsel who
 139 shall be directly responsible to the secretary. The general
 140 counsel is responsible for all legal matters of the department.
 141 The department may employ as many attorneys as it deems
 142 necessary to advise and represent the department in all
 143 transportation matters.

144 (4)

145 ~~(d) The district director for the Fort Myers Urban Office~~
 146 ~~of the Department of Transportation is responsible for~~
 147 ~~developing the 5-year Transportation Plan for Charlotte,~~
 148 ~~Collier, DeSoto, Glades, Hendry, and Lee Counties. The Fort~~
 149 ~~Myers Urban Office also is responsible for providing policy,~~
 150 ~~direction, local government coordination, and planning for those~~
 151 ~~counties.~~

152 (d)~~(e)~~1. The responsibility for the turnpike system shall
 153 be delegated by the secretary to the executive director of the
 154 turnpike enterprise, who shall serve at the pleasure of the
 155 secretary. The executive director shall report directly to the
 156 secretary, and the turnpike enterprise shall operate pursuant to

157 ss. 338.22-338.241.

158 2. To facilitate the most efficient and effective
 159 management of the turnpike enterprise, including the use of best
 160 business practices employed by the private sector, the turnpike
 161 enterprise, except as provided in s. 287.055, shall be exempt
 162 from departmental policies, procedures, and standards, subject
 163 to the secretary having the authority to apply any such
 164 policies, procedures, and standards to the turnpike enterprise
 165 from time to time as deemed appropriate.

166 (e)~~(f)~~1. The responsibility for developing and operating
 167 the high-speed and passenger rail systems established in chapter
 168 341, directing funding for passenger rail systems under s.
 169 341.303, and coordinating publicly funded passenger rail
 170 operations in the state, including freight rail interoperability
 171 issues, shall be delegated by the secretary to the executive
 172 director of the rail enterprise, who shall serve at the pleasure
 173 of the secretary. The executive director shall report directly
 174 to the secretary, and the rail enterprise shall operate pursuant
 175 to ss. 341.8201-341.842.

176 2. To facilitate the most efficient and effective
 177 management of the rail enterprise, including the use of best
 178 business practices employed by the private sector, the rail
 179 enterprise, except as provided in s. 287.055, shall be exempt
 180 from departmental policies, procedures, and standards, subject
 181 to the secretary having the authority to apply any such
 182 policies, procedures, and standards to the rail enterprise from

183 time to time as deemed appropriate.

184 Section 2. Subsection (2) of section 311.07, Florida
 185 Statutes, is amended to read:

186 311.07 Florida seaport transportation and economic
 187 development funding.—

188 (2) A minimum of \$25 ~~\$15~~ million per year shall be made
 189 available from the State Transportation Trust Fund to fund the
 190 Florida Seaport Transportation and Economic Development Program.
 191 The Florida Seaport Transportation and Economic Development
 192 Council created in s. 311.09 shall develop guidelines for
 193 project funding. Council staff, the Department of
 194 Transportation, and the Department of Economic Opportunity shall
 195 work in cooperation to review projects and allocate funds in
 196 accordance with the schedule required for the Department of
 197 Transportation to include these projects in the tentative work
 198 program developed pursuant to s. 339.135(4).

199 Section 3. Subsection (9) of section 311.09, Florida
 200 Statutes, is amended to read:

201 311.09 Florida Seaport Transportation and Economic
 202 Development Council.—

203 (9) The Department of Transportation shall include no less
 204 than \$25 ~~\$15~~ million per year in its annual legislative budget
 205 request for the Florida Seaport Transportation and Economic
 206 Development Program funded under s. 311.07. Such budget shall
 207 include funding for projects approved by the council which have
 208 been determined by each agency to be consistent. The Department

209 of Transportation shall include the specific approved Florida
210 Seaport Transportation and Economic Development Program projects
211 to be funded under s. 311.07 during the ensuing fiscal year in
212 the tentative work program developed pursuant to s. 339.135(4).
213 The total amount of funding to be allocated to Florida Seaport
214 Transportation and Economic Development Program projects under
215 s. 311.07 during the successive 4 fiscal years shall also be
216 included in the tentative work program developed pursuant to s.
217 339.135(4). The council may submit to the Department of
218 Transportation a list of approved projects that could be made
219 production-ready within the next 2 years. The list shall be
220 submitted by the Department of Transportation as part of the
221 needs and project list prepared pursuant to s. 339.135(2)(b).
222 However, the Department of Transportation shall, upon written
223 request of the Florida Seaport Transportation and Economic
224 Development Council, submit work program amendments pursuant to
225 s. 339.135(7) to the Governor within 10 days after the later of
226 the date the request is received by the Department of
227 Transportation or the effective date of the amendment,
228 termination, or closure of the applicable funding agreement
229 between the Department of Transportation and the affected
230 seaport, as required to release the funds from the existing
231 commitment. Notwithstanding s. 339.135(7)(c), any work program
232 amendment to transfer prior year funds from one approved seaport
233 project to another seaport project is subject to the procedures
234 in s. 339.135(7)(d). Notwithstanding any provision of law to the

235 contrary, the Department of Transportation may transfer
236 unexpended budget between the seaport projects as identified in
237 the approved work program amendments.

238 Section 4. Subsections (6) and (47) of section 316.003,
239 Florida Statutes, are amended, and subsection (94) is added to
240 that section, to read:

241 316.003 Definitions.—The following words and phrases, when
242 used in this chapter, shall have the meanings respectively
243 ascribed to them in this section, except where the context
244 otherwise requires:

245 (6) CROSSWALK.—

246 (a) "Marked crosswalk" means pavement marking lines on the
247 roadway surface, which may include contrasting pavement texture,
248 style, or colored portions of the roadway, at an intersection
249 which is used by pedestrians for crossing the roadway. ~~That part~~
250 of a roadway at an intersection included within the connections
251 of the lateral lines of the sidewalks on opposite sides of the
252 highway, measured from the curbs or, in the absence of curbs,
253 from the edges of the traversable roadway.

254 (b) "Midblock crosswalk" means pavement marking lines on
255 the roadway surface, which may include contrasting pavement
256 texture, style, or a colored portion of the roadway, located
257 between intersections at a signalized or nonsignalized crosswalk
258 that is used by pedestrians for crossing the roadway and may
259 include a pedestrian refuge island. ~~Any portion of a roadway at~~
260 an intersection or elsewhere distinctly indicated for pedestrian

261 ~~crossing by lines or other markings on the surface.~~

262 (c) "Unmarked crosswalk" means a portion of the roadway at
 263 an intersection which is used by pedestrians for crossing the
 264 roadway and is not marked by pavement marking lines on the
 265 roadway surface.

266 (47) SIDEWALK.—That portion of a street ~~between the~~
 267 ~~curbline, or the lateral line, of a roadway and the adjacent~~
 268 ~~property lines,~~ intended for use by pedestrians, adjacent to the
 269 roadway between the curb or edge of the roadway and the property
 270 line.

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

276 Section 5. Subsection (2) of section 316.081, Florida
 277 Statutes, is amended to read:

278 316.081 Driving on right side of roadway; exceptions.—

279 (2) Upon all roadways, any vehicle proceeding at less than
 280 the normal speed of traffic based on existing at the time and
 281 ~~place and under the conditions then existing~~ shall be driven in
 282 the right-hand lane then available for traffic or, if no lane is
 283 marked for traffic, as close as is safe and reasonable
 284 ~~practicable~~ to the right-hand curb or edge of the roadway except
 285 when overtaking and passing another vehicle proceeding in the
 286 same direction or when preparing for a left turn at an

287 intersection or into a private road or driveway.

288 Section 6. Paragraphs (b) and (c) of subsection (7) of
289 section 316.130, Florida Statutes, are amended to read:

290 316.130 Pedestrians; traffic regulations.—

291 (7)

292 (b) The driver of a vehicle at any crosswalk location
293 where the approach is not controlled by a traffic signal or stop
294 sign signage so indicates shall stop and remain stopped to allow
295 a pedestrian to cross a roadway when the pedestrian is in the
296 crosswalk or steps into the crosswalk and is upon the half of
297 the roadway upon which the vehicle is traveling or turning, or
298 when the pedestrian is approaching so closely from the opposite
299 half of the roadway as to be in danger. Any pedestrian crossing
300 a roadway at a point where a pedestrian tunnel or overhead
301 pedestrian crossing has been provided shall yield the right-of-
302 way to all vehicles upon the roadway.

303 ~~(c) When traffic control signals are not in place or in~~
304 ~~operation and there is no signage indicating otherwise, the~~
305 ~~driver of a vehicle shall yield the right of way, slowing down~~
306 ~~or stopping if need be to so yield, to a pedestrian crossing the~~
307 ~~roadway within a crosswalk when the pedestrian is upon the half~~
308 ~~of the roadway upon which the vehicle is traveling or when the~~
309 ~~pedestrian is approaching so closely from the opposite half of~~
310 ~~the roadway as to be in danger. Any pedestrian crossing a~~
311 ~~roadway at a point where a pedestrian tunnel or overhead~~
312 ~~pedestrian crossing has been provided shall yield the right of-~~

313 ~~way to all vehicles upon the roadway.~~

314 Section 7. Subsection (5) of section 316.2065, Florida
315 Statutes, is amended to read:

316 316.2065 Bicycle regulations.—

317 (5) (a) Any person operating a bicycle upon a roadway at
318 less than the normal speed of traffic ~~at the time and place and~~
319 under existing ~~the~~ conditions ~~then existing~~ shall ride in the
320 lane marked for bicycle use or, if no lane is marked for bicycle
321 use, as close as is safe and reasonable ~~practicable~~ to the
322 right-hand curb or edge of the roadway except under any of the
323 following situations:

324 1. When overtaking and passing another bicycle or vehicle
325 proceeding in the same direction.

326 2. When preparing for a left turn at an intersection or
327 into a private road or driveway.

328 3. When reasonably necessary to avoid any condition or
329 potential conflict, including, but not limited to, a fixed or
330 moving object, parked or moving vehicle, bicycle, pedestrian,
331 animal, surface hazard, or ~~turn lane, or substandard-width lane,~~
332 ~~which makes it unsafe to continue along the right-hand curb or~~
333 ~~edge or within a bicycle lane. For the purposes of this~~
334 ~~subsection, a "substandard-width lane" is a lane that is too~~
335 ~~narrow for a bicycle and another vehicle to travel safely side~~
336 ~~by side within the lane.~~

337 (b) Any person operating a bicycle upon a one-way highway
338 with two or more marked traffic lanes may ride as near the left-

339 hand curb or edge of such roadway as safe and reasonable
 340 ~~practicable~~.

341 Section 8. Paragraph (b) of subsection (2) of section
 342 316.545, Florida Statutes, is amended to read:

343 316.545 Weight and load unlawful; special fuel and motor
 344 fuel tax enforcement; inspection; penalty; review.—

345 (2)

346 (b) The officer or inspector shall inspect the license
 347 plate or registration certificate of the commercial vehicle, ~~as~~
 348 ~~defined in s. 316.003(66),~~ to determine if its gross weight is
 349 in compliance with the declared gross vehicle weight. If its
 350 gross weight exceeds the declared weight, the penalty shall be 5
 351 cents per pound on the difference between such weights. In those
 352 cases when the commercial vehicle, as defined in s. 316.003(66),
 353 is being operated over the highways of the state with an expired
 354 registration or with no registration from this or any other
 355 jurisdiction or is not registered under the applicable
 356 provisions of chapter 320, the penalty herein shall apply on the
 357 basis of 5 cents per pound on that scaled weight which exceeds
 358 35,000 pounds on laden truck tractor-semitrailer combinations or
 359 tandem trailer truck combinations, 10,000 pounds on laden
 360 straight trucks or straight truck-trailer combinations, or
 361 10,000 pounds on any unladen commercial motor vehicle.

362 Commercial motor vehicles entering the state at designated port-
 363 of-entry locations or operating on designated routes to a port-
 364 of-entry location, which obtain temporary registration permits,

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365 shall be assessed a penalty limited to the difference between
366 its gross weight and the declared gross vehicle weight at 5
367 cents per pound. If the license plate or registration has not
368 been expired for more than 90 days, the penalty imposed under
369 this paragraph may not exceed \$1,000. In the case of special
370 mobile equipment ~~as defined in s. 316.003(48)~~, which qualifies
371 for the license tax provided for in s. 320.08(5)(b), being
372 operated on the highways of the state with an expired
373 registration or otherwise not properly registered under the
374 applicable provisions of chapter 320, a penalty of \$75 shall
375 apply in addition to any other penalty which may apply in
376 accordance with this chapter. A vehicle found in violation of
377 this section may be detained until the owner or operator
378 produces evidence that the vehicle has been properly registered.
379 Any costs incurred by the retention of the vehicle shall be the
380 sole responsibility of the owner. A person who has been assessed
381 a penalty pursuant to this paragraph for failure to have a valid
382 vehicle registration certificate pursuant to the provisions of
383 chapter 320 is not subject to the delinquent fee authorized in
384 s. 320.07 if such person obtains a valid registration
385 certificate within 10 working days after such penalty was
386 assessed.

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

389 333.01 Definitions.—For the purpose of this chapter, the
390 term ~~following words, terms, and phrases shall have the meanings~~

391 ~~herein given, unless otherwise specifically defined, or unless~~
 392 ~~another intention clearly appears, or the context otherwise~~
 393 ~~requires:~~

394 (1) "Aeronautical study" means a Federal Aviation
 395 Administration review conducted pursuant to 14 C.F.R. part 77,
 396 concerning the effect of proposed construction or alteration on
 397 the use of air navigation facilities or navigable airspace by
 398 aircraft.

399 ~~(1) "Aeronautics" means transportation by aircraft; the~~
 400 ~~operation, construction, repair, or maintenance of aircraft,~~
 401 ~~aircraft power plants and accessories, including the repair,~~
 402 ~~packing, and maintenance of parachutes; the design,~~
 403 ~~establishment, construction, extension, operation, improvement,~~
 404 ~~repair, or maintenance of airports, restricted landing areas, or~~
 405 ~~other air navigation facilities, and air instruction.~~

406 (2) "Airport" means any area of land or water designed and
 407 set aside for the landing and taking off of aircraft and
 408 utilized or to be utilized in the interest of the public for
 409 such purpose.

410 (3) "Airport hazard" means any obstruction that exceeds
 411 ~~structure or tree or use of land which would exceed the federal~~
 412 ~~obstruction standards as contained in 14 C.F.R. ss. 77.15,~~
 413 77.17, 77.19, 77.21, and 77.23, ~~77.25, 77.28, and 77.29~~ and that
 414 ~~which~~ obstructs the airspace required for the flight of aircraft
 415 in taking off, maneuvering, or landing or is otherwise hazardous
 416 to such taking off, maneuvering, or landing of aircraft and for

417 which no person has previously obtained a permit ~~or variance~~
418 pursuant to s. 333.025 or s. 333.07.

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

422 (5) "Airport land use compatibility zoning" means airport
423 zoning regulations governing ~~restricting~~ the use of land
424 adjacent to or in the immediate vicinity of airports in the
425 manner provided ~~enumerated~~ in s. 333.03 ~~333.03(2)~~ ~~to activities~~
426 ~~and purposes compatible with the continuation of normal airport~~
427 ~~operations including landing and takeoff of aircraft in order to~~
428 ~~promote public health, safety, and general welfare.~~

429 (6) "Airport layout plan" means a scaled detailed, scale
430 engineering drawing, or set of drawings, in either paper or
431 electronic form, of existing, including pertinent dimensions, of
432 an airport's current and planned airport facilities which
433 provides a graphic representation of the existing and long-term
434 development plan for the airport and demonstrates the
435 preservation and continuity of safety, utility, and efficiency
436 of the airport, their locations, and runway usage.

437 (7) "Airport master plan" means a comprehensive plan of an
438 airport that describes the immediate and long-term development
439 plans to meet future aviation demand.

440 (8) "Airport protection zoning" means airport zoning
441 regulations governing airport hazards in the manner provided in
442 s. 333.03.

443 (9) "Department" means the Department of Transportation as
 444 created under s. 20.23.

445 (10) "Educational facility" means any structure, land, or
 446 use thereof that includes a public or private kindergarten
 447 through 12th grade school, charter school, magnet school, college
 448 campus, or university campus. For the purpose of this chapter,
 449 the term "educational facility" does not include space used for
 450 educational purposes within a multitenant building.

451 (11) "Landfill" has the same meaning as defined in s.
 452 403.703.

453 (12)~~(7)~~ "Obstruction" means any object of natural growth
 454 or terrain, or permanent or temporary construction or
 455 alteration, including equipment or materials used and any
 456 permanent or temporary apparatus, or alteration of any permanent
 457 or temporary existing structure by a change in its height,
 458 including appurtenances, or lateral dimensions, including
 459 equipment or material used therein, existing or proposed, which
 460 exceeds manmade object or object of natural growth or terrain
 461 that violates the standards contained in 14 C.F.R. ss. 77.15,
 462 77.17, 77.19, 77.21, and 77.23,~~77.25, 77.28, and 77.29.~~

463 (13)~~(8)~~ "Person" means any individual, firm,
 464 copartnership, corporation, company, association, joint-stock
 465 association, or body politic, and includes any trustee,
 466 receiver, assignee, or other similar representative thereof.

467 (14)~~(9)~~ "Political subdivision" means the local government
 468 of any county, city, town, village, or other subdivision or

469 agency of the state ~~thereof~~, or any district or special
470 district, port commission, port authority, or other such agency
471 authorized to establish or operate airports in the state.

472 (15) "Public-use airport" means an airport, publicly or
473 privately owned, licensed by the state, which is open for use by
474 the public.

475 (16) ~~(10)~~ "Runway protection clear zone" means an area at
476 ground level beyond the runway end to enhance the safety and
477 protection of people and property on the ground ~~a runway clear~~
478 ~~zone as defined in 14 C.F.R. s. 151.9(b).~~

479 (17) ~~(11)~~ "Structure" means any object, constructed,
480 erected, altered, or installed ~~by humans~~, including, but without
481 limitation thereof, buildings, towers, smokestacks, utility
482 poles, power generation equipment, and overhead transmission
483 lines.

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

485 (18) "Substantial modification" means any repair,
486 reconstruction, rehabilitation, or improvement of a structure
487 when the actual cost of the repair, reconstruction,
488 rehabilitation, or improvement of the structure equals or
489 exceeds 50 percent of the market value of the structure.

490 Section 10. Section 333.025, Florida Statutes, is amended
491 to read:

492 333.025 Permit required for structures exceeding federal
493 obstruction standards.—

494 (1) Any person proposing the construction or alteration in

495 ~~order to prevent the erection~~ of structures hazardous ~~dangerous~~
496 to air navigation, subject to the provisions of subsections (2),
497 (3), and (4), ~~each person~~ shall secure from the department ~~of~~
498 ~~Transportation~~ a permit for the proposed construction or
499 ~~erection,~~ alteration, ~~or modification~~ of any structure the
500 result of which would exceed the federal obstruction standards
501 as contained in 14 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and
502 ~~77.23, 77.25, 77.28, and 77.29.~~ However, permits from the
503 department ~~of Transportation~~ will be required only within an
504 airport hazard area where federal obstruction standards are
505 exceeded and if the proposed construction is within a 10-
506 nautical-mile radius of the airport reference point, located at
507 the approximate geometric ~~geographical~~ center of all usable
508 runways of a public-use airport, or a publicly owned or operated
509 ~~airport,~~ a military airport, ~~or an airport licensed by the state~~
510 ~~for public use.~~

511 (2) Existing, planned, and proposed ~~Affected airports will~~
512 ~~be considered as having these~~ facilities on public-use airports
513 contained in an ~~which are shown on the~~ airport master plan, on
514 ~~or~~ an airport layout plan submitted to the Federal Aviation
515 Administration Airport District Office, or in comparable
516 military documents, ~~and will be so~~ protected from the structures
517 that exceed federal obstruction standards. ~~Planned or proposed~~
518 ~~public-use airports which are the subject of a notice or~~
519 ~~proposal submitted to the Federal Aviation Administration or to~~
520 ~~the Department of Transportation shall also be protected.~~

521 (3) Permit requirements of subsection (1) shall not apply
522 to structures ~~projects~~ which received construction permits from
523 the Federal Communications Commission for structures exceeding
524 federal obstruction standards prior to May 20, 1975, ~~provided~~
525 ~~such structures now exist~~; nor shall such requirements ~~it~~ apply
526 to previously approved structures now existing, or any necessary
527 replacement or repairs to such existing structures, so long as
528 the height and location is unchanged.

529 (4) When political subdivisions have adopted adequate
530 airport airspace protection zoning regulations in compliance
531 with s. 333.03, ~~and such regulations are on file with the~~
532 ~~department of Transportation~~, and have established a permitting
533 process in compliance with s. 333.09(2), a permit for such
534 structure shall not be required from the department ~~of~~
535 ~~Transportation~~. To evaluate technical consistency with this
536 section there is a 15-day department review period concurrent
537 with the permitting process prescribed by s. 333.09. Upon
538 receipt of a complete permit application, the local government
539 shall forward a copy of the application to the department's
540 Aviation Office by certified mail, return receipt requested, or
541 by delivery service that provides a receipt evidencing delivery.
542 Cranes, construction equipment, and other temporary structures
543 in use or in place for a period not to exceed 18 consecutive
544 months are exempt from department review, unless such review is
545 requested by the department.

546 (5) The department ~~of Transportation~~ shall, within 30 days

547 after ~~of~~ the receipt of an application for a permit, issue or
 548 deny a permit for the construction or erection, alteration, ~~or~~
 549 ~~modification~~ of any structure ~~the result of~~ which would exceed
 550 federal obstruction standards as contained in 14 C.F.R. ss.
 551 77.15, 77.17, 77.19, 77.21, and 77.23, ~~77.25, 77.28, and 77.29~~.
 552 The department shall review permit applications in conformity
 553 with s. 120.60.

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

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

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

558 (c) ~~(a)~~ The nature of the terrain and height of existing
 559 structures.

560 ~~(b) Public and private interests and investments.~~

561 (d) Whether the construction of the proposed structure
 562 would impact the state licensing standards for a public-use
 563 airport, contained in chapter 330 and rule 14-60, Florida
 564 Administrative Code.

565 (e) ~~(e)~~ The character of existing and planned flight ~~flying~~
 566 operations and ~~planned~~ developments at public-use ~~of~~ airports.

567 (f) ~~(d)~~ Federal airways, visual flight rules, flyways and
 568 corridors, and instrument approaches as designated by the Federal
 569 Aviation Administration.

570 (g) ~~(e)~~ Whether the construction of the proposed structure
 571 would cause an increase in the minimum descent altitude or the
 572 decision height at the affected airport.

573 ~~(f) Technological advances.~~
574 ~~(g) The safety of persons on the ground and in the air.~~
575 ~~(h) Land use density.~~
576 ~~(i) The safe and efficient use of navigable airspace.~~
577 (h)-(j) The cumulative effects on navigable airspace of all
578 existing structures, ~~proposed structures identified in the~~
579 ~~applicable jurisdictions' comprehensive plans,~~ and all other
580 known proposed structures in the area.

581 (7) When issuing a permit under this section, the
582 department ~~of Transportation~~ shall, ~~as a specific condition of~~
583 ~~such permit,~~ require the owner ~~obstruction marking and lighting~~
584 of the permitted structure or vegetation to install, operate,
585 and maintain thereon, at his or her own expense, marking and
586 lighting in conformance with the specific standards established
587 by the Federal Aviation Administration as provided in s.
588 333.07(3)(b).

589 (8) The department ~~of Transportation~~ shall not approve a
590 permit for the construction or alteration ~~erection~~ of a
591 structure unless the applicant submits both documentation
592 showing compliance with the federal requirement for notification
593 of proposed construction or alteration and a valid aeronautical
594 study evaluation, and a ~~no~~ permit may not ~~shall~~ be approved
595 solely on the basis that such proposed structure will not exceed
596 federal obstruction standards as contained in 14 C.F.R. ss.
597 77.15, 77.17, 77.19, 77.21, or 77.23, 77.25, 77.28, or 77.29, or
598 any other federal aviation regulation.

599 (9) The denial of a permit under this section shall be
 600 subject to the administrative review provisions of chapter 120.

601 Section 11. Section 333.03, Florida Statutes, is amended
 602 to read:

603 333.03 Requirement ~~Power~~ to adopt airport zoning
 604 regulations.—

605 (1) (a) ~~In order to prevent the creation or establishment~~
 606 ~~of airport hazards,~~ Every political subdivision having an
 607 airport hazard area within its territorial limits shall, ~~by~~
 608 ~~October 1, 1977,~~ adopt, administer, and enforce, ~~under the~~
 609 ~~police power and~~ in the manner and upon the conditions
 610 ~~hereinafter~~ prescribed in this section, airport protection
 611 zoning regulations for such airport hazards ~~hazard~~ area.

612 (b) Where an airport is owned or controlled by a political
 613 subdivision and an ~~any~~ airport hazard area ~~appertaining to such~~
 614 ~~airport~~ is located wholly or partly outside the territorial
 615 limits of the ~~said~~ political subdivision, the political
 616 subdivision owning or controlling the airport and any ~~the~~
 617 political subdivision within which the airport hazard area is
 618 located, shall either:

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

623 2. By ordinance, regulation, or resolution duly adopted,
 624 create a joint airport zoning board that, ~~which board shall have~~

625 ~~the same power to~~ adopt, administer, and enforce airport
626 protection zoning regulations applicable to the airport hazard
627 area in each ~~question as that vested in paragraph (a) in the~~
628 political subdivision in ~~within~~ which the airport hazard ~~such~~
629 area is located. Each such joint airport zoning board shall have
630 as members two representatives appointed by each participating
631 political subdivision ~~participating in its creation and,~~ in
632 addition, a chair elected by a majority of the members so
633 appointed. ~~The~~ ~~However,~~ the airport manager or representative of
634 each airport in ~~managers of~~ the affected participating political
635 subdivisions shall serve on the board in a nonvoting capacity.

636 (c) Airport protection zoning regulations adopted under
637 paragraph (a) shall, as a minimum, require:

638 1. A permit variance for the erection, construction, or
639 alteration, ~~or modification~~ of any structure which would cause
640 the structure to exceed the federal obstruction standards as
641 contained in 14 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and
642 ~~77.23, 77.25, 77.28, and 77.29;~~

643 2. Obstruction marking and lighting for structures
644 exceeding the federal obstruction standards as contained in 14
645 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and 77.23, as specified
646 in s. 333.07(3);

647 3. Documentation showing compliance with the federal
648 requirement for notification of proposed construction or
649 alteration and a valid aeronautical study ~~evaluation~~ submitted
650 by each person applying for a permit variance;

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

653 5. That no permit ~~variance~~ shall be approved solely on the
 654 basis that such proposed structure will not exceed federal
 655 obstruction standards as contained in 14 C.F.R. ss. 77.15,
 656 77.17, 77.19, 77.21, and 77.23, ~~77.25, 77.28, or 77.29,~~ or any
 657 other federal aviation regulation.

658 (d) The department is available to provide assistance to
 659 political subdivisions with regard to federal obstruction
 660 standards ~~shall issue copies of the federal obstruction~~
 661 ~~standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25,~~
 662 ~~77.28, and 77.29 to each political subdivision having airport~~
 663 ~~hazard areas and, in cooperation with political subdivisions,~~
 664 ~~shall issue appropriate airport zoning maps depicting within~~
 665 ~~each county the maximum allowable height of any structure or~~
 666 ~~tree. Material distributed pursuant to this subsection shall be~~
 667 ~~at no cost to authorized recipients.~~

668 (2) In the manner provided in subsection (1), ~~interim~~
 669 airport land use compatibility zoning regulations shall be
 670 adopted, administered, and enforced. Airport land use
 671 compatibility zoning ~~When political subdivisions have adopted~~
 672 ~~land development regulations shall, at a minimum, in accordance~~
 673 ~~with the provisions of chapter 163 which address the use of land~~
 674 ~~in the manner consistent with the provisions herein, adoption of~~
 675 ~~airport land use compatibility regulations pursuant to this~~
 676 ~~subsection shall not be required. Interim airport land use~~

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

678 (a) Prohibiting any new and restricting any existing
679 landfills ~~whether sanitary landfills are located~~ within the
680 following areas:

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

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

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

690 (b) Where ~~Whether~~ any landfill is located and constructed
691 so that it attracts or sustains hazardous bird movements from
692 feeding, water, or roosting areas into, or across, the runways
693 or approach and departure patterns of aircraft. The landfill
694 operator must be required to ~~political subdivision shall request~~
695 ~~from the airport authority or other governing body operating the~~
696 ~~airport a report on such bird feeding or roosting areas that at~~
697 ~~the time of the request are known to the airport. In preparing~~
698 ~~its report, the authority, or other governing body, shall~~
699 ~~consider whether the landfill will~~ incorporate bird management
700 techniques or other practices to minimize bird hazards to
701 airborne aircraft. ~~The airport authority or other governing body~~
702 ~~shall respond to the political subdivision no later than 30 days~~

703 ~~after receipt of such request.~~

704 (c) Where an airport authority or other governing body
705 operating a ~~publicly owned,~~ public-use airport has conducted a
706 noise study in accordance with the provisions of 14 C.F.R. part
707 150, or where the public-use airport owner has established noise
708 contours pursuant to another public study approved by the Federal
709 Aviation Administration, incompatible uses, as established in
710 Appendix A of the 14 C.F.R. part 150 noise study or as a part of
711 an alternative Federal Aviation Administration-approved public
712 study, shall not be permitted within the noise contours
713 established by that study, except where such use is specifically
714 contemplated by such study with appropriate mitigation or similar
715 techniques described in the study ~~neither residential~~
716 ~~construction nor any educational facility as defined in chapter~~
717 ~~1013, with the exception of aviation school facilities, shall be~~
718 ~~permitted within the area contiguous to the airport defined by~~
719 ~~an outer noise contour that is considered incompatible with that~~
720 ~~type of construction by 14 C.F.R. part 150, Appendix A or an~~
721 ~~equivalent noise level as established by other types of noise~~
722 ~~studies.~~

723 (d) Where an airport authority or other governing body
724 operating a ~~publicly owned,~~ public-use airport has not conducted
725 a noise study, ~~neither residential construction nor any~~
726 ~~educational facility as defined in chapter 1013, with the~~
727 ~~exception of aviation school facilities, shall be permitted~~
728 ~~within an area contiguous to the airport measuring one-half the~~

729 length of the longest runway on either side of and at the end of
730 each runway centerline.

731 (3) In the manner provided in subsection (1), airport
732 zoning regulations that shall be adopted which restrict new
733 incompatible uses, ~~activities,~~ or substantial modifications to
734 existing incompatible uses construction within runway protection
735 clear zones shall be adopted, ~~including uses, activities, or~~
736 ~~construction in runway clear zones which are incompatible with~~
737 ~~normal airport operations or endanger public health, safety, and~~
738 ~~welfare by resulting in congregations of people, emissions of~~
739 ~~light or smoke, or attraction of birds. Such regulations shall~~
740 ~~prohibit the construction of an educational facility of a public~~
741 ~~or private school at either end of a runway of a publicly owned,~~
742 ~~public-use airport within an area which extends 5 miles in a~~
743 ~~direct line along the centerline of the runway, and which has a~~
744 ~~width measuring one-half the length of the runway. Exceptions~~
745 ~~approving construction of an educational facility within the~~
746 ~~delineated area shall only be granted when the political~~
747 ~~subdivision administering the zoning regulations makes specific~~
748 ~~findings detailing how the public policy reasons for allowing~~
749 ~~the construction outweigh health and safety concerns prohibiting~~
750 ~~such a location.~~

751 ~~(4) The procedures outlined in subsections (1), (2), and~~
752 ~~(3) for the adoption of such regulations are supplemental to any~~
753 ~~existing procedures utilized by political subdivisions in the~~
754 ~~adoption of such regulations.~~

755 (4)~~(5)~~ The department ~~of Transportation~~ shall provide
 756 technical assistance to any political subdivision requesting
 757 assistance in the preparation of an airport zoning regulation
 758 ~~code~~. A copy of all local airport zoning codes, rules, and
 759 regulations, and amendments and proposed and granted permits
 760 ~~variances thereto~~, shall be filed with the department. All
 761 updates and amendments to local airport zoning codes, rules, and
 762 regulations shall be filed with the department within 30 days
 763 after adoption.

764 (5)~~(6)~~ Nothing in subsection (2) or subsection (3) shall
 765 be construed to require the removal, alteration, sound
 766 conditioning, or other change, or to interfere with the
 767 continued use or adjacent expansion of any educational structure
 768 or site in existence on July 1, 1993,~~or be construed to~~
 769 ~~prohibit the construction of any new structure for which a site~~
 770 ~~has been determined as provided in former s. 235.19, as of July~~
 771 ~~1, 1993.~~

772 (6) This section does not preclude an airport authority,
 773 political subdivision or its administrative agency, or other
 774 governing body operating a public-use airport from establishing
 775 airport protection zoning regulations more restrictive than
 776 prescribed in this section in order to protect the safety and
 777 welfare of the public in the air and on the ground.

778 Section 12. Section 333.04, Florida Statutes, is amended
 779 to read:

780 333.04 Comprehensive zoning regulations; most stringent to

781 prevail where conflicts occur.—

782 (1) INCORPORATION.—In the event that a political
 783 subdivision has adopted, or hereafter adopts, a comprehensive
 784 plan or policy ~~zoning ordinance~~ regulating, among other things,
 785 the height of buildings, structures, and natural objects, and
 786 uses of property, any airport zoning regulations applicable to
 787 the same area or portion thereof may be incorporated in and made
 788 a part of such comprehensive plans or policies ~~zoning~~
 789 ~~regulations~~, and be administered and enforced in connection
 790 therewith.

791 (2) CONFLICT.—In the event of conflict between any airport
 792 zoning regulations adopted under this chapter and any other
 793 regulations applicable to the same area, whether the conflict be
 794 with respect to the height of structures or vegetation ~~trees~~,
 795 the use of land, or any other matter, and whether such
 796 regulations were adopted by the political subdivision which
 797 adopted the airport zoning regulations or by some other
 798 political subdivision, the more stringent limitation or
 799 requirement shall govern and prevail.

800 Section 13. Section 333.05, Florida Statutes, is amended
 801 to read:

802 333.05 Procedure for adoption of zoning regulations.—

803 (1) NOTICE AND HEARING.—~~No~~ Airport zoning regulations may
 804 not ~~shall~~ be adopted, amended, or deleted ~~changed~~ under this
 805 chapter except by action of the legislative body of the
 806 political subdivision or subdivisions affected ~~in question~~, or

807 the joint board provided in s. 333.03(1)(b)2. ~~333.03(1)(b)~~ by
808 the political subdivisions ~~bodies~~ therein provided and set
809 forth, after a public hearing in relation thereto, at which
810 parties in interest and citizens shall have an opportunity to be
811 heard. Notice of the hearing shall be published at least once a
812 week for 2 consecutive weeks in a newspaper ~~an official paper,~~
813 ~~or a paper~~ of general circulation, in the political subdivision
814 or subdivisions where ~~in which are located~~ the airport zoning
815 regulations are ~~areas~~ to be adopted, amended, or deleted ~~zoned~~.

816 (2) AIRPORT ZONING COMMISSION.—Before ~~Prior to~~ the initial
817 zoning of any airport area under this chapter the political
818 subdivision or joint airport zoning board which is to adopt,
819 administer, and enforce the regulations shall appoint a
820 commission, to be known as the airport zoning commission, to
821 recommend the boundaries of the various zones to be established
822 and the regulations to be adopted therefor. Such commission
823 shall make a preliminary report and hold public hearings thereon
824 before submitting its final report, and the legislative body of
825 the political subdivision or the joint airport zoning board
826 shall not hold its public hearings or take any action until it
827 has received the final report of such commission, and at least
828 15 days shall elapse between the receipt of the final report of
829 the commission and the hearing to be held by the latter board.
830 Where a planning ~~city plan~~ commission, airport commission, or
831 comprehensive zoning commission already exists, it may be
832 appointed as the airport zoning commission.

833 Section 14. Section 333.06, Florida Statutes, is amended
 834 to read:

835 333.06 Airport zoning requirements.—

836 (1) REASONABLENESS.—All airport zoning regulations adopted
 837 under this chapter shall be reasonable and ~~none~~ shall not impose
 838 any requirement or restriction which is not reasonably necessary
 839 to effectuate the purposes of this chapter. In determining what
 840 regulations it may adopt, each political subdivision and joint
 841 airport zoning board shall consider, among other things, the
 842 character of the flying operations expected to be conducted at
 843 the airport, the nature of the terrain within the airport hazard
 844 area and runway protection ~~clear~~ zones, the character of the
 845 neighborhood, the uses to which the property to be zoned is put
 846 and adaptable, and the impact of any new use, activity, or
 847 construction on the airport's operating capability and capacity.

848 (2) INDEPENDENT JUSTIFICATION.—The purpose of all airport
 849 zoning regulations adopted under this chapter is to provide both
 850 airspace protection and land uses ~~use~~ compatible with airport
 851 operations. Each aspect of this purpose requires independent
 852 justification in order to promote the public interest in safety,
 853 health, and general welfare. Specifically, construction in a
 854 runway protection ~~clear~~ zone which does not exceed airspace
 855 height restrictions is not conclusive ~~evidence per se~~ that such
 856 use, activity, or construction is compatible with airport
 857 operations.

858 (3) NONCONFORMING USES.—No airport protection zoning

859 regulations adopted under this chapter shall require the
860 removal, lowering, or other change or alteration of any
861 structure or vegetation ~~tree~~ not conforming to the regulations
862 when adopted or amended, or otherwise interfere with the
863 continuance of any nonconforming use, except as provided in s.
864 333.07(1) and (3).

865 (4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO AFFECTED
866 LOCAL GOVERNMENTS.—An airport master plan shall be prepared by
867 each public-use ~~publicly owned and operated~~ airport licensed by
868 the department ~~of Transportation~~ under chapter 330. The
869 authorized entity having responsibility for governing the
870 operation of the airport, when either requesting from or
871 submitting to a state or federal governmental agency with
872 funding or approval jurisdiction a "finding of no significant
873 impact," an environmental assessment, a site-selection study, an
874 airport master plan, or any amendment to an airport master plan,
875 shall submit simultaneously a copy of said request, submittal,
876 assessment, study, plan, or amendments by certified mail to all
877 affected local governments. For the purposes of this subsection,
878 "affected local government" is defined as any city or county
879 having jurisdiction over the airport and any city or county
880 located within 2 miles of the boundaries of the land subject to
881 the airport master plan.

882 Section 15. Section 333.065, Florida Statutes, is
883 repealed.

884 Section 16. Section 333.07, Florida Statutes, is amended

885 to read:

886 333.07 Local government permitting of airspace ~~Permits and~~
 887 ~~variances.~~—

888 (1) PERMITS.—

889 (a) Any person proposing to erect, construct, or alter any
 890 structure, increase the height of any structure, permit the
 891 growth of any vegetation, or otherwise use his or her property
 892 in violation of the airport protection zoning regulations
 893 adopted under this chapter shall apply for a permit. A ~~Any~~
 894 ~~airport zoning regulations adopted under this chapter may~~
 895 ~~require that a permit be obtained before any new structure or~~
 896 ~~use may be constructed or established and before any existing~~
 897 ~~use or structure may be substantially changed or substantially~~
 898 ~~altered or repaired. In any event, however, all such regulations~~
 899 ~~shall provide that before any nonconforming structure or tree~~
 900 ~~may be replaced, substantially altered or repaired, rebuilt,~~
 901 ~~allowed to grow higher, or replanted, a permit must be secured~~
 902 ~~from the administrative agency authorized to administer and~~
 903 ~~enforce the regulations, authorizing such replacement, change,~~
 904 ~~or repair. No permit may not ~~shall~~ be issued ~~granted~~ that would~~
 905 ~~allow the establishment or creation of an airport hazard or~~
 906 ~~would permit a nonconforming structure or vegetation ~~tree~~ or~~
 907 ~~nonconforming use to be made or become higher or to become a~~
 908 ~~greater hazard to air navigation than it was when the applicable~~
 909 ~~regulation was adopted or than it is when the application for a~~
 910 ~~permit is made.~~

911 (b) Whenever the political subdivision or its
 912 administrative agency determines that a nonconforming use or
 913 nonconforming structure or vegetation ~~tree~~ has been abandoned or
 914 is more than 80 percent torn down, destroyed, deteriorated, or
 915 decayed, a ~~no~~ permit may not ~~shall~~ be granted that would allow
 916 the said structure or vegetation ~~tree~~ to exceed the applicable
 917 height limit or otherwise deviate from the zoning regulations.†
 918 ~~and,~~ Whether or not an application is made for a permit under
 919 this subsection ~~or not,~~ the ~~said agency may by appropriate~~
 920 ~~action, compel the~~ owner of the nonconforming structure or
 921 vegetation may be required ~~tree,~~ at his or her own expense, to
 922 lower, remove, reconstruct, alter, or equip such object as may
 923 be necessary to conform to the regulations. If the owner of the
 924 nonconforming structure or vegetation ~~tree~~ shall neglect or
 925 refuse to comply with such order for 10 days after notice
 926 ~~thereof,~~ the ~~said~~ agency may report the violation to the
 927 political subdivision involved therein, which subdivision,
 928 through its appropriate agency, may proceed to have the object
 929 so lowered, removed, reconstructed, altered or equipped, and
 930 assess the cost and expense thereof upon the object or the land
 931 whereon it is or was located, ~~and, unless such an assessment is~~
 932 ~~paid within 90 days from the service of notice thereof on the~~
 933 ~~owner or the owner's agent, of such object or land, the sum~~
 934 ~~shall be a lien on said land, and shall bear interest thereafter~~
 935 ~~at the rate of 6 percent per annum until paid, and shall be~~
 936 ~~collected in the same manner as taxes on real property are~~

937 ~~collected by said political subdivision, or, at the option of~~
 938 ~~said political subdivision, said lien may be enforced in the~~
 939 ~~manner provided for enforcement of liens by chapter 85.~~

940 ~~(c) Except as provided herein, applications for permits~~
 941 ~~shall be granted, provided the matter applied for meets the~~
 942 ~~provisions of this chapter and the regulations adopted and in~~
 943 ~~force hereunder.~~

944 ~~(2) VARIANCES.—~~

945 ~~(a) Any person desiring to erect any structure, increase~~
 946 ~~the height of any structure, permit the growth of any tree, or~~
 947 ~~otherwise use his or her property in violation of the airport~~
 948 ~~zoning regulations adopted under this chapter or any land~~
 949 ~~development regulation adopted pursuant to the provisions of~~
 950 ~~chapter 163 pertaining to airport land use compatibility, may~~
 951 ~~apply to the board of adjustment for a variance from the zoning~~
 952 ~~regulations in question. At the time of filing the application,~~
 953 ~~the applicant shall forward to the department by certified mail,~~
 954 ~~return receipt requested, a copy of the application. The~~
 955 ~~department shall have 45 days from receipt of the application to~~
 956 ~~comment and to provide its comments or waiver of that right to~~
 957 ~~the applicant and the board of adjustment. The department shall~~
 958 ~~include its explanation for any objections stated in its~~
 959 ~~comments. If the department fails to provide its comments within~~
 960 ~~45 days of receipt of the application, its right to comment is~~
 961 ~~waived. The board of adjustment may proceed with its~~
 962 ~~consideration of the application only upon the receipt of the~~

963 ~~department's comments or waiver of that right as demonstrated by~~
 964 ~~the filing of a copy of the return receipt with the board.~~
 965 ~~Noncompliance with this section shall be grounds to appeal~~
 966 ~~pursuant to s. 333.08 and to apply for judicial relief pursuant~~
 967 ~~to s. 333.11. Such variances may only be allowed where a literal~~
 968 ~~application or enforcement of the regulations would result in~~
 969 ~~practical difficulty or unnecessary hardship and where the~~
 970 ~~relief granted would not be contrary to the public interest but~~
 971 ~~would do substantial justice and be in accordance with the~~
 972 ~~spirit of the regulations and this chapter. However, any~~
 973 ~~variance may be allowed subject to any reasonable conditions~~
 974 ~~that the board of adjustment may deem necessary to effectuate~~
 975 ~~the purposes of this chapter.~~

976 ~~(b) The Department of Transportation shall have the~~
 977 ~~authority to appeal any variance granted under this chapter~~
 978 ~~pursuant to s. 333.08, and to apply for judicial relief pursuant~~
 979 ~~to s. 333.11.~~

980 (2) CONSIDERATIONS WHEN ISSUING OR DENYING PERMITS.-In
 981 determining whether to issue or deny a permit, the political
 982 subdivision or its administrative agency shall consider the
 983 following, as applicable:

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

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

986 (c) The nature of the terrain and height of existing
 987 structures.

988 (d) The state licensing standards for a public-use

989 airport, contained in chapter 330 and rule 14-60, Florida
 990 Administrative Code, for the construction or alteration of the
 991 proposed structure.

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

994 (f) Federal airways, visual flight rules, flyways and
 995 corridors, and instrument approaches as designated by the
 996 Federal Aviation Administration.

997 (g) Effect of the construction or alteration of the
 998 proposed structure on the minimum descent altitude or the
 999 decision height at the affected airport.

1000 (h) The cumulative effects on navigable airspace of all
 1001 existing structures and all other known proposed structures in
 1002 the area.

1003 (i) Requirements contained in s. 333.03(2) and (3).

1004 (j) Additional requirements adopted by the political
 1005 subdivision or administrative agency pertinent to evaluation and
 1006 protection of airspace and airport operations.

1007 (3) OBSTRUCTION MARKING AND LIGHTING.—

1008 ~~(a)~~ In issuing a ~~granting any permit or variance~~ under
 1009 this section, the political subdivision or its administrative
 1010 ~~agency or board of adjustment~~ shall require the owner of the
 1011 structure or vegetation ~~tree in question~~ to install, operate,
 1012 and maintain thereon, at his or her own expense, ~~such~~ marking
 1013 and lighting in conformance with the specific standards
 1014 established by the Federal Aviation Administration ~~as may be~~

1015 ~~necessary to indicate to aircraft pilots the presence of an~~
 1016 ~~obstruction.~~

1017 (b) Such marking and lighting shall conform to the
 1018 specific standards established by rule by the department of
 1019 ~~Transportation.~~

1020 ~~(c) Existing structures not in compliance on October 1,~~
 1021 ~~1988, shall be required to comply whenever the existing marking~~
 1022 ~~requires refurbishment, whenever the existing lighting requires~~
 1023 ~~replacement, or within 5 years of October 1, 1988, whichever~~
 1024 ~~occurs first.~~

1025 Section 17. Section 333.08, Florida Statutes, is repealed.

1026 Section 18. Section 333.09, Florida Statutes, is amended
 1027 to read:

1028 333.09 Administration of airport zoning regulations.—

1029 (1) ADMINISTRATION.—All airport zoning regulations adopted
 1030 under this chapter shall provide for the administration and
 1031 enforcement of such regulations by the political subdivision or
 1032 its administrative agency ~~an administrative agency which may be~~
 1033 ~~an agency created by such regulations or any official, board, or~~
 1034 ~~other existing agency of the political subdivision adopting the~~
 1035 ~~regulations or of one of the political subdivisions which~~
 1036 ~~participated in the creation of the joint airport zoning board~~
 1037 ~~adopting the regulations, if satisfactory to that political~~
 1038 ~~subdivision, but in no case shall such administrative agency be~~
 1039 ~~or include any member of the board of adjustment.~~ The duties of
 1040 any administrative agency designated pursuant to this chapter

1041 shall include that of hearing and deciding all permits under s.
 1042 333.07(1), ~~deciding all matters under s. 333.07(3),~~ as they
 1043 pertain to such agency, and all other matters under this chapter
 1044 applying to said agency, ~~but such agency shall not have or~~
 1045 ~~exercise any of the powers herein delegated to the board of~~
 1046 adjustment.

1047 (2) LOCAL GOVERNMENT PROCESS.-

1048 (a) A political subdivision required to adopt airport
 1049 zoning regulations under this chapter shall provide a process to:

1050 1. Issue or deny permits consistent with s. 333.07,
 1051 including requests for exceptions to airport zoning regulations.

1052 2. Notify the department of receipt of a complete
 1053 application consistent with s. 333.025(4).

1054 3. Enforce any permit, order, requirement, decision, or
 1055 determination made by the administrative agency with respect to
 1056 airport zoning regulations.

1057 (b) If a zoning board or permitting body already exists
 1058 within a political subdivision, the zoning board or permitting
 1059 body may implement the permitting and appeals process. Otherwise,
 1060 the political subdivision shall implement the permitting and
 1061 appeals process in a manner consistent with its constitutional
 1062 powers and areas of jurisdiction.

1063 (3) APPEALS.-

1064 (a) A person or a political subdivision or its
 1065 administrative agency or a joint airport zoning board that
 1066 contends a decision made by a political subdivision or its

1067 administrative agency is an improper application of airport
1068 zoning regulations, may use the process established for an
1069 appeal.

1070 (b) All appeals taken under this section must be taken
1071 within a reasonable time, as provided by the political
1072 subdivision or its administrative agency, by filing with the
1073 entity from which appeal is taken a notice of appeal specifying
1074 the grounds for appeal.

1075 (c) An appeal shall stay all proceedings in the underlying
1076 action appealed from, unless the entity from which the appeal is
1077 taken certifies pursuant to the rules for appeal that by reason
1078 of the facts stated in the certificate a stay would, in its
1079 opinion, cause imminent peril to life or property. In such cases,
1080 proceedings shall not be stayed except by order of the political
1081 subdivision or its administrative agency on notice to the entity
1082 from which the appeal is taken and for good cause shown.

1083 (d) The political subdivision or its administrative agency
1084 shall set a reasonable time for the hearing of appeals, give
1085 public notice and due notice to the parties in interest, and
1086 decide the same within a reasonable time. Upon the hearing, any
1087 party may appear in person, by agent, or by attorney.

1088 (e) The political subdivision or its administrative agency
1089 may, in conformity with the provisions of this chapter, reverse,
1090 affirm, or modify the order, requirement, decision, or
1091 determination from which the appeal is taken.

1092 Section 19. Section 333.10, Florida Statutes, is repealed.

1093 Section 20. Section 333.11, Florida Statutes, is amended
 1094 to read:

1095 333.11 Judicial review.—

1096 (1) Any person, ~~aggrieved, or taxpayer affected, by any~~
 1097 ~~decision of a board of adjustment, or any governing body of a~~
 1098 political subdivision, ~~or the Department of Transportation or~~
 1099 ~~any joint airport zoning board,~~ affected by a decision of a
 1100 political subdivision or its ~~of any~~ administrative agency
 1101 hereunder, may apply for judicial relief to the circuit court in
 1102 the judicial circuit where the political subdivision ~~board of~~
 1103 ~~adjustment~~ is located within 30 days after rendition of the
 1104 decision ~~by the board of adjustment~~. Review shall be by petition
 1105 for writ of certiorari, which shall be governed by the Florida
 1106 Rules of Appellate Procedure.

1107 ~~(2) Upon presentation of such petition to the court, it~~
 1108 ~~may allow a writ of certiorari, directed to the board of~~
 1109 ~~adjustment, to review such decision of the board. The allowance~~
 1110 ~~of the writ shall not stay the proceedings upon the decision~~
 1111 ~~appealed from, but the court may, on application, on notice to~~
 1112 ~~the board, on due hearing and due cause shown, grant a~~
 1113 ~~restraining order.~~

1114 ~~(3) The board of adjustment shall not be required to~~
 1115 ~~return the original papers acted upon by it, but it shall be~~
 1116 ~~sufficient to return certified or sworn copies thereof or of~~
 1117 ~~such portions thereof as may be called for by the writ. The~~
 1118 ~~return shall concisely set forth such other facts as may be~~

1119 ~~pertinent and material to show the grounds of the decision~~
1120 ~~appealed from and shall be verified.~~

1121 (2)~~(4)~~ The court shall have exclusive jurisdiction to
1122 affirm, modify, or set aside the decision brought up for review,
1123 ~~in whole or in part,~~ and, if need be, to order further
1124 proceedings by the political subdivision or its administrative
1125 agency board of adjustment. The findings of fact by the
1126 political subdivision or its administrative agency board, if
1127 supported by substantial evidence, shall be accepted by the
1128 court as conclusive, and no objection to a decision of the
1129 political subdivision or its administrative agency board shall
1130 be considered by the court unless such objection was raised in
1131 the underlying proceeding ~~shall have been urged before the~~
1132 ~~board, or, if it was not so urged, unless there were reasonable~~
1133 ~~grounds for failure to do so.~~

1134 (3)~~(5)~~ In any case where ~~in which~~ airport zoning
1135 regulations adopted under this chapter, ~~although generally~~
1136 ~~reasonable,~~ are held by a court to interfere with the use and
1137 enjoyment of a particular structure or parcel of land to such an
1138 extent, or to be so onerous in their application to such a
1139 structure or parcel of land, as to constitute a taking or
1140 deprivation of that property in violation of the State
1141 Constitution or the Constitution of the United States, such
1142 holding shall not affect the application of such regulations to
1143 other structures and parcels of land, or such regulations as are
1144 not involved in the particular decision.

1145 (4)(6) A judicial ~~No~~ appeal to any court may not ~~shall~~ be
 1146 ~~or is~~ permitted under this section, ~~to any courts,~~ until the
 1147 appellant has exhausted all its remedies through application for
 1148 local government permits, exceptions, and appeals as herein
 1149 ~~provided, save and except an appeal from a decision of the board~~
 1150 ~~of adjustment, the appeal herein provided being from such final~~
 1151 ~~decision of such board only, the appellant being hereby required~~
 1152 ~~to exhaust his or her remedies hereunder of application for~~
 1153 ~~permits, exceptions and variances, and appeal to the board of~~
 1154 ~~adjustment, and gaining a determination by said board, before~~
 1155 ~~being permitted to appeal to the court hereunder.~~

1156 Section 21. Section 333.12, Florida Statutes, is amended
 1157 to read:

1158 333.12 Acquisition of air rights. ~~When In any case which:~~
 1159 ~~it is desired to remove, lower or otherwise terminate a~~
 1160 nonconforming structure or use presents an air hazard and the
 1161 structure cannot be removed, lowered, or otherwise terminated;
 1162 or the approach protection necessary cannot, because of
 1163 constitutional limitations, be provided by airport regulations
 1164 under this chapter; or it appears advisable that the necessary
 1165 approach protection be provided by acquisition of property
 1166 rights rather than by airport zoning regulations, the political
 1167 subdivision within which the property or nonconforming use is
 1168 located, or the political subdivision owning or operating the
 1169 airport or being served by it, may acquire, by purchase, grant,
 1170 or condemnation in the manner provided by chapter 73, such air

1171 right, avigation ~~navigation~~ easement, or other estate, portion
 1172 or interest in the property or nonconforming structure or use or
 1173 such interest in the air above such property, vegetation ~~tree~~,
 1174 structure, or use, in question, as may be necessary to
 1175 effectuate the purposes of this chapter, and in so doing, if by
 1176 condemnation, to have the right to take immediate possession of
 1177 the property, interest in property, air right, or other right
 1178 sought to be condemned, at the time, and in the manner and form,
 1179 and as authorized by chapter 74. In the case of the purchase of
 1180 any property, or any ~~any~~ easement, or estate or interest therein or
 1181 the acquisition of the same by the power of eminent domain the
 1182 political subdivision making such purchase or exercising such
 1183 power shall in addition to the damages for the taking, injury,
 1184 or destruction of property also pay the cost of the removal and
 1185 relocation of any structure or any public utility which is
 1186 required to be moved to a new location.

1187 Section 22. Section 333.13, Florida Statutes, is amended
 1188 to read:

1189 333.13 Enforcement and remedies.—

1190 (1) Each violation of this chapter or of any regulations,
 1191 orders, or rulings promulgated or made pursuant to this chapter
 1192 shall constitute a misdemeanor of the second degree, punishable
 1193 as provided in s. 775.082 or s. 775.083, and each day a
 1194 violation continues to exist shall constitute a separate
 1195 offense.

1196 (2) In addition, the political subdivision or agency

1197 adopting the airport zoning regulations under this chapter may
 1198 institute in any court of competent jurisdiction an action to
 1199 prevent, restrain, correct, or abate any violation of this
 1200 chapter or of airport zoning regulations adopted under this
 1201 chapter or of any order or ruling made in connection with their
 1202 administration or enforcement, and the court shall adjudge to
 1203 the plaintiff such relief, by way of injunction (which may be
 1204 mandatory) or otherwise, as may be proper under all the facts
 1205 and circumstances of the case in order to fully effectuate the
 1206 purposes of this chapter and of the regulations adopted and
 1207 orders and rulings made pursuant thereto.

1208 (3) The department ~~of Transportation~~ may institute a civil
 1209 action for injunctive relief in the appropriate circuit court to
 1210 prevent violation of any provision of this chapter.

1211 Section 23. Section 333.135, Florida Statutes, is created
 1212 to read:

1213 333.135 Transition provisions.—

1214 (1) Any airport zoning regulation in effect on July 1,
 1215 2015, that includes provisions in conflict with this chapter
 1216 shall be amended to conform to the requirements of this chapter
 1217 by July 1, 2016.

1218 (2) Any political subdivision having an airport within its
 1219 territorial limits which has not adopted airport zoning
 1220 regulations, shall, by October 1, 2017, adopt airport zoning
 1221 regulations consistent with the provisions of this chapter.

1222 (3) For those political subdivisions that have not yet

1223 adopted airport zoning regulations pursuant to this chapter, the
 1224 department shall administer the permitting process as provided in
 1225 s. 333.025.

1226 Section 24. Section 333.14, Florida Statutes, is repealed.

1227 Section 25. Subsections (36) and (37) of section 334.03,
 1228 Florida Statutes, are amended to read:

1229 334.03 Definitions.—When used in the Florida
 1230 Transportation Code, the term:

1231 (36) "511" or "511 services" means all three-digit
 1232 ~~telecommunications dialing to access interactive voice response~~
 1233 ~~telephone~~ traveler information services provided in the state,
 1234 including, but not limited to, the terms as defined by the
 1235 Federal Communications Commission in FCC Order No. 00-256, July
 1236 31, 2000.

1237 ~~(37) "Interactive voice response" means a software~~
 1238 ~~application that accepts a combination of voice telephone input~~
 1239 ~~and touch-tone keypad selection and provides appropriate~~
 1240 ~~responses in the form of voice, fax, callback, e-mail, and other~~
 1241 ~~media.~~

1242 Section 26. Subsection (31) of section 334.044, Florida
 1243 Statutes, is amended, and subsection (34) is added to that
 1244 section, to read:

1245 334.044 Department; powers and duties.—The department
 1246 shall have the following general powers and duties:

1247 (31) To provide oversight of traveler information systems
 1248 ~~that may include the provision of interactive voice response~~

1249 ~~telephone systems accessible via the 511 services number as~~
1250 assigned by the Federal Communications Commission for traveler
1251 information services. The department shall ensure that uniform
1252 standards and criteria for the collection and dissemination of
1253 traveler information are applied ~~using interactive voice~~
1254 ~~response systems.~~

1255 (34) To assume responsibilities of the United States
1256 Department of Transportation with respect to highway projects
1257 within the state under the National Environmental Policy Act of
1258 1969, 42 U.S.C. s. 4321 et seq., and with respect to related
1259 responsibilities for environmental review, consultation, or
1260 other action required under any federal environmental law
1261 pertaining to review or approval of a highway project within the
1262 state. The department may assume responsibilities under 23
1263 U.S.C. s. 327 and enter into one or more agreements, including
1264 memoranda of understanding, with the United States Secretary of
1265 Transportation related to the federal surface transportation
1266 project delivery program for the delivery of highway projects,
1267 as provided by 23 U.S.C. s. 327. The department may adopt rules
1268 to implement this subsection and may adopt relevant federal
1269 environmental standards as the standards for this state for a
1270 program described in this subsection. Sovereign immunity to
1271 civil suit in federal court is waived consistent with 23 U.S.C.
1272 s. 327 and limited to the compliance, discharge, or enforcement
1273 of a responsibility assumed by the department under this
1274 subsection.

1275 Section 27. Section 334.60, Florida Statutes, is amended
 1276 to read:

1277 334.60 511 traveler information system.—The department is
 1278 the state's lead agency for implementing 511 services and is the
 1279 state's point of contact for coordinating all 511 services ~~with~~
 1280 ~~telecommunications service providers~~. The department shall:

- 1281 (1) Implement and administer 511 services in the state;
- 1282 (2) Coordinate with other transportation authorities in
 1283 the state to provide multimodal traveler information through 511
 1284 services and other means;

- 1285 (3) Develop uniform standards and criteria for the
 1286 collection and dissemination of traveler information using ~~the~~
 1287 511 services ~~number or other interactive voice response systems~~;
 1288 and

- 1289 (4) Enter into joint participation agreements or contracts
 1290 with highway authorities and public transit districts to share
 1291 the costs of implementing and administering 511 services in the
 1292 state. The department may also enter into other agreements or
 1293 contracts with private firms relating to the 511 services to
 1294 offset the costs of implementing and administering 511 services
 1295 in the state.

1296
 1297 The department shall adopt rules to administer the coordination
 1298 of 511 traveler information ~~phone~~ services in the state.

1299 Section 28. Subsection (4) of section 338.165, Florida
 1300 Statutes, is amended to read:

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1301 338.165 Continuation of tolls.—

1302 (4) Notwithstanding any other law to the contrary,
1303 pursuant to s. 11, Art. VII of the State Constitution, and
1304 subject to the requirements of subsection (2), the Department of
1305 Transportation may request the Division of Bond Finance to issue
1306 bonds secured by toll revenues collected on the Alligator Alley,
1307 the Sunshine Skyway Bridge, ~~the Beeline-East Expressway, the~~
1308 ~~Navarre Bridge,~~ and the Pinellas Bayway to fund transportation
1309 projects located within the county or counties in which the
1310 project is located and contained in the adopted work program of
1311 the department.

1312 Section 29. Subsection (5) is added to section 338.227,
1313 Florida Statutes, to read:

1314 338.227 Turnpike revenue bonds.—

1315 (5) Notwithstanding s. 215.82, bonds issued pursuant to
1316 this section are not required to be validated pursuant to
1317 chapter 75, but may be validated at the option of the Division
1318 of Bond Finance. Any complaint for such validation shall be
1319 filed in the circuit court of the county where the seat of state
1320 government is situated; the notice required to be published by
1321 s. 75.06 shall be published only in the county where the
1322 complaint is filed; and the complaint and order of the circuit
1323 court shall be served only on the state attorney of the circuit
1324 in which the action is pending.

1325 Section 30. Paragraph (c) of subsection (3) of section
1326 338.231, Florida Statutes, is amended to read:

1327 338.231 Turnpike tolls, fixing; pledge of tolls and other
 1328 revenues.—The department shall at all times fix, adjust, charge,
 1329 and collect such tolls and amounts for the use of the turnpike
 1330 system as are required in order to provide a fund sufficient
 1331 with other revenues of the turnpike system to pay the cost of
 1332 maintaining, improving, repairing, and operating such turnpike
 1333 system; to pay the principal of and interest on all bonds issued
 1334 to finance or refinance any portion of the turnpike system as
 1335 the same become due and payable; and to create reserves for all
 1336 such purposes.

1337 (3)

1338 (c) Notwithstanding any other provision of law to the
 1339 contrary, any prepaid toll account of any kind which has
 1340 remained inactive for 10 ~~3~~ years shall be presumed unclaimed and
 1341 its disposition shall be handled by the Department of Financial
 1342 Services in accordance with all applicable provisions of chapter
 1343 717 relating to the disposition of unclaimed property, and the
 1344 prepaid toll account shall be closed by the department.

1345 Section 31. Paragraph (g) of subsection (7) of section
 1346 339.135, Florida Statutes, is amended, and paragraph (h) is
 1347 added to that subsection, to read:

1348 339.135 Work program; legislative budget request;
 1349 definitions; preparation, adoption, execution, and amendment.—

1350 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

1351 (g) Any work program amendment which also requires the
 1352 transfer of fixed capital outlay appropriations between

1353 categories within the department or the increase of an
1354 appropriation category is subject to the approval of the
1355 Legislative Budget Commission. ~~If a meeting of the Legislative~~
1356 ~~Budget Commission cannot be held within 30 days of the~~
1357 ~~department submitting an amendment to the Legislative Budget~~
1358 ~~Commission, then the chair and vice chair of the Legislative~~
1359 ~~Budget Commission may authorize such amendment to be approved~~
1360 ~~pursuant to the provisions of s. 216.177.~~

1361 (h) Any work program amendment which also adds a new
1362 project, or phase thereof, to the adopted work program in excess
1363 of \$3 million is subject to the approval of the Legislative
1364 Budget Commission. Any work program amendment submitted under
1365 this paragraph must include, as supplemental information, a list
1366 of projects, or phases thereof, in the current 5-year adopted
1367 work program that are eligible for the funds within the
1368 appropriation category being utilized for the proposed
1369 amendment. The department shall provide narrative with the
1370 rationale for not advancing an existing project, or phase
1371 thereof, in lieu of the proposed amendment.

1372 Section 32. Subsection (2) of section 339.2818, Florida
1373 Statutes, is amended to read:

1374 339.2818 Small County Outreach Program.—

1375 (2) For the purposes of this section, the term "small
1376 county" means any county that has a population of 165,000
1377 ~~150,000~~ or less as determined by the most recent official
1378 estimate pursuant to s. 186.901.

1379 Section 33. (1) If a municipality or county applies
1380 transportation concurrency, it may not require a developer to
1381 pay a fee for the removal of vegetation within the right-of-way
1382 limits of road improvements for which the developer completed or
1383 contributed funding as required for transportation concurrency
1384 for a development project.

1385 (2) This section does not affect the ability of a
1386 municipality or county to require any tree removal permits or
1387 tree removal plans.

1388 (3) As used in this section, the term "fee" does not
1389 include any costs associated with applying for a tree removal
1390 permit or preparing a tree removal plan.

1391 (4) This section does not affect a municipality or
1392 county's ability to establish and enforce landscaping
1393 requirements.

1394 (5) A municipality or county may, by majority vote of its
1395 governing body, exempt itself from this section.

1396 Section 34. (1) The Office of Economic and Demographic
1397 Research shall evaluate and determine the economic benefits, as
1398 defined in s. 288.005(1), Florida Statutes, of the state's
1399 investment in the Department of Transportation's adopted work
1400 program developed in accordance with s. 339.135(5) for fiscal
1401 year 2015-2016, including the following 4 fiscal years. At a
1402 minimum, a separate return on investment shall be projected for
1403 each of the following areas:

1404 (a) Roads and highways.

1405 (b) Rails.

1406 (c) Public transit.

1407 (d) Aviation.

1408 (e) Seaports.

1409

1410 The analysis is limited to the funding anticipated by the
1411 adopted work program, but may address the continuing economic
1412 impact for those transportation projects in the 5 years beyond
1413 the conclusion of the adopted work program. The analysis must
1414 also evaluate the number of jobs created, the increase or
1415 decrease in personal income, and the impact on gross domestic
1416 product from the direct, indirect, and induced effects on the
1417 state's investment in each area.

1418 (2) The Department of Transportation and each of its
1419 district offices shall provide the Office of Economic and
1420 Demographic Research full access to all data necessary to
1421 complete the analysis, including any confidential data.

1422 (3) The Office of Economic and Demographic Research shall
1423 submit the analysis to the President of the Senate and the
1424 Speaker of the House of Representatives by January 1, 2016.

1425 Section 35. Subsection (2) of section 215.82, Florida
1426 Statutes, is amended to read:

1427 215.82 Validation; when required.—

1428 (2) Any bonds issued pursuant to this act which are
1429 validated shall be validated in the manner provided by chapter
1430 75. In actions to validate bonds to be issued in the name of the

1431 State Board of Education under s. 9(a) and (d), Art. XII of the
 1432 State Constitution and bonds to be issued pursuant to chapter
 1433 259, the Land Conservation Act of 1972, the complaint shall be
 1434 filed in the circuit court of the county where the seat of state
 1435 government is situated, the notice required to be published by
 1436 s. 75.06 shall be published only in the county where the
 1437 complaint is filed, and the complaint and order of the circuit
 1438 court shall be served only on the state attorney of the circuit
 1439 in which the action is pending. In any action to validate bonds
 1440 issued pursuant to s. 1010.62 or issued pursuant to s. 9(a)(1),
 1441 Art. XII of the State Constitution or issued pursuant to s.
 1442 215.605 ~~or s. 338.227~~, the complaint shall be filed in the
 1443 circuit court of the county where the seat of state government
 1444 is situated, the notice required to be published by s. 75.06
 1445 shall be published in a newspaper of general circulation in the
 1446 county where the complaint is filed and in two other newspapers
 1447 of general circulation in the state, and the complaint and order
 1448 of the circuit court shall be served only on the state attorney
 1449 of the circuit in which the action is pending; provided,
 1450 however, that if publication of notice pursuant to this section
 1451 would require publication in more newspapers than would
 1452 publication pursuant to s. 75.06, such publication shall be made
 1453 pursuant to s. 75.06.

1454 Section 36. For the purpose of incorporating the amendment
 1455 made by this act to section 333.01, Florida Statutes, in a
 1456 reference thereto, subsection (6) of section 350.81, Florida

1457 Statutes, is reenacted to read:

1458 350.81 Communications services offered by governmental
1459 entities.—

1460 (6) To ensure the safe and secure transportation of
1461 passengers and freight through an airport facility, as defined
1462 in s. 159.27(17), an airport authority or other governmental
1463 entity that provides or is proposing to provide communications
1464 services only within the boundaries of its airport layout plan,
1465 as defined in s. 333.01(6), to subscribers which are integral
1466 and essential to the safe and secure transportation of
1467 passengers and freight through the airport facility, is exempt
1468 from this section. An airport authority or other governmental
1469 entity that provides or is proposing to provide shared-tenant
1470 service under s. 364.339, but not dial tone enabling subscribers
1471 to complete calls outside the airport layout plan, to one or
1472 more subscribers within its airport layout plan which are not
1473 integral and essential to the safe and secure transportation of
1474 passengers and freight through the airport facility is exempt
1475 from this section. An airport authority or other governmental
1476 entity that provides or is proposing to provide communications
1477 services to one or more subscribers within its airport layout
1478 plan which are not integral and essential to the safe and secure
1479 transportation of passengers and freight through the airport
1480 facility, or to one or more subscribers outside its airport
1481 layout plan, is not exempt from this section. By way of example
1482 and not limitation, the integral, essential subscribers may

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1483 include airlines and emergency service entities, and the
1484 nonintegral, nonessential subscribers may include retail shops,
1485 restaurants, hotels, or rental car companies.

1486 Section 37. This act shall take effect July 1, 2015.