HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS

BILL #:	CS/CS/HB 7061	**FINAL HOUSE FLOOR ACTION:**	
SPONSOR(S):	Economic Affairs Committee; Transportation & Economic Development Appropriations Subcommittee; Transportation & Ports Subcommittee; Santiago; Cortes B. and others	117 **Y's**	2 **N's**
COMPANION BILLS:	CS/CS/SB 1392; CS/SB 1508; HB 1379; HB 7027; CS/CS/SB 756; CS/CS/SB 1394	**GOVERNOR'S ACTION:**	Approved

SUMMARY ANALYSIS

CS/CS/HB 7061 passed the House on February 2, 2016. The bill was amended by the Senate on March 11, 2016, and subsequently passed the House on March 11, 2016. Part of the bill also passed the House and Senate in CS/SB 1508 on March 11, 2016. Part of the bill also passed the House and Senate in HB 7027 on March 11, 2016. This is a comprehensive bill related to transportation. In summary, the bill:

- Authorizes certain organizations with a state agency roadside cleaning service contract to participate in a self-insurance fund authorized under s. 624.4625, F.S.;
- Increases minimum annual funding for the Florida Seaport Transportation and Economic Development Program from $15 million to $25 million;
- Creates the Florida Seaport Security Advisory Committee to advise, report and make recommendations on matters related to maritime security in Florida;
- Establishes the Seaport Security Grant Program, subject to legislative appropriation, to assist in the implementation of security plans and measures at Florida's deepwater ports;
- Defines "commercial megacycle", and provides specifications and requirements related to the operation of commercial megacycles;
- Makes several statutory changes relating to the operation and regulation of autonomous vehicles, including the provision of certain minimum technological standards;
- Defines driver-assistive truck platooning technology (DATPT), requires the Department Of Transportation (DOT) to study the use DATPT, and authorizes a pilot project to test vehicles equipped with DATPT;
- Exempts vehicles operating in autonomous mode, or with DATPT, from a prohibition on certain electronic displays that are visible from the driver's seat;
- Clarifies DOT's authority with respect to noncompliant traffic and pedestrian control devices;
- Revises specifications for deceleration lighting systems equipped on buses;
- Increases maximum lawful length for semitrailers on public roads, from 53 feet to 57 feet;
- Authorizes greater jurisdictional boundaries for chartered municipal parking enforcement specialists under specified circumstances;
- Authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to issue a salvage certificate of title or certificate of destruction to insurance companies under certain circumstances, beginning July 1, 2023;
- Provides that motor vehicles being relocated within a port facility via designated port district roads are exempt from certain motor vehicle registration requirements;
- Updates and revises ch. 333, F.S., governing land use and airspace management at or around airports;

- Requires DOT to install roadside barriers to shield water bodies contiguous with state roads under certain circumstances;
- Revises the surety bond requirements imposed on certain non-profit entities for specified contracts with the DOT;
- Authorizes the transfer of the Pinellas Bayway System from DOT to the Florida Turnpike Enterprise and, in such event, also requires the transfer of certain funds to be used to help fund the costs of repair and replacement of the transferred facilities;
- Revises the membership and structure of the Tampa Bay Area Regional Transportation Authority;
- Increases the maximum population for counties eligible for the Small County Outreach Program from 150,000 to 170,000;
- Provides that natural gas fueling facilities are eligible for State Infrastructure Bank loans;
- Repeals an obsolete provision relating to statewide transportation corridors;
- Broadens the Tampa Hillsborough Expressway Authority's ability to undertake capital projects that do not pledge the full faith and credit of the state;
- Authorizes certain breweries to have directional signs installed under certain conditions;
- Requires the Office of Economic and Demographic Research to evaluate and determine the economic benefits of DOT's Work Program;
- Prohibits counties from requiring vehicles that are larger than needed, or inconsistent with a patient's medical condition, for use in non-emergency medical transit under certain circumstances;
- Standardizes the timeframe within which a driver license or vehicle registration must be updated following a change in address or name;
- Provides for the issuance of identification cards to youth transitioning out of the Department of Juvenile Justice system at no-cost;
- Requires DHSMV to maintain an integrated link on its website that directs visitors to the state's organ donation program; and
- Revises a number of statutory cross-references, conforming to revisions made to s. 316.003, F.S.

The bill will likely have a fiscal impact on the private and governmental sectors. See fiscal section for details.

The bill was approved by the Governor on April 14, 2016, ch. 2016-239, L.O.F., and will become effective on July 1, 2016.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

This is a comprehensive bill relating to transportation. For ease of understanding, this analysis is arranged by topic.

Qualified Job Training Organizations / Self-Insurance Funds (Section 1)

Current Situation

Qualified Job Training Organizations
A "qualified job training organization" is an organization that meets all of the following criteria:

- Is accredited by the Commission for Accreditation of Rehabilitation Facilities;
- Collects Florida state sales tax;
- Operates statewide and has more than 100 locations within the state;
- Is exempt from income taxation under s. 501(c)(3) or (4) of the Internal Revenue Code of 1986, as amended;
- Specializes in the retail sale of donated items;
- Provides job training and employment services to individuals who have workplace disadvantages and disabilities; and
- Uses a majority of its revenues for job training and placement programs that create jobs and foster economic development.[1]

Regulation of Self-Insurance Funds
The Office of Insurance Regulation (OIR) regulates the activities of insurers and other risk-bearing entities.[2] As an alternative to traditional insurance from a licensed insurance company, the Legislature created various self-insurance funds to cover specific liabilities for specific groups or purposes.[3] The self-insurance funds may be classified as a commercial self-insurance fund, which may cover commercial property, casualty risk, or surety insurance liabilities;[4] a group self-insurance fund, which may cover worker's compensation liabilities;[5] or a specific purpose self-insurance fund that is created to address the needs of a specific group, e.g. local governments or not for profit corporations. While the types of insurance provided and membership eligibility requirements vary among the different types of self-insurance funds, all members of self-insurance funds share the common characteristic that they agree by virtue of their membership in a self-insurance fund to assume the risk of loss among themselves, rather than transferring the risk in its entirety to an insurance company.[6] Therefore, members generally see a lower annual cost for insurance in a self-insurance fund, but have a risk of higher assessment or cost in the case of a loss experienced either by themselves or a fellow member.

Not For Profit Self-Insurance Funds

[1] s. 288.1097, F.S.
[2] s. 20.121(3)(a)1., F.S.
[3] *See*, ss. 624.460-624.488, F.S.
[4] s. 624.462, F.S.
[5] s. 624.4621, F.S.
[6] The Commercial Self-Insurance Fund Act (ss. 624.460-624.488, F.S.), authorizes certain groups and associations to form a commercial self-insurance fund, subject to the approval of OIR. Under s. 624.4621, F.S., two or more employers may pool their workers' compensation liabilities and form a self-insurance fund for workers' compensation purposes, referred to as a group self-insurance fund. Such funds must comply with administrative rules adopted by the Financial Services Commission. Pursuant to s. 624.4622, F.S., any two local governments may enter into interlocal agreements to create a self-insurance fund for securing the payment of benefits under the workers' compensation law. Under s. 624.4623, F.S., any two or more independent non-profit colleges or universities may form a self-insurance fund for the purpose of pooling and spreading liabilities of its group members in any property or casualty risk or surety insurance or securing the payment of benefits under the workers' compensation law.

Section 624.4625, F.S., governs not for profit self-insurance funds, and provides that two or more not for profit corporations[7] located in Florida and organized under Florida law may form a self-insurance fund with the purpose of pooling and spreading the property and casualty liabilities between its group members. The operating fund must:

- Have at least $5 million in annual normal premiums;
- Use a qualified actuary to determine an actuarially-sound rate, level of reserves, and loss adjustment expenses and submit annual certifications thereof to the OIR;
- Maintain excess insurance coverage and reserve evaluation;
- Submit to the OIR an annual audited fiscal year-end financial statement performed by an independent CPA;
- Have a governing body that consists of officers of its member not for profit corporations, which must submit an annual certification that the fund meets all statutory operating requirements;
- Be operated by Florida-licensed personnel who have at least 5 years' experience with commercial self-insurance funds or domestic insurers; and
- Use contracts that clearly delineate the fund's members' liabilities and obligations.

The members of a corporation not for profit self-insurance fund must receive at least 75 percent of their revenues from government funding.[8]

A corporation not for profit self-insurance fund may not participate in or be covered by any guaranty association established under ch. 631, F.S. Additionally, these funds are neither subject to rules and regulations promulgated by the Financial Services Commission under s. 624.4621, F.S., nor required to file any report with the Department of Financial Services under s. 440.38(2)(b), F.S.

Florida Insurance Trust

The Florida Insurance Trust (FIT) is the only corporation not for profit self-insurance fund operating in Florida.[9] Created in 2007, the FIT provides property, general liability, professional liability, employment practice liability, workers compensation, health insurance, and commercial automobile coverage to its members. According to representatives of the FIT, 9,000 not for profit social service entities are eligible for FIT membership under current law, but only 175 are currently members.[10]

The FIT must ensure that all members are eligible pursuant to s. 624.4625, F.S. Potential members are required to submit a notarized certification, signed by the members' corporate officer, which states that at least 75 percent of its funding comes from governmental sources as required under s. 624.4625, F.S. Each member must submit a Form 990 for review and, if necessary, audited financial statements to confirm compliance with eligibility requirements.[11] Recently, the FIT noted during an OIR inquiry into eligibility of the FIT's members that four entities did not meet statutory eligibility requirements because they received less than 75 percent of their funding from government sources.[12] The FIT represents that these accounts have been nonrenewed. Based on the results of its inquiry, the OIR does not object to the FIT's eligibility review process.

In the event premiums fail to cover a loss, the trustees of the FIT, or an agency or court of competent jurisdiction, may assess members of the FIT for payment of the obligations of the FIT as necessary based proportionately on premiums earned from each member. If one or more members fail to pay the assessment, the other members are proportionately liable for an additional assessment.

Section 501(c)(3) Tax Exempt and Publicly Supported Organizations

[7] Section 617.01401, F.S., defines the term, "corporation not for profit" to mean a corporation no part of the income or profit of which is distributable to its members, directors, or officers, except as otherwise provided under this chapter.
[8] s. 624.4625(1)(b), F.S.
[9] Florida Insurance Trust, *SB 830: Regulation of Not For Profit Self-Insurance Funds* (March 30, 2015).
[10] Florida Insurance Trust, *Florida Insurance Trust Current Membership Overview* (February 27, 2015).
[11] Office of Insurance Regulation letter to the Florida Insurance Trust (July 25, 2014).
[12] *Id*.

Corporations not for profit, defined in s. 617.01401, F.S., as corporations that do not distribute any part of their income or profit to members, directors, or officers, are distinct from tax exempt organizations, and more specifically, publicly supported organizations.

To be tax-exempt under section 501(c)(3) of the Internal Revenue Code, an organization must be organized and operated exclusively for exempt purposes[13] set forth in section 501(c)(3), and none of its earnings may inure to any private shareholder or individual.[14] Only limited exceptions to this requirement for section 501(c)(3) organizations exist. Generally, exempt organizations described in section 501(c)(3) must file their annual information returns on Form 990 or 990-EZ, unless excepted from filing and must also complete Schedule A. Schedule A is used to report and substantiate information about an organization's public charity status and public support.

A publicly supported organization is a tax exempt organization that meets one of the following requirements:

- The organization receives a substantial part of its support in the form of contributions from publicly supported organizations, governmental units, or the general public; or
- The organization receives one-third or less of its support from gross investment income and more than one-third of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions.[15]

Effect of the Bill

The bill amends s. 288.1097, F.S., relating to qualified job training organizations, to provide that, notwithstanding s. 624.4625(1)(b), F.S.,[16] any member of a qualified job training organization that is both certified under s. 288.1097, F.S. and has at least one roadside cleaning service contract with a state agency among its membership may participate in a self-insurance fund authorized by s. 624.4625, F.S.

FSTED Funding (Sections 2 and 3)

Current Situation

In 1990, the Legislature created ch. 311, F.S., authorizing the Florida Seaport and Economic Development (FSTED) Program.[17] This program established a collaborative relationship between DOT and the seaports and currently codifies an annual minimum of $15 million for a seaport grant program.[18] FSTED funds are to be used on approved projects on a 50-50 matching basis.[19] Funding grants under the FSTED program are limited to the following port facilities or port transportation projects:

- Transportation facilities within the jurisdiction of the port;

[13] The exempt purposes set forth in section 501(c)(3) are charitable, religious, educational, scientific, literary, testing for public safety, fostering national or international amateur sports competition, and preventing cruelty to children or animals. The term *charitable* is used in its generally accepted legal sense and includes relief of the poor, the distressed, or the underprivileged; advancement of religion; advancement of education or science; erecting or maintaining public buildings, monuments, or works; lessening the burdens of government; lessening neighborhood tensions; eliminating prejudice and discrimination; defending human and civil rights secured by law; and combating community deterioration and juvenile delinquency. *See* http://www.irs.gov/Charities-&-Non-Profits/Charitable-Organizations/Exempt-Purposes-Internal-Revenue-Code-Section-501(c)(3) (last accessed April 9, 2015).

[14] *See* Internal Revenue Service, *Frequently Asked Questions about Applying for Tax Exemption* accessible at*:* http://www.irs.gov/Charities-&-Non-Profits/Frequently-Asked-Questions-About-Applying-for-Tax-Exemption (last accessed April 9, 2015).

[15] Internal Revenue Service, *Publicly Supported Charities*, (March 31, 2015) *available at* http://www.irs.gov/Charities-%26-Non-Profits/Charitable-Organizations/Publicly-Supported-Charities, (last accessed April 9, 2015).

[16] Section 624.4625(1)(b), F.S., requires that each participating member must receive at least 75 percent of its revenues from local, state, or federal governmental sources or a combination of such sources.

[17] Ch. 90-136, L.O.F.

[18] ss. 311.07 and 311.09, F.S.

[19] s. 311.07(3)(a), F.S.

- The dredging or deepening of channels, turning basins, or harbors;
- The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with the foregoing;
- The acquisition of vessel tracking systems, container cranes, or other mechanized equipment used in the movement of cargo or passengers in international commerce;
- The acquisition of land to be used for port purposes;
- The acquisition, improvement, enlargement, or extension of existing port facilities;
- Environmental protection projects: which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites; or which result from the funding of eligible projects;
- Transportation facilities which are not otherwise part of DOT's adopted Work Program;[20]
- Intermodal access projects;
- Construction or rehabilitation of port facilities, excluding any park or recreational facility, in ports listed in s. 311.09(1), F.S.,[21] with operating revenues of $5 million or less, provided that such project creates economic development opportunities, capital improvements, and positive financial returns to such ports; and
- Seaport master plan or strategic plan development updates, including the purchase of data to support such plans or other provisions of the Community Planning Act.[22]

The FSTED program is managed by the FSTED Council, which consists of the port director, or director's designee of the 15 deepwater ports, the Secretary of DOT or his or her designee, and the Executive Director of the Department of Economic Opportunity or his or her designee.[23]

In order for a project to be eligible for consideration by the FSTED Council, a project must be consistent with the port's comprehensive master plan, which is incorporated as part of the approved local government comprehensive plan.

Effect of Bill
The bill amends ss. 311.07(2) and 311.09(9), F.S., providing that DOT include a minimum of $25 million per year in its annual legislative budget request for the FSTED program.

Seaport Security (Section 4)

Background

After September 11, 2001, Congress produced a series of laws which largely preempted existing state law relating to seaport security. This effort included passage of the Homeland Security Act of 2002, which resulted in a major governmental reorganization that created the Department of Homeland Security.[24] The U. S. Customs and Border Protection agency was transferred to the Department of Homeland Security with the mission of preventing terrorists and terrorist weapons from entering the United States.[25] The U.S. Coast Guard was also transferred to the Department of Homeland Security

[20] DOT's Work Program is adopted pursuant to s. 339.135, F.S.
[21] The ports listed in s. 311.09(1), F.S., are the ports of Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina.
[22] Part II of ch. 163, F.S.
[23] s. 311.09(1), F.S.
[24] The Homeland Security Act of 2002, Pub. L. No. 107-296 (2002).
[25] Department of Homeland Security Fact Sheet. www.dhs.gov/dhspublic/display?theme=43&content=5437&print=true.

and given the mission of lead federal agency for maritime homeland security including ports, waterways, and coastal security as well as drug interdiction.[26]

In November 2002, Congress passed the Maritime Transportation Security Act which established a federal structure for defending ports against acts of terrorism. In the Act, Congress set forth direction for anti-terrorism activities while also recognizing in its findings that port crimes such as drug smuggling, illegal car smuggling, fraud, and cargo theft had also been a problem in the late 1990s. In laying out a maritime security framework, Congress established requirements for the development and implementation of national and area maritime transportation security plans, vessel and facility security plans, and a transportation security card,[27] along with requirements to conduct vulnerability assessments for port facilities and vessels, and for the establishment of a process that would assess foreign ports from which vessels embark on voyages to the United States.[28]

The United States Coast Guard is responsible for administration of the Act and its implementing regulations,[29] including review and approval of Facility Security Plans[30] by the Captain of the Port responsible for each seaport area.[31] Section 311.12, F.S., requires each of the 15 deepwater seaports listed in s. 311.09(1), F.S.[32] to adopt and maintain an approved federal facility security plan and to receive a federal facility security assessment.[33] Furthermore, section 311.12(1)(a), F.S., authorizes seaports to implement security measures that are more stringent, more extensive or supplemental to the federal seaport security regulations.

Effect of the Bill

The bill creates s. 311.12(5), F.S., establishing a Florida Seaport Security Advisory Committee (Committee) under the direction of the FSTED Council. The bill provides for the chair of the FSTED Council chair to appoint the following members to the Committee: at least five port security directors as voting members and a designee from the United States Coast Guard, the United States Custom and Border protection, and two representatives from local law enforcement as ex officio, nonvoting members. The bill provides that the Committee work closely with state and federal partners to identify security issues and concerns facing the maritime industry in Florida.

The bill creates s. 311.12(6), F.S., requiring the FSTED Council to establish a Seaport Security Grant Program to assist in the implementation of security plans and measures at the 15 deepwater seaports. The bill provides for the FSTED Council to grant funds appropriated by the Legislature, at up to 75 percent of the total cost, for the purchase of equipment, infrastructure, security programs and other

[26] Congressional Research Service, "Homeland Security: Coast Guard Operations – Background and Issues for Congress," October 25, 2006. Note: According to this report, under the Ports and Waterways Safety Act of 1972, Pub. L. No. 92-340, and the Maritime Transportation Security ACT of 2002, Pub. L. No. 107-295 (Nov. 25, 2002), the Coast Guard has responsibility to protect vessels and harbors from subversive acts. With regard to port security, the Coast Guard is responsible for evaluating, boarding, and inspecting commercial ships approaching U. S. waters, countering terrorist threats in U.S. ports, and helping protect U. S. Navy ships in U. S. ports. A Coast Guard officer in each port area is designated the COPT to serve as the lead federal official for security and safety of vessels and waterways in that area.

[27] The Maritime Transportation Security Act of 2002, Pub. L. No. 107-295 (Nov. 25, 2002)

[28] Government Accountability Office, "Maritime Security, One Year Later: A Progress Report on the SAFE Port Act," GAO-18-171T, October 16, 2007, p. 1.

[29] 33 C.F.R. §§ 101 to 106

[30] 33 C.F.R. § 101.105 defines a facility as any structure or facility of any kind located in, on, under, or adjacent to any waters subject to the jurisdiction of the U.S. and used, operated, or maintained by a public or private entity, including any contiguous or adjoining property under common ownership or operation. A seaport may be considered a facility by itself or in the case of large seaports may include multiple facilities within the port boundaries.

[31] The USCG requires each port tenant to have a security plan, whereas under ch. 311, F.S., the port authority is responsible for security plan development and implementation.

[32] The ports listed in s. 311.09(1), F.S., are the ports of Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina.

[33] 33 C.F.R. § 101.105

measures. The bill provides that the FSTED Council must develop criteria for the implementation of this section.

The bill provides that the Committee is responsible for reviewing grant applications and for making recommendations to the FSTED Council for grant approvals.

Definitions – Chapter 316 (Section 5)
The bill amends s. 316.003, F.S., revising and updating numerous definitions to provide alphanumerical order to the subsections.

Commercial Megacycle (Sections 5 & 7)

Current Situation
Commercial megacycles are multi-passenger, pedal driven vehicles offered for private touring, often in conjunction with the service of alcoholic beverages, and are more prevalent in areas associated with popular tourist destinations.

In Florida, alcoholic beverages are regulated by the Beverage Law,[34] which regulates the manufacture, distribution, and sale of wine, beer, and liquor via manufacturers, distributors, and vendors. The Division of Alcoholic Beverage and Tobacco (division) within the Department of Business and Professional Regulation administers and enforces the Beverage Law.

Effect of the Bill
The bill amends s. 316.003, F.S., defining a commercial megacycle as a 4-wheel vehicle operated in a manner similar to a bicycle, with fully operational pedals and capable of being propelled entirely by human power, equipped with at least 5 but no more than15 passenger seats, and is primarily powered by pedaling but may have an auxiliary motor capable of propelling the vehicle up to15 miles per hour.

The bill creates s. 316.2069, F.S., allowing local governments to authorize the operation of commercial megacycles within their jurisdiction, subject to the following conditions:

- A determination by the local government that commercial megacycles may safely travel on the street, based on factors such as the speed, volume, and character of traffic;
- Identification of the roads on or across which operation is permitted, and posting of appropriate signage to indicate that operation is allowed;
- Operation at all times by the owner or lessee or an employee of the owner or lessee;
- Operation by a driver at least 18 years of age who possesses a Class E driver license, and a safety monitor at least 18 years of age who shall supervise the passengers while the megacycle is in motion; and
- Minimum commercial general insurance of $1 million.

The bill provides that DOT may prohibit the operation of commercial megacycles on or across any road under its jurisdiction if DOT determines that such a prohibition is necessary for safety reasons.

The bill exempts commercial megacycle passengers from the requirements of s. 316.1936; F.S.

The bill does not prohibit the use of an auxiliary motor when no passengers are on board or to move the megacycle from the roadway in an emergency situation.

Uniform Traffic Control Devices/School Zones (Section 6)

Current Situation

[34] The Beverage Law means chs. 561, 562, 563, 564, 565, 567, and 568, F.S. *See* s. 561.01(6), F.S.

Section 316.0745, F.S., requires DOT to adopt a uniform system of traffic control devices for use on the streets and highways of this state. DOT has adopted the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD) by rule.[35] All official traffic control signals and devices purchased and installed in this state must conform to the MUTCD. [36] An "official traffic control device" includes all signs, signals, markings, and devices, not inconsistent with ch. 316, F.S., placed or erected by authority of a public body or official having traffic control jurisdiction for the purpose of regulating, warning, or guiding traffic. An "official traffic control signal" includes any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.[37]

Similarly, s. 316.1895, F.S., requires DOT, pursuant to its authority in s. 316.0745, F.S., to adopt a uniform system of traffic control and pedestrian control devices for use on the streets and highways in the state surrounding all schools, public and private. Each county and municipality in the state is required to install and maintain traffic and pedestrian control devices that conform to the MUTCD.[38] DOT is required to maintain school zones located on state-maintained primary or secondary roads. Counties are required to maintain school zones located outside of any municipality and on a county road, and municipalities are required to maintain school zones located within their municipal boundaries.[39]

DOT is currently authorized, after a hearing with 14 days' notice, to direct the removal of any purported traffic control device, wherever located, that fails to meet the MUTCD requirements. In such case, the public agency that erected or installed the device must remove it immediately and is prohibited from installing any device paid for with state revenues, for five years unless prior written approval is received from DOT. Any additional violation by a public body or official is cause for withholding of state funds for traffic control purposes until the public body or official demonstrates compliance.[40]

According to media reports, disputes have arisen over DOT's authority to require compliant school signage that is erected or installed in a municipal school zone.[41]

Effect of the Bill

The bill amends s. 316.0745(7), F.S., to clarify DOT's authority with respect to uniform signals and devices. DOT is authorized, *upon receipt and investigation of reported noncompliance*, and after a hearing with 14 days' notice, to direct the removal of any traffic control device that fails to meet the requirements of that section, wherever the device is located *and without regard to assigned responsibility under s. 316.1895, F.S.* DOT may allow the erecting or installing public agency to *immediately bring the device into compliance* or remove the device or signal at DOT's direction. The five-year prohibition against installing traffic control devices without DOT's written approval, and the penalty for any additional violation, remain unchanged. If DOT receives a report of noncompliance, it is authorized to investigate the noncompliance, provide the notice and hearing, and order that a device or signal be made compliant or order the removal of the device or signal, regardless of existing assignment of maintenance responsibility under s. 316.1895, F.S.

Additional Lighting Equipment / Deceleration Lighting Systems (Section 8)

Current Situation

[35] *See* Rule 14-15.010, F.A.C.
[36] s. 316.0745(3), F.S.
[37] ss. 316.003(23) and (24), F.S.
[38] s. 316.1895(1), F.S.
[39] s. 316.0895(3), F.S. "Maintained" is defined to mean the care and maintenance of all school zone signs, markers, and traffic and pedestrian control devices.
[40] s. 316.0745(7), F.S.
[41] *See* the 10 News article, *Is city staff downplaying school zone speed traps?,* available at: http://www.wtsp.com/story/news/investigations/2015/09/29/st-pete-council-not-getting-all-facts-on-school-zone-speed-traps/73049462/. Last visited January 25, 2016.

Deceleration lighting systems provide a visual indication that a vehicle is in the process of slowing down to a stop, or is stopped. Current law provides that a bus[42] may be equipped with a deceleration lighting system if it consists of amber lights, mounted in horizontal alignment on the rear of the vehicle, at or near the vertical centerline of the vehicle, not higher than the lower edge of the rear window or, if the vehicle has no rear window, not higher than 72 inches from the ground.

Effect of the Bill

The bill amends s. 316.235(5), F.S., specifying that, when a deceleration lighting system is equipped on a bus, the system must consist of red or amber lights mounted in horizontal alignment on the rear of the vehicle at the vertical centerline of the vehicle, placed no greater than 12 inches apart, not higher than the lower edge of the rear window or, if the vehicle has no window, not higher than 100 inches from the ground.

Autonomous Vehicles (Sections 5, 9, 12-14, 44, and 47)

Current Situation

Autonomous or "self-driving" vehicles are those operated "without direct driver input to control the steering, acceleration, and braking and … designed so that the driver is not expected to constantly monitor the roadway while operating in self-driving mode."[43] According to the National Highway Traffic Safety Administration (NHTSA), autonomous vehicles have the potential to improve highway safety, increase environmental benefits, expand mobility, and create new economic opportunities for jobs and investment.[44]

Federal Policy

In an announcement on January 14, 2016, the U.S. Department of Transportation (USDOT) outlined the following 2016 milestones:

- NHTSA will work with industry and other stakeholders within six months of the announcement to develop guidance on the safe deployment and operation of autonomous vehicles, providing a common understanding of the performance characteristics necessary for fully autonomous vehicles and the testing and analysis methods needed to assess them;
- In the same six months, NHTSA will work with state partners, the American Association of Motor Vehicle Administrators, and other stakeholders to develop a model state policy on automated vehicles that offers a path to consistent national policy;
- Manufacturers are encouraged to submit rule interpretation requests where appropriate to help enable technology innovation;[45]
- When interpretation authority is not sufficient, manufacturers are encouraged to submit requests for use of the agency's exemption authority to allow the deployment of fully autonomous vehicles.[46] Exemption authority allows NHTSA to enable the deployment of up to 2,500 vehicles

[42] s. 316.003(3), F.S. defines "bus" as any motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons and any motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.
[43] See the National Highway Traffic Safety Administration's Press Release: *U.S. Department of Transportation Releases Policy on Automated Vehicle Development,* (May 30, 2013) *available at:* http://www.nhtsa.gov/About+NHTSA/Press+Releases/U.S.+Department+of+Transportation+Releases+Policy+on+Automated+Vehicle+Development (last visited Jan. 25, 2016).
[44] See NHTSA, *Preliminary Statement of Policy Concerning Automated Vehicles*, http://www.nhtsa.gov/staticfiles/rulemaking/pdf/Automated_Vehicles_Policy.pdf (last visited March 15, 2016).
[45] As an example, the announcement links to a NHTSA response to a BMW request for an interpretation confirming that BMW's remote self-parking system meets the Federal Motor Vehicle Safety Standards. The response notes that NHTSA does not provide approvals of vehicles or vehicle equipment or make determinations as to whether a product conforms to the Federal Motor Vehicle Safety Standards (FMVSSs) outside of an agency compliance test. Instead, federal law requires manufacturers to self-certify that a product conforms to all applicable FMVSSs in effect on the date of product manufacture. *See* NHTSA response: http://isearch.nhtsa.gov/files/15-005347%20BMW%20Brake%20Transmission%20Shift%20Interlock%20v5.htm (last visited March 16, 2016).
[46] *See* 49 C.F.R.§ 555.

for up to two years if the agency determines that an exemption would ease development of new safety features;[47] and

- USDOT and NHTSA will develop the new tools necessary for this new era of vehicle safety and mobility, and will consider seeking new authorities when they are necessary to ensure that fully autonomous vehicles, including those designed without a human driver in mind, are deployable in large numbers when they are demonstrated to provide an equivalent or higher level of safety than is now available.

USDOT also announced that the President's budget proposal for fiscal year 2017 will include nearly $4 billion to test connected vehicle systems in designated corridors throughout the county. The budget proposal will also allow funding to be used for working with industry leaders on a common multistate structure for connected and autonomous vehicles.[48]

Current Florida Law

Definitions
Section 316.003(90), F.S., defines "autonomous vehicle" as any vehicle equipped with autonomous technology. That subsection also includes a definition of "autonomous technology," which means technology installed on a motor vehicle that has the capability to drive the vehicle on which the technology is installed without the active control or monitoring by a human operator.[49]

Operation
Operation of autonomous vehicles is authorized in s. 316.85, F.S. A person who possesses a valid driver license may operate an autonomous vehicle in autonomous mode.[50] When a person causes the vehicle's autonomous technology to engage, regardless of whether the person is physically present in the vehicle while the vehicle is operating in autonomous mode, that person is deemed the operator of the vehicle.

Testing
Testing of vehicles equipped with autonomous technology is authorized in s. 316.86, F.S. Employees, contractors, or other persons designated by manufacturers of autonomous technology, or by research organizations associated with accredited educational institutions, are authorized to operate such vehicles on roads in this state to test autonomous technology. A human operator must be present in the vehicle being tested, with the ability to monitor the vehicle's performance and intervene, if necessary, unless the vehicle is being tested or demonstrated on a closed course.[51] Before testing, the entity performing the testing must submit an instrument of insurance, surety bond, or proof of self-insurance acceptable to the DHSMV in the amount of $5 million.[52]

Vehicle Requirements

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[47] *See* 49 C.F.R. § 555.6.
[48] *Supra,* note 50.
[49] The latter definition does not include a motor vehicle enabled with active safety systems or driver assistance systems, including, without limitation, a system to provide electronic blind spot assistance, crash avoidance, emergency braking, parking assistance, adaptive cruise control, lane keep assistance, lane departure warning, or traffic jam and queuing assistant, unless any such system alone or in combination with other systems enables the vehicle on which the technology is installed to drive without the active control or monitoring by a human operator.
[50] The DHSMV will authorize a person who possesses a valid driver license to operate an autonomous vehicle in autonomous mode on a Florida roadway, but only if manufacturers of the technology designate the person as a driver for testing purposes. *See* the DHSMV publication, *Excellence in Service, Education, and Enforcement*, Summer 2012, heading "2012 Legislative Update," at p. 1: http://www.flhsmv.gov/html/CJSummer2012.pdf. Last visited January 24, 2016.
[51] The DHSMV will authorize operation of an autonomous vehicle in autonomous mode without a human physically present in the vehicle only on a closed course. *See* DHSMV email to committee staff dated January 25, 2016. On file with committee staff.
[52] This section of the law also provides immunity from certain liability for the original manufacturer of a vehicle converted by a third party into an autonomous vehicle under specified conditions. Section 316.86(2), F.S.

Section 319.145, F.S., requires an autonomous vehicle registered in this state[53] to meet federal standards and regulations for a motor vehicle. This section of law is expressly superseded when in conflict with NHTSA federal regulations. In addition, an autonomous vehicle must:

- Have a means to engage and disengage the autonomous technology which is easily accessible to the operator;
- Have a means, inside the vehicle, to visually indicate when the vehicle is operating in autonomous mode;
- Have a means to alert the operator of the vehicle if a technology failure affecting the ability of the vehicle to safely operate autonomously is detected while the vehicle is operating autonomously in order to indicate to the operator to take control of the vehicle; and
- Be capable of being operated in compliance with the applicable traffic and motor vehicle laws of this state.

Television-Type Equipment in Motor Vehicles
Section 316.303, F.S., currently prohibits operation of a motor vehicle if it is equipped with television-type receiving equipment that is visible from the driver's seat. However, an electronic display used in conjunction with a vehicle navigation system is not prohibited.

Local Regulation of Autonomous Vehicles
Current Florida law contains no provision addressing local regulation of autonomous vehicles.

Transportation Planning and Autonomous Vehicles
Section 339.175(7), F.S., requires metropolitan planning organizations (MPOs) to develop a long-range transportation plan addressing at least a 20-year planning horizon. The plans must be consistent, to the maximum extent feasible, with local government comprehensive plans of the local governments located within the jurisdiction of the MPO.

Section 339.64, F.S., requires DOT to develop and update every five years, in cooperation with MPOs, regional planning councils, local governments, and other transportation providers, a Strategic Intermodal System (SIS) Plan. The plan must be consistent with the Florida Transportation Plan.[54]

Effect of the Bill
The bill amends s. 316.303, F.S., to authorize active display of moving television broadcast or pre-recorded video entertainment content visible from the driver's seat while the vehicle is in motion if the vehicle is equipped with autonomous technology and operated in autonomous mode.

The bill amends s. 316.85, F.S., to expressly authorize a person holding a valid driver license to operate an autonomous vehicle in autonomous mode on roads in this state if the vehicle is equipped with autonomous technology, as defined in s. 316.003, F.S. Operation of an autonomous vehicle on roads in this state would no longer be limited to licensed drivers designated for testing purposes.

The bill amends s. 316.86, F.S., to remove provisions regarding the operation of vehicles equipped with autonomous technology on roads for testing purposes, including the provisions:

- Authorizing employees, contractors, or other persons designated by manufacturers of autonomous technology, or by research organizations associated with accredited educational institutions, to operate such vehicles on roads in this state to test autonomous technology;
- Requiring a human operator to be present in the vehicle being tested, with the ability to monitor the vehicle's performance and intervene, if necessary, unless the vehicle is being tested or demonstrated on a closed course; and

[53] Chapter 320, F.S., reflects no vehicle registration provision specific to autonomous vehicles.
[54] The Florida Transportation Plan is a statewide transportation plan that considers the needs of the entire state transportation system and examines the use of all modes of transportation to meet such needs. The purpose of the plan is to establish and define the state's long-range transportation goals and objectives over a period of at least 20 years. See s. 339.155, F.S.

- Requiring the specified proof of insurance or surety bond before testing.

The original manufacture liability protections are not amended.

The bill amends s. 319.145, F.S., to clarify that registered autonomous vehicles must meet *applicable* federal standards and regulations for such vehicles. This section also requires an autonomous vehicle to have a system to safely alert the operator if an autonomous technology failure is detected while the autonomous technology is engaged. When an alert is given, the system must:

- Require the operator to take control of the autonomous vehicle; or
- If the operator does not or is unable to take control, be capable of bringing the vehicle to a complete stop.

The latter revision replaces the currently required easily accessible means by which the operator engages and disengages the technology, and the required means to alert the operator of a described technology failure to indicate to the operator to take control of the vehicle.

Taken together, these sections of the bill authorize operation of autonomous vehicles equipped with the defined autonomous technology on the public roads of this state by any person holding a valid driver license, without the need to be designated by an autonomous vehicle manufacturer for testing purposes, and without any testing. The physical presence of an operator is no longer required. Autonomous vehicles registered in this state must continue to meet federal standards and regulations that apply to such vehicles. To the extent that any new provision in the bill regarding vehicle equipment is or becomes in conflict with federal law, the bill's provision would be superseded.

The bill amends s. 339.175(7)(c)2., F.S., to include in an MPO's capital investment assessment the goal of improving safety while making the most efficient use of existing transportation facilities. In addition, MPOs are required to consider in developing long-range transportation plans infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as autonomous vehicle technology and other developments.

The bill amends s. 339.64, F.S., to require DOT when updating the SIS Plan to coordinate with federal, regional, and local partners, as well as industry representatives, to consider infrastructure and technological improvements to the SIS necessary to accommodate advances in vehicle technology.

Driver-Assistive Truck Platooning (Sections 5, 9 and 54)

Current Situation

In August of 2014, NHTSA issued an advance notice of proposed rulemaking, following NHTSA's earlier announcement that the agency will begin working on a regulatory proposal to require vehicle-to-vehicle (V2V) devices in passenger cars and light trucks in a future year. V2V is a crash avoidance technology, relying on communication of information between nearby vehicles to warn drivers about dangerous situations that could lead to a crash.[55] NHTSA advises that, "Using V2V technology, vehicles ranging from cars to trucks and buses to trains could one day be able to communicate important safety and mobility information to one another that can help save lives, prevent injuries, ease traffic congestion, and improve the environment."[56]

One form of V2V technology is known as driver-assistive truck platooning (DATP), which allows trucks to communicate with each other and to travel as close as thirty feet apart with automatic acceleration and braking. A draft is created, reducing wind resistance and cutting down on fuel consumption.[57]

[55] *See* USDOT Fact Sheet on Vehicle-To-Vehicle Communication Technology, *available at:* http://www.its.dot.gov/safety_pilot/pdf/safetypilot_nhtsa_factsheet.pdf.
[56] *See* NHTSA *Vehicle-to-Vehicle Communications*, http://www.safercar.gov/v2v/index.html. Last visited January 25, 2016.
[57] *See* the GBT Global News website: http://www.gobytrucknews.com/driver-survey-platooning/123. Last visited January 25, 2016.

The DATP concept is based on a system that controls inter-vehicle spacing based on information from forward-looking radars and direct vehicle-to-vehicle communications. Braking and other operational data is constantly exchanged between the trucks, enabling the control system to automatically adjust engine and brakes in real-time. This allows equipped trucks to travel closer together than manual operations would safely allow. Platooning technology is increasingly a subject of interest in the truck community, with multiple companies developing prototypes.[58]

One such system uses integrated sensors, controls, and wireless communications for "connected" trucks. The system is cloud-based, determining in real time whether traffic conditions are appropriate to allow specific trucks to engage in platooning operations. Using V2V communications, the system synchronizes acceleration and braking between tractor-trailers, leaving steering to the drivers, but eliminating braking distance otherwise caused by lags in the front or rear driver's response time. The following vehicle is provided video showing the lead truck's line of sight while the lead vehicle is provided video showing the area behind the following truck. If another vehicle enters between platooning trucks, the system will automatically increase following distance or delink the trucks and then relink once the cut-in risk has passed. If data transfer between platooning trucks ceases, the driver is immediately notified that manual acceleration and braking control is about to resume.[59]

Currently, s. 316.0895, F.S., prohibits a driver of a motor vehicle to follow another vehicle more closely than is reasonable and prudent. It is unlawful, when traveling upon a roadway outside a business or residence district, for a motor truck, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer to follow within 300 feet of another vehicle.

Additionally, s. 316.303, F.S., prohibits the operation of a motor vehicle with television-type receiving equipment that is visible from the driver's seat. This prohibition does not apply to an electronic display used in conjunction with a vehicle navigation system.[60]

Effect of the Bill

The bill amends s. 316.003, F.S., to define the term "driver-assistive truck platooning technology."

The bill requires DOT to study, in consultation with the DHSMV, the use and safe operation of driver assistive truck platooning technology for the purpose of developing a pilot project to test vehicles equipped with such technology.

The bill authorizes DOT, upon conclusion of the study and in consultation with the DHSMV, to conduct a pilot project that tests the operation of vehicles equipped with driver-assistive truck platooning technology.[61] The pilot project may be conducted notwithstanding the traffic control provisions related to following too closely or the use of an electronic display by the operator of a motor vehicle.[62] Prior to the start of the pilot project, manufacturers of driver-assistive truck platooning technology being tested in the pilot project must submit to the DHSMV an instrument of insurance, surety bond, or proof of self-insurance in the amount of $5 million.

DOT, in consultation with the DHSMV, shall submit the results of the study and any findings or recommendations from the pilot project to the Governor, Senate President, and Speaker of the House upon conclusion of the pilot project.

The bill amends s. 316.303(3), F.S., to allow vehicles equipped and operating with driver-assistive truck platooning technology to be equipped with electronic displays visible from the driver's seat, and to

[58] *See* the American Transportation Research Institute, *ATRI Seeks Input on Driver Assistive Truck Platooning* (Nov. 17, 2014), http://atri-online.org/2014/11/17/atri-seeks-input-on-driver-assistive-truck-platooning/. Last visited January 25, 2016.
[59] *See* Peloton, *FAQ*, http://www.peloton-tech.com/faq/. Last visited Jan. 25, 2016.
[60] s. 316.303, F.S.
[61] The pilot project may be conducted in such a manner and at such locations as determined by the DOT.
[62] ss. 316.0895 and 316.303, F.S.

authorize the operator of a vehicle equipped and operating with truck platooning technology to use an electronic display.

Semitrailer Length Limitation (Section 10)

Current Situation

The state's weight and size limits were established to prevent heavy trucks from causing unreasonable damage to highway systems and thereby protect the public's investment in these roadways.[63] Section 316.515, F.S., sets out the maximum width, height, and length limitations, and s. 316.545, F.S., addresses unlawful weight.

DOT or a local authority may issue a special permit to operate or move a vehicle or combination of a size or weight exceeding the maximums specified. Issuance of such a permit must not be contrary to the public interest and is at the discretion of DOT or the local authority.[64] Significant penalties can result from failure to obtain a special permit or failure to comply with the specific terms of the permit.[65]

Generally, as to truck tractor-semitrailer combinations and length, the extreme overall outside dimension of the combination may not exceed 48 feet, measured from the front of the unit to the rear of the unit and the load carried.[66] However, a semitrailer that is more than 48 feet but not more than 53 feet may operate on non-restricted public roads, if the distance between the kingpin and the rear axle or axle group does not exceed a certain number of feet[67] and the vehicle is equipped with required rear end protection.

DOT may, in its discretion and upon application and good cause shown thereof that the same is not contrary to the public interest, issue a special permit for truck tractor-semitrailer combinations where the total number of overwidth deliveries of manufactured buildings may be reduced by permitting the use of multiple sections or single units on an over-length trailer of no more than 80 feet.[68]

Effect of the Bill

The bill amends s. 316.515(3)(b), F.S., to increase from 53 to 57 feet the allowable extreme overall outside dimension of a semitrailer exceeding 48 feet, if specified conditions are met.

Parking Enforcement (Section 11)

Current Situation

Counties and municipalities are authorized to enforce the traffic laws of the state.[69] A county may employ parking enforcement specialists[70] to enforce all state and county laws, ordinances, regulations, and official signs governing parking within the unincorporated areas of the county by appropriate state or county citation. A specialist may also issue citations for parking in violation of posted signage at parking areas located on property owned or leased by a county, whether or not such areas are within the boundaries of a chartered municipality.[71]

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[63] DHSMV, *Weight Enforcement*, http://www.flhsmv.gov/fhp/cve/WeightEnforcment.htm (last visited March 16, 2016)
[64] s. 316.550(2), F.S.
[65] s. 316.550(10), F.S.
[66] s. 316.515(3)(b)1., F.S.
[67] Generally, forty-one feet. For a semitrailer used exclusively or primarily to transport vehicles in connection with motorsports competition events, 46 feet. Section 316.515(3)(b), F.S.
[68] s. 316.515(14), F.S.
[69] s. 316.640, F.S.
[70] Such individuals must first complete a training program established and approved by the Criminal Justice Standards and Training Commission for such specialists in accordance with s. 316.640(2)(c), F.S.
[71] Section 316.640(2)(c)1., F.S.

A chartered municipality or its authorized agency or instrumentality may employ parking enforcement specialists[72] to enforce all state, county, and municipal laws and ordinances governing parking within the boundaries of the municipality employing the specialist, by appropriate state, county, or municipal traffic citation.[73] Such specialists are not currently authorized to enforce any laws or ordinances governing parking *outside* the municipality's boundaries.

Effect of the Bill
The bill amends s. 316.640(3)(c)2., F.S., to expand the jurisdiction of parking enforcement specialists employed by chartered municipalities. The bill authorizes a specialist employed by a chartered municipality to enforce all state, county, and municipal laws and ordinances governing parking within the boundaries of *the county in which the chartered municipality is located*, pursuant to a memorandum of understanding between the county and the municipality.

Salvage Title (Section 15)

Current Situation
Florida law[74] defines a motor vehicle or mobile home as a "total loss" when:

- An insurance company pays the vehicle owner to replace the wrecked or damaged vehicle with one of like kind and quality or when an insurance company pays the owner upon the theft of the motor vehicle or mobile home; or
- An uninsured motor vehicle or mobile home is wrecked or damaged and the cost, at the time of loss, of repairing or rebuilding the vehicle is 80 percent or more of the cost to the vehicle owner of replacing the wrecked or damaged motor vehicle or mobile home with one of like kind and quality.

A motor vehicle or mobile home shall not be considered a "total loss" if the insurance company and owner of a motor vehicle or mobile home agree to repair, rather than to replace, the motor vehicle or mobile home. However, if the actual cost to repair the motor vehicle or mobile home to the insurance company exceeds 100 percent of the cost of replacing the wrecked or damaged motor vehicle or mobile home with one of like kind and quality, the owner shall forward to the department, within 72 hours after the agreement, a request to brand the certificate of title with the words "Total Loss Vehicle." Such a brand shall become a part of the vehicle's title history.[75]

The owner, including persons who are self-insured, of a motor vehicle or mobile home that is considered to be salvage must, within 72 hours after the motor vehicle or mobile home becomes salvage, forward the title to the motor vehicle or mobile home to DHSMV for processing. However, an insurance company that pays money as compensation for the total loss of a motor vehicle or mobile home shall obtain the certificate of title for the motor vehicle or mobile home, make the required notification to the National Motor Vehicle Title Information System, and, within 72 hours after receiving such certificate of title, forward such title to the department for processing. The owner or insurance company, as applicable, may not dispose of a vehicle or mobile home that is a total loss before it obtains a salvage certificate of title or certificate of destruction from the department.[76]

Effect of the Bill
The bill amends s. 319.30(3), F.S., providing that, effective July 1, 2023, 30 days after payment of a claim for compensation, the insurance company may receive a salvage certificate of title or certificate of destruction from DHSMV if it is unable to obtain a properly assigned certificate of title from the owner or lienholder of the motor vehicle or mobile home, if the motor vehicle or mobile home does not carry an electronic lien on the title and the insurance company:

[72] Again, such individuals must first complete required training. Section 316.640(3)(c)1., F.S.
[73] s. 316.640(3)(c)2., F.S.
[74] s. 319.30(3)(a), F.S.
[75] s. 319.30(3)(a)2., F.S.
[76] s. 319.30(3)(a)2.(b), F.S.

- Has obtained the release of all liens on the motor vehicle or mobile home;
- Has provided proof of payment of the total loss claim; and
- Has provided an affidavit on letterhead signed by the insurance company or its authorized agent stating the attempts that have been made to obtain the title from the owner or lienholder and further stating that all attempts are to no avail. The affidavit must include a request that the salvage certificate of title or certificate of destruction be issued in the insurance company's name due to payment of a total loss claim to the owner or lienholder. The attempts to contact the owner may be by written request delivered in person or by first-class mail with a certificate of mailing to the owner's or lienholder's last known address.

If the owner or lienholder is notified of the request for title in person, the insurance company must provide an affidavit attesting to the in-person request for a certificate of title.

The request to the owner or lienholder for the certificate of title must include a complete description of the motor vehicle or mobile home and the statement that a total loss claim has been paid on the motor vehicle or mobile home.

Port District Roads (Section 16)

Current Situation

Current law provides that port vehicles and equipment[77] are exempt from requirements related to motor vehicle registration, the payment of license taxes, and the display of license plates when operated or used within the port facility of any deepwater port listed in s. 403.021(9)(b),F.S.,[78] for the purpose of transporting cargo, containers, or other equipment:

- between wharves and storage areas or terminals within the port; and
- on designated port district roads connecting the port facilities of a single deepwater port.[79]

Effect of the Bill

The bill amends s. 320.525(1), F.S., providing that the "port vehicles and equipment" exemption includes "motor vehicles being relocated within a port facility or via port district roads".

International Symbol for the Deaf or Hard of Hearing (Sections 17 - 19)

Current Situation

In Florida, drivers applying for a license who are deaf or cannot hear conversation spoken in a normal tone of voice are restricted to driving with an outside rearview mirror which should be mounted on the left side of the vehicle, or with a hearing aid.[80]

There is a restriction currently on a driver license to indicate the requirement to wear a hearing aid. The restriction appears as "K – Hearing Aid" on the back of the driver license. There were 2,001 driver licenses with this restriction as of December 31, 2015.[81]

One in eight people in the United States (13 percent, or 30 million) ages 12 years and older has hearing loss in both ears, based on standard hearing examinations.[82]

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[77] section 320.525(1), F.S., defines "port vehicles and equipment" as "trucks, tractors, trailers, truck cranes, top loaders, fork lifts, hostling tractors, chassis, or other vehicles or equipment used for transporting cargo, containers, or other equipment."
[78] The deepwater ports listed in s. 403.021(9)(b), F.S., are Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, Pensacola, Fernandina, and Key West.
[79] s. 320.525 (2), F.S.,
[80] Rule 15A-1.003(2), F.A.C.
[81] Email from the Department of Highway Safety and Motor Vehicles (January 27, 2016) on file with committee staff.
[82] National Institute on Deafness and Other Communication Disorders (NIDCD), *Statistics about Hearing, Ear Infections, and Deafness,* http://www.nidcd.nih.gov/health/statistics/Pages/quick.aspx (last visited March 16, 2016)

Effect of the Bill
The bill amends ss. 322.051 and 322.14, F.S., requiring DHSMV to issue to certain applicants an identification card or driver license exhibiting the international symbol for the Deaf and Hard of Hearing upon the applicant's payment of an additional fee and providing sufficient proof that they are deaf or hard of hearing as determined by DHSMV.

The international symbol for the Deaf and Hard of Hearing is depicted below:

An individual who wishes to add the designation when issued an original or renewal identification card or driver license must pay an additional $1 fee. An individual who surrenders and replaces his or her identification card or driver license before its expiration date for the purpose of adding the international symbol for the Deaf and Hard of Hearing must pay an additional $2 fee to be deposited into the Highway Safety Operating Trust Fund. If the applicant is not conducting any other transaction affecting the identification card or driver license, the standard $25 replacement fee is waived.

The changes made by the bill shall apply upon implementation of new designs for the driver license and identification card by DHSMV.

Airport Leases (Section 20)

Current Situation
The National Plan of Integrated Airport Systems provides that airports should be operated efficiently both for aeronautical users and the government, relying primarily on user fees and placing minimal burden on the general revenues of the local, state, and federal governments.[83] Current law authorizes a municipality[84] to lease an airport or other air navigation facility to a private party or another governmental entity, so long as the term of the lease does not exceed 30 years.[85] Counties are authorized to extend their lease term up to an additional 25 years, if the improved value of the lease is appraised for greater than $20 million. [86] Although the Federal Aviation Administration (FAA) does not review all leases, they advise against lease terms that exceed 50 years.[87]

Effect of the Bill
The bill amends s. 332.08(1)(c), F.S., increasing the maximum allowable municipal airport lease term to 50 years.

Airport Zoning (Sections 21 through 36)

Chapter 333, F.S., governs the management of land and airspace on and around airports across the state. Originally passed in 1945,[88] the law contains provisions that are outdated and inconsistent with

[83] National Plan of Integrated Airport Systems
[84] s. 332.01(1), F.S. defines "municipality" as any county, city, village, or town of this state.
[85] s. 332.08(1)(c), F.S.
[86] s. 125.35(1)(b), F.S.
[87] FAA Order 5190.6B *Airport Compliance Manual* 12.3(b)(3) provides the following guidance: "Most tenant ground leases of 30 to 35 years are sufficient to retire a tenant's initial financing and provide a reasonable return for the tenant's development of major facilities. Leases that exceed 50 years may be considered a disposal of the property in that the term of the lease will likely exceed the useful life of the structures erected on the property. FAA offices should not consent to proposed lease terms that exceed 50 years."
[88] Ch. 23079, Laws of Fla.

federal regulations, has internal inconsistencies, and requires a local government airport protection zoning process that can be cumbersome and confusing.

In 2012, DOT created a stakeholder working group to address problems with the state's airport zoning law. The group consisted of representatives from airports, local planning/zoning departments, the Florida Defense Alliance, the Florida League of Cities, the Florida Airports Council, the real estate development community, and DOT. The group made a number of recommendations for updating and improving existing law to better reflect current federal requirements and industry standards, the substance of which is incorporated in the following changes to ch. 333, F.S.

Definitions (s. 333.01, F.S.)

Current Situation
Current law defines various terms as they relate to airport zoning.

Effect of the Bill
The bill adds, deletes, and amends definitions related airport zoning for greater consistency with federal regulations and guidance.

Permit required for structures exceeding federal obstruction standards (s. 333.025, F.S.)

Current Situation
Current law provides that in order to prevent structures[89] dangerous to air navigation from being erected, each person[90] must secure permit from DOT to erect, alter, or modify a structure exceeding the federal obstruction standards.[91] However, permits are only required within an airport hazard area[92] where federal standards are exceeded and if the proposed construction is within a 10-nautical-mile radius of the geographical center of the airport.

DOT must issue or deny a permit application to erect, alter, or modify any structure which would exceed federal obstruction standards within 30 days of receipt. In determining whether to issue or deny a permit, DOT must considers the following:

- The nature of the terrain and height of existing structures;
- Public and private interests and investments;
- The character of flying operations and planned developments of airports;
- Federal airways as designated by the FAA;
- Whether the construction of the proposed structure would cause an increase in the minimum descent altitude or the decision height at the affected airport;
- Technological advances;
- The safety of persons on the ground and in the air;
- Land use density;
- The safe and efficient use of navigable airspace; and
- The cumulative effects on navigable airspace of all existing structures, proposed structures identified in the applicable jurisdictions' comprehensive plans, and all other known proposed structures in the area.

[89] The bill defines "structure" as "any object, constructed, erected, altered, or installed, including, but without limitation thereof, buildings, towers, smokestacks, utility poles, power generation equipment and overhead transmission lines."
[90] The bill defines "person" as "any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof."
[91] The federal obstruction standards are contained in 14 C.F.R. §§ 77.15, 77.17, 77.19, 77.21, and 77.23.
[92] The bill defines "airport hazard area" as "any area of land or water upon which an airport hazard might be established."

Permit requirements do not apply if the project received construction permits from the Federal Communications Commission (FCC) prior to May 20, 1975;[93] nor do permit requirements apply to previously approved structures now existing, or any necessary replacement or repairs to existing structures, provided that there is no change to the height and location of the structure. DOT permits are not required for structures located in political subdivisions[94] that have adequate airspace protections.

Current law prohibits DOT from approving a permit to erect a structure unless the applicant submits documentation showing compliance with both federal notification requirements and a valid aeronautical evaluation. DOT shall not approve a permit solely on the basis that such proposed structure will not exceed federal obstruction standards or any other federal aviation regulation.

Effect of the Bill

The bill replaces the term "geographic center" with "airport reference point", which is defined as the approximate geometric center of all usable runways at a public airport. The bill also removes a redundant reference to FAA rules governing federal obstruction standards.

The bill provides that existing, planned, and proposed facilities at public-use airports contained in an airport master plan, on an airport layout plan, or in comparable military documents will be protected from airport hazards. The bill also removes the provision that certain planned or proposed public-use airports are also protected.

The bill replaces the term "project" with "existing structures" in s. 333.025(3), F S. and removes the conditional reference to the existence of certain structures that were permitted by the FCC prior to May 20, 1975.

The bill provides that a DOT permit is not required for a structure in a political subdivision that has adequate airport protection zoning regulations on file with DOT, and the political subdivision has established a permitting process. The bill creates a 15-day period, concurrent with the permitting process, for DOT to evaluate the permit for technical consistency. The bill exempts cranes, construction equipment, and other temporary structures, in use or in place for a period not exceeding 18 consecutive months, from DOT review, unless review is requested by DOT.

The bill provides that DOT has 30 days after receiving an application to issue or deny a permit for the construction or alteration of an obstruction. The bill requires DOT to review permit applications in conformity with s. 120.60, F.S.[95]

The bill adds the following criteria for DOT to consider when granting or denying a permit:

- The effect of the construction or alteration of an obstruction on the state licensing standards for a public-use airport.[96]

The bill modifies the following criteria for DOT to consider in granting or denying a permit:

- The character of existing and planned flight operations and developments at public-use airports
- Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designated by the FAA; and
- The cumulative effects on navigable airspace of all existing obstructions and all other known proposed obstructions in the area

[93] This is provided that these structures now exist.
[94] The bill defines "political subdivision" as "the local government any county, city, town, village, or other subdivision or agency thereof, or any district or special district, port commission, port authority, or other such agency authorized to establish or operate airports in the state."
[95] section 120.60, F.S., relates to licensing.
[96] The state licensing standards for a public-use airport are contained in ch. 330, F.S., and Rule 14-60, F.A.C.

The bill deletes the following criteria for DOT to consider in granting or denying a permit:

- Technological advances; and
- Land use density.

The bill provides that when issuing a permit, DOT must require the owner of the obstruction to install, operate, and maintain, at his or her own expense, marking and lighting in conformance with FAA standards. The bill provides that DOT shall not approve the construction or alteration of an obstruction unless documentation is submitted that it is in compliance with certain standards. The bill changes the term "aeronautical evaluation" to "aeronautical study," which the bill defines.

The bill creates s. 333.025(9), F.S., providing that the denial of a permit is subject to the administrative review under the Florida Administrative Procedures Act.[97]

Power to adopt airport zoning regulations (s. 333.03, F.S.)

Current Situation

Current law provides that every political subdivision with an airport hazard[98] area has until October 1, 1977, to adopt, administer, and enforce airport zoning regulations for the airport hazard area.

Current law provides where an airport is owned or controlled by a political subdivision and any airport hazard area related to the airport is located in whole or in part outside of the political subdivision, the political subdivision owning or controlling the airport and the political subdivision where the airport hazard area is located, shall either:

- By interlocal agreement, adopt, administer, and enforce airport zoning regulations applicable to the airport hazard area; or
- Create a joint airport zoning board, with the same power to adopt, administer, and enforce airport zoning regulations applicable to the airport hazard area.

Current law provides that airport zoning regulations shall, as a minimum, require:

- A variance for the erection, alteration, or modification of any structure which would cause the structure to exceed the federal obstruction standards;
- Obstruction marking and lighting for structures;
- Documentation showing compliance with the federal requirement for notification of proposed construction and a valid aeronautical evaluation submitted by each person applying for a variance;
- Consideration of the criteria in s. 333.025(6), F.S., when determining whether to issue or deny a variance; and
- That no variance shall be approved solely on the basis that such proposed structure will not exceed federal obstruction standards or any other federal aviation regulation.

Current law requires DOT to issue copies of the federal obstruction standards to each political subdivision with an airport hazard area. Additionally, DOT must, in cooperation with political subdivisions, issue appropriate airport zoning maps depicting within each county the maximum allowable height of any structure or tree.

Current law provides that interim airport land use compatibility zoning[99] regulations shall be adopted. When political subdivisions have land development regulations addressing land use consistent with ch.

[97] Ch. 120, F.S.
[98] The bill defines "airport hazard" as "any obstruction to air navigation that affects the safe and efficient use of navigable airspace or the operation of planned or existing air navigation and communication facilities."
[99] The bill defines "airport land use compatibility zoning" as "airport zoning regulations governing the use of land on, adjacent to, or in the immediate vicinity of airports."

333, F.S, the political subdivision is not required to adopt airport land use compatibility regulations. Interim land use compatibility regulations are required to consider the following:

- Whether sanitary landfills are located within the following areas:
  - Within 10,000 feet from the nearest point of any runway used or planned to be used by turbojet or turboprop aircraft,
  - Within 5,000 feet from the nearest point of any runway used only by piston-type aircraft, and
  - Outside the perimeters defined above, but still within the lateral limits of the civil airport imaginary surfaces. Current law advises a case-by-case review of such landfills;
- Whether any landfill is located and constructed so that it attracts or sustains hazardous bird movements. The political subdivision shall request a report from the airport on such bird feeding or roosting areas that are known to the airport. In preparing its report, the airport, considers whether the landfill will incorporate bird management techniques or other practices to minimize bird hazards to airborne aircraft. The airport has 30 days to respond to the request;
- Where an airport authority or other governing body has conducted a noise study[100] neither residential construction nor any educational facility[101] with the exception of aviation school facilities, shall be permitted within the area contiguous to the airport defined by an outer noise contour that is considered incompatible with that type of construction; and
- Where an airport authority or other governing body operating an airport has not conducted a noise study, neither residential construction nor any educational facility except for of aviation school facilities, shall be permitted within an area contiguous to the airport measuring one-half the length of the longest runway on either side of and at the end of each runway centerline.

Current law requires airport zoning regulations restricting new incompatible uses, activities, or construction within runway clear zones, including uses, activities, or construction in runway clear zones which are incompatible with normal airport operations or endanger public health, safety, and welfare by resulting in congregations of people, emissions of light or smoke, or attraction of birds. These regulations shall prohibit the construction of an educational facility at either end of a runway of an airport within an area which extends five miles in a direct line along the centerline of the runway, and which has a width measuring one-half the length of the runway. Exceptions approving construction of an educational facility within the delineated area shall only be granted when the political subdivision administering the zoning regulations makes specific findings detailing how the public policy reasons for allowing the construction outweigh health and safety concerns.

Current law requires DOT to provide technical assistance to any political subdivision requesting assistance in preparing an airport zoning code. A copy of all local airport zoning codes, rules, and regulations, and amendments and proposed and granted variances must be filed with DOT.

Current law provides that nothing shall be construed to require the removal, change, or to interfere with the continued use or adjacent expansion of any educational structure or site in existence on July 1, 1993, or be construed to prohibit the construction of any new structure for which a site has been determined as provided in former s. 235.19, F.S., as of July 1, 1993.

Effect of the Bill

The bill amends the title of s. 333.03, F.S., to "Airport protection zoning regulations."

The bill amends s. 333.03(1)(a), F.S., removing the October 1, 1977 deadline, clarifying language, and specifying airport protection zoning regulations.

The bill amends s. 333.03(1)(b), F.S., removing antiquated legal phrasing, providing clarity and specificity, and deleting unnecessary statutory references.

[100] A noise study is conducted in accordance with 14 C.F.R. § 150.

[101] section 1013.01(6), F.S., defines "educational facilities" as "the buildings and equipment, structures, and special educational use areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community and which may lawfully be used as authorized by the Florida Statutes and approved by boards."

The bill amends s. 333.03(1)(c), F.S., reflecting the conversion from a variance process to a permitting process. The bill also removes references to FAA rules.

The bill amends s. 333.03(1)(d), F.S., removing the requirement that DOT issue copies of the federal obstruction standards. The paragraph now provides that DOT is available to assist political subdivisions with regard to federal obstruction standards.

The bill amends s. 333.03(2), F.S., modifying the text to require political subdivisions adopt, administer, and enforce airport land use compatibility zoning regulations.

The bill amends s. 333.03(2)(a), F.S., prohibiting any new and restricting any existing landfills in the areas above. The text is also modified to reflect current aviation terminology regarding the types of aircraft and to update a C.F.R. reference.

The bill amends s. 333.03(2)(b), F.S., eliminating statutory redundancy.

The bill amends s. 333.03(2)(c), F.S., allowing for alternative noise studies approved by the FAA in lieu of a noise study provided for in 14 C.F.R. Part 150.

The bill amend s. 333.03(2)(d), F.S., removing the term "publicly-owned" and a reference to a definition for educational facility in ch. 1013, F.S.

The bill redesignates the previous s. 333.03(3), F.S., as s. 333.03(2)(e), F.S., and amends this provision to reflect revised statutory intent, removing redundancy and antiquated aviation terminology and reflecting the purpose of runway protection zones[102] as defined and described in FAA AC 15-5300-13A.[103]

The bill repeals s. 333.03(4), F.S., preventing redundancy due to changes to the permitting process.

The bill redesignates the previous s. 333.03(5), F.S., as s. 333.03(3), F.S., providing clarity and specificity and to reflect a conversion to a permitting process by requiring all updates and amendments to local airport zoning codes, rules, and regulations to be filed with DOT within 30 days after adoption.

The bill redesignates the previous s. 333.03(6), F.S., as s. 333.03(4), F.S., removing the provision prohibiting the construction of a new site as determined by the former s. 235.19, F.S., as of July 1, 1993.

The bill creates a new s. 333.03(5), F.S., providing that nothing precludes another governing body operating a public-use airport from establishing airport zoning regulations stricter than provided in state law in order to protect the health, safety and welfare of the public in the air and on the ground.

Comprehensive zoning regulations; most stringent to prevail where conflicts occur (s. 333.04, F.S.)

Current Situation

Incorporation

[102] The bill defines "runway protection zone" as an area at ground level beyond the runway end to enhance the safety and protection of people and property on the ground.
[103] FAA AC 15-5300-13A is available at: http://www.faa.gov/airports/resources/advisory_circulars/index.cfm/go/document.current/documentNumber/150_5300-13 (last visited January 7, 2016).

Current law provides that if a political subdivision has a comprehensive zoning ordinance regulating, among other things, the height of buildings, structures, and natural objects, and uses of property, any airport zoning regulations applicable to the same area or portion of the area may be incorporated in and made a part of such comprehensive zoning regulations, and be administered and enforced in connection with the comprehensive zoning regulations.

Conflict
Current law provides that if there is a conflict between any airport zoning regulations and any other regulations applicable to the same area, the more stringent limitation or requirement governs and prevails.

Effect of the Bill
The bill amends s. 333.04(1), F.S., changing zoning ordinance to "zoning plan or policy." The bill also adds "protection" to the phrase "airport zoning regulations."

The bill amends s. 333.04(2), F.S., providing that it refers to "airport protection zoning" and to change the word "trees" to "vegetation."

Procedure for adoption of zoning regulations (s. 333.05, F.S.)

Current Situation

Notice and Hearing
Current law provides that airport zoning regulations shall not be adopted, amended, or changed except by action of the legislative body of the political subdivision, or the joint board after a public hearing where interested parties and citizens may be heard.

Airport Zoning Commission
Current law provides that prior to the initial zoning of any airport area, the political subdivision or joint airport zoning board appoints an airport zoning commission. The airport zoning commission recommends the boundaries of the various zones to be established and the regulations to be adopted. Where a city plan commission or comprehensive zoning commission already exists, it may be appointed as the airport zoning commission.

Effect of the Bill
The bill amends s. 333.05, F.S., providing internal consistency with definitions and to reflect correct community planning terminology.

Airport zoning requirements (s. 333.06, F.S.)

Current Situation

Reasonableness
Current law provides that all airport zoning regulations shall be reasonable and not impose any requirement or restriction which is not reasonably necessary. In determining what regulations it may adopt, the following must be considered:

- The character of the flying operations expected to be conducted at the airport;
- The nature of the terrain within the airport hazard area and runway clear zones;
- The character of the neighborhood;
- The uses to which the property to be zoned is put and adaptable; and
- The impact of any new use, activity, or construction on the airport's operating capability and capacity.

Independent Justification

Current law provides that the purpose of all airport zoning regulations is to provide both airspace protection and land use compatible with airport operations. Each aspect requires independent justification in order to promote the public interest in safety, health, and general welfare. Specifically, construction in a runway clear zone which does not exceed airspace height restrictions is not evidence per se that such use, activity, or construction is compatible with airport operations.

Nonconforming Uses
Current law prohibits airport zoning regulations from requiring the removal, lowering, or other change of any structure or tree not conforming to the regulations when adopted or amended, or otherwise interfere with the continuance of any nonconforming use, except as provided in s. 333.07(1) and (3), F.S.

Adoption of Airport Master Plan and Notice to Affected Local Governments
Current law requires that an each public airport licensed by DOT prepare an airport master plan.

Effect of the Bill
The bill amends s. 333.06, F.S. deleting the term "runway clear zone" and replacing it with "runway protection zone."[104] The bill also modifies the statute for internal consistency with definitions.

Guidelines regarding land use near airports (s. 333.065, F.S.)

Current Situation
Current law provides that DOT, after consultation with the Department of Economic Opportunity, local governments, and other interested persons, is required to adopt by rule recommended guidelines regarding compatible land uses in the vicinity of airports.

Effect of the Bill
The bill repeals s. 333.065, F.S. According to DOT, this is due to the completion of its Airport Compatibility Land Use Guidebook.[105]

Permits and variances (s. 333.07, F.S.)

Current Situation

Permits
Airport zoning regulations may require that a permit be obtained before any new structure or use may be constructed or established and before any existing use or structure is substantially changed or substantially altered or repaired. All such regulations must provide that before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the administrative agency authorized to administer and enforce the regulations. A permit may not be granted that would allow the establishment or creation of an airport hazard or would permit a nonconforming structure or tree or nonconforming use to be made or become higher or to become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when the application for a permit is made.

When the administrative agency determines that a nonconforming use or nonconforming structure or tree has been abandoned or is more than 80 percent torn down, destroyed, deteriorated, or decayed, it may not grant a permit that would allow the structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations. Whether application is made for a permit or not, the agency may by appropriate action, compel the owner of the nonconforming structure or tree, at his or her own expense, to lower, remove, reconstruct, or equip such object as may be necessary to conform

[104] According to DOT, this is consistent with FAA AC 150/5300-13A.
[105] A copy of DOT's Airport Compatibility Land Use Guidebook is available at: http://www.dot.state.fl.us/aviation/compland.shtm (last visited January 6, 2016).

to the regulations. If the owner of the nonconforming structure or tree does not comply with the order within 10 days, the agency may report the violation to the political subdivision involved, who, through its appropriate agency, may proceed to have the object lowered, removed, reconstructed, or equipped, and assess its cost and expense thereof upon the object or the land where it is or was located, and, unless such an assessment is paid within 90 days from the service of notice on the owner or the owner's agent, of such object or land, the sum shall be a lien on said land, and shall bear interest at an annual rate of six percent, and shall be collected in the same manner as the political subdivision collects property taxes, or, the political subdivision may enforce the lien in the manner provided for enforcement of liens.[106]

Variances
Current law provides that any person desiring use his or her property in violation of airport zoning regulations or any land development regulation adopted pertaining to airport land use compatibility, may apply to the board of adjustment for a variance from the zoning regulations. When filing the application, the applicant forwards a copy to DOT. DOT has 45 days to comment or waive the right to comment to the applicant and the board of adjustment. DOT must include in its comments its explanation for any objections. If DOT fails to comment within 45 days, it waives its right to comment. The board of adjustment may proceed with its consideration of the application only after it receives DOT's comments or DOT waives its right to comment. Noncompliance is grounds to appeal and to apply for judicial relief. Such variances may only be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and where the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of airport zoning regulations and ch. 333, F.S. However, any variance may be allowed subject to any reasonable conditions that the board of adjustment deems necessary.

Effect of the Bill
The bill amends the title of s. 333.07, F.S., to “Local government permitting of airspace obstructions”.

Permits
The bill amends ss. 333.07(1)(a) and (b), F.S., reflecting the conversion from a variance to a permitting process, for internal consistency with definitions, and removing antiquated legal phrasing.

The bill deletes s. 333.07(1)(c), F.S., removing statutory redundancy.

Variances
The bill deletes s. 333.07(2), F.S., reflecting the conversion from a variance process to a permitting process.

Considerations when issuing or denying permits
The bill creates s. 333.07(2), F.S. relating to considerations when issuing or denying a permit. In determining whether to issue or deny a permit, the political subdivision or its administrative agency considers the impact of the following, as applicable:

- The safety of persons on the ground and in the air;
- The safe and efficient use of navigable airspace;
- The nature of the terrain and height of existing structures;
- The effect of the construction or alteration on the state licensing standards for a public-use airport contained in ch. 330, F.S., and rules adopted thereunder;
- The character of existing and planned flight operations and developments at public-use airports;
- Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designated by the FAA;
- Effect of the construction or alteration of the proposed structure on the minimum descent altitude or the decision height at the affected airport;

[106] The enforcement of statutory liens is provided for in ch. 85, F.S.

- The cumulative effect on navigable airspace of all existing structures, and all other known proposed structures in the area; and
- Additional requirements adopted by the political subdivision pertinent to evaluation and protection of airspace and airport operations.

Obstruction marking and lighting
The bill amends ss. 333.07(3)(a) and (b), F.S., for internal consistency with definitions and with FAA AC 70/7460-1K.[107] The bill removes s. 333.07(3)(b), F.S., requiring such marking and lighting to conform to DOT standards established by rule. The bill also removes s. 333.07(3)(c), F.S., which contains an obsolete date.

Appeals (s. 333.08, F.S.)

Current Situation
Current law provides that any person aggrieved, or taxpayer affected, by any decision of an administrative agency in the administration of airport zoning regulations; or any governing body of a political subdivision, or DOT, or any joint airport zoning board, which believes that an administrative agency's decision is an improper application of airport zoning regulations of concern to the governing body or board, may appeal to the board of adjustment authorized to hear and decide appeals from the decisions of such administrative agency.

Current law provides that all appeals are to be taken within a reasonable time, by filing a notice of appeal with the agency from which appeal is taken and with the board. The notice of appeal must specify the grounds of the appeal.

Current law provides that an appeal stays all proceedings in furtherance of the action appealed from, unless the agency from which the appeal is taken certifies to the board, after the notice of appeal has been filed, that by reason of the facts stated in the certification that a stay would, in its opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by an order of the board on notice to the agency from which the appeal is taken and on due cause shown.

Current law provides that the board shall fix a reasonable time for the hearing of appeals, give public notice and due notice to the parties, and make its decision within a reasonable time.

Current law provides that the board may reverse or affirm wholly or partly, or modify, the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the administrative agency from which the appeal is taken.

Effect of the Bill
The bill repeals s. 333.08, F.S., and moves the text into a new s. 333.09(3), F.S.

Administration of airport zoning regulations (s. 333.09, F.S.)

Current Situation
Current law requires that all airport zoning regulations provide for their administration and enforcement by an administrative agency. The administrative agency may be an agency created by such regulations or any official, board, or other existing agency of the political subdivision adopting the regulations or of one of the political subdivisions which participated in the creation of the joint airport zoning board. Such administrative agency may not be or include any member of the board of adjustment. The duties of any administrative agency include hearing and deciding all permits, deciding all matters under s. 333.07(3),

[107] A copy of FAA AC 70/7460-1K is available at: http://www.faa.gov/regulations_policies/advisory_circulars/index.cfm/go/document.current/documentNumber/70_7460-1 (last visited January 6, 2016).

F.S., as they pertain to the agency, and all other matters under the state's airport zoning law, which applies to the agency, but the agency shall not have or exercise any of the powers delegated to the board of adjustment.

Effect of the Bill

Administration
The bill provides that all airport zoning regulations shall provide for the administration and enforcement of those regulations by the political subdivision or its administrative agency. The duties of any administrative agency shall include that of hearing and deciding all permits, as they pertain to such agency, and all other matters under ch. 333, F.S. applying to the agency.

Local Government Process
The bill creates s. 333.09(2), F S., providing for a local government permitting process. Any political subdivision required to adopt airport zoning regulations must provide a process to:

- Issue and deny permits;
- Provide DOT with a copy of a complete application; and
- Enforce the issuance or denial a permit or other determination made by the administrative agency with respect to airport zoning regulations.

Where a political subdivision already has a zoning board or permitting body, the existing zoning board or permitting body may implement the permitting and appeals process.

Appeals
The bill moves the substance of s. 333.08, F.S. to a newly created s. 333.09(3), F.S., relating to appeals. The language is modified to reflect the conversion from the variance process to a permitting process and to clean-up and update various provisions.

Board of adjustment (s. 333.10, F.S.)

Current Situation
Current law provides that all airport zoning regulations must provide for a board of adjustment having and exercising the following powers:

- To hear and decide appeals from any order, requirement, decision, or determination made by the administrative agency in the enforcement of the airport zoning regulations;
- To hear and decide any special exceptions to the terms of the airport zoning regulations upon which such board may be required to pass under such regulations; and
- To hear and decide specific variances.

An existing zoning board may be appointed as the board of adjustment.

The majority vote of the board's members is sufficient to reverse any order, requirement, decision, or determination of the administrative agency, or to decide in favor of the applicant on any matter upon which it is required to pass under the airport zoning regulations, or to effect any variation in such regulations.

The board of adjustment is required to adopt rules in accordance with the ordinance or resolution creating it.

Effect of the Bill
The bill repeals s. 333.10, F.S., reflecting the conversion from the variance process to a permitting process.

Judicial review (s. 333.11, F.S.)

Current Situation

Current law provides that any person aggrieved, or taxpayer affected, by any decision of a board of adjustment, or any governing body of a political subdivision or DOT or any joint airport zoning board, or of any administrative agency, may apply for judicial relief. The appeal must be filed within 30 days after the board of adjustment renders its decision. Review shall be by petition for writ of certiorari, governed by the Florida Rules of Appellate Procedure.

Upon presentation of such petition to the court, the court may allow a writ of certiorari, directed to the board of adjustment, to review the board's decision. The allowance of the writ does not stay the proceedings upon the decision appealed from, but the court may, under certain circumstances, grant a restraining order.

The court has exclusive jurisdiction to affirm, modify, or set aside the decision brought up for review and if need be, order further proceedings by the board of adjustment. The findings of fact by the board of adjustment, if supported by substantial evidence, shall be accepted by the court as conclusive, and no objection to a board of adjustment decision shall be considered by the court unless such objection shall have been urged before the board of adjustment, or, if it was not so urged, unless there were reasonable grounds for failure to do so.

If airport zoning regulations, although generally reasonable, are held by a court to interfere with the use and enjoyment of a particular structure or parcel of land to such an extent, or to be so onerous in their application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the State Constitution or the Constitution of the United States, such holding does not affect the application of the regulations to other structures and parcels of land, or other regulations that are not involved in the particular decision.

Current law provides that no appeal is permitted to any courts, save and except an appeal from a decision of the board of adjustment, the appeal provided being from such final decision of the board of adjustment. The appellant is required to exhaust his or her remedies of application for permits, exceptions and variances, and appeal to the board of adjustment, and gaining a determination by said board, before being permitted to appeal to the court.

Effect of the Bill

The bill amends s. 333.11(1), F.S., removing references to the board of adjustment and DOT. The bill also changes one reference to the board of adjustment to political subdivision to reflect other changes being made to ch. 333, F.S.

The bill repeals ss. 333.11(2) and (3), F.S., reflecting the conversion from a variance process to a permitting process.

The bill amends s. 333.011(4), F.S., modifying it for clarity and specificity and for consistency with ch. 163, F.S.

The bill amends s. 333.011(5), F.S., removing the phrase "although generally reasonable."

The bill amends s. 311.11(6), F.S., providing that a judicial appeal may not be permitted to any courts, until the appellant has exhausted all of its remedies through the application for political subdivision permits, exceptions, and appeals.

Acquisition of air rights (s. 333.12, F.S.)

Current Situation

Current law provides that when it is desired to remove, lower, or otherwise terminate a nonconforming structure or use; or the approach protection necessary cannot, due to constitutional limitations, be

provided by airport regulations; or it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations, the political subdivision within which the property or nonconforming use is located, or the political subdivision owning or operating the airport or being served by it, may acquire, by purchase, grant, or condemnation such air right, navigation easement, or other estate, portion or interest in the property or nonconforming structure or use or such interest in the air above such property, tree, structure, or use, in question, as may be necessary to effectuate the purposes of ch. 333, F.S., and in so doing, if by condemnation, to have the right to take immediate possession of the property, interest in property, air right, or other right sought to be condemned. In the case of the purchase of any property or any easement or estate or interest therein or the acquisition by the power of eminent domain the political subdivision making such purchase or exercising such power shall in addition to the damages for the taking, injury or destruction of property also pay the cost of the removal and relocation of any structure or any public utility which is required to be moved to a new location.

Effect of the Bill
The bill amends s. 333.12, F.S. for clarity, specificity, and internal consistency with definitions, including the replacement of "navigation easement" with the more accurate term "avigation easement."[108]

Enforcement and remedies (s. 333.13, F.S.)

Current Situation
Current law provides for the enforcement of ch. 333, F.S., and appropriate remedies.

Effect of the Bill
The bill amends s. 333.13(3), F S., changing a reference to the Department of Transportation to "the department" for internal consistency with the definitions provided in s. 333.01, F.S.

Transition Provisions (s. 333.135, F.S)

Current Situation
Currently ch. 333, F.S., does not contain any transition provisions.

Effect of the Bill
The bill creates s. 333.135, F.S., providing transition provisions regarding the changes made to ch. 333, F.S. The bill provides that any airport zoning regulation in effect on July 1, 2016, which include provisions conflicting with ch. 333, F.S., shall be amended to conform to the requirements of ch. 333, F.S., by July 1, 2017.

Any political subdivisions having an airport within its territorial limits, which have not adopted airport zoning regulations, shall by July 1, 2017, adopt airport zoning regulations for such airport. The regulations must be consistent with ch. 333, F.S.

For those political subdivisions that have not yet adopted airport protection zoning regulations, DOT will administer the permitting process as provided in s. 333.025, F.S.

Short title (s. 333.14, F.S.)

Current Situation
Current law provides the short title "Airport Zoning Law of 1945."

Effect of the Bill
The bill repeals s. 333.14, F.S., eliminating a short title for ch. 333., F.S.

[108] An avigation easement is the conveyance of airspace over another property for use by the airport.

Statute Reenactment (Section 77)
The bill reenacts s. 350.81(6), F.S., relating to communication services offered by local governments to incorporate the changes made by the bill to s. 333.01, F.S.

Roadside Barriers (Sections 37 and 38)

Current Situation

No current statutory provision exists relating to guardrail installation along water bodies that are contiguous with state roads. However, DOT's 2016 Plans Preparation Manual (PPM)[109] defines "canal hazard" as an open ditch parallel to the roadway for a minimum distance of 1000 feet and with a seasonal water depth in excess of three feet for extended periods of time (24 hours or more).[110]

The PPM also addresses "clear zones," which are defined as the amount of recoverable area provided beyond the traveled way, and which include shoulders and bike lanes. A clear zone is intended to provide "an opportunity for an errant vehicle to safely recover." The PPM generally prohibits aboveground fixed objects, water bodies, and non-traversable slopes[111] in the clear zone.[112] The required clear zone is dependent upon the type of roadway facility and the design speed.[113]

DOT advises that water bodies greater than three feet deep are treated as roadside hazards and must be outside the clear zone, if possible.[114]

DOT's Previous Study and Conclusions
According to DOT,[115] the canal hazard criteria contained in the PPM were incorporated following a study conducted between February 2013 and July 2014, based on crash data from 2003 to 2011.[116] The study included cost-benefit analyses of shielding parallel water bodies of various lengths and offset distances from the roadway for selected roadway types and traffic volumes, the findings of which "show that shielding water bodies based on FDOT's current offset clearance requirements in most cases is cost beneficial and/or results in a reduction in societal crash costs."[117]

Further, the PPM provides the following guidance:

> The evaluation of Roadside Safety is highly dependent on site specific conditions and constraints which are unique to a given situation. Therefore the determination as to when shielding is warranted for [a] given roadside feature must be made on a case-by-case basis, and generally requires engineering judgment. It should be noted that the installation of roadside barriers presents a hazard in and of itself, and as such, the designer must analyze whether or not the installation of a barrier presents a greater risk than the feature it is intended to shield.[118]

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[109] The PPM recites that it "sets forth geometric and other design criteria, as well as procedures, for DOT projects. The information contained herein applies to the preparation of contract plans for roadways and structures." Florida DOT, *Plans Preparation Manual 2016: Introduction,* at I-1, available at: http://www.dot.state.fl.us/rddesign/PPMManual/2016PPM.shtm (last visited March 16, 2016).
[110] *Supra,* at 4.3.2.
[111] A non-traversable slope is classified as a slope that is rough, obstructed, or slopes steeper than a 1:3 ratio. *Supra* note 121, at 4.2.2 and 4.2.3.
[112] *Supra,* note 120, at 4.2.2 and 4.2.3.
[113] *See* the DOT's HB 357 bill analysis, February 10, 2016, at 2.
[114] *Supra.*
[115] *Supra*.
[116] *See* the FDOT documentation, "*A Re-examination of FDOT Criteria for Shielding Canal Hazards."* (On file committee staff.) The document reflects an extensive review of the history of DOT's design criteria since it was first established in 1965.
[117] *Id.,* at "Task 5 – Benefit Cost Analysis."
[118] *Supra,* note 120, at 4.4.7.

Application to Water Bodies Other than Canal Hazards
As previously noted, whether the provisions of the PPM applicable to canal hazards, and shielding of such hazards, are also applicable to other water bodies, such as ponds, is unclear. To illustrate, in the evaluation of roadside hazards, the PPM recommends barriers "when hazards exist within the clear zone, hazards cannot be cost effectively eliminated or corrected, and collisions with the hazards are more serious than collisions with the barriers."[119]

When listing conditions within the clear zone that are normally considered more hazardous than a roadside barrier, "canals, ponds, and other bodies of water (*other than parallel ditches*)[120] are included. Thus, it appears that water bodies may exist that do not meet the definition of a canal hazard, defined in part as an "open ditch parallel to the roadway."

Effect of the Bill
The bill creates s. 335.085, F.S., requiring DOT by June 30, 2018, to install roadside barriers to shield water bodies contiguous with state roads at locations where a death due to drowning resulted from a motor vehicle accident in which a vehicle departed the adjacent state road between July 1, 2006, and July 1, 2016. This provision appears to require barrier installation, as specified, along water bodies that do not necessarily meet DOT's definition of a "canal hazard." However, because crash reports do not always reflect that a death was due to drowning, DOT is unable to definitively identify all locations where such deaths occurred during the ten-year time period identified in the bill.

The bill also provides that the barrier installation requirement does not apply to any location at which DOT's chief engineer determines, based on engineering principles, that installation of a barrier would increase the risk of injury to motorists traveling on the adjacent state road.

The bill requires DOT to review all motor vehicle accidents that resulted in death due to drowning in a water body contiguous with a state road which occurred during the same period. DOT must use reconciled[121] crash data from DHSMV and submit a report to the President of the Senate and Speaker of the House by January 3, 2017, providing recommendations for any necessary changes to state laws and DOT's rules to enhance traffic safety.

Construction Aggregate Materials / Local Government Decision-Making (Section 39)

Current Situation
Construction aggregates provide the basic materials needed for concrete, asphalt, and road base.[122] The Legislature has recognized the critical need for an available supply of construction aggregate material and that disruption of the supply could cause a significant detriment to the state's construction industry, transportation system, and overall health, safety, and welfare. Further, mining of such material is recognized as an industry of critical importance to the state and is in the public interest. [123]

Due to the critical nature of aggregate supply, the Legislature has placed certain restrictions on local government with respect to aggregate material. Local governments are prohibited from approving or denying a proposed land use zoning change, comprehensive plan amendment, land use permit, ordinance, or order regarding construction aggregate materials without considering information provided by DOT regarding the effect such change, amendment, permit decision, ordinance, or order would have on the availability, transportation and potential extraction of such material. Additionally,

[119] *Supra*, at 4.4.7.1.
[120] *Supra*, emphasis added.
[121] The process of reconciling involves ensuring the data taken from fatality crash reports and included in the Florida Department of Highway Safety and Motor Vehicles (DHSMV) crash database is accurate. *See* DHSMV email to committee staff, January 20, 2016. On file with committee staff.
[122] Section 337.0261, F.S., defines "construction aggregate materials" as crushed stone, limestone, dolomite, limerock, shell rock, cemented coquina, sand for use as a component of mortars, concrete, bituminous mixtures, or underdrain filters, and other mined resources providing the basic material for concrete, asphalt, and road base.
[123] s. 337.0261(2), F.S.

local governments are prohibited from imposing a moratorium, or combination of moratoria, of more than 12 months' duration on the mining or extraction of construction aggregate materials. The failure of DOT to provide this information is not a basis for delay or invalidation of the local government action.[124]

Effect of the Bill
The bill amends s. 337.0261, F.S., to require local governments to also consider information provided by DOT regarding the effect that approving or denying an identified zoning change, plan amendment, land use permit, ordinance, or order may have on the *cost* of construction aggregate materials in the local area, the region, and the state.

Surety Bonds (Section 40)

Current Situation
Section 337.18, F.S., requires the successful bidder for a DOT construction or maintenance contract to obtain a surety bond. A surety bond protects DOT against losses resulting from the contractor's failure to fulfill the terms of the contract. The law also provides DOT with discretion authority to waive the requirement for contracts less than $250,000 and greater than $250 million if certain conditions are met.

Effect of the Bill
The bill amends s. 337.18(1), F.S., authorizing DOT to waive the surety bond requirements for a prime contractor that is a qualified nonprofit agency for the blind or other severely handicapped under s. 413.036(2), F.S.,[125] or for a prime contractor using a qualified subcontractor, up to the value of that subcontract.

Transfer of Pinellas Bayway System (Sections 41 and 42)

Current Situation
The Pinellas Bayway System, currently owned by the DOT, is a tolled system of bridges and causeways that provides an east-west link between St. Petersburg and St. Petersburg Beach via State Road 682. Tolls on the Pinellas Bayway System are collected by the Florida Turnpike Enterprise (FTE).[126] The system also serves Tierra Verde and Fort De Soto Park to the south via State Road 679. One of the bridges on State Road 679 over Boca Ciega Bay was classified as structurally deficient in 2013. "Structurally deficient," according to the DOT, "means that a bridge has to be repaired or replaced within six years." The term does not mean that a bridge is unsafe.[127]

DOT's policy is to replace a structurally deficient bridge within six years of the deficient classification.[128,] The scope of the work for the bridge over Boca Ciega Bay is to replace the existing movable bridge with a high-level fixed bridge through a design-build contract, at a proposed cost of $52.1 million.[129] However, no funds for replacement of the bridge are currently included in the DOT's District 7 Work Program. The DOT advises that the balance of an existing reserve construction account for Pinellas Bayway improvements as of December 31, 2015, was $7,326,346.13.[130]

Bayway System Construction and Tolls
In 1968, the predecessor of the DOT entered into a settlement agreement in *Leonard Lee Ratner, Esther Ratner, and LEECO Gas and Oil Co., vs. State Road Department of the State of Florida*. In the

[124] s. 337.0261(3), F.S.
[125] section 413.036(2), F.S. provides that the provisions of Part I of ch. 287, F.S. (relating to the procurement of commodities, insurance, and contractual services.
[126] *See* the Florida Transportation Commission's *Transportation Authority Monitoring and Oversight Fiscal year 2014 Report*: http://www.ftc.state.fl.us/reports/TAMO.shtm. Last visited January 21, 2016.
[127] Email from DOT, (January 21, 2016).
[128] Email from DOT, (January 5, 2016).
[129] *Id.*
[130] DOT email to committee staff dated January 21, 2016.

settlement agreement, the State Road Department agreed that owners and residents of real property in the Bayway Isles Development would have the right to purchase an annual pass through the toll gate at the easterly terminus of the Bayway system in St. Petersburg for $15 per vehicle. That agreement remains in place.

Chapter 85-364, Laws of Fla., required a toll of $.50 cents, following completion of widening to four lanes from the eastern toll booth to State Road 679, at the eastern and western toll plazas on State Road 682. The DOT was required, after payment of annual operating costs and discharge of bond indebtedness, to establish a reserve construction account to be used for widening to four lanes State Road 682 from State Road 679 west to Gulf Boulevard. Continued collection of tolls was required upon completion of the widening to reimburse the DOT for all accrued maintenance costs for the Pinellas Bayway. In addition, chapter 85-364, Laws of Fla., required the DOT to allow any person to purchase an annual pass for each motor vehicle they own at a cost of $50 per year which exempts the motor vehicle from any Pinellas Bayway System tolls during its term. Currently, the $50 pass remains available.

Chapter 95-382, Laws of Fla., required tolls collected to first be placed in the construction reserve account, after payment of operating costs and bond indebtedness, to be used for construction of Blind Pass Road, State Road 699 improvements in Pinellas County, and then for Phase II of the Pinellas Bayway widening to four lanes of State Road 682 from State Road 679 west to Gulf Boulevard. Tolls continue to be collected to reimburse the DOT for all accrued maintenance costs.

Section 48 of chapter 2014-223, Laws of Fla., repealed reference to the Blind Pass Road/State Road 699 improvements and provided that funds in the reserve construction account be used for the widening of State Road 682 from State Road 679 west to Gulf Boulevard. These improvements have been completed. As noted, however, the bridge on State Road 679 over Boca Ciega Bay has been declared structurally deficient.

Currently, for a two-axle vehicle, the toll, other than for those that hold the $15 or the $50 annual pass, is:

- $.53 cents for SunPass customers and $.75 cents for cash customers, both westbound at the East Plaza and eastbound at the West Plaza, plus $.53 cents and $.75 cents, respectively, for each additional axle;
- $.26 cents for SunPass customers and $.50 cents for cash customers southbound at the south plaza, plus an additional $.26 cents and $.50 cents, respectively, for each additional axle.[131]

Section 338.165(4), F.S., authorizes DOT to request the Division of Bond Finance to issue bonds secured by toll revenues collected on the Alligator Alley, the Sunshine Skyway Bridge, the Beeline-East Expressway, the Navarre Bridge, and the Pinellas Bayway to fund transportation projects located within the county or counties in which the project is located and contained in the DOT's adopted Work Program. The Beeline-East Expressway (renamed the Beachline East Expressway) became part of the FTE on July 1, 2012, pursuant to ch. 2012-128, Laws of Fla.[132] The Navarre Bridge is now county-owned and no longer used for toll revenue.

Effect of the Bill

The bill amends s. 338.165(4), F.S., removing the reference to the Pinellas Bayway, as well as the obsolete references to the Beeline-East Expressway and the Navarre Bridge.

The bill creates s. 338.165(11), F.S., authorizing the transfer the Pinellas Bayway System from DOT to FTE. The bill also preserves the provisions of the settlement agreement and final judgment by retaining

[131] *See* the Florida Turnpike Toll Calculator, click on "Tampa Area," roll over hot buttons to select the Pinellas Toll Plazas: http://www.floridasturnpike.com/TollCalcV3/index.htm. Last visited January 21, 2016.
[132] s. 338.165(10), F.S.

the ability to purchase a $15 annual pass. Additionally, the bill transfers the construction reserve account to FTE when ownership of the system is transferred to FTE.

The DOT advises that the transfer of the system would allow replacement of the structurally deficient bridge over Boca Ciega Bay on SR 679 to be moved up from 2020 to 2017 in the DOT Work Program, and funded through a combination of the accrued reserve account revenues and other financing available to FTE.

The bill repeals ch. 85-634, Laws of Fla., as amended by ch. 95-382 and section 48 of ch. 2014-223, Laws of Fla. The ability of the specified owners and residents to purchase the $15 annual passage through the easterly terminus of the Bayway System will remain in place, pursuant to the 1968 settlement agreement, but the $50 annual pass would no longer be available for purchase. Current holders of those passes would be required to pay tolls at all of the Bayway toll collection points.

Broward County Expressway Authority (Section 43)

Current Situation

Florida expressway authorities are formed either under the Florida Expressway Authority Act[133] or by special act of the Legislature. Most expressway authorities were created before the Florida Expressway Authority Act of 1990 and are not, therefore, subject to most of its provisions. The Miami-Dade Expressway Authority is the only authority created and governed by the Florida Expressway Authority Act in existence.

The purpose of Florida's expressway authorities is to construct, maintain, and operate tolled transportation facilities complementing the State Highway System and FTE. The expressway authorities are governed by boards of directors which are typically made up of a combination of local-government officials and gubernatorial appointees.

The Broward County Expressway Authority was created in 1983.[134] The authority built the Sawgrass Expressway, which opened in 1986. In December 1990, the Sawgrass Expressway was acquired by DOT and became part of Florida's Turnpike System.[135] The Broward County Expressway Authority was repealed in 2011.[136]

While the Broward County Expressway Act was repealed in 2011, s. 338.231(5), F.S., continues to address issue related to series 1984 and series 1986 A bonds originally issued through the authority. Because the bonds have been retired and are no longer outstanding this subsection is now obsolete.

Effect of the Bill

The bill repeals s. 338.231(5), F.S., relating to retired bonds issued through the abolished Broward County Expressway Authority.

TBARTA MPO Chairs Coordinating Committee (Sections 44, 49, and 50)

Current Situation

Based on census data, the U.S. Bureau of the Census designates urbanized areas throughout the state. Federal law and rule[137] require a metropolitan planning organization (MPO) to be designated for each urbanized area[138] or group of contiguous urbanized areas. In addition, federal law and rules

[133] Part I of ch. 348, F.S.
[134] Ch. 83-289, Laws of Fla.
[135] FLORIDA TURNPIKE ENTERPRISE, *System Description*, http://www.floridasturnpike.com/about_system.cfm (last visited January 6, 2016).
[136] Ch. 2011-64, Laws of Fla.
[137] *See* 23 U.S.C.§ 134 and 23 C.F.R § 450 Part C
[138] An urbanized area is defined by the U.S. Bureau of the Census and has a population of 50,000 or more.

specify the requirements for a MPO transportation planning and programming activities. These requirements are updated after each federal transportation reauthorization bill enacted by Congress. State law also includes provisions governing MPO activities. Section 339.175, F.S., paraphrases or restates some key federal requirements. In addition, state law includes provisions that go beyond the federal requirements. For example, federal requirements regarding MPO membership are very general, while state law is more specific.

Current law provides for a chair's coordinating committee, composed of the Metropolitan Planning Organizations (MPOs) serving Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota counties, which must[139]:

- Coordinate transportation projects deemed to be regionally significant by the committee;
- Review the impact of regionally significant land use decisions on the region;
- Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the M.P.O.'s represented on the committee; and
- Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.

The Tampa Bay Area Regional Transportation Authority (TBARTA) was created by the Legislature in 2007[140] to develop and implement a Regional Transportation Master Plan for the seven-county West Central Florida region consisting of Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas and Sarasota Counties.

Section 343.92, F.S. provides that the TBARTA governing board consist of 15 members, one of whom must be the Secretary of a DOT District whose jurisdiction overlaps with that of TBARTA, as a nonvoting, ex officio member appointed by the Secretary of DOT.

Effect of the Bill

The bill amends s. 339.175(6)(i), F.S., providing that the "TBARTA Metropolitan Planning Organization Chairs Coordinating Committee," is created within the Tampa Bay Area Regional Transportation Authority. The bill directs the authority to provide administrative support and direction to the Chairs Coordinating Committee, the cost for which must be provided from DOT and the member MPOs. The bill adds Citrus County to the coordinating committee.

The bill amends s. 343.92, F.S., providing that the governing board of the authority will consist of 15 voting member, and requiring that the Secretary of DOT appoint, as advisors to the board, the DOT District Secretaries for District 1 and District 7, respectively.[141]

The bill amends s. 343.922(3)(d), F.S., providing that the master plan must be updated every five years before July 1. Current law provides that the plan must be updated every two years.

The bill amends ss. 343.922(3)(e), and 343.922(3)(f), F.S., conforming cross-references to the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee. The bill creates s. 343.922(3)(g), F.S., requiring the authority to provide administrative support and direction to the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee as provided in s. 339.175(6)(i), F.S.

Small County Outreach Program (Section 45)

[139] s. 339.175(6)(i), F.S.,
[140] Ch. 2007-254, Laws. of Fla.
[141] District 1 covers Charlotte, Collier, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Polk, and Sarasota Counties. District 7 covers Citrus, Hernando, Hillsborough, Pasco, and Pinellas Counties.

Current Situation
The Small County Outreach Program (SCOP) is authorized in s. 339.2818, F.S. The purpose of the program is to assist small county governments in repairing or rehabilitating county bridges, paving unpaved roads, addressing road related drainage improvements, resurfacing or reconstructing of county roads, or constructing capacity or safety improvements to county roads. A small county is defined as any county that has a population of 150,000 or less as determined by the most recent official population estimate as determined by the Office of Economic and Demographic Research. The 150,000 population threshold has been in effect since SCOP was created in 2000.[142]

Small counties are eligible to compete for funds designated for projects on county roads. DOT provides 75 percent of the cost of the projects funded under this program. Funds paid into the State Transportation Trust Fund pursuant to s. 201.15, F.S., for the purposes of the SCOP are annually appropriated for expenditure to support the program.[143]

In 2014, the SCOP statute was amended to allow municipalities within a Rural Area of Opportunity or Rural Area of Opportunity community[144] to compete for project funding using the SCOP criteria at up to 100 percent of project costs, excluding capacity projects. The funding for municipalities would be subject to an additional appropriation in excess of those appropriated for SCOP.

Effect of the Bill
The bill amends s. 339.2818(2), F.S., increasing the maximum population of counties eligible for SCOP from 150,000 to 170,000. With this change, Santa Rosa, Martin and Charlotte counties would once again be eligible for SCOP funding.

State Infrastructure Bank (Section 46)

Current Situation
The state-funded infrastructure bank (SIB) provides financial assistance, in the form of revolving loans and credit enhancements, for the construction or improvement of transportation projects. Public and private entities that are carrying out, or propose to carry out, an eligible project may apply to the SIB for a loan or other assistance.

The SIB is composed of two separate accounts, a federally-funded account that is capitalized by federal money and matching state money, and a state-funded account that is capitalized by state money and bond proceeds.

The federally-funded account is limited to projects which meet federal requirements. The state-funded account is authorized to lend capital costs or provide credit enhancements for:

- A transportation facility project that is on the State Highway System;
- A project that provides for increased mobility on the state's transportation system;
- A project that provides for intermodal connectivity with airports, seaports, rail facilities, and other transportation terminals for the movement of people, cargo and freight;
- Transportation Regional Incentive Program[145] projects, provided the project receives at least a 25 percent match from non-SIB loan funds; and
- Emergency loans for damages incurred to public-use commercial deepwater seaports, public-use airports, and other public-use transit and intermodal facilities that are within an area that is part of an official state declaration of emergency.[146]

[142] Ch. 2000-257, Laws of Fla.
[143] section 201.15(1)(c)1., F.S., provides for the distribution of 38.2 percent or $541.75 million (whichever is less) of documentary stamp tax revenues to the State Transportation Trust Fund in DOT, and allocates the revenues among various programs.
[144] Rural Areas of Opportunity are designated pursuant to s. 288.0656(7)(a), F.S.
[145] *See* s. 339.2819, F.S.
[146] s. 339.55(2), F.S.

Loans from the SIB may bear interest at or below market interest rates, as determined by the Department. Repayment of any SIB loan must begin no later than 5 years after the project has been completed or, in the case of a highway project, the facility has opened to traffic, whichever is later, and must be repaid in 30 years.[147]

Effect of the Bill
The bill amends s. 339.55, F.S., providing that, beginning July 1, 2017, SIB funds may also be used for the development and construction of natural gas fuel production or distribution facilities used primarily to support the state's transportation system, including the refinancing of outstanding debt.

Statewide Transportation Corridors (Section 48)

Current Situation
In 2003, the Legislature created s. 341.0532, F.S., relating to statewide transportation corridors.[148] Section 341.0532, F.S., designates a number of "statewide transportation corridors" that include railways, highways connecting to transportation terminals, and intermodal service centers. The specified corridors are:

1. The Atlantic Coast Corridor, including I-95, and linking Jacksonville to Miami;
2. The Gulf Coast Corridor, from Pensacola to St. Petersburg and Tampa, including U.S. 98, U.S. 19 and S.R. 27;
3. The Central Florida North-South Corridor, from the Florida-Georgia border to Naples, and Fort Lauderdale/Miami, including I-75;
4. The Central Florida East-West Corridor, from St. Petersburg to Tampa and Titusville, including I-4 and the BeeLine Expressway;
5. The North Florida Corridor, from Pensacola to Jacksonville, including I-10 and U.S. 231, S.R. 77, and S.R. 79;
6. The Jacksonville to Tampa Corridor, including U.S. 301;
7. The Jacksonville to Orlando Corridor, including U.S. 17; and
8. The Southeastern Everglades Corridor, linking Wildwood, Winter Garden, Orlando, West Palm Beach via the Florida Turnpike.

With very limited exception, these corridors are also in the Strategic Intermodal System (SIS) which is a statewide network of high-priority transportation facilities, including the state's largest and most significant commercial service airports, spaceports, deepwater seaports, freight rail terminals, passenger rail and intercity bus terminals, rail corridors, waterways and highways. The facilities on SIS are designated by the DOT based on criteria provided in ss. 339.61 through 339.64, F.S.

Section 341.0532, F.S., is not linked to any other section of statute nor is it linked to any transportation funding and is not being used for any purpose. DOT also now has a Future Corridors Program[149] and there may be confusion between the Statewide Transportation Corridors and Future Corridors.

Effect of the Bill
The bill repeals s. 341.0532, F.S. which created the statewide transportation corridors. As mentioned above, most of the corridors are part of the SIS.

Tampa-Hillsborough County Expressway Authority (Section 51)

Current Situation

[147] s. 339.55(4), F.S.
[148] Ch. 2003-286, Laws of Fla.
[149] Information about the Future Corridors Program is available at: http://www.dot.state.fl.us/planning/policy/corridors/about.shtm (last visited January 5, 2016).

The Tampa-Hillsborough County Expressway Authority (THEA) was established in 1963 to build, operate, and maintain toll-financed expressways in Hillsborough County.[150] The Lee Roy Selmon Crosstown Expressway (including the elevated reversible lanes) is currently the only expressway operated by THEA. THEA originally planned the neighboring Veterans Expressway which was transferred to, and is operated by DOT.

Under the State Bond Act[151] the Division of Bond Finance (DBF) issues revenue bonds THEA's projects on behalf of the authority. The State Bond Act includes a number of requirements to ensure the integrity and fiscal sufficiency of bonds issued on behalf of the state. Pursuant to its statutory authority, the DBF independently reviews the recommendations of a paid financial adviser retained by THEA. The DBF's review does not focus solely upon the current transaction; it also reviews the issuance in light of the entire bonded indebtedness of the state. The DBF also maintains its own independent in-house legal staff to assist with issues which may arise during the financing. All financings issued through the DBF must be approved by the Governor and Cabinet. Additional state oversight is currently provided by DOT, which may participate through financial contributions to the construction, operation and maintenance of THEA's expressways. The revenue bonds issued by the DBF, on behalf of THEA, pledge the toll revenues generated by THEA's expressway system as repayment. These revenue bonds are not backed by the full faith and credit of the state. In addition to existing facilities, the authority is authorized to issue bonds to finance:

- Brandon area feeder roads;
- Capital improvements to the expressway system including the toll collection equipment;
- Lee Roy Selmon Crosstown Expressway System widening; and
- The connector highway linking the Lee Roy Selmon Crosstown Connector to Interstate 4.

Effect of the Bill
The bill amends s. 348.565(3), F.S., providing that THEA is approved to issue bonds for any extension of the Lee Roy Selmon Crosstown Expressway System widening project.

The bill creates s. 348.565(5), F.S., providing that THEA is approved to issue bonds for capital projects that the authority is authorized to acquire, construct, reconstruct, equip, operate, and maintain pursuant to this part, including but not limited to s. 348.54(15) F.S., provided that any financing of such projects does not pledge the full faith and credit of the state.

Control of Outdoor Advertising / Permits and Exemptions (Section 52)

Current Situation
Since the passage of the Highway Beautification Act (HBA) in 1965, the Federal Highway Administration (FHWA) has established controls for outdoor advertising along federal-aid primary, interstate, and National Highway System roads. The HBA allows the location of billboards in commercial or industrial areas, mandates a state compliance program, requires the development of state standards, promotes the expeditious removal of illegal signs, and requires just compensation for takings when appropriate.

While the states are not directly forced to control outdoor advertising signs, failure to impose the required controls can result in a substantial penalty. Under the provisions of a 1972 agreement between the State of Florida and the U.S. Department of Transportation (USDOT)[152] incorporating the HBA's required controls, DOT requires commercial signs to meet certain requirements when they are within 660 feet of interstate and federal-aid primary highways in urban areas, or visible at any distance from the same roadways when outside of urban areas; i.e., a "controlled area." The agreement embodies the federally required "effective control" of the erection and maintenance of outdoor

[150] It is created pursuant to Part IV of ch. 348, F.S.
[151] *See* chs. 215 and 348, F.S.,
[152] Copy on file with committee staff.

advertising signs, displays, and devices. Absent this effective control, a state may be penalized 10 percent of federal highway funds.[153]

Florida's outdoor advertising laws are found in ch. 479, F.S., and are based on federal law and regulations, and the 1972 agreement.

Required Permits and Exemptions
Generally, a person may not erect or maintain, or cause to be erected or maintained, any sign on the State Highway System outside an urban area or on any portion of the interstate or federal-aid primary highway system without first obtaining a permit for the sign from DOT.[154] A number of signs are exempt from the permit requirement.[155]

Effect of the Bill
The bill amends s. 479.16, F.S. providing an additional conditional exemption from DOT for an outdoor advertising sign. The bill exempts signs located within the controlled area of a federal-aid primary highway on a parcel adjacent to an off-ramp to the termination point of a turnpike system, if no directional decision is to be made by a driver, the signs are primarily facing the off-ramp, and the signs have been in existence since 1995.

Because Florida law references only one turnpike system under the responsibility of Florida's Turnpike Enterprise,[156] this exemption applies only to the described signs and locations on the turnpike system. Should the federal government notify DOT that implementation or continuation of this new exemption will adversely affect the allocation of federal funds, DOT must provide the required notice to remove the sign. If DOT removes the sign, it will assess the owner for the removal costs.

Florida Brewery Directional Signs (Section 53)

Current Situation
DOT is responsible for maintaining a uniform system of traffic control devices[157] on the state's roadways.[158] DOT has several programs where a business may be eligible for a guide sign, including destination guide signs, such as those for craft distilleries[159], wineries, regional shopping centers, hospitals, and government agencies.[160] For example, Florida's Highway Guide Sign Program is a system of guide signs that inform and guide motorists, improve traffic flow, and establish criteria for guide signs.[161]

Effect of the Bill
The bill creates s. 563.13, F.S., requiring DOT to install directional signs upon the request of a brewery which meets the following requirements:

- Is licensed under s. 561.221(2) or (3), F.S.;
- Produces a minimum of 2,500 barrels per year on the premises;
- Is open to the public at least 30 hours per week; and
- Is available for tours.

[153] 23 U.S.C. § 131(b)
[154] Section 479.07, F.S. The term "on any portion of the State Highway System, interstate highway system, or federal-aid primary system" means a sign located within the controlled area which is visible from any portion of the main-traveled way of such system.
[155] *See* s. 479.16(1) – (14), F.S.
[156] *See* ss. 20.23(4)(e) and 338.2215, F.S.**CS**
[157] Pursuant to s. 316.003(23), F.S., an official traffic control device is a sign, signal, marking, or device placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.
[158] s. 316.0745, F.S.
[159] s. 565.03(6), F.S.
[160] Florida Department of Transportation Traffic Engineering and Operations Office, *Highway Signing Program, available at* http://www.dot.state.fl.us/trafficoperations/Operations/Signing.shtm (last visited March 15, 2016).
[161] *See* Chapter 14-51, F.A.C.

DOT is directed to install the directional signs on the rights-of-way of interstate highways and primary and secondary roads in accordance with Florida's Highway Guide Sign Program as provided in chapter 14-51, F.A.C.

The brewery is responsible for paying all costs associated with sign installation.

Return on Investment (Section 55)

Current Situation
Current law provides that DOT must adopt goals and principles supporting economic competitiveness and ensure that the state has a clear understanding of the economic consequences of transportation investments. Additionally, DOT is directed to develop a macroeconomic analysis of the linkages between transportation investment and economic performance, as well as a method to quantifiably measure the economic benefit of the Work Program investments.[162]

DOT has developed a model to evaluate the long-term economic benefits of its Work Program. The model quantifies the benefits of investments in highway, transit, seaport, and rail projects. Similarly, DOT is developing tools and resources to enable its managers to estimate and evaluate the return on investment for individual transportation projects.

Macroeconomic Analysis
DOT has developed a macroeconomic analysis methodology to evaluate the long-term economic benefits of its Work Program.[163] These benefits are based on an understanding of how transportation investments save time, reduce costs, and enhance economic competitiveness and opportunity. For purposes of the model, the economic benefits of the Work Program consist of:

- Personal user benefits, which arise from personal travel via highways or transit, including commuting, recreational and social trips; and
- Increased personal income, which stems from business travel including person trips for business purposes and freight trips via truck, rail, and water.

In 2014, DOT completed a report entitled A Macroeconomic Analysis of Florida's Transportation Investment,[164] and evaluated the impacts of the Fiscal Year 2013-2014 through 2017-2018 Work Program. The study determined that "[t]he ratio of total benefits to costs is 4.4. This means, on average, every dollar invested in the Work Program will yield about $4.40 in economic benefits for Florida from the beginning of the Work Program to FY 2043."[165]

Effect of the Bill
The bill requires the Office of Economic and Demographic Research (EDR) to evaluate and determine the economic benefits[166] of the state's investment in DOT's adopted Work Program for Fiscal Year 2016-2017, including the following four fiscal years. At a minimum, a separate return in investment shall be projected for each of the following areas:

- Roads and highways;
- Rails;
- Public transit;
- Aviation; and

[162] s. 334.046, F.S.
[163] This is pursuant to s. 333.046, F.S.
[164] DOT, *A Macroeconomic Analysis of Florida's Transportation Investment",* January 2015*, available at* http://www.dot.state.fl.us/planning/weeklybriefs/2015/011915.shtm
[165] *Id.* at 1
[166] section 288.005(1), F.S., defines "economic benefits" as "the direct, indirect, and induced gains in state revenues as a percentage of the state's investment. The state's investment includes state grants, tax exemptions, tax refunds, tax credits, and other state incentives."

- Seaports.

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

The bill requires DOT and each of its district offices to provide EDR full access to all data necessary to complete the analysis, including confidential data. EDR is required to submit the analysis to the President of the Senate and the Speaker of the House of Representatives by January 1, 2017.

Non-Emergency Medical Transportation Services (Section 56)

Current Situation
While not defined in statute, nonemergency medical transportation services generally relates to the transportation of individuals without need for immediate medical attention, but whose handicap, illness, injury or other incapacitation requires certain services that might not be offered by more conventional transportation service providers. Nonemergency medical transportation services are regulated at the county level.

Effect of the Bill
The bill creates s. 316.87, F.S., providing that, to ensure the availability of nonemergency medical transportation services throughout the state, a provider licensed by the county or operating under a permit issued by the county may not be required to use a vehicle that is larger than needed to transport the number of persons being transported or that is inconsistent with the medical condition of the individuals receiving the nonemergency medical transportation services.

The bill does not apply to the procurement, contracting, or provision of paratransit transportation services, directly or indirectly, by a county or an authority, pursuant to the Americans with Disabilities Act of 1990, as amended.

No Cost ID to Certain Juvenile Offenders (Sections 59 and 61)

Current Situation
The law currently provides a fee waiver for replacement identification cards issued to Florida-born inmates being released from prison and to a person who presents evidence that he or she is homeless.[167]

Effect of the Bill
The bill amends ss.322.051(9) and 322.21(1)(f), F.S., to provide a no-cost original, renewal, or replacement identification card to a juvenile offender who is in the custody or under the supervision of the Department of Juvenile Justice and receiving services. The issuance of the no-cost identification card to juvenile offenders shall be processed by DHSMV's mobile issuing units.

Motor Vehicle Registrations (Section 58)

Current Situation
Except as otherwise provided in law, every owner or person responsible for a motor vehicle that is operated in this state must register the vehicle in this state.[168] Most motor vehicles have a registration period of either 12 or 24 months during which the registration is valid.[169]

[167] s. 322.051(9), F.S.
[168] s. 320.02, F.S.
[169] s. 320.01(19)(a), F.S.

Section 320.07, F.S., provides that the vehicle registration expires at midnight on the owner's birthday. An owner of a motor vehicle, requiring registration, who operates the vehicle on the roadways without a valid registration, is subject to the following penalties:

- Registration expired for a period of six months or a first offense is a nonmoving violation ($30 fine and court costs); and
- Registration expired for a period of over six months and a second or subsequent offense is a second degree misdemeanor (a fine up to $500 and up to 60 days imprisonment).[170]

Upon payment of the appropriate registration taxes and fees, a validation sticker is issued showing the owner's birth month and year of expiration, which is placed on the upper right corner of the license plate.[171] The sticker does not indicate the day the registration expires, it only specifies the month.

Effect of the Bill
The bill amends s. 320.07(3)(a), F.S., to prohibit a law enforcement officer from issuing a citation for an expired registration until midnight on the last day of the owner's birth month of the year the registration expires.

Updating a Driver License, I.D. Card, or Motor Vehicle Registration (Sections 57 and 60)

Current Situation
The required timeframe for updating a driver license or motor vehicle registration to reflect an address change or legal name change varies in Florida depending on the specific action and the residency of the individual.

A new resident to the state is required to obtain a Florida driver license within 30 days before operating a motor vehicle on the highways of this state.[172] A resident of the state who possesses a valid driver license must report to DHSMV the legal address or name change within 10 calendar days of the change.[173]

For motor vehicle registration, the owner of the vehicle must notify DHSMV of any change of address within 20 days after such change.[174]

Effect of the Bill
The bill amends ss. 320.02(4), 322.19(1) &(2), F.S., making the required timeframe 30 days for updating a driver license, identification card or motor vehicle registration to reflect an address change or legal name change.

The change in timeframe does not apply to a Sexual Offender or Sexual Predator, to whom the current 48 hour notification requirement under ss. 775.21 and 943.0435, F.S. remains.

Organ Donor Registry (Section 62)

Current Situation
In 2008,[175] Florida's Legislature found that a shortage of organ and tissue donors existed in Florida, and there was a need for a statewide donor registry with online donor registration capability and enhanced donor education to increase the number of organ and tissue donors. This online registry would afford more persons who are awaiting organ or tissue transplants the opportunity for a full and productive

[170] s. 320.07, F.S.
[171] s. 320.06(1)(b)1., F.S.
[172] s. 322.031(1), F.S.
[173] s. 322.19(1) and (2), F.S.
[174] s. 320.02(4), F.S.
[175] Ch. 2008-223, Laws of Fla.

life.[176] As directed by the legislature, the Agency for Healthcare Administration (AHCA) and DHSMV jointly contracted for the operation of Florida's interactive web-based donor registry that, through electronic means, allows for online donor registration and the recording of organ and tissue donation records submitted through the driver license identification program or through other sources. The AHCA and the DHSMV selected Donate Life Florida, which is a coalition of Florida's organ, tissue, and eye donor programs, to run the donor registry and maintain donor records.

Floridians who are age 18 or older can join the donor registry either online, at the DHSMV (or their local driver license office), or by contacting Donate Life Florida for a paper application. Children ages 13 to 17 may join the registry, but the final decision on any organ donation of a minor rests with the parent or guardian. The registry collects personal information from each donor including, but not limited to, his or her name, address, date and place of birth, race, ethnicity, and driver's license number.

As of March 16, 2016, there were 8,683,241 people registered in the donor registry.[177]

A person may make an anatomical gift of all or part of his or her body by:

- Signing an organ and tissue donor card;
- Registering online with the donor registry;
- Signifying an intent to donate on his or her driver license or identification card issued by the department. Revocation, suspension, expiration, or cancellation of the driver license or identification card does not invalidate the gift;
- Expressing a wish to donate in a living will or other advance directive;
- Executing a will that includes a provision indicating that the testator wishes to make an anatomical gift. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated or if it is declared invalid for testamentary purposes, the gift is nevertheless valid to the extent that it has been acted upon in good faith; or
- Expressing a wish to donate in a document other than a will. The document must be signed by the donor in the presence of two witnesses who shall sign the document in the donor's presence. If the donor cannot sign, the document may be signed for him or her at the donor's direction and in his or her presence and the presence of two witnesses who must sign the document in the donor's presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.[178]

Effect of the Bill

The bill amends s. 765.521, F.S., requiring DHSMV to maintain an integrated link on its website referring a visitor renewing a driver license or conducting other business to the organ donor registry.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

[176] s. 765.5155(1), F.S.
[177] Donate Life Florida, *Welcome to the Joshua Abbott Organ and Tissue Donor Registry*, http://www.donatelifeflorida.org/ (last visited March 16, 2016)
[178] s. 765.514(1), F.S.

FSTED Funding-The bill provides an additional $10 million per year for FSTED funding. This funding will come from the State Transportation Trust Fund and is a reallocation of funding from within the confines of the Work Program.

Seaport Security-The bill provides for the establishment of a Seaport Security Grant Program. The bill specifies that the grant funds will be appropriated by the Legislature and must be used to assist in the implementation of seaport security projects and measures. This program is not currently in the FY 2016-17 Transportation Work Program submitted by DOT for legislative approval and the bill does not provide an appropriation. Future funding would come from the State Transportation Trust Fund and be a reallocation of funding from within the confines of the Work Program. Such funding is not specified and its impact is indeterminate.

Return on Investment-The bill requires the Office of Economic and Demographic Research (EDR) to evaluate and determine the economic benefits of the state's investment in DOT's adopted Work Program for Fiscal Year 2016-2017, including the following four fiscal years. This will create an additional workload for EDR which will be absorbed within existing resources and staffing.

Roadside Barriers-DOT provided a spreadsheet attachment to its SB 522 analysis which appears to identify deaths between 2006 and 2015 reported on specified crash report form numbers, as well as costs associated with additional guardrail installation at the identified locations. The spreadsheet reflects that whether drowning was the cause of each death is, in some cases, undetermined. These locations, with limited exception, do not appear to be anticipated as candidates for additional guardrail installation. However, the spreadsheet does indicate, "for cases where nearly identical water hazard scenarios were present in the vicinity, the proposals [add] guardrail for shielding all water hazards seen nearby (with the exception of interchange approaches, as explained in the comments []."

Aside from this information, DOT provided the following estimate based on the bill's language, as filed, requiring guardrail installation, as opposed to roadside barriers:

> Assuming [] the addition of varying feet of guardrail at each location, the bill would result in the addition of 132,845 linear feet of guardrail at a cost of approximately $17 per foot for a total estimated cost of $2,381,614. New installation locations will be added to existing inventory and maintained at an additional [unspecified] cost.

Because additional barriers will be installed at the discretion of the DOT chief engineer, the fiscal impact on DOT at this time is indeterminate.

Pinellas Bayway System-The transfer of the Pinellas Bayway System does not appear to have any immediate fiscal impact, as the transfer occurs without the expenditure of any funds. Aside from the project cost information on replacing the structurally deficient bridge over Boca Ciega Bay on SR 679 provided by DOT, the method by which replacement will be funded or financed is unknown. The impact of the repeal of the $50 annual pass for use of the Pinellas Bayway System is unknown, but will be offset by the payment of the tolls for using the system by persons who formerly could purchase that pass.

Driver-Assistive Truck Platooning-DOT will likely incur some additional workload associated with the truck platooning study. DOT has indicated that any additional costs as a result of the pilot program will be borne by those proprietors of DATPT technology that participate in the program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

   Administration of Airport Zoning Regulations-Political subdivisions that have an airport but no airport zoning regulations will see an indeterminate increase to expenditures related to structural permitting and enforcement.

   Small County Outreach Program-Increasing the population ceiling in the Small County Outreach Program definition of “small county” from 150,000 to 170,000 will allow Charlotte, Martin, and Santa Rosa Counties to be eligible to participate in the program. Those counties would still have to compete for funding and priority using the program criteria.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Commercial Megacycles-The bill may positively impact owners and lessees of commercial megacycles.

Autonomous Vehicles-The impact of the provisions in this bill relating to the operation of autonomous vehicles is unknown. The private sector may realize positive economic benefits in terms of improved safety and mobility, and cost and travel-time savings. The companies that sell vehicles with autonomous technology may experience more sales to the extent that the bill promotes wider use of such vehicles.

Driver Assistive Truck Platooning -Depending on the outcome of the pilot project, the bill may have an indeterminate positive fiscal impact on companies that sell or use driver-assistive truck platooning technology.

State Infrastructure Bank-The bill may positively impact entities that are involved in the development and construction of natural gas fuel production or distribution facilities at a seaport or intermodal facility.

Florida Brewery Directional Signs -The bill may positively impact patronage at qualifying breweries.

Transfer of the Pinellas Bayway System -Transfer of ownership of the Pinellas Bayway System from DOT to the Florida Turnpike Enterprise does not appear to have an immediate impact on the private sector, but a positive fiscal impact may be realized upon construction of the replacement bridge in terms of more efficient travel.

Surety Bonds-The waiver of certain surety bond requirements may create contractual opportunities for qualifying businesses.

D. FISCAL COMMENTS:

Surety Bonds-DOT may see a reduction in its cost of some contracts by waiving some of the surety bond requirements with certain nonprofit agencies.