

1 A bill to be entitled
2 An act relating to transportation; amending s. 311.12,
3 F.S.; establishing the Seaport Security Advisory
4 Committee directed by the Florida Seaport
5 Transportation and Economic Development Council;
6 providing for membership and duties; directing the
7 council to establish a Seaport Security Grant Program
8 to provide certain funds to specified seaports for
9 certain security-related purposes; directing the
10 council to adopt rules; amending s. 316.003, F.S.;
11 revising and providing definitions; amending s.
12 316.303, F.S.; providing exceptions to a prohibition
13 of a viewer or screen visible from the driver's seat
14 of a motor vehicle; amending s. 320.525, F.S.;
15 revising the definition of the term "port vehicles and
16 equipment"; creating s. 332.0012, F.S.; establishing
17 the Florida Aviation Transportation and Economic
18 Development Program within the Department of
19 Transportation to finance certain projects at
20 specified airports; requiring certain funds to be made
21 available from the State Transportation Trust Fund;
22 requiring an airport that receives funding to adopt
23 procedures that comply with specified equal
24 opportunity hiring practices; authorizing the
25 department to require audits and adopt rules relating
26 to such audits; creating s. 332.0014, F.S.; creating

27 | the Florida Aviation Transportation and Economic
28 | Development Council within the department; providing
29 | for membership, organization, and duties of the
30 | council; providing for payment of certain
31 | administrative costs by airports receiving funds from
32 | the program; directing the council to prepare an
33 | aviation mission plan that includes recommendations
34 | for specific projects; directing the council to adopt
35 | rules for evaluating projects that may be funded
36 | through the program; providing procedures for approval
37 | of projects for funding under the program; providing
38 | for review and approval of projects by the Department
39 | of Transportation and the Department of Economic
40 | Opportunity; directing the council to develop programs
41 | for industry-related job training; directing the
42 | council to submit reports to the Legislature;
43 | directing the Department of Transportation to include
44 | project funding in its annual budget request;
45 | providing for inclusion of projects in the
46 | department's tentative work program; providing
47 | procedures for submission of work program amendments
48 | and implementation of funding; requiring procurements
49 | and negotiations to be made under specified
50 | provisions; amending s. 333.01, F.S.; revising and
51 | providing definitions of terms used in provisions
52 | relating to airport safety regulation; amending s.

53 333.025, F.S.; revising requirements for a permit to
54 construct or alter an obstruction; revising procedures
55 for issuing such permit; revising duties of the
56 Department of Transportation relating to issuance of
57 the permit; providing for administrative review of a
58 denial of a permit; amending s. 333.03, F.S.; revising
59 requirements and procedures for certain local
60 political subdivisions to adopt and enforce airport
61 zoning regulations; directing the department to
62 provide assistance to political subdivisions with
63 regard to federal obstruction standards; providing
64 minimum requirements for airport land use
65 compatibility zoning regulations; directing political
66 subdivisions to provide the department with copies of
67 airport zoning regulations; providing applicability
68 and effect; amending s. 333.04, F.S.; revising
69 provisions for incorporation of zoning regulations
70 with a political subdivision's comprehensive
71 regulations; revising provisions for a conflict
72 between airport zoning regulations and other
73 regulations; amending s. 333.05, F.S.; revising
74 procedure for adoption of zoning regulations; revising
75 provisions relating to an airport zoning commission;
76 amending s. 333.06, F.S.; revising airport zoning
77 regulation requirements; revising requirements for
78 adoption of an airport master plan and amendments

79 thereto; amending s. 333.07, F.S.; requiring a permit
80 to construct, alter, or allow an airport obstruction
81 in an airport hazard area under certain circumstances;
82 providing conditions for issuance or denial of such
83 permit; revising provisions to compel conformance;
84 removing provisions for obtaining a variance to zoning
85 regulations; removing reference to a board of
86 adjustment; revising provisions directing a political
87 subdivision to require an owner to install and
88 maintain certain lighting or marking of obstructions;
89 amending s. 333.09, F.S.; revising requirements for
90 administration of airport protection zoning
91 regulations; requiring the political subdivision to
92 provide a process for permitting, notifications to the
93 department, and enforcement; providing for appeal of
94 decisions made by the political subdivision; amending
95 s. 333.11, F.S.; revising provisions for judicial
96 review of decisions by a political subdivision;
97 revising jurisdiction of the court relating to
98 decisions of the political subdivision; removing
99 reference to a board of adjustment; requiring certain
100 procedures before an appeal to a court; amending s.
101 333.12, F.S.; revising provisions for acquisition of
102 property when a nonconforming obstruction is
103 determined to be an airport hazard; amending s.
104 333.13, F.S.; revising penalty provisions; creating s.

105 333.135, F.S.; providing a timeframe for compliance by
106 political subdivisions; repealing ss. 333.065, 333.08,
107 333.10, and 333.14, F.S., relating to guidelines
108 regarding land use near airports, appeals, boards of
109 adjustment, and a short title; reenacting s.
110 350.81(6), F.S., relating to communications services
111 offered by governmental entities, to incorporate
112 changes made by the act in a reference thereto;
113 amending s. 337.18, F.S., relating to contracts for
114 construction or maintenance; revising conditions for
115 waiver of a required surety bond; amending s. 338.231,
116 F.S., relating to the Florida Turnpike; removing a
117 provision that authorizes the department to use
118 revenues from the turnpike system for the payment of
119 principal and interest of certain bonds and the
120 operation and maintenance expenses of the Sawgrass
121 Expressway; amending s. 339.2818, F.S., relating to
122 the Small County Outreach Program; revising the
123 definition of the term "small county"; repealing s.
124 341.0532, F.S., relating to statewide transportation
125 corridors; amending s. 348.753, F.S., relating to the
126 Central Florida Expressway Authority; revising
127 provisions for membership on the authority; removing a
128 provision for appointment of a secretary of the
129 authority; directing the Office of Economic and
130 Demographic Research to determine the economic

131 benefits of the department's adopted work program;
 132 directing the department to provide access to
 133 necessary data; requiring a report to the Legislature;
 134 amending ss. 212.05, 316.1303, 316.235, 316.545,
 135 316.605, 316.6105, 316.613, 316.622, 316.650, 316.70,
 136 320.01, 320.08, 320.0801, 320.38, 322.031, 450.181,
 137 559.903, 655.960, 732.402, and 860.065, F.S.;

138 conforming cross-references; providing an effective
 139 date.

140

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

142

143 Section 1. Subsections (5) and (6) are added to section
 144 311.12, Florida Statutes, to read:

145 311.12 Seaport security.—

146 (5) ADVISORY COMMITTEE.—

147 (a) There is created the Seaport Security Advisory
 148 Committee, which shall be under the direction of the Florida
 149 Seaport Transportation and Economic Development Council.

150 (b) The committee shall consist of the following members:

151 1. Five or more port security directors appointed by the
 152 council chair shall serve as voting members. The council chair
 153 shall designate one member of the committee to serve as
 154 committee chair.

155 2. A designee from the United States Coast Guard shall
 156 serve ex officio as a nonvoting member.

157 3. A designee from United States Customs and Border
158 Protection shall serve ex officio as a nonvoting member.

159 4. Two representatives from local law enforcement agencies
160 providing security services at a Florida seaport shall serve ex
161 officio as nonvoting members.

162 (c) The committee shall meet at the call of the chair but
163 at least annually. A majority of the voting members constitutes
164 a quorum for the purpose of transacting business of the
165 committee, and a vote of the majority of the voting members
166 present is required for official action by the committee.

167 (d) The committee shall provide a forum for discussion of
168 seaport security issues, including, but not limited to, matters
169 such as national and state security strategy and policy, actions
170 required to meet current and future security threats, statewide
171 cooperation on security issues, and security concerns of the
172 state's maritime industry.

173 (e) The committee shall work closely with the United
174 States Coast Guard, United States Customs and Border Protection,
175 and the ports listed in s. 311.09(1) to advise, report to, and
176 make recommendations to the council on matters relating to
177 maritime security in the state.

178 (6) GRANT PROGRAM.—

179 (a) The Florida Seaport Transportation and Economic
180 Development Council shall establish a Seaport Security Grant
181 Program. The council shall grant funds appropriated by the
182 Legislature to the program for the purpose of assisting in the

HB 7061

2016

183 implementation of security plans and security measures at the
184 seaports listed in s. 311.09(1). Funds may be used for the
185 purchase of equipment, infrastructure needs, cybersecurity
186 programs, and other security measures identified in a seaport's
187 approved federal security plan. Such grants may not exceed 75
188 percent of the total cost of the request.

189 (b) The Seaport Security Advisory Committee shall review
190 applications for the grant program and make recommendations to
191 the council for grant approvals. The council shall adopt by rule
192 criteria to implement this subsection.

193 Section 2. Section 316.003, Florida Statutes, is reordered
194 and amended to read:

195 316.003 Definitions.—The following words and phrases, when
196 used in this chapter, shall have the meanings respectively
197 ascribed to them in this section, except where the context
198 otherwise requires:

199 (1) AUTHORIZED EMERGENCY VEHICLES.—Vehicles of the fire
200 department (fire patrol), police vehicles, and such ambulances
201 and emergency vehicles of municipal departments, public service
202 corporations operated by private corporations, the Fish and
203 Wildlife Conservation Commission, the Department of
204 Environmental Protection, the Department of Health, the
205 Department of Transportation, and the Department of Corrections
206 as are designated or authorized by their respective department
207 or the chief of police of an incorporated city or any sheriff of
208 any of the various counties.

209 (2) AUTONOMOUS TECHNOLOGY.—Technology installed on a motor
 210 vehicle that has the capability to drive the vehicle on which
 211 the technology is installed without active control or monitoring
 212 by a human operator.

213 (3) ~~(90)~~ AUTONOMOUS VEHICLE.—Any vehicle equipped with
 214 autonomous technology. ~~The term "autonomous technology" means~~
 215 ~~technology installed on a motor vehicle that has the capability~~
 216 ~~to drive the vehicle on which the technology is installed~~
 217 ~~without the active control or monitoring by a human operator.~~
 218 The term does not include ~~excludes~~ a motor vehicle enabled with
 219 active safety systems or driver assistance systems, including,
 220 without limitation, a system to provide electronic blind spot
 221 assistance, crash avoidance, emergency braking, parking
 222 assistance, adaptive cruise control, lane keep assistance, lane
 223 departure warning, or traffic jam and queuing assistant, unless
 224 any such system alone or in combination with other systems has
 225 the capability to drive the vehicle ~~enables the vehicle~~ on which
 226 the technology is installed ~~to drive~~ without ~~the~~ active control
 227 or monitoring by a human operator.

228 (4) ~~(2)~~ BICYCLE.—Every vehicle propelled solely by human
 229 power, and every motorized bicycle propelled by a combination of
 230 human power and an electric helper motor capable of propelling
 231 the vehicle at a speed of not more than 20 miles per hour on
 232 level ground upon which any person may ride, having two tandem
 233 wheels, and including any device generally recognized as a
 234 bicycle though equipped with two front or two rear wheels. The

HB 7061

2016

235 term does not include such a vehicle with a seat height of no
236 more than 25 inches from the ground when the seat is adjusted to
237 its highest position or a scooter or similar device. A ~~No~~ person
238 under the age of 16 may not operate or ride upon a motorized
239 bicycle.

240 (5)~~(63)~~ BICYCLE PATH.—Any road, path, or way that is open
241 to bicycle travel, which road, path, or way is physically
242 separated from motorized vehicular traffic by an open space or
243 by a barrier and is located either within the highway right-of-
244 way or within an independent right-of-way.

245 (6)~~(76)~~ BRAKE HORSEPOWER.—The actual unit of torque
246 developed per unit of time at the output shaft of an engine, as
247 measured by a dynamometer.

248 (7)~~(3)~~ BUS.—Any motor vehicle designed for carrying more
249 than 10 passengers and used for the transportation of persons
250 and any motor vehicle, other than a taxicab, designed and used
251 for the transportation of persons for compensation.

252 (8)~~(4)~~ BUSINESS DISTRICT.—The territory contiguous to, and
253 including, a highway when 50 percent or more of the frontage
254 thereon, for a distance of 300 feet or more, is occupied by
255 buildings in use for business.

256 (9)~~(5)~~ CANCELLATION.—Declaration of Cancellation means
257 ~~that~~ a license ~~which was~~ issued through error or fraud as is
258 ~~declared~~ void and terminated. A new license may be obtained only
259 as permitted in this chapter.

260 (10)~~(64)~~ CHIEF ADMINISTRATIVE OFFICER.—The head, or his or

HB 7061

2016

261 her designee, of any law enforcement agency which is authorized
 262 to enforce traffic laws.

263 (11)~~(65)~~ CHILD.—A child as defined in s. 39.01, s. 984.03,
 264 or s. 985.03.

265 (12)~~(66)~~ COMMERCIAL MOTOR VEHICLE.—Any self-propelled or
 266 towed vehicle used on the public highways in commerce to
 267 transport passengers or cargo, if such vehicle:

268 (a) Has a gross vehicle weight rating of 10,000 pounds or
 269 more;

270 (b) Is designed to transport more than 15 passengers,
 271 including the driver; or

272 (c) Is used in the transportation of materials found to be
 273 hazardous for the purposes of the Hazardous Materials
 274 Transportation Act, as amended (49 U.S.C. ss. 1801 et seq.).

275
 276 A vehicle that occasionally transports personal property to and
 277 from a closed-course motorsport facility, as defined in s.
 278 549.09(1)(a), is not a commercial motor vehicle if it is not
 279 used for profit and corporate sponsorship is not involved. As
 280 used in this subsection, the term "corporate sponsorship" means
 281 a payment, donation, gratuity, in-kind service, or other benefit
 282 provided to or derived by a person in relation to the underlying
 283 activity, other than the display of product or corporate names,
 284 logos, or other graphic information on the property being
 285 transported.

286 (13)~~(67)~~ COURT.—The court having jurisdiction over traffic

287 offenses.

288 (14)~~(6)~~ CROSSWALK.—

289 (a) That part of a roadway at an intersection included
 290 within the connections of the lateral lines of the sidewalks on
 291 opposite sides of the highway, measured from the curbs or, in
 292 the absence of curbs, from the edges of the traversable roadway.

293 (b) Any portion of a roadway at an intersection or
 294 elsewhere distinctly indicated for pedestrian crossing by lines
 295 or other markings on the surface.

296 (15)~~(7)~~ DAYTIME.—The period from a half hour before
 297 sunrise to a half hour after sunset. The term "nighttime" means
 298 at any other hour.

299 (16)~~(8)~~ DEPARTMENT.—The Department of Highway Safety and
 300 Motor Vehicles as defined in s. 20.24. Any reference herein to
 301 the Department of Transportation shall be construed as referring
 302 to the Department of Transportation as~~r~~ defined in s. 20.23~~r~~ or
 303 the appropriate division thereof.

304 (17)~~(9)~~ DIRECTOR.—The Director of the Division of the
 305 Florida Highway Patrol of the Department of Highway Safety and
 306 Motor Vehicles.

307 (18)~~(10)~~ DRIVER.—Any person who drives or is in actual
 308 physical control of a vehicle on a highway or who is exercising
 309 control of a vehicle or steering a vehicle being towed by a
 310 motor vehicle.

311 (19) DRIVER-ASSISTIVE TRUCK PLATOONING TECHNOLOGY.—Vehicle
 312 automation and safety technology that integrates sensor array,

313 wireless vehicle-to-vehicle communications, active safety
314 systems, and specialized software to link safety systems and
315 synchronize acceleration and braking between two vehicles while
316 leaving each vehicle's steering control and systems command in
317 the control of the vehicle's driver.

318 (20)~~(83)~~ ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.—Any
319 self-balancing, two-nontandem-wheeled device, designed to
320 transport only one person, with an electric propulsion system
321 with average power of 750 watts (1 horsepower), the maximum
322 speed of which, on a paved level surface when powered solely by
323 such a propulsion system while being ridden by an operator who
324 weighs 170 pounds, is less than 20 miles per hour. Electric
325 personal assistive mobility devices are not vehicles as defined
326 in this section.

327 (21)~~(11)~~ EXPLOSIVE.—Any chemical compound or mechanical
328 mixture that is commonly used or intended for the purpose of
329 producing an explosion and which contains any oxidizing and
330 combustive units or other ingredients in such proportions,
331 quantities, or packing that an ignition by fire, friction,
332 concussion, percussion, or detonator of any part of the compound
333 or mixture may cause such a sudden generation of highly heated
334 gases that the resultant gaseous pressures are capable of
335 producing destructive effect on contiguous objects or of
336 destroying life or limb.

337 (22)~~(62)~~ FARM LABOR VEHICLE.—Any vehicle equipped and used
338 for the transportation of nine or more migrant or seasonal farm

HB 7061

2016

339 workers, in addition to the driver, to or from a place of
340 employment or employment-related activities. The term does not
341 include:

342 (a) Any vehicle carrying only members of the immediate
343 family of the owner or driver.

344 (b) Any vehicle being operated by a common carrier of
345 passengers.

346 (c) Any carpool as defined in s. 450.28(3).

347 (23)~~(12)~~ FARM TRACTOR.—Any motor vehicle designed and used
348 primarily as a farm implement for drawing plows, mowing
349 machines, and other implements of husbandry.

350 (24)~~(13)~~ FLAMMABLE LIQUID.—Any liquid which has a flash
351 point of 70 degrees Fahrenheit or less, as determined by a
352 Tagliabue or equivalent closed-cup test device.

353 (25)~~(68)~~ GOLF CART.—A motor vehicle designed and
354 manufactured for operation on a golf course for sporting or
355 recreational purposes.

356 (26)~~(14)~~ GROSS WEIGHT.—The weight of a vehicle without
357 load plus the weight of any load thereon.

358 (27)~~(69)~~ HAZARDOUS MATERIAL.—Any substance or material
359 which has been determined by the secretary of the United States
360 Department of Transportation to be capable of imposing an
361 unreasonable risk to health, safety, and property. This term
362 includes hazardous waste as defined in s. 403.703(13).

363 (28)~~(15)~~ HOUSE TRAILER.—

364 (a) A trailer or semitrailer which is designed,

365 constructed, and equipped as a dwelling place, living abode, or
 366 sleeping place, and ~~(either permanently or temporarily,)~~ and is
 367 equipped for use as a conveyance on streets and highways;7 or

368 (b) A trailer or a semitrailer the chassis and exterior
 369 shell of which is designed and constructed for use as a house
 370 trailer, as defined in paragraph (a), but which is used instead,
 371 permanently or temporarily, for the advertising, sales, display,
 372 or promotion of merchandise or services or for any other
 373 commercial purpose except the transportation of property for
 374 hire or the transportation of property for distribution by a
 375 private carrier.

376 (29) ~~(16)~~ IMPLEMENT OF HUSBANDRY.—Any vehicle designed and
 377 adapted exclusively for agricultural, horticultural, or
 378 livestock-raising operations or for lifting or carrying an
 379 implement of husbandry and in either case not subject to
 380 registration if used upon the highways.

381 (30) ~~(17)~~ INTERSECTION.—

382 (a) The area embraced within the prolongation or
 383 connection of the lateral curblines~~7~~ or, if none, then the
 384 lateral boundary lines of the roadways of two highways which
 385 join one another at, or approximately at, right angles; or the
 386 area within which vehicles traveling upon different highways
 387 joining at any other angle may come in conflict.

388 (b) Where a highway includes two roadways 30 feet or more
 389 apart, ~~then~~ every crossing of each roadway of such divided
 390 highway by an intersecting highway shall be regarded as a

391 separate intersection. If the ~~In the event such~~ intersecting
 392 highway also includes two roadways 30 feet or more apart, ~~then~~
 393 every crossing of two roadways of such highways shall be
 394 regarded as a separate intersection.

395 (31) ~~(18)~~ LANED HIGHWAY.—A highway the roadway of which is
 396 divided into two or more clearly marked lanes for vehicular
 397 traffic.

398 (32) ~~(19)~~ LIMITED ACCESS FACILITY.—A street or highway
 399 especially designed for through traffic and over, from, or to
 400 which owners or occupants of abutting land or other persons have
 401 no right or easement, or only a limited right or easement, of
 402 access, light, air, or view by reason of the fact that their
 403 property abuts upon such limited access facility or for any
 404 other reason. Such highways or streets may be parkways from
 405 which trucks, buses, and other commercial vehicles are excluded,
 406 or ~~they~~ may be freeways open to use by all customary forms of
 407 street and highway traffic.

408 (33) ~~(20)~~ LOCAL AUTHORITIES.—~~Includes~~ All officers and
 409 public officials of the several counties and municipalities of
 410 this state.

411 (34) ~~(91)~~ LOCAL HEARING OFFICER.—The person, designated by
 412 a department, county, or municipality that elects to authorize
 413 traffic infraction enforcement officers to issue traffic
 414 citations under s. 316.0083(1)(a), who is authorized to conduct
 415 hearings related to a notice of violation issued pursuant to s.
 416 316.0083. The charter county, noncharter county, or municipality

HB 7061

2016

417 may use its currently appointed code enforcement board or
418 special magistrate to serve as the local hearing officer. The
419 department may enter into an interlocal agreement to use the
420 local hearing officer of a county or municipality.

421 (35)~~(80)~~ MAXI-CUBE VEHICLE.—A specialized combination
422 vehicle consisting of a truck carrying a separable cargo-
423 carrying unit combined with a semitrailer designed so that the
424 separable cargo-carrying unit is to be loaded and unloaded
425 through the semitrailer. The entire combination may not exceed
426 65 feet in length, and a single component of that combination
427 may not exceed 34 feet in length.

428 (36)~~(61)~~ MIGRANT OR SEASONAL FARM WORKER.—Any person
429 employed in hand labor operations in planting, cultivation, or
430 harvesting agricultural crops.

431 (37)~~(77)~~ MOPED.—Any vehicle with pedals to permit
432 propulsion by human power, having a seat or saddle for the use
433 of the rider and designed to travel on not more than three
434 wheels,† with a motor rated not in excess of 2 brake horsepower
435 and not capable of propelling the vehicle at a speed greater
436 than 30 miles per hour on level ground~~†~~ and with a power-drive
437 system that functions directly or automatically without
438 clutching or shifting gears by the operator after the drive
439 system is engaged. If an internal combustion engine is used, the
440 displacement may not exceed 50 cubic centimeters.

441 (38)~~(86)~~ MOTOR CARRIER TRANSPORTATION CONTRACT.—

442 (a) A contract, agreement, or understanding covering:

443 1. The transportation of property for compensation or hire
444 by the motor carrier;

445 2. Entrance on property by the motor carrier for the
446 purpose of loading, unloading, or transporting property for
447 compensation or hire; or

448 3. A service incidental to activity described in
449 subparagraph 1. or subparagraph 2., including, but not limited
450 to, storage of property.

451 (b) "Motor carrier transportation contract" does not
452 include the Uniform Intermodal Interchange and Facilities Access
453 Agreement administered by the Intermodal Association of North
454 America or other agreements providing for the interchange, use,
455 or possession of intermodal chassis, containers, or other
456 intermodal equipment.

457 ~~(39)-(21)~~ MOTOR VEHICLE.—Except when used in s. 316.1001, a
458 self-propelled vehicle not operated upon rails or guideway, but
459 not including any bicycle, motorized scooter, electric personal
460 assistive mobility device, swamp buggy, or moped. For purposes
461 of s. 316.1001, "motor vehicle" has the same meaning as provided
462 in s. 320.01(1)(a).

463 ~~(40)-(22)~~ MOTORCYCLE.—Any motor vehicle having a seat or
464 saddle for the use of the rider and designed to travel on not
465 more than three wheels in contact with the ground, but excluding
466 a tractor or a moped.

467 ~~(41)-(82)~~ MOTORIZED SCOOTER.—Any vehicle not having a seat
468 or saddle for the use of the rider, designed to travel on not

469 more than three wheels, and not capable of propelling the
 470 vehicle at a speed greater than 30 miles per hour on level
 471 ground.

472 (42)~~(78)~~ NONPUBLIC SECTOR BUS.—Any bus which is used for
 473 the transportation of persons for compensation and which is not
 474 owned, leased, operated, or controlled by a municipal, county,
 475 or state government or a governmentally owned or managed
 476 nonprofit corporation.

477 (43)~~(23)~~ OFFICIAL TRAFFIC CONTROL DEVICES.—All signs,
 478 signals, markings, and devices, not inconsistent with this
 479 chapter, placed or erected by authority of a public body or
 480 official having jurisdiction for the purpose of regulating,
 481 warning, or guiding traffic.

482 (44)~~(24)~~ OFFICIAL TRAFFIC CONTROL SIGNAL.—Any device,
 483 whether manually, electrically, or mechanically operated, by
 484 which traffic is alternately directed to stop and permitted to
 485 proceed.

486 (45)~~(25)~~ OPERATOR.—Any person who is in actual physical
 487 control of a motor vehicle upon the highway~~7~~ or who is
 488 exercising control over or steering a vehicle being towed by a
 489 motor vehicle.

490 (46)~~(26)~~ OWNER.—A person who holds the legal title of a
 491 vehicle. ~~If, or, in the event~~ a vehicle is the subject of an
 492 agreement for the conditional sale or lease thereof with the
 493 right of purchase upon performance of the conditions stated in
 494 the agreement and with an immediate right of possession vested

495 in the conditional vendee or lessee, or if ~~in the event~~ a
 496 mortgagor of a vehicle is entitled to possession, ~~then~~ such
 497 conditional vendee~~7~~ or lessee~~7~~ or mortgagor shall be deemed the
 498 owner~~7~~ for the purposes of this chapter.

499 ~~(47)-(27)~~ (47) PARK OR PARKING.—The standing of a vehicle,
 500 whether occupied or not occupied, otherwise than temporarily for
 501 the purpose of and while actually engaged in loading or
 502 unloading merchandise or passengers as may be permitted by law
 503 under this chapter.

504 ~~(48)-(28)~~ (48) PEDESTRIAN.—Any person afoot.

505 ~~(49)-(29)~~ (49) PERSON.—Any natural person, firm, copartnership,
 506 association, or corporation.

507 ~~(50)-(30)~~ (50) PNEUMATIC TIRE.—Any tire in which compressed air
 508 is designed to support the load.

509 ~~(51)-(31)~~ (51) POLE TRAILER.—Any vehicle without motive power
 510 designed to be drawn by another vehicle and attached to the
 511 towing vehicle by means of a reach or pole, or by being boomed
 512 or otherwise secured to the towing vehicle, and ordinarily used
 513 for transporting long or irregularly shaped loads such as poles,
 514 pipes, or structural members capable, generally, of sustaining
 515 themselves as beams between the supporting connections.

516 ~~(52)-(32)~~ (52) POLICE OFFICER.—Any officer authorized to direct
 517 or regulate traffic or to make arrests for violations of traffic
 518 regulations, including Florida highway patrol officers,
 519 sheriffs, deputy sheriffs, and municipal police officers.

520 ~~(53)-(33)~~ (53) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise

521 provided in paragraph (75) (b) ~~(53) (b)~~, any privately owned way
 522 or place used for vehicular travel by the owner and those having
 523 express or implied permission from the owner, but not by other
 524 persons.

525 (54) (34) RADIOACTIVE MATERIALS.—Any materials or
 526 combination of materials which emit ionizing radiation
 527 spontaneously in which the radioactivity per gram of material,
 528 in any form, is greater than 0.002 microcuries.

529 (55) (35) RAILROAD.—A carrier of persons or property upon
 530 cars operated upon stationary rails.

531 (56) (36) RAILROAD SIGN OR SIGNAL.—Any sign, signal, or
 532 device erected by authority of a public body or official, or by
 533 a railroad, and intended to give notice of the presence of
 534 railroad tracks or the approach of a railroad train.

535 (57) (37) RAILROAD TRAIN.—A steam engine, electric or other
 536 motor, with or without cars coupled thereto, operated upon
 537 rails, except a streetcar.

538 (58) (38) RESIDENCE DISTRICT.—The territory contiguous to,
 539 and including, a highway, not comprising a business district,
 540 when the property on such highway, for a distance of 300 feet or
 541 more, is, in the main, improved with residences or residences
 542 and buildings in use for business.

543 (59) (39) REVOCATION.—Termination of Revocation means that
 544 a licensee's privilege to drive a motor vehicle is terminated. A
 545 new license may be obtained only as permitted by law.

546 (60) (40) RIGHT-OF-WAY.—The right of one vehicle or

HB 7061

2016

547 pedestrian to proceed in a lawful manner in preference to
548 another vehicle or pedestrian approaching under such
549 circumstances of direction, speed, and proximity as to give rise
550 to danger of collision unless one grants precedence to the
551 other.

552 (61)~~(41)~~ ROAD TRACTOR.—Any motor vehicle designed and used
553 for drawing other vehicles and not so constructed as to carry
554 any load thereon, either independently or as any part of the
555 weight of a vehicle or load so drawn.

556 (62)~~(42)~~ ROADWAY.—That portion of a highway improved,
557 designed, or ordinarily used for vehicular travel, exclusive of
558 the berm or shoulder. If ~~In the event~~ a highway includes two or
559 more separate roadways, the term "roadway" ~~as used herein~~ refers
560 to any such roadway separately, but not to all such roadways
561 collectively.

562 (63)~~(43)~~ SADDLE MOUNT; FULL MOUNT.—An arrangement whereby
563 the front wheels of one vehicle rest in a secured position upon
564 another vehicle. All of the wheels of the towing vehicle are
565 upon the ground, and only the rear wheels of the towed vehicle
566 rest upon the ground. Such combinations may include one full
567 mount, whereby a smaller transport vehicle is placed completely
568 on the last towed vehicle.

569 (64)~~(44)~~ SAFETY ZONE.—The area or space officially set
570 apart within a roadway for the exclusive use of pedestrians and
571 protected or so marked by adequate signs or authorized pavement
572 markings as to be plainly visible at all times while set apart

573 as a safety zone.

574 (65)~~(92)~~ SANITATION VEHICLE.—A motor vehicle that bears an
 575 emblem that is visible from the roadway and clearly identifies
 576 that the vehicle belongs to or is under contract with a person,
 577 entity, cooperative, board, commission, district, or unit of
 578 local government that provides garbage, trash, refuse, or
 579 recycling collection.

580 (66)~~(45)~~ SCHOOL BUS.—Any motor vehicle that complies with
 581 the color and identification requirements of chapter 1006 and is
 582 used to transport children to or from public or private school
 583 or in connection with school activities, but not including buses
 584 operated by common carriers in urban transportation of school
 585 children. The term "school" includes all preelementary,
 586 elementary, secondary, and postsecondary schools.

587 (67)~~(46)~~ SEMITRAILER.—Any vehicle with or without motive
 588 power, other than a pole trailer, designed for carrying persons
 589 or property and for being drawn by a motor vehicle and so
 590 constructed that some part of its weight and that of its load
 591 rests upon, or is carried by, another vehicle.

592 (68)~~(47)~~ SIDEWALK.—That portion of a street between the
 593 curblines, or the lateral lines, of a roadway and the adjacent
 594 property lines, intended for use by pedestrians.

595 (69)~~(48)~~ SPECIAL MOBILE EQUIPMENT.—Any vehicle not
 596 designed or used primarily for the transportation of persons or
 597 property and only incidentally operated or moved over a highway,
 598 including, but not limited to, ditchdigging apparatus, well-

599 boring apparatus, and road construction and maintenance
 600 machinery, such as asphalt spreaders, bituminous mixers, bucket
 601 loaders, tractors other than truck tractors, ditchers, leveling
 602 graders, finishing machines, motor graders, road rollers,
 603 scarifiers, earthmoving carryalls and scrapers, power shovels
 604 and draglines, and self-propelled cranes and earthmoving
 605 equipment. The term does not include house trailers, dump
 606 trucks, truck-mounted transit mixers, cranes or shovels, or
 607 other vehicles designed for the transportation of persons or
 608 property to which machinery has been attached.

609 ~~(70)(49)~~ STAND OR STANDING.—The halting of a vehicle,
 610 whether occupied or not occupied, otherwise than temporarily,
 611 for the purpose of, and while actually engaged in, receiving or
 612 discharging passengers, as may be permitted by law under this
 613 chapter.

614 ~~(71)(50)~~ STATE ROAD.—Any highway designated as a state-
 615 maintained road by the Department of Transportation.

616 ~~(72)(51)~~ STOP.—When required, complete cessation from
 617 movement.

618 ~~(73)(52)~~ STOP OR STOPPING.—When prohibited, any halting,
 619 even momentarily, of a vehicle, whether occupied or not
 620 occupied, except when necessary to avoid conflict with other
 621 traffic or to comply with the directions of a law enforcement
 622 officer or traffic control sign or signal.

623 ~~(74)(70)~~ STRAIGHT TRUCK.—Any truck on which the cargo unit
 624 and the motive power unit are located on the same frame so as to

HB 7061

2016

625 form a single, rigid unit.

626 (75)~~(53)~~ STREET OR HIGHWAY.—

627 (a) The entire width between the boundary lines of every
628 way or place of whatever nature when any part thereof is open to
629 the use of the public for purposes of vehicular traffic;

630 (b) The entire width between the boundary lines of any
631 privately owned way or place used for vehicular travel by the
632 owner and those having express or implied permission from the
633 owner, but not by other persons, or any limited access road
634 owned or controlled by a special district, whenever, by written
635 agreement entered into under s. 316.006(2)(b) or (3)(b), a
636 county or municipality exercises traffic control jurisdiction
637 over said way or place;

638 (c) Any area, such as a runway, taxiway, ramp, clear zone,
639 or parking lot, within the boundary of any airport owned by the
640 state, a county, a municipality, or a political subdivision,
641 which area is used for vehicular traffic but which is not open
642 for vehicular operation by the general public; or

643 (d) Any way or place used for vehicular traffic on a
644 controlled access basis within a mobile home park recreation
645 district which has been created under s. 418.30 and the
646 recreational facilities of which district are open to the
647 general public.

648 (76)~~(54)~~ SUSPENSION.—Temporary withdrawal of a licensee's
649 privilege to drive a motor vehicle.

650 (77)~~(89)~~ SWAMP BUGGY.—A motorized off-road vehicle that is

HB 7061

2016

651 designed or modified to travel over swampy or varied terrain and
652 that may use large tires or tracks operated from an elevated
653 platform. The term does not include any vehicle defined in
654 chapter 261 or otherwise defined or classified in this chapter.

655 (78)~~(81)~~ TANDEM AXLE.—Any two axles the ~~whose~~ centers of
656 which are more than 40 inches but not more than 96 inches apart
657 and are individually attached to or articulated from, or both, a
658 common attachment to the vehicle, including a connecting
659 mechanism designed to equalize the load between axles.

660 (79)~~(71)~~ TANDEM TRAILER TRUCK.—Any combination of a truck
661 tractor, semitrailer, and trailer coupled together so as to
662 operate as a complete unit.

663 (80)~~(72)~~ TANDEM TRAILER TRUCK HIGHWAY NETWORK.—A highway
664 network consisting primarily of four or more lanes, including
665 all interstate highways; highways designated by the United
666 States Department of Transportation as elements of the National
667 Network; and any street or highway designated by the Florida
668 Department of Transportation for use by tandem trailer trucks,
669 in accordance with s. 316.515, except roads on which truck
670 traffic was specifically prohibited on January 6, 1983.

671 (81)~~(73)~~ TERMINAL.—Any location where:

672 (a) Freight ~~either~~ originates, terminates, or is handled
673 in the transportation process; or

674 (b) Commercial motor carriers maintain operating
675 facilities.

676 (82)~~(55)~~ THROUGH HIGHWAY.—Any highway or portion thereof

HB 7061

2016

677 on which vehicular traffic is given the right-of-way and at the
 678 entrances to which vehicular traffic from intersecting highways
 679 is required to yield right-of-way to vehicles on such through
 680 highway in obedience to ~~either~~ a stop sign or yield sign, or
 681 otherwise in obedience to law.

682 (83)~~(56)~~ TIRE WIDTH.—The ~~Tire width is that~~ width stated
 683 on the surface of the tire by the manufacturer of the tire, if
 684 the width stated does not exceed 2 inches more than the width of
 685 the tire contacting the surface.

686 (84)~~(57)~~ TRAFFIC.—Pedestrians, ridden or herded animals,
 687 and vehicles, streetcars, and other conveyances ~~either~~ singly or
 688 together while using any street or highway for purposes of
 689 travel.

690 (85)~~(87)~~ TRAFFIC INFRACTION DETECTOR.—A vehicle sensor
 691 installed to work in conjunction with a traffic control signal
 692 and a camera or cameras synchronized to automatically record two
 693 or more sequenced photographic or electronic images or streaming
 694 video of only the rear of a motor vehicle at the time the
 695 vehicle fails to stop behind the stop bar or clearly marked stop
 696 line when facing a traffic control signal steady red light. Any
 697 notification under s. 316.0083(1)(b) or traffic citation issued
 698 by the use of a traffic infraction detector must include a
 699 photograph or other recorded image showing both the license tag
 700 of the offending vehicle and the traffic control device being
 701 violated.

702 (86)~~(84)~~ TRAFFIC SIGNAL PREEMPTION SYSTEM.—Any system or

HB 7061

2016

703 device with the capability of activating a control mechanism
704 mounted on or near traffic signals which alters a traffic
705 signal's timing cycle.

706 (87)~~(58)~~ TRAILER.—Any vehicle with or without motive
707 power, other than a pole trailer, designed for carrying persons
708 or property and for being drawn by a motor vehicle.

709 (88)~~(74)~~ TRANSPORTATION.—The conveyance or movement of
710 goods, materials, livestock, or persons from one location to
711 another on any road, street, or highway open to travel by the
712 public.

713 (89)~~(88)~~ TRI-VEHICLE.—An enclosed three-wheeled passenger
714 vehicle that:

715 (a) Is designed to operate with three wheels in contact
716 with the ground;

717 (b) Has a minimum unladen weight of 900 pounds;

718 (c) Has a single, completely enclosed, occupant
719 compartment;

720 (d) Is produced in a minimum quantity of 300 in any
721 calendar year;

722 (e) Is capable of a speed greater than 60 miles per hour
723 on level ground; and

724 (f) Is equipped with:

725 1. Seats that are certified by the vehicle manufacturer to
726 meet the requirements of Federal Motor Vehicle Safety Standard
727 No. 207, "Seating systems" (49 C.F.R. s. 571.207);

728 2. A steering wheel used to maneuver the vehicle;

729 3. A propulsion unit located forward or aft of the
 730 enclosed occupant compartment;

731 4. A seat belt for each vehicle occupant certified to meet
 732 the requirements of Federal Motor Vehicle Safety Standard No.
 733 209, "Seat belt assemblies" (49 C.F.R. s. 571.209);

734 5. A windshield and an appropriate windshield wiper and
 735 washer system that are certified by the vehicle manufacturer to
 736 meet the requirements of Federal Motor Vehicle Safety Standard
 737 No. 205, "Glazing materials" (49 C.F.R. s. 571.205) and Federal
 738 Motor Vehicle Safety Standard No. 104, "Windshield wiping and
 739 washing systems" (49 C.F.R. s. 571.104); and

740 6. A vehicle structure certified by the vehicle
 741 manufacturer to meet the requirements of Federal Motor Vehicle
 742 Safety Standard No. 216, "Rollover crush resistance" (49 C.F.R.
 743 s. 571.216).

744 (90)~~(59)~~ TRUCK.—Any motor vehicle designed, used, or
 745 maintained primarily for the transportation of property.

746 (91)~~(60)~~ TRUCK TRACTOR.—Any motor vehicle designed and
 747 used primarily for drawing other vehicles and not so constructed
 748 as to carry a load other than a part of the weight of the
 749 vehicle and load so drawn.

750 (92)~~(93)~~ UTILITY SERVICE VEHICLE.—A motor vehicle that
 751 bears an emblem that is visible from the roadway and clearly
 752 identifies that the vehicle belongs to or is under contract with
 753 a person, entity, cooperative, board, commission, district, or
 754 unit of local government that provides electric, natural gas,

755 water, wastewater, cable, telephone, or communications services.

756 (93)~~(75)~~ VEHICLE.—Every device~~7~~ in, upon, or by which any
 757 person or property is or may be transported or drawn upon a
 758 highway, except ~~excepting~~ devices used exclusively upon
 759 stationary rails or tracks.

760 (94)~~(85)~~ VICTIM SERVICES PROGRAMS.—Any community-based
 761 organization the ~~whose~~ primary purpose of which is to act as an
 762 advocate for the victims and survivors of traffic crashes and
 763 for their families. The victims services offered by these
 764 programs may include grief and crisis counseling, assistance
 765 with preparing victim compensation claims excluding third-party
 766 legal action, or connecting persons with other service
 767 providers, and providing emergency financial assistance.

768 (95)~~(79)~~ WORK ZONE AREA.—The area and its approaches on
 769 any state-maintained highway, county-maintained highway, or
 770 municipal street where construction, repair, maintenance, or
 771 other street-related or highway-related work is being performed
 772 or where one or more lanes are ~~is~~ closed to traffic.

773 Section 3. Subsections (1) and (3) of section 316.303,
 774 Florida Statutes, are amended to read:

775 316.303 Television receivers.—

776 (1) A ~~No~~ motor vehicle operated on the highways of this
 777 state may not ~~shall~~ be equipped with television-type receiving
 778 equipment so located that the viewer or screen is visible from
 779 the driver's seat unless the vehicle is operating in autonomous
 780 mode as provided in s. 316.85(2) or operating with driver-

HB 7061

2016

781 assistive truck platooning technology.

782 (3) This section does not prohibit the use of an
783 electronic display used in conjunction with a vehicle navigation
784 system, used by the operator of a vehicle operating in
785 autonomous mode as provided in s. 316.85(2), or used by the
786 operator of a vehicle operating with driver-assistive truck
787 platooning technology.

788 Section 4. Subsection (1) of section 320.525, Florida
789 Statutes, is amended to read:

790 320.525 Port vehicles and equipment; definition;
791 exemption.—

792 (1) As used in this section, the term "port vehicles and
793 equipment" means trucks, tractors, trailers, truck cranes, top
794 loaders, fork lifts, hostling tractors, chassis, or other
795 vehicles or equipment used for transporting cargo, containers,
796 or other equipment. The term includes motor vehicles being
797 relocated within a port facility or via designated port district
798 roads.

799 Section 5. Section 332.0012, Florida Statutes, is created
800 to read:

801 332.0012 Florida aviation transportation and economic
802 development funding.—

803 (1) The Florida Aviation Transportation and Economic
804 Development Program is created within the Department of
805 Transportation to finance airport transportation or airport
806 facilities projects that will improve the movement and

807 intermodal transportation of cargo or passengers in commerce and
808 trade and support the interests, purposes, and requirements of
809 all airports listed in s. 332.0014(1) (a)1.

810 (2) A minimum of \$15 million per year shall be made
811 available from the State Transportation Trust Fund to fund the
812 Florida Aviation Transportation and Economic Development
813 Program. The Florida Aviation Transportation and Economic
814 Development Council created in s. 332.0014 shall develop
815 guidelines for project funding. The Florida Aviation
816 Transportation and Economic Development Council, the Department
817 of Transportation, and the Department of Economic Opportunity
818 shall work in cooperation to review projects and allocate funds
819 in accordance with the schedule required for the Department of
820 Transportation to include these projects in the tentative work
821 program developed pursuant to s. 339.135.

822 (3) (a) Florida Aviation Transportation and Economic
823 Development Program funds shall be used for approved projects in
824 accordance with s. 332.007. Program funds may also be used by
825 the Florida Aviation Transportation and Economic Development
826 Council for data and analysis that will assist the state's
827 airports and international trade.

828 (b) The following airport facilities or airport
829 transportation projects are eligible for funding under the
830 program:

831 1. Transportation facilities within the jurisdiction of
832 the airport.

833 2. The construction, acquisition, improvement,
834 enlargement, extension, or rehabilitation of airport facilities,
835 storage facilities, terminals, or automated people mover systems
836 or any related facilities that are necessary or useful.

837 3. The acquisition of mechanized equipment used in the
838 movement of cargo or passengers in international commerce.

839 4. The acquisition of land to be used for airport
840 purposes.

841 5. Environmental protection projects that result from the
842 funding of eligible projects or that are necessary because of
843 requirements imposed by a state agency as a condition of a
844 permit or other form of state approval or for environmental
845 mitigation required as a condition of a state, federal, or local
846 environmental permit.

847 6. Transportation facilities as defined in s. 334.03 which
848 are not otherwise part of the Department of Transportation's
849 adopted work program.

850 7. Intermodal access projects.

851 (4) An airport that receives funding under the program
852 must adopt procedures to ensure that jobs created as a result of
853 state funding comply with equal opportunity hiring practices as
854 provided in s. 110.112.

855 (5) The Department of Transportation may require a final
856 audit of any project that receives funds under this section. The
857 Department of Transportation may adopt rules and perform such
858 other acts necessary to ensure that the final audits are

859 conducted and that any deficiency or questioned costs noted by
860 the audit are resolved.

861 Section 6. Section 332.0014, Florida Statutes, is created
862 to read:

863 332.0014 Florida Aviation Transportation and Economic
864 Development Council.—

865 (1) The Florida Aviation Transportation and Economic
866 Development Council is created within the Department of
867 Transportation.

868 (a) The council consists of the following members:

869 1. The airport director, or the airport director's
870 designee, of each of the following airports:

871 a. Fort Lauderdale-Hollywood International Airport.

872 b. Jacksonville International Airport.

873 c. Miami International Airport.

874 d. Orlando International Airport.

875 e. Palm Beach International Airport.

876 f. Southwest Florida International Airport.

877 g. Tampa International Airport.

878 h. Miami Executive Airport.

879 i. Kissimmee Gateway Airport.

880 j. Daytona Beach International Airport.

881 k. Destin-Fort Walton Beach Airport.

882 l. Gainesville Regional Airport.

883 m. Melbourne International Airport.

884 n. Northwest Florida Beaches International Airport.

885 o. Orlando Sanford International Airport.
 886 p. Pensacola International Airport.
 887 q. Sarasota-Bradenton International Airport.
 888 r. Saint Petersburg-Clearwater International Airport.
 889 s. Tallahassee International Airport.
 890 2. The Secretary of Transportation or his or her designee.
 891 3. The executive director of the Department of Economic
 892 Opportunity or his or her designee.
 893 (b) The council shall meet at the call of its chair, at
 894 the request of a majority of its membership, or at such times as
 895 may be prescribed in its bylaws. However, the council must meet
 896 at least semiannually. A majority of voting members of the
 897 council constitutes a quorum for the purpose of transacting the
 898 business of the council. All members of the council are voting
 899 members. A vote of the majority of the members present is
 900 sufficient for any action of the council, except that a member
 901 representing the Department of Transportation or the Department
 902 of Economic Opportunity may vote to overrule any action of the
 903 council approving a project pursuant to subsection (4). The
 904 bylaws of the council may require a greater vote for a
 905 particular action.
 906 (c) Members of the council shall serve without
 907 compensation but are entitled to reimbursement for per diem and
 908 travel expenses as provided in s. 112.061.
 909 (d) The council may employ an administrative staff to
 910 provide services to the council on matters relating to the

HB 7061

2016

911 Florida Aviation Transportation and Economic Development Program
912 and the council. The cost for such administrative services shall
913 be paid by all airports that receive funding from the Florida
914 Aviation Transportation and Economic Development Program, based
915 on a pro rata formula measured by each recipient's share of the
916 funds as compared to the total funds disbursed to all recipients
917 during the year. The share of costs for administrative services
918 shall be paid in its total amount by the recipient airport upon
919 execution by the airport and the Department of Transportation of
920 a joint participation agreement for each council-approved
921 project. Such payment is in addition to the matching funds
922 required to be paid by the recipient airport.

923 (e) The council shall adopt bylaws governing the conduct
924 of business of the council. The bylaws shall specify the
925 procedure for election of the council chair.

926 (2)(a) The council shall prepare a 5-year aviation mission
927 plan defining the goals and objectives of the council concerning
928 the development of airport facilities and an intermodal
929 transportation system consistent with the goals of the Florida
930 Transportation Plan. The mission plan shall include specific
931 recommendations for the construction of transportation
932 facilities connecting any airport to another transportation mode
933 and for the efficient, cost-effective development of
934 transportation facilities or airport facilities for the purpose
935 of enhancing trade, promoting cargo flow, increasing passenger
936 movements, increasing airport revenues, and providing economic

937 benefits to the state. Each year, the council shall update the
938 5-year mission plan and submit the plan no later than February 1
939 to the President of the Senate, the Speaker of the House of
940 Representatives, the Department of Economic Opportunity, and the
941 Department of Transportation.

942 (b) Each year, the council shall develop a prioritized
943 list of projects based on the recommendations in the mission
944 plan and submit the list to the Department of Transportation.

945 (c) The council shall develop programs, based on a review
946 of existing programs in this state and other states, for the
947 training of minorities and secondary school students in job
948 skills associated with employment opportunities in the aviation
949 industry and annually submit a report on progress and
950 recommendations for further action to the President of the
951 Senate and the Speaker of the House of Representatives.

952 (3) The council shall adopt rules for evaluating projects
953 that may be funded through the Florida Aviation Transportation
954 and Economic Development Program. The rules shall provide
955 criteria for evaluating a potential project, including, but not
956 limited to, consistency with appropriate plans, economic
957 benefit, readiness for construction, noncompetition with other
958 airports in this state, and capacity within the airport system.
959 Priority shall be given to projects eligible for funding as a
960 strategic airport investment project pursuant to s. 332.007(10).

961 (4) The council shall review and approve or disapprove
962 each project for funding under the Florida Aviation

963 Transportation and Economic Development Program. Each year, the
964 council shall submit a list of approved projects to the
965 Secretary of Transportation and the executive director of the
966 Department of Economic Opportunity. The list shall specify the
967 recommended funding level for each project and, if staged
968 implementation of the project is appropriate, the funding
969 requirements for each stage.

970 (5) The Department of Transportation shall review the
971 application of each project on the list to determine whether the
972 project is consistent with the Florida Transportation Plan, the
973 statewide aviation system plan, and the Department of
974 Transportation's adopted work program. In evaluating the
975 consistency of a project, the Department of Transportation shall
976 assess the transportation impacts and economic benefits of the
977 project. The Department of Transportation shall identify those
978 projects that are inconsistent with the Florida Transportation
979 Plan, the statewide aviation system plan, or the adopted work
980 program and notify the council of its findings. A project may
981 not be approved for funding if it is determined to be
982 inconsistent with the Florida Transportation Plan, the statewide
983 aviation system plan, or the adopted work program pursuant to
984 this subsection.

985 (6) The Department of Economic Opportunity shall review
986 the application of each project on the list to evaluate the
987 economic benefit of each project and to determine whether the
988 project is consistent with the statewide aviation system plan

989 and the state's economic development goals and policies. The
990 Department of Economic Opportunity shall review the proposed
991 project's consistency with state, regional, and local plans, as
992 appropriate, and the economic benefits of each project based on
993 the rules adopted pursuant to subsection (3). The Department of
994 Economic Opportunity shall identify those projects that it
995 determines do not offer an economic benefit to the state or that
996 are inconsistent with an appropriate plan, the statewide
997 aviation system plan, or the state's economic development goals
998 and policies and shall notify the council of its findings. A
999 project may not be approved for funding if it is determined to
1000 be inconsistent with an appropriate plan, the statewide aviation
1001 system plan, or the state's economic development goals and
1002 policies pursuant to this subsection.

1003 (7) The Department of Transportation shall include at
1004 least \$15 million per year in its annual legislative budget
1005 request for funding the Florida Aviation Transportation and
1006 Economic Development Program under s. 332.0012, including
1007 funding for those projects approved for funding under this
1008 section. The Department of Transportation shall include the
1009 specific projects to be funded through the Florida Aviation
1010 Transportation and Economic Development Program during the
1011 ensuing fiscal year in the tentative work program developed
1012 pursuant to s. 339.135. The total amount of funding to be
1013 allocated to Florida Aviation Transportation and Economic
1014 Development Program projects during the successive 4 fiscal

HB 7061

2016

1015 years shall also be included in the tentative work program. The
1016 council may submit to the Department of Transportation a list of
1017 approved projects that could be made production ready within the
1018 next 2 years. The list shall be submitted by the Department of
1019 Transportation as part of the needs and project list prepared
1020 pursuant to s. 339.135(2)(b). However, the Department of
1021 Transportation shall, upon written request by the council,
1022 submit work program amendments pursuant to s. 339.135(7) to the
1023 Governor within 10 days after the later of the date the request
1024 is received by the Department of Transportation or the effective
1025 date of an amendment to, or termination or closure of, the
1026 applicable funding agreement between the Department of
1027 Transportation and the affected airport, as required to release
1028 the funds from the existing commitment. Notwithstanding s.
1029 339.135(7)(c), any work program amendment to transfer prior year
1030 funds from one approved airport project to another airport
1031 project is subject to the procedures in s. 339.135(7)(d).
1032 Notwithstanding any law provision of law, the Department of
1033 Transportation may transfer unexpended budget funds between the
1034 airport projects as identified in the approved work program
1035 amendments.

1036 (8) Except as otherwise provided by law, all moneys
1037 derived from the Florida Aviation Transportation and Economic
1038 Development Program shall be expended in accordance with s.
1039 287.057. Airports subject to competitive negotiation
1040 requirements of a local governing body must comply with s.

HB 7061

2016

1041 287.055.1042 Section 7. Section 333.01, Florida Statutes, is amended to
1043 read:1044 333.01 Definitions.—As used in ~~For the purpose of this~~
1045 chapter, the term ~~following words, terms, and phrases~~ shall have
1046 the meanings herein given, unless otherwise specifically
1047 defined, ~~or unless another intention clearly appears, or the~~
1048 ~~context otherwise requires:~~1049 (1) "Aeronautical study" means a Federal Aviation
1050 Administration study, conducted in accordance with the standards
1051 of 14 C.F.R. part 77, subpart C, and Federal Aviation
1052 Administration policy and guidance, on the effect of proposed
1053 construction or alteration on the operation of air navigation
1054 facilities and the safe and efficient use of navigable airspace.1055 ~~(1) "Aeronautics" means transportation by aircraft; the~~
1056 ~~operation, construction, repair, or maintenance of aircraft,~~
1057 ~~aircraft power plants and accessories, including the repair,~~
1058 ~~packing, and maintenance of parachutes; the design,~~
1059 ~~establishment, construction, extension, operation, improvement,~~
1060 ~~repair, or maintenance of airports, restricted landing areas, or~~
1061 ~~other air navigation facilities, and air instruction.~~1062 (2) "Airport" means any area of land or water designed and
1063 set aside for the landing and taking off of aircraft and used
1064 ~~utilized~~ or to be used ~~utilized~~ in the interest of the public
1065 for such purpose.1066 (3) "Airport hazard" means an obstruction to air

1067 navigation that affects the safe and efficient use of navigable
 1068 airspace or the operation of planned or existing air navigation
 1069 and communication facilities ~~any structure or tree or use of~~
 1070 ~~land which would exceed the federal obstruction standards as~~
 1071 ~~contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29~~
 1072 ~~and which obstructs the airspace required for the flight of~~
 1073 ~~aircraft in taking off, maneuvering, or landing or is otherwise~~
 1074 ~~hazardous to such taking off, maneuvering, or landing of~~
 1075 ~~aircraft and for which no person has previously obtained a~~
 1076 ~~permit or variance pursuant to s. 333.025 or s. 333.07.~~

1077 (4) "Airport hazard area" means any area of land or water
 1078 upon which an airport hazard might be established ~~if not~~
 1079 ~~prevented as provided in this chapter.~~

1080 (5) "Airport land use compatibility zoning" means airport
 1081 zoning regulations governing ~~restricting~~ the use of land on,
 1082 adjacent to, or in the immediate vicinity of airports ~~in the~~
 1083 ~~manner enumerated in s. 333.03(2) to activities and purposes~~
 1084 ~~compatible with the continuation of normal airport operations~~
 1085 ~~including landing and takeoff of aircraft in order to promote~~
 1086 ~~public health, safety, and general welfare.~~

1087 (6) "Airport layout plan" means a set of scaled drawings
 1088 that provides a graphic representation of the existing and
 1089 future development plan for the airport and demonstrates the
 1090 preservation and continuity of safety, utility, and efficiency
 1091 of the airport ~~detailed, scale engineering drawing, including~~
 1092 ~~pertinent dimensions, of an airport's current and planned~~

1093 ~~facilities, their locations, and runway usage.~~

1094 (7) "Airport master plan" means a comprehensive plan of an
 1095 airport which typically describes current and future plans for
 1096 airport development designed to support existing and future
 1097 aviation demand.

1098 (8) "Airport protection zoning" means airport zoning
 1099 regulations governing airport hazards.

1100 (9) "Department" means the Department of Transportation.

1101 (10) "Educational facility" means any structure, land, or
 1102 use thereof that includes a public or private K-12 school,
 1103 charter school, magnet school, college campus, or university
 1104 campus. The term does not include space used for educational
 1105 purposes within a multitenant building.

1106 (11) "Landfill" has the same meaning as provided in s.
 1107 403.703.

1108 (12)~~(7)~~ "Obstruction" means any object of natural growth
 1109 or terrain, or permanent or temporary construction or
 1110 alteration, including equipment or materials used and any
 1111 permanent or temporary apparatus, or alteration of any permanent
 1112 or temporary existing structure by a change in its height,
 1113 including appurtenances, or lateral dimensions, including
 1114 equipment or material used therein, existing or proposed, which
 1115 exceeds ~~manmade object or object of natural growth or terrain~~
 1116 that violates the federal obstruction standards contained in 14
 1117 C.F.R. part 77, subpart C ss. ~~77.21, 77.23, 77.25, 77.28, and~~
 1118 77.29.

1119 (13)~~(8)~~ "Person" means any individual, firm,
 1120 copartnership, corporation, company, association, joint-stock
 1121 association, or body politic, and includes any trustee,
 1122 receiver, assignee, or other similar representative thereof.

1123 (14)~~(9)~~ "Political subdivision" means the local government
 1124 of any county, city, town, village, or other subdivision or
 1125 agency thereof, or any district or special district, port
 1126 commission, port authority, or other such agency authorized to
 1127 establish or operate airports in the state.

1128 (15) "Public-use airport" means an airport, publicly or
 1129 privately owned, licensed by the state, which is open for use by
 1130 the public.

1131 (16)~~(10)~~ "Runway protection clear zone" means an area at
 1132 ground level beyond the runway end to enhance the safety and
 1133 protection of people and property on the ground ~~a runway clear~~
 1134 ~~zone as defined in 14 C.F.R. s. 151.9(b).~~

1135 (17)~~(11)~~ "Structure" means any object, constructed,
 1136 erected, altered, or installed by humans, including, but not
 1137 limited to ~~without limitation thereof,~~ buildings, towers,
 1138 smokestacks, utility poles, power generation equipment, and
 1139 overhead transmission lines.

1140 (18) "Substantial modification" means any repair,
 1141 reconstruction, rehabilitation, or improvement of a structure
 1142 the actual cost of which equals or exceeds 50 percent of the
 1143 market value of the structure.

1144 ~~(12)~~ "Tree" ~~includes any plant of the vegetable kingdom.~~

HB 7061

2016

1145 Section 8. Section 333.025, Florida Statutes, is amended
 1146 to read:

1147 333.025 Permit required for obstructions ~~structures~~
 1148 ~~exceeding federal obstruction standards.~~

1149 (1) A person proposing the construction or alteration of
 1150 an obstruction shall obtain a permit from the department ~~In~~
 1151 ~~order to prevent the erection of structures dangerous to air~~
 1152 ~~navigation, subject to the provisions of subsections (2), (3),~~
 1153 ~~and (4), each person shall secure from the Department of~~
 1154 ~~Transportation a permit for the erection, alteration, or~~
 1155 ~~modification of any structure the result of which would exceed~~
 1156 ~~the federal obstruction standards as contained in 14 C.F.R. ss.~~
 1157 ~~77.21, 77.23, 77.25, 77.28, and 77.29.~~ However, permits from the
 1158 department are ~~of Transportation will be~~ required only within an
 1159 airport hazard area where federal obstruction standards are
 1160 exceeded and if the proposed construction or alteration is
 1161 within a 10-nautical-mile radius of the airport reference point,
 1162 located at the approximate geometric ~~geographical~~ center of all
 1163 usable runways of a public-use airport or a publicly owned or
 1164 ~~operated airport,~~ a military airport, ~~or an airport licensed by~~
 1165 ~~the state for public use.~~

1166 (2) Existing, planned, and proposed ~~Affected airports will~~
 1167 ~~be considered as having these facilities~~ on public-use airports
 1168 contained in an ~~which are shown on the~~ airport master plan, on
 1169 ~~or~~ an airport layout plan submitted to the Federal Aviation
 1170 Administration, Airport District Office or in comparable

1171 military documents ~~shall, and will~~ be ~~so~~ protected from airport
 1172 hazards. ~~Planned or proposed public use airports which are the~~
 1173 ~~subject of a notice or proposal submitted to the Federal~~
 1174 ~~Aviation Administration or to the Department of Transportation~~
 1175 ~~shall also be protected.~~

1176 (3) A permit is not required for existing structures that
 1177 ~~requirements of subsection (1) shall not apply to projects which~~
 1178 ~~received construction permits from the Federal Communications~~
 1179 ~~Commission for structures exceeding federal obstruction~~
 1180 ~~standards before prior to May 20, 1975, and a permit is not~~
 1181 ~~required for provided such structures now exist; nor shall it~~
 1182 ~~apply to previously approved structures now existing, or any~~
 1183 ~~necessary replacement or repairs to such existing structures~~
 1184 ~~provided, so long as the height and location are is~~ unchanged.

1185 (4) When political subdivisions have, in compliance with
 1186 this chapter, adopted adequate airport airspace protection
 1187 zoning regulations, placed in compliance with s. 333.03, and
 1188 ~~such regulations are~~ on file with the department's Aviation and
 1189 Spaceports Office Department of Transportation, and established
 1190 a permitting process, a permit for such structure ~~is shall~~ not
 1191 ~~be~~ required from the department ~~of Transportation~~. Upon receipt
 1192 of a complete permit application, the local government shall
 1193 provide a copy of the application to the department's Aviation
 1194 and Spaceports Office by certified mail, return receipt
 1195 requested, or by delivery service that provides a receipt
 1196 evidencing delivery. To evaluate technical consistency with this

1197 subsection, the department has a 15-day review period following
 1198 receipt of the application, which runs concurrently with the
 1199 local government permitting process. Cranes, construction
 1200 equipment, and other temporary structures in use or in place for
 1201 a period not to exceed 18 consecutive months are exempt from
 1202 department review unless such review is requested by the
 1203 department.

1204 (5) The department ~~of Transportation~~ shall, within 30 days
 1205 after ~~of the~~ receipt of an application for a permit, issue or
 1206 deny a permit for the construction or erection, alteration, ~~or~~
 1207 ~~modification~~ of an obstruction. The department shall review
 1208 permit applications in accordance with s. 120.60 ~~any structure~~
 1209 ~~the result of which would exceed federal obstruction standards~~
 1210 ~~as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and~~
 1211 ~~77.29.~~

1212 (6) In determining whether to issue or deny a permit, the
 1213 department shall consider:

1214 (a) The safety of persons on the ground and in the air.

1215 (b) The safe and efficient use of navigable airspace.

1216 (c) ~~(a)~~ The nature of the terrain and height of existing
 1217 structures.

1218 (d) The effect of the construction or alteration of an
 1219 obstruction on the state licensing standards for a public-use
 1220 airport contained in chapter 330 and rules adopted thereunder.

1221 ~~(b) Public and private interests and investments.~~

1222 (e) ~~(c)~~ The character of existing and planned flight flying

1223 operations and ~~planned~~ developments at public-use of airports.

1224 ~~(f)-(d)~~ Federal airways, visual flight rules, flyways and
 1225 corridors, and instrument approaches as designated by the Federal
 1226 Aviation Administration.

1227 ~~(g)-(e)~~ The effect of ~~Whether~~ the construction or
 1228 alteration of an obstruction on ~~of the proposed structure would~~
 1229 ~~cause an increase in~~ the minimum descent altitude or the
 1230 decision height at the affected airport.

1231 ~~(f) Technological advances.~~

1232 ~~(g) The safety of persons on the ground and in the air.~~

1233 ~~(h) Land use density.~~

1234 ~~(i) The safe and efficient use of navigable airspace.~~

1235 ~~(h)-(j)~~ The cumulative effects on navigable airspace of all
 1236 existing obstructions ~~structures, proposed structures identified~~
 1237 ~~in the applicable jurisdictions' comprehensive plans,~~ and all
 1238 other known proposed obstructions ~~structures~~ in the area.

1239 (7) When issuing a permit under this section, the
 1240 department ~~of Transportation~~ shall, ~~as a specific condition of~~
 1241 ~~such permit,~~ require the owner of the obstruction to install,
 1242 operate, and maintain thereon, at the owner's expense, marking
 1243 and lighting in conformance with the specific standards
 1244 established by the Federal Aviation Administration ~~of the~~
 1245 ~~permitted structure as provided in s. 333.07(3)(b).~~

1246 (8) The department may ~~of Transportation~~ shall not approve
 1247 a permit for the construction or alteration of an obstruction
 1248 ~~erection of a structure~~ unless the applicant submits both

1249 documentation showing compliance with the federal requirement
 1250 for notification of proposed construction or alteration and a
 1251 valid aeronautical study. ~~A evaluation, and no permit may not~~
 1252 ~~shall~~ be approved solely because the Federal Aviation
 1253 Administration determines that the proposed obstruction is not
 1254 an airport hazard on the basis that such proposed structure will
 1255 not exceed federal obstruction standards as contained in 14
 1256 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, or 77.29, or any other
 1257 federal aviation regulation.

1258 (9) The denial of a permit under this section is subject
 1259 to administrative review under chapter 120.

1260 Section 9. Section 333.03, Florida Statutes, is amended to
 1261 read:

1262 333.03 ~~Power to adopt~~ Airport protection zoning
 1263 regulations.-

1264 (1) (a) ~~In order to prevent the creation or establishment~~
 1265 ~~of airport hazards,~~ Every political subdivision having an
 1266 airport hazard area within its territorial limits shall, ~~by~~
 1267 ~~October 1, 1977,~~ adopt, administer, and enforce, under the
 1268 police power and in the manner and upon the conditions
 1269 ~~hereinafter~~ prescribed in this section, airport protection
 1270 zoning regulations for such airport hazard area.

1271 (b) When ~~Where~~ an airport is owned or controlled by a
 1272 political subdivision and any other political subdivision has
 1273 land upon which an obstruction may be constructed or altered,
 1274 which land underlies any of the surfaces of the airport

1275 described in 14 C.F.R. part 77, subpart C, the political
 1276 subdivisions ~~airport hazard area appertaining to such airport is~~
 1277 ~~located wholly or partly outside the territorial limits of said~~
 1278 ~~political subdivision, the political subdivision owning or~~
 1279 ~~controlling the airport and the political subdivision within~~
 1280 ~~which the airport hazard area is located,~~ shall either:

1281 1. By interlocal agreement, ~~in accordance with the~~
 1282 ~~provisions of chapter 163,~~ adopt, administer, and enforce a set
 1283 of airport protection zoning regulations ~~applicable to the~~
 1284 ~~airport hazard area in question; or~~

1285 2. By ordinance, regulation, or resolution ~~duly adopted,~~
 1286 create a joint airport protection zoning board ~~that,~~ ~~which board~~
 1287 ~~shall have the same power to~~ adopt, administer, and enforce a
 1288 set of airport protection zoning regulations ~~applicable to the~~
 1289 ~~airport hazard area in question as that vested in paragraph (a)~~
 1290 ~~in the political subdivision within which such area is located.~~
 1291 ~~The~~ ~~Each~~ ~~such~~ joint airport protection zoning board shall have
 1292 as voting members two representatives appointed by each
 1293 participating political subdivision ~~participating in its~~
 1294 ~~creation and in addition~~ a chair elected by a majority of the
 1295 members ~~so~~ appointed. ~~However,~~ The airport manager or a
 1296 representative of each airport in ~~managers of the~~ participating
 1297 ~~affected~~ political subdivisions shall serve on the board in a
 1298 nonvoting capacity.

1299 (c) Airport protection zoning regulations adopted under
 1300 paragraph (a) shall, at ~~as~~ a minimum, require:

HB 7061

2016

1301 1. A permit variance for the construction or erection,
1302 alteration, ~~or modification~~ of any obstruction structure which
1303 would cause the structure to exceed the federal obstruction
1304 standards as contained in 14 C.F.R. ss. ~~77.21, 77.23, 77.25,~~
1305 ~~77.28, and 77.29~~;

1306 2. ~~Obstruction~~ Marking and lighting for obstructions
1307 structures as specified in s. ~~333.07(3)~~;

1308 3. Documentation showing compliance with the federal
1309 requirement for notification of proposed construction or
1310 alteration of structures and a valid aeronautical study
1311 ~~evaluation~~ submitted by each person applying for a permit
1312 ~~variance~~;

1313 4. Consideration of the criteria in s. 333.025(6), when
1314 determining whether to issue or deny a permit variance; and

1315 5. That a permit may not ~~no variance shall~~ be approved
1316 solely because the Federal Aviation Administration determines
1317 that the proposed obstruction is not an airport hazard ~~on the~~
1318 ~~basis that such proposed structure will not exceed federal~~
1319 ~~obstruction standards as contained in 14 C.F.R. ss. 77.21,~~
1320 ~~77.23, 77.25, 77.28, or 77.29, or any other federal aviation~~
1321 ~~regulation.~~

1322 (d) The department shall be available to provide
1323 assistance to political subdivisions with regard to issue copies
1324 ~~of the federal obstruction standards as contained in 14 C.F.R.~~
1325 ~~ss. 77.21, 77.23, 77.25, 77.28, and 77.29 to each political~~
1326 ~~subdivision having airport hazard areas and, in cooperation with~~

1327 ~~political subdivisions, shall issue appropriate airport zoning~~
 1328 ~~maps depicting within each county the maximum allowable height~~
 1329 ~~of any structure or tree. Material distributed pursuant to this~~
 1330 ~~subsection shall be at no cost to authorized recipients.~~

1331 (2) In the manner provided in subsection (1), political
 1332 subdivisions shall adopt, administer, and enforce interim
 1333 airport land use compatibility zoning regulations shall be
 1334 adopted. Airport land use compatibility zoning regulations
 1335 shall, at a minimum, address ~~When political subdivisions have~~
 1336 ~~adopted land development regulations in accordance with the~~
 1337 ~~provisions of chapter 163 which address the use of land in the~~
 1338 ~~manner consistent with the provisions herein, adoption of~~
 1339 ~~airport land use compatibility regulations pursuant to this~~
 1340 ~~subsection shall not be required. Interim airport land use~~
 1341 ~~compatibility zoning regulations shall consider the following:~~

1342 (a) Prohibiting any new landfills and restricting any
 1343 existing ~~Whether sanitary landfills are located within the~~
 1344 ~~following areas:~~

1345 1. Within 10,000 feet from the nearest point of any runway
 1346 used or planned to be used by turbine ~~turbojet or turboprop~~
 1347 ~~aircraft.~~

1348 2. Within 5,000 feet from the nearest point of any runway
 1349 used only by nonturbine ~~piston-type~~ aircraft.

1350 3. Outside the perimeters defined in subparagraphs 1. and
 1351 2., but still within the lateral limits of the civil airport
 1352 imaginary surfaces defined in 14 C.F.R. s. 77.19 ~~part 77.25.~~

HB 7061

2016

1353 Case-by-case review of such landfills is advised.

1354 (b) Where ~~Whether~~ any landfill is located and constructed
1355 so that it attracts or sustains hazardous bird movements from
1356 feeding, water, or roosting areas into, or across, the runways
1357 or approach and departure patterns of aircraft. The operator of
1358 such a landfill must be required to ~~political subdivision shall~~
1359 ~~request from the airport authority or other governing body~~
1360 ~~operating the airport a report on such bird feeding or roosting~~
1361 ~~areas that at the time of the request are known to the airport.~~
1362 ~~In preparing its report, the authority, or other governing body,~~
1363 ~~shall consider whether the landfill will incorporate bird~~
1364 management techniques or other practices to minimize bird
1365 hazards to airborne aircraft. ~~The airport authority or other~~
1366 ~~governing body shall respond to the political subdivision no~~
1367 ~~later than 30 days after receipt of such request.~~

1368 (c) Where an airport authority or other governing body
1369 operating a ~~publicly owned,~~ public-use airport has conducted a
1370 noise study in accordance with ~~the provisions of~~ 14 C.F.R. part
1371 150 or where a public-use airport owner has established noise
1372 contours pursuant to another public study approved by the Federal
1373 Aviation Administration. Noncompatible land uses, as established
1374 in the noise study under Appendix A to 14 C.F.R. part 150 or as a
1375 part of an alternative public study approved by the Federal
1376 Aviation Administration, are not permitted within the noise
1377 contours established by such study, except where such land use is
1378 specifically contemplated by such study with appropriate

1379 ~~mitigation or similar techniques described in the study, neither~~
1380 ~~residential construction nor any educational facility as defined~~
1381 ~~in chapter 1013, with the exception of aviation school~~
1382 ~~facilities, shall be permitted within the area contiguous to the~~
1383 ~~airport defined by an outer noise contour that is considered~~
1384 ~~incompatible with that type of construction by 14 C.F.R. part~~
1385 ~~150, Appendix A or an equivalent noise level as established by~~
1386 ~~other types of noise studies.~~

1387 (d) Where an airport authority or other governing body
1388 operating a ~~publicly owned,~~ public-use airport has not conducted
1389 a noise study, ~~neither Residential construction and nor any~~
1390 ~~educational facility as defined in chapter 1013, with the~~
1391 ~~exception of an aviation school facility facilities, are not~~
1392 ~~shall be permitted within an area contiguous to the airport~~
1393 ~~measuring one-half the length of the longest runway on either~~
1394 ~~side of and at the end of each runway centerline.~~

1395 ~~(e)(3) Restricting In the manner provided in subsection~~
1396 ~~(1), airport zoning regulations shall be adopted which restrict~~
1397 ~~new incompatible uses, activities, or substantial modifications~~
1398 ~~to existing incompatible uses construction within runway~~
1399 ~~protection clear zones, including uses, activities, or~~
1400 ~~construction in runway clear zones which are incompatible with~~
1401 ~~normal airport operations or endanger public health, safety, and~~
1402 ~~welfare by resulting in congregations of people, emissions of~~
1403 ~~light or smoke, or attraction of birds. Such regulations shall~~
1404 ~~prohibit the construction of an educational facility of a public~~

1405 ~~or private school at either end of a runway of a publicly owned,~~
1406 ~~public use airport within an area which extends 5 miles in a~~
1407 ~~direct line along the centerline of the runway, and which has a~~
1408 ~~width measuring one-half the length of the runway. Exceptions~~
1409 ~~approving construction of an educational facility within the~~
1410 ~~delineated area shall only be granted when the political~~
1411 ~~subdivision administering the zoning regulations makes specific~~
1412 ~~findings detailing how the public policy reasons for allowing~~
1413 ~~the construction outweigh health and safety concerns prohibiting~~
1414 ~~such a location.~~

1415 ~~(4) The procedures outlined in subsections (1), (2), and~~
1416 ~~(3) for the adoption of such regulations are supplemental to any~~
1417 ~~existing procedures utilized by political subdivisions in the~~
1418 ~~adoption of such regulations.~~

1419 ~~(3)-(5) Political subdivisions The Department of~~
1420 ~~Transportation shall provide technical assistance to any~~
1421 ~~political subdivision requesting assistance in the preparation~~
1422 ~~of an airport zoning code. a copy of all local airport~~
1423 ~~protection zoning codes, rules, and regulations and airport land~~
1424 ~~use compatibility zoning regulations, together with any related~~
1425 ~~amendments, to the department's Aviation and Spaceports Office~~
1426 ~~within 30 days after adoption, and amendments and proposed and~~
1427 ~~granted variances thereto, shall be filed with the department.~~

1428 ~~(4)-(6) Nothing in Subsection (2) does not or subsection~~
1429 ~~(3) shall be construed to require the removal, alteration, sound~~
1430 ~~conditioning, or other change to, or ~~to~~ interfere with the~~

HB 7061

2016

1431 continued use or adjacent expansion of, any educational facility
 1432 ~~structure or site in existence on July 1, 1993, or be construed~~
 1433 ~~to prohibit the construction of any new structure for which a~~
 1434 ~~site has been determined as provided in former s. 235.19, as of~~
 1435 ~~July 1, 1993.~~

1436 (5) This section does not preclude an airport authority, a
 1437 political subdivision or its administrative agency, or other
 1438 governing body operating a public-use airport from establishing
 1439 airport zoning regulations more restrictive than prescribed in
 1440 this section in order to protect the health, safety, and welfare
 1441 of the public in the air and on the ground.

1442 Section 10. Section 333.04, Florida Statutes, is amended
 1443 to read:

1444 333.04 Comprehensive plans or policies ~~zoning regulations;~~
 1445 most stringent zoning regulations to prevail where conflicts
 1446 occur.-

1447 (1) INCORPORATION.-~~If In the event that~~ a political
 1448 subdivision ~~has adopted, or hereafter adopts,~~ a comprehensive
 1449 plan or policy that regulates ~~zoning ordinance regulating,~~ among
 1450 ~~other things,~~ the height of buildings, structures, and natural
 1451 objects, and uses of property, any airport zoning regulations
 1452 applicable to the same area or portion thereof may be
 1453 incorporated in and made a part of such comprehensive plan or
 1454 policy ~~zoning regulations,~~ and be administered and enforced in
 1455 connection therewith.

1456 (2) CONFLICT.-If there is a ~~In the event of~~ conflict

1457 between any airport zoning regulations adopted under this
 1458 chapter and any other regulations applicable to the same area,
 1459 whether the conflict be with respect to the height of structures
 1460 or vegetation ~~trees~~, the use of land, or any other matter, and
 1461 whether such regulations were adopted by the political
 1462 subdivision that ~~which~~ adopted the airport zoning regulations or
 1463 by some other political subdivision, the more stringent
 1464 limitation or requirement shall govern and prevail.

1465 Section 11. Section 333.05, Florida Statutes, is amended
 1466 to read:

1467 333.05 Procedure for adoption of zoning regulations.—

1468 (1) NOTICE AND HEARING.—~~No~~ Airport zoning regulations may
 1469 not shall be adopted, amended, or repealed ~~changed~~ under this
 1470 chapter except by action of the legislative body of the
 1471 political subdivision or affected subdivisions ~~in question~~, or
 1472 the joint board provided for in s. 333.03(1)(b)2. ~~333.03(1)(b)~~
 1473 ~~by the bodies therein provided and set forth~~, after a public
 1474 hearing on the adoption, amendment, or repeal ~~in relation~~
 1475 ~~thereto~~, at which parties in interest and citizens shall have an
 1476 opportunity to be heard. Notice of the hearing shall be
 1477 published at least once a week for 2 consecutive weeks in a
 1478 newspaper ~~an official paper, or a paper~~ of general circulation,
 1479 in the political subdivision or subdivisions where ~~in which~~ are
 1480 ~~located~~ the airport zoning regulations are ~~areas~~ to be adopted,
 1481 amended, or deleted ~~zoned~~.

1482 (2) AIRPORT ZONING COMMISSION.—Before ~~Prior to~~ the initial

1483 zoning of any airport area under this chapter, the political
 1484 subdivision or joint airport zoning board that ~~which~~ is to
 1485 adopt, administer, and enforce the regulations shall appoint a
 1486 commission, to be known as the airport zoning commission, to
 1487 recommend the boundaries of the various zones to be established
 1488 and the regulations to be adopted therefor. The ~~Such~~ commission
 1489 shall make a preliminary report and hold public hearings on the
 1490 preliminary report ~~thereon~~ before submitting its final report.7
 1491 ~~and~~ The legislative body of the political subdivision or the
 1492 joint airport zoning board may ~~shall~~ not hold ~~its~~ public
 1493 hearings or take any action until it has received the final
 1494 report of the ~~such~~ commission, and at least 15 days have elapsed
 1495 ~~shall elapse~~ between the receipt of the final report of the
 1496 commission and the hearing to be held by the legislative body or
 1497 the ~~latter~~ board. Where a planning city plan commission, airport
 1498 commission, or comprehensive zoning commission already exists,
 1499 it may be appointed as the airport zoning commission.

1500 Section 12. Section 333.06, Florida Statutes, is amended
 1501 to read:

1502 333.06 Airport zoning regulation requirements.-

1503 (1) REASONABLENESS.-All airport zoning regulations adopted
 1504 under this chapter shall be reasonable and may not ~~none shall~~
 1505 impose any requirement or restriction that ~~which~~ is not
 1506 reasonably necessary to effectuate the purposes of this chapter.
 1507 In determining what regulations it may adopt, each political
 1508 subdivision and joint airport zoning board shall consider, among

HB 7061

2016

1509 | other things, the character of the flying operations expected to
 1510 | be conducted at the airport, the nature of the terrain within
 1511 | the airport hazard area and runway protection ~~clear~~ zones, the
 1512 | character of the neighborhood, the uses to which the property to
 1513 | be zoned is put and adaptable, and the impact of any new use,
 1514 | activity, or construction on the airport's operating capability
 1515 | and capacity.

1516 | (2) INDEPENDENT JUSTIFICATION.—The purpose of all airport
 1517 | zoning regulations adopted under this chapter is to provide ~~both~~
 1518 | airspace protection and land uses ~~use~~ compatible with airport
 1519 | operations. Each aspect of this purpose requires independent
 1520 | justification in order to promote the public interest in safety,
 1521 | health, and general welfare. Specifically, construction in a
 1522 | runway protection ~~clear~~ zone which does not exceed airspace
 1523 | height restrictions is not conclusive ~~evidence per se~~ that such
 1524 | use, activity, or construction is compatible with airport
 1525 | operations.

1526 | (3) NONCONFORMING USES.—~~No~~ Airport protection zoning
 1527 | regulations adopted under this chapter may not ~~shall~~ require the
 1528 | removal, lowering, or other change or alteration of any
 1529 | obstruction ~~structure or tree~~ not conforming to the regulations
 1530 | when adopted or amended, or otherwise interfere with the
 1531 | continuance of any nonconforming use, except as provided in s.
 1532 | 333.07(1) and (3).

1533 | (4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO AFFECTED
 1534 | LOCAL GOVERNMENTS.—An airport master plan shall be prepared by

1535 each public-use ~~publicly owned and operated~~ airport licensed by
 1536 the department ~~of Transportation~~ under chapter 330. The
 1537 authorized entity having responsibility for governing the
 1538 operation of the airport, when ~~either~~ requesting from or
 1539 submitting to a state or federal governmental agency with
 1540 funding or approval jurisdiction a "finding of no significant
 1541 impact," an environmental assessment, a site-selection study, an
 1542 airport master plan, or any amendment to an airport master plan,
 1543 shall submit simultaneously a copy of said request, submittal,
 1544 assessment, study, plan, or amendments by certified mail to all
 1545 affected local governments. For ~~the~~ purposes of this subsection,
 1546 "affected local government" means ~~is defined as~~ any city or
 1547 county having jurisdiction over the airport and any city or
 1548 county located within 2 miles of the boundaries of the land
 1549 subject to the airport master plan.

1550 Section 13. Section 333.07, Florida Statutes, is amended
 1551 to read:

1552 333.07 Local government permitting of airspace
 1553 obstructions ~~Permits and variances.~~—

1554 (1) PERMITS.—

1555 (a) A person proposing to construct, alter, or allow an
 1556 airport obstruction in an airport hazard area in violation of
 1557 the airport protection zoning regulations adopted under this
 1558 chapter shall apply for a permit. A ~~Any airport zoning~~
 1559 ~~regulations adopted under this chapter may require that a permit~~
 1560 ~~be obtained before any new structure or use may be constructed~~

HB 7061

2016

1561 ~~or established and before any existing use or structure may be~~
1562 ~~substantially changed or substantially altered or repaired. In~~
1563 ~~any event, however, all such regulations shall provide that~~
1564 ~~before any nonconforming structure or tree may be replaced,~~
1565 ~~substantially altered or repaired, rebuilt, allowed to grow~~
1566 ~~higher, or replanted, a permit must be secured from the~~
1567 ~~administrative agency authorized to administer and enforce the~~
1568 ~~regulations, authorizing such replacement, change, or repair. No~~
1569 permit may not ~~shall~~ be issued ~~granted~~ that would allow the
1570 establishment or creation of an airport hazard or that would
1571 permit a nonconforming obstruction ~~structure or tree or~~
1572 ~~nonconforming use to be made or become higher or to become a~~
1573 greater hazard to air navigation than ~~it was~~ when the applicable
1574 airport protection zoning regulation was adopted that allowed
1575 the establishment or creation of the obstruction or than ~~it is~~
1576 when the application for a permit is made.

1577 (b) Whenever the political subdivision or its
1578 administrative agency determines that a nonconforming
1579 obstruction ~~use or nonconforming structure or tree~~ has been
1580 abandoned or that is more than 80 percent of the obstruction is
1581 torn down, destroyed, deteriorated, or decayed, a ~~no~~ permit may
1582 not ~~shall~~ be granted that would allow the obstruction ~~said~~
1583 ~~structure or tree~~ to exceed the applicable height limit or
1584 otherwise deviate from the airport protection zoning
1585 regulations. Regardless of; ~~and,~~ whether an application is made
1586 for a permit under this subsection ~~or not, the said agency may~~

1587 ~~by appropriate action, compel~~ the owner of the nonconforming
1588 obstruction may be required ~~structure or tree~~, at his or her own
1589 expense, to lower, remove, reconstruct, alter, or equip such
1590 obstruction ~~object~~ as ~~may be~~ necessary to conform to the current
1591 airport protection zoning regulations. If the owner of the
1592 nonconforming obstruction fails or refuses ~~structure or tree~~
1593 ~~shall neglect or refuse~~ to comply with such requirement within
1594 ~~order for~~ 10 days after notice ~~thereof~~, the administrative ~~said~~
1595 agency may report the violation to the political subdivision
1596 involved therein, which subdivision, through its appropriate
1597 agency, may proceed to have the obstruction ~~object~~ so lowered,
1598 removed, reconstructed, altered, or equipped, and assess the
1599 cost and expense thereof upon the owner of the obstruction
1600 ~~object~~ or the land on which ~~whereon~~ it is or was located, ~~and~~,
1601 ~~unless such an assessment is paid within 90 days from the~~
1602 ~~service of notice thereof on the owner or the owner's agent, of~~
1603 ~~such object or land, the sum shall be a lien on said land, and~~
1604 ~~shall bear interest thereafter at the rate of 6 percent per~~
1605 ~~annum until paid, and shall be collected in the same manner as~~
1606 ~~taxes on real property are collected by said political~~
1607 ~~subdivision, or, at the option of said political subdivision,~~
1608 ~~said lien may be enforced in the manner provided for enforcement~~
1609 ~~of liens by chapter 85.~~

1610 ~~(c) Except as provided herein, applications for permits~~
1611 ~~shall be granted, provided the matter applied for meets the~~
1612 ~~provisions of this chapter and the regulations adopted and in~~

1613 ~~force hereunder.~~

1614 (2) CONSIDERATIONS WHEN ISSUING OR DENYING PERMITS.—In
1615 determining whether to issue or deny a permit, the political
1616 subdivision or its administrative agency shall consider the
1617 following, as applicable:

1618 (a) The safety of persons on the ground and in the air.

1619 (b) The safe and efficient use of navigable airspace.

1620 (c) The nature of the terrain and height of existing
1621 structures.

1622 (d) The effect of the construction or alteration on the
1623 state licensing standards for a public-use airport contained in
1624 chapter 330 and rules adopted thereunder.

1625 (e) The character of existing and planned flight
1626 operations and developments at public-use airports.

1627 (f) Federal airways, visual flight rules, flyways and
1628 corridors, and instrument approaches as designated by the
1629 Federal Aviation Administration.

1630 (g) The effect of the construction or alteration of the
1631 proposed structure on the minimum descent altitude or the
1632 decision height at the affected airport.

1633 (h) The cumulative effects on navigable airspace of all
1634 existing structures and all other known proposed structures in
1635 the area.

1636 (i) Additional requirements adopted by the political
1637 subdivision or administrative agency pertinent to evaluation and
1638 protection of airspace and airport operations.

1639 ~~(2) VARIANCES.—~~

1640 ~~(a) Any person desiring to erect any structure, increase~~

1641 ~~the height of any structure, permit the growth of any tree, or~~

1642 ~~otherwise use his or her property in violation of the airport~~

1643 ~~zoning regulations adopted under this chapter or any land~~

1644 ~~development regulation adopted pursuant to the provisions of~~

1645 ~~chapter 163 pertaining to airport land use compatibility, may~~

1646 ~~apply to the board of adjustment for a variance from the zoning~~

1647 ~~regulations in question. At the time of filing the application,~~

1648 ~~the applicant shall forward to the department by certified mail,~~

1649 ~~return receipt requested, a copy of the application. The~~

1650 ~~department shall have 45 days from receipt of the application to~~

1651 ~~comment and to provide its comments or waiver of that right to~~

1652 ~~the applicant and the board of adjustment. The department shall~~

1653 ~~include its explanation for any objections stated in its~~

1654 ~~comments. If the department fails to provide its comments within~~

1655 ~~45 days of receipt of the application, its right to comment is~~

1656 ~~waived. The board of adjustment may proceed with its~~

1657 ~~consideration of the application only upon the receipt of the~~

1658 ~~department's comments or waiver of that right as demonstrated by~~

1659 ~~the filing of a copy of the return receipt with the board.~~

1660 ~~Noncompliance with this section shall be grounds to appeal~~

1661 ~~pursuant to s. 333.08 and to apply for judicial relief pursuant~~

1662 ~~to s. 333.11. Such variances may only be allowed where a literal~~

1663 ~~application or enforcement of the regulations would result in~~

1664 ~~practical difficulty or unnecessary hardship and where the~~

1665 ~~relief granted would not be contrary to the public interest but~~
1666 ~~would do substantial justice and be in accordance with the~~
1667 ~~spirit of the regulations and this chapter. However, any~~
1668 ~~variance may be allowed subject to any reasonable conditions~~
1669 ~~that the board of adjustment may deem necessary to effectuate~~
1670 ~~the purposes of this chapter.~~

1671 ~~(b) The Department of Transportation shall have the~~
1672 ~~authority to appeal any variance granted under this chapter~~
1673 ~~pursuant to s. 333.08, and to apply for judicial relief pursuant~~
1674 ~~to s. 333.11.~~

1675 (3) OBSTRUCTION MARKING AND LIGHTING.—

1676 ~~(a) When issuing a~~ In granting any permit or variance
1677 under this section, the political subdivision or its
1678 administrative agency or board of adjustment shall require the
1679 owner of the obstruction structure or tree in question to
1680 install, operate, and maintain thereon, at the owner's his or
1681 her own expense, such marking and lighting in conformance with
1682 the specific standards established by the Federal Aviation
1683 Administration as may be necessary to indicate to aircraft
1684 pilots the presence of an obstruction.

1685 ~~(b) Such marking and lighting shall conform to the~~
1686 ~~specific standards established by rule by the Department of~~
1687 ~~Transportation.~~

1688 ~~(c) Existing structures not in compliance on October 1,~~
1689 ~~1988, shall be required to comply whenever the existing marking~~
1690 ~~requires refurbishment, whenever the existing lighting requires~~

1691 ~~replacement, or within 5 years of October 1, 1988, whichever~~
 1692 ~~occurs first.~~

1693 Section 14. Section 333.09, Florida Statutes, is amended
 1694 to read:

1695 333.09 Administration of airport zoning regulations.—

1696 (1) ADMINISTRATION.—All airport zoning regulations adopted
 1697 under this chapter shall provide for the administration and
 1698 enforcement of such regulations by the political subdivision or
 1699 its ~~an~~ administrative agency ~~which may be an agency created by~~
 1700 ~~such regulations or any official, board, or other existing~~
 1701 ~~agency of the political subdivision adopting the regulations or~~
 1702 ~~of one of the political subdivisions which participated in the~~
 1703 ~~creation of the joint airport zoning board adopting the~~
 1704 ~~regulations, if satisfactory to that political subdivision, but~~
 1705 ~~in no case shall such administrative agency be or include any~~
 1706 ~~member of the board of adjustment. The duties of an any~~
 1707 administrative agency designated pursuant to this chapter shall
 1708 include ~~that of~~ hearing and deciding all permits under s. 333.07
 1709 ~~333.07(1), deciding all matters under s. 333.07(3),~~ as they
 1710 pertain to such agency, and all other matters under this chapter
 1711 applying to such said agency, ~~but such agency shall not have or~~
 1712 ~~exercise any of the powers herein delegated to the board of~~
 1713 ~~adjustment.~~

1714 (2) LOCAL GOVERNMENT PROCESS.—

1715 (a) A political subdivision required to adopt airport
 1716 zoning regulations under this chapter shall provide a process to:

1717 1. Issue or deny permits consistent with s. 333.07.

1718 2. Provide the department with a copy of a complete
1719 application consistent with s. 333.025(4).

1720 3. Enforce the issuance or denial of a permit or other
1721 determination made by the administrative agency with respect to
1722 airport zoning regulations.

1723 (b) If a zoning board or permitting body already exists
1724 within a political subdivision, the zoning board or permitting
1725 body may implement the airport zoning regulation permitting and
1726 appeals processes.

1727 (3) APPEALS.—

1728 (a) A person, a political subdivision or its administrative
1729 agency, or a joint airport zoning board that contends that a
1730 decision made by a political subdivision or its administrative
1731 agency is an improper application of airport zoning regulations
1732 may use the process established for an appeal.

1733 (b) All appeals taken under this section must be taken
1734 within a reasonable time, as provided by the political
1735 subdivision or its administrative agency, by filing with the
1736 entity from which the appeal is taken a notice of appeal
1737 specifying the grounds for appeal.

1738 (c) An appeal shall stay all proceedings in the underlying
1739 action appealed from, unless the entity from which the appeal is
1740 taken certifies, pursuant to the rules for appeal, that by reason
1741 of the facts stated in the certificate a stay would, in its
1742 opinion, cause imminent peril to life or property. In such cases,

1743 proceedings may not be stayed except by order of the political
 1744 subdivision or its administrative agency on notice to the entity
 1745 from which the appeal is taken and for good cause shown.

1746 (d) The political subdivision or its administrative agency
 1747 shall set a reasonable time for the hearing of appeals, give
 1748 public notice and due notice to the parties in interest, and
 1749 decide the issue within a reasonable time. Upon the hearing, any
 1750 party may appear in person, by agent, or by attorney.

1751 (e) The political subdivision or its administrative agency
 1752 may, in accordance with this chapter, affirm, reverse, or modify
 1753 the decision on the permit or other determination from which the
 1754 appeal is taken.

1755 Section 15. Section 333.11, Florida Statutes, is amended
 1756 to read:

1757 333.11 Judicial review.—

1758 (1) ~~A Any person, aggrieved, or taxpayer affected, by any~~
 1759 ~~decision of a board of adjustment, or any governing body of a~~
 1760 ~~political subdivision, or the Department of Transportation or~~
 1761 ~~any joint airport zoning board~~ affected by a decision of a
 1762 political subdivision, ~~or its~~ ~~of any~~ administrative agency
 1763 ~~hereunder,~~ may apply for judicial relief to the circuit court in
 1764 the judicial circuit where the political subdivision ~~board of~~
 1765 ~~adjustment~~ is located within 30 days after rendition of the
 1766 decision ~~by the board of adjustment.~~ Review shall be by petition
 1767 for writ of certiorari, which shall be governed by the Florida
 1768 Rules of Appellate Procedure.

1769 ~~(2) Upon presentation of such petition to the court, it~~
 1770 ~~may allow a writ of certiorari, directed to the board of~~
 1771 ~~adjustment, to review such decision of the board. The allowance~~
 1772 ~~of the writ shall not stay the proceedings upon the decision~~
 1773 ~~appealed from, but the court may, on application, on notice to~~
 1774 ~~the board, on due hearing and due cause shown, grant a~~
 1775 ~~restraining order.~~

1776 ~~(3) The board of adjustment shall not be required to~~
 1777 ~~return the original papers acted upon by it, but it shall be~~
 1778 ~~sufficient to return certified or sworn copies thereof or of~~
 1779 ~~such portions thereof as may be called for by the writ. The~~
 1780 ~~return shall concisely set forth such other facts as may be~~
 1781 ~~pertinent and material to show the grounds of the decision~~
 1782 ~~appealed from and shall be verified.~~

1783 (2)~~(4)~~ The court has ~~shall have~~ exclusive jurisdiction to
 1784 affirm, reverse, or modify, or set aside the decision on the
 1785 permit or other determination from which the appeal is taken
 1786 brought up for review, in whole or in part, and, if appropriate
 1787 need be, to order further proceedings by the political
 1788 subdivision or its administrative agency board of adjustment.
 1789 The findings of fact by the political subdivision or its
 1790 administrative agency board, if supported by substantial
 1791 evidence, shall be accepted by the court as conclusive, and an
 1792 ~~ne~~ objection to a decision of the political subdivision or its
 1793 administrative agency may not board shall be considered by the
 1794 court unless such objection was raised in the underlying

1795 ~~proceeding shall have been urged before the board, or, if it was~~
 1796 ~~not so urged, unless there were reasonable grounds for failure~~
 1797 ~~to do so.~~

1798 (3)~~(5)~~ In any case in which airport zoning regulations
 1799 adopted under this chapter, ~~although generally reasonable,~~ are
 1800 held by a court to interfere with the use and enjoyment of a
 1801 particular structure or parcel of land to such an extent, or to
 1802 be so onerous in their application to such a structure or parcel
 1803 of land, as to constitute a taking or deprivation of that
 1804 property in violation of the State Constitution or the
 1805 Constitution of the United States, such holding shall not affect
 1806 the application of such regulations to other structures and
 1807 parcels of land, or such regulations as are not involved in the
 1808 particular decision.

1809 (4)~~(6)~~ A judicial ~~No~~ appeal to any court may not ~~shall~~ be
 1810 ~~or is~~ permitted under this section until the appellant has
 1811 exhausted all of its remedies through application for local
 1812 government permits, exceptions, and appeals, ~~to any courts, as~~
 1813 ~~herein provided, save and except an appeal from a decision of~~
 1814 ~~the board of adjustment, the appeal herein provided being from~~
 1815 ~~such final decision of such board only, the appellant being~~
 1816 ~~hereby required to exhaust his or her remedies hereunder of~~
 1817 ~~application for permits, exceptions and variances, and appeal to~~
 1818 ~~the board of adjustment, and gaining a determination by said~~
 1819 ~~board, before being permitted to appeal to the court hereunder.~~

1820 Section 16. Section 333.12, Florida Statutes, is amended

1821 to read:

1822 333.12 Acquisition of air rights.—~~If In any case which: it~~
 1823 ~~is desired to remove, lower or otherwise terminate a~~
 1824 ~~nonconforming obstruction is determined to be an airport hazard~~
 1825 ~~and the owner will not remove, lower, or otherwise eliminate it~~
 1826 ~~structure or use; if ~~or~~ the approach protection necessary~~
 1827 ~~cannot, because of constitutional limitations, be provided by~~
 1828 ~~airport regulations under this chapter; or if it appears~~
 1829 ~~advisable that the necessary approach protection be provided by~~
 1830 ~~acquisition of property rights rather than by airport zoning~~
 1831 ~~regulations, the political subdivision within which the property~~
 1832 ~~or nonconforming obstruction use is located, or the political~~
 1833 ~~subdivision owning or operating the airport or being served by~~
 1834 ~~it, may acquire, by purchase, grant, or condemnation in the~~
 1835 ~~manner provided by chapter 73, such property, air right,~~
 1836 ~~avigation ~~navigation~~ easement, or other estate, portion, or~~
 1837 ~~interest in the property or nonconforming obstruction ~~structure~~~~
 1838 ~~~~or use~~ or such interest in the air above such property, ~~tree,~~~~
 1839 ~~~~structure, or use, in question,~~ as may be necessary to~~
 1840 ~~effectuate the purposes of this chapter, and ~~in so doing,~~ if by~~
 1841 ~~condemnation, may ~~to have the right to~~ take immediate possession~~
 1842 ~~of the property, interest in property, air right, or other right~~
 1843 ~~sought to be condemned, at the time, ~~and~~ in the manner and form,~~
 1844 ~~and as authorized by chapter 74. If the political subdivision~~
 1845 ~~acquires any ~~In the case of the purchase of any property, or any~~~~
 1846 ~~easement, or estate or interest therein by purchase or ~~the~~~~

1847 ~~acquisition of the same~~ by the power of eminent domain, the
 1848 political subdivision ~~making such purchase or exercising such~~
 1849 ~~power~~ shall, in addition to the damages for the taking, injury,
 1850 or destruction of property, also pay the cost of the removal and
 1851 relocation of any structure or any public utility that must
 1852 ~~which is required to~~ be moved to a new location.

1853 Section 17. Section 333.13, Florida Statutes, is amended
 1854 to read:

1855 333.13 Enforcement and remedies.-

1856 (1) A ~~Each~~ violation of this chapter or ~~of~~ any airport
 1857 zoning regulations, orders, or rulings adopted ~~promulgated~~ or
 1858 made under ~~pursuant to~~ this chapter is ~~shall constitute~~ a
 1859 misdemeanor of the second degree, punishable as provided in s.
 1860 775.082 or s. 775.083, and each day a violation continues to
 1861 exist constitutes ~~shall constitute~~ a separate offense.

1862 (2) In addition, the political subdivision or agency
 1863 adopting the airport zoning regulations under this chapter may
 1864 institute in any court of competent jurisdiction an action to
 1865 prevent, restrain, correct, or abate a ~~any~~ violation of this
 1866 chapter, any ~~or of~~ airport zoning regulations adopted under this
 1867 chapter, or ~~of~~ any order or ruling made in connection with their
 1868 administration or enforcement, and the court shall adjudge to
 1869 the plaintiff such relief, by way of injunction (which may be
 1870 mandatory) or otherwise, as may be proper under all the facts
 1871 and circumstances of the case in order to fully effectuate the
 1872 purposes of this chapter and of the regulations adopted and

HB 7061

2016

1873 orders and rulings made pursuant thereto.

1874 (3) The department ~~of Transportation~~ may institute a civil
1875 action for injunctive relief in the appropriate circuit court to
1876 prevent violation of ~~any provision of~~ this chapter.

1877 Section 18. Section 333.135, Florida Statutes, is created
1878 to read:

1879 333.135 Transition provisions.—

1880 (1) For those political subdivisions that have not adopted
1881 airport zoning regulations pursuant to this chapter, the
1882 department shall administer the permitting process as provided in
1883 s. 333.025.

1884 (2) By July 1, 2017:

1885 (a) Any airport zoning regulation in effect on July 1,
1886 2016, that includes provisions in conflict with this chapter
1887 shall be amended to conform to the requirements of this chapter.

1888 (b) Any political subdivision having an airport within its
1889 territorial limits which has not adopted airport zoning
1890 regulations shall adopt airport zoning regulations consistent
1891 with this chapter.

1892 Section 19. Sections 333.065, 333.08, 333.10, and 333.14,
1893 Florida Statutes, are repealed.

1894 Section 20. For the purpose of incorporating the amendment
1895 made by this act to section 333.01, Florida Statutes, in a
1896 reference thereto, subsection (6) of section 350.81, Florida
1897 Statutes, is reenacted to read:

1898 350.81 Communications services offered by governmental

1899 entities.—

1900 (6) To ensure the safe and secure transportation of
1901 passengers and freight through an airport facility, as defined
1902 in s. 159.27(17), an airport authority or other governmental
1903 entity that provides or is proposing to provide communications
1904 services only within the boundaries of its airport layout plan,
1905 as defined in s. 333.01(6), to subscribers which are integral
1906 and essential to the safe and secure transportation of
1907 passengers and freight through the airport facility, is exempt
1908 from this section. An airport authority or other governmental
1909 entity that provides or is proposing to provide shared-tenant
1910 service under s. 364.339, but not dial tone enabling subscribers
1911 to complete calls outside the airport layout plan, to one or
1912 more subscribers within its airport layout plan which are not
1913 integral and essential to the safe and secure transportation of
1914 passengers and freight through the airport facility is exempt
1915 from this section. An airport authority or other governmental
1916 entity that provides or is proposing to provide communications
1917 services to one or more subscribers within its airport layout
1918 plan which are not integral and essential to the safe and secure
1919 transportation of passengers and freight through the airport
1920 facility, or to one or more subscribers outside its airport
1921 layout plan, is not exempt from this section. By way of example
1922 and not limitation, the integral, essential subscribers may
1923 include airlines and emergency service entities, and the
1924 nonintegral, nonessential subscribers may include retail shops,

1925 restaurants, hotels, or rental car companies.

1926 Section 21. Paragraph (a) of subsection (1) of section
1927 337.18, Florida Statutes, is amended to read:

1928 337.18 Surety bonds for construction or maintenance
1929 contracts; requirement with respect to contract award; bond
1930 requirements; defaults; damage assessments.—

1931 (1) (a) A surety bond shall be required of the successful
1932 bidder in an amount equal to the awarded contract price.
1933 However, the department may choose, in its discretion and
1934 applicable only to multiyear maintenance contracts, to allow for
1935 incremental annual contract bonds that cumulatively total the
1936 full, awarded, multiyear contract price.

1937 1. The department may waive the requirement for all or a
1938 portion of a surety bond if:

1939 a. ~~For a project for which~~ The contract price is \$250,000
1940 or less ~~and~~, the department may waive the requirement for all or
1941 a ~~portion of a surety bond if it~~ determines that the project is
1942 of a noncritical nature and nonperformance will not endanger
1943 public health, safety, or property;

1944 b. The prime contractor is a qualified nonprofit agency
1945 for the blind or for the other severely handicapped under s.
1946 413.036(2); or

1947 c. The prime contractor is using a subcontractor that is a
1948 qualified nonprofit agency for the blind or for the other
1949 severely handicapped under s. 413.036(2). However, the
1950 department may not waive more than the amount of the

1951 subcontract.

1952 2. If the Secretary of Transportation or the secretary's
1953 designee determines that it is in the best interests of the
1954 department to reduce the bonding requirement for a project and
1955 that to do so will not endanger public health, safety, or
1956 property, the department may waive the requirement of a surety
1957 bond in an amount equal to the awarded contract price for a
1958 project having a contract price of \$250 million or more and, in
1959 its place, may set a surety bond amount that is a portion of the
1960 total contract price and provide an alternate means of security
1961 for the balance of the contract amount that is not covered by
1962 the surety bond or provide for incremental surety bonding and
1963 provide an alternate means of security for the balance of the
1964 contract amount that is not covered by the surety bond. Such
1965 alternative means of security may include letters of credit,
1966 United States bonds and notes, parent company guarantees, and
1967 cash collateral. The department may require alternate means of
1968 security if a surety bond is waived. The surety on such bond
1969 shall be a surety company authorized to do business in the
1970 state. All bonds shall be payable to the department and
1971 conditioned for the prompt, faithful, and efficient performance
1972 of the contract according to plans and specifications and within
1973 the time period specified, and for the prompt payment of all
1974 persons defined in s. 713.01 furnishing labor, material,
1975 equipment, and supplies for work provided in the contract;
1976 however, whenever an improvement, demolition, or removal

1977 contract price is \$25,000 or less, the security may, in the
 1978 discretion of the bidder, be in the form of a cashier's check,
 1979 bank money order of any state or national bank, certified check,
 1980 or postal money order. The department shall adopt rules to
 1981 implement this subsection. Such rules shall include provisions
 1982 under which the department shall refuse to accept bonds on
 1983 contracts when a surety wrongfully fails or refuses to settle or
 1984 provide a defense for claims or actions arising under a contract
 1985 for which the surety previously furnished a bond.

1986 Section 22. Subsection (5) of section 338.231, Florida
 1987 Statutes, is amended to read:

1988 338.231 Turnpike tolls, fixing; pledge of tolls and other
 1989 revenues.—The department shall at all times fix, adjust, charge,
 1990 and collect such tolls and amounts for the use of the turnpike
 1991 system as are required in order to provide a fund sufficient
 1992 with other revenues of the turnpike system to pay the cost of
 1993 maintaining, improving, repairing, and operating such turnpike
 1994 system; to pay the principal of and interest on all bonds issued
 1995 to finance or refinance any portion of the turnpike system as
 1996 the same become due and payable; and to create reserves for all
 1997 such purposes.

1998 ~~(5) In each fiscal year while any of the bonds of the~~
 1999 ~~Broward County Expressway Authority series 1984 and series 1986~~
 2000 ~~A remain outstanding, the department is authorized to pledge~~
 2001 ~~revenues from the turnpike system to the payment of principal~~
 2002 ~~and interest of such series of bonds and the operation and~~

2003 ~~maintenance expenses of the Sawgrass Expressway, to the extent~~
 2004 ~~gross toll revenues of the Sawgrass Expressway are insufficient~~
 2005 ~~to make such payments. The terms of an agreement relative to the~~
 2006 ~~pledge of turnpike system revenue will be negotiated with the~~
 2007 ~~parties of the 1984 and 1986 Broward County Expressway Authority~~
 2008 ~~lease purchase agreements, and subject to the covenants of those~~
 2009 ~~agreements. The agreement must establish that the Sawgrass~~
 2010 ~~Expressway is subject to the planning, management, and operating~~
 2011 ~~control of the department limited only by the terms of the~~
 2012 ~~lease purchase agreements. The department shall provide for the~~
 2013 ~~payment of operation and maintenance expenses of the Sawgrass~~
 2014 ~~Expressway until such agreement is in effect. This pledge of~~
 2015 ~~turnpike system revenues is subordinate to the debt service~~
 2016 ~~requirements of any future issue of turnpike bonds, the payment~~
 2017 ~~of turnpike system operation and maintenance expenses, and~~
 2018 ~~subject to any subsequent resolution or trust indenture relating~~
 2019 ~~to the issuance of such turnpike bonds.~~

2020 Section 23. Subsection (2) of section 339.2818, Florida
 2021 Statutes, is amended to read:

2022 339.2818 Small County Outreach Program.—

2023 (2)(a) For the purposes of this section, the term "small
 2024 county" means any county that has a population of 165,000
 2025 ~~150,000~~ or less as determined by the most recent official
 2026 estimate pursuant to s. 186.901.

2027 ~~(b) Notwithstanding paragraph (a), for the 2015-2016~~
 2028 ~~fiscal year, for purposes of this section, the term "small~~

2029 ~~county" means any county that has a population of 165,000 or~~
 2030 ~~less as determined by the most recent official estimate pursuant~~
 2031 ~~to s. 186.901. This paragraph expires July 1, 2016.~~

2032 Section 24. Section 341.0532, Florida Statutes, is
 2033 repealed.

2034 Section 25. Subsection (3) and paragraph (a) of subsection
 2035 (4) of section 348.753, Florida Statutes, are amended to read:

2036 348.753 Central Florida Expressway Authority.—

2037 (3) The governing body of the authority shall consist of
 2038 nine members. The chairs of the boards of the county commissions
 2039 of Seminole, Lake, and Osceola Counties shall each appoint one
 2040 member from his or her respective county, who must ~~may~~ be a
 2041 commission member or chair or a county mayor. The Mayor of
 2042 Orange County shall appoint a member from the Orange County
 2043 Commission. The Governor shall appoint three citizen members,
 2044 each of whom must be a citizen of ~~either~~ Orange County, Seminole
 2045 County, Lake County, or Osceola County. ~~The eighth member must~~
 2046 ~~be the Mayor of Orange County and. The ninth member must be the~~
 2047 ~~Mayor of the City of Orlando~~ shall also serve as members. The
 2048 executive director of the Florida Turnpike Enterprise shall
 2049 serve as a nonvoting advisor to the governing body of the
 2050 authority. Each member appointed by the Governor shall serve for
 2051 4 years, with his or her term ending on December 31 of his or
 2052 her last year of service. Each county-appointed member shall
 2053 ~~serve for 2 years. The terms of standing board members expire~~
 2054 ~~June 20, 2014.~~ Each appointed member shall hold office until his

2055 or her successor has been appointed and has qualified. A vacancy
 2056 occurring during a term must be filled only for the balance of
 2057 the unexpired term. Each appointed member of the authority shall
 2058 be a person of outstanding reputation for integrity,
 2059 responsibility, and business ability, but, except as provided in
 2060 this subsection, a person who is an officer or employee of a
 2061 municipality or county may not be an appointed member of the
 2062 authority. Any member of the authority is eligible for
 2063 reappointment.

2064 (4) (a) The authority shall elect one of its members as
 2065 chair of the authority. The authority shall also elect one of
 2066 its members as vice chair, ~~one of its members as secretary,~~ and
 2067 one of its members as treasurer. The chair, vice chair,
 2068 ~~secretary,~~ and treasurer shall hold such offices at the will of
 2069 the authority. Five members of the authority constitute a
 2070 quorum, and the vote of five members is necessary for any action
 2071 taken by the authority. A vacancy in the authority does not
 2072 impair the right of a quorum of the authority to exercise all of
 2073 the rights and perform all of the duties of the authority.

2074 Section 26. (1) (a) The Office of Economic and Demographic
 2075 Research shall evaluate and determine the economic benefits, as
 2076 defined in s. 288.005(1), Florida Statutes, of the state's
 2077 investment in the Department of Transportation's adopted work
 2078 program developed in accordance with s. 339.135(5), Florida
 2079 Statutes, for fiscal year 2016-2017 and the following 4 fiscal
 2080 years. At a minimum, a separate return on investment shall be

2081 projected for each of the following areas:

2082 1. Roads and highways.

2083 2. Rails.

2084 3. Public transit.

2085 4. Aviation.

2086 5. Seaports.

2087 (b) The evaluation shall be limited to the funding
 2088 anticipated by the adopted work program but may address the
 2089 continuing economic impact for those transportation projects in
 2090 the 5 years after the conclusion of the adopted work program.
 2091 The evaluation must also determine the number of jobs created,
 2092 the increase or decrease in personal income, and the impact on
 2093 gross domestic product from the direct, indirect, and induced
 2094 effects on the state's investment in each area.

2095 (2) The Department of Transportation and each of its
 2096 district offices shall provide the Office of Economic and
 2097 Demographic Research full access to all data necessary to
 2098 complete the evaluation, including any confidential data.

2099 (3) The Office of Economic and Demographic Research shall
 2100 submit the evaluation to the President of the Senate and the
 2101 Speaker of the House of Representatives by January 1, 2017.

2102 Section 27. Paragraph (c) of subsection (1) of section
 2103 212.05, Florida Statutes, is amended to read:

2104 212.05 Sales, storage, use tax.—It is hereby declared to
 2105 be the legislative intent that every person is exercising a
 2106 taxable privilege who engages in the business of selling

HB 7061

2016

2107 | tangible personal property at retail in this state, including
2108 | the business of making mail order sales, or who rents or
2109 | furnishes any of the things or services taxable under this
2110 | chapter, or who stores for use or consumption in this state any
2111 | item or article of tangible personal property as defined herein
2112 | and who leases or rents such property within the state.

2113 | (1) For the exercise of such privilege, a tax is levied on
2114 | each taxable transaction or incident, which tax is due and
2115 | payable as follows:

2116 | (c) At the rate of 6 percent of the gross proceeds derived
2117 | from the lease or rental of tangible personal property, as
2118 | defined herein; however, the following special provisions apply
2119 | to the lease or rental of motor vehicles:

2120 | 1. When a motor vehicle is leased or rented for a period
2121 | of less than 12 months:

2122 | a. If the motor vehicle is rented in Florida, the entire
2123 | amount of such rental is taxable, even if the vehicle is dropped
2124 | off in another state.

2125 | b. If the motor vehicle is rented in another state and
2126 | dropped off in Florida, the rental is exempt from Florida tax.

2127 | 2. Except as provided in subparagraph 3., for the lease or
2128 | rental of a motor vehicle for a period of not less than 12
2129 | months, sales tax is due on the lease or rental payments if the
2130 | vehicle is registered in this state; provided, however, that no
2131 | tax shall be due if the taxpayer documents use of the motor
2132 | vehicle outside this state and tax is being paid on the lease or

2133 rental payments in another state.

2134 3. The tax imposed by this chapter does not apply to the
 2135 lease or rental of a commercial motor vehicle as defined in s.
 2136 316.003(12)(a) ~~316.003(66)(a)~~ to one lessee or rentee for a
 2137 period of not less than 12 months when tax was paid on the
 2138 purchase price of such vehicle by the lessor. To the extent tax
 2139 was paid with respect to the purchase of such vehicle in another
 2140 state, territory of the United States, or the District of
 2141 Columbia, the Florida tax payable shall be reduced in accordance
 2142 with the provisions of s. 212.06(7). This subparagraph shall
 2143 only be available when the lease or rental of such property is
 2144 an established business or part of an established business or
 2145 the same is incidental or germane to such business.

2146 Section 28. Subsection (1) of section 316.1303, Florida
 2147 Statutes, is amended to read:

2148 316.1303 Traffic regulations to assist mobility-impaired
 2149 persons.—

2150 (1) Whenever a pedestrian who is mobility impaired is in
 2151 the process of crossing a public street or highway with the
 2152 assistance of a guide dog or service animal designated as such
 2153 with a visible means of identification, a walker, a crutch, an
 2154 orthopedic cane, or a wheelchair, the driver of a vehicle
 2155 approaching the intersection, ~~as defined in s. 316.003(17),~~
 2156 shall bring his or her vehicle to a full stop before arriving at
 2157 the intersection and, before proceeding, shall take precautions
 2158 necessary to avoid injuring the pedestrian.

HB 7061

2016

2159 Section 29. Subsection (5) of section 316.235, Florida
 2160 Statutes, is amended to read:

2161 316.235 Additional lighting equipment.—

2162 (5) A bus, ~~as defined in s. 316.003(3),~~ may be equipped
 2163 with a deceleration lighting system which cautions following
 2164 vehicles that the bus is slowing, preparing to stop, or is
 2165 stopped. Such lighting system shall consist of amber lights
 2166 mounted in horizontal alignment on the rear of the vehicle at or
 2167 near the vertical centerline of the vehicle, not higher than the
 2168 lower edge of the rear window or, if the vehicle has no rear
 2169 window, not higher than 72 inches from the ground. Such lights
 2170 shall be visible from a distance of not less than 300 feet to
 2171 the rear in normal sunlight. Lights are permitted to light and
 2172 flash during deceleration, braking, or standing and idling of
 2173 the bus. Vehicular hazard warning flashers may be used in
 2174 conjunction with or in lieu of a rear-mounted deceleration
 2175 lighting system.

2176 Section 30. Paragraph (b) of subsection (2) and paragraph
 2177 (a) of subsection (4) of section 316.545, Florida Statutes, are
 2178 amended to read:

2179 316.545 Weight and load unlawful; special fuel and motor
 2180 fuel tax enforcement; inspection; penalty; review.—

2181 (2)

2182 (b) The officer or inspector shall inspect the license
 2183 plate or registration certificate of the commercial vehicle, ~~as~~
 2184 ~~defined in s. 316.003(66),~~ to determine whether ~~if~~ its gross

HB 7061

2016

2185 weight is in compliance with the declared gross vehicle weight.
2186 If its gross weight exceeds the declared weight, the penalty
2187 shall be 5 cents per pound on the difference between such
2188 weights. In those cases when the commercial vehicle, ~~as defined~~
2189 ~~in s. 316.003(66)~~, is being operated over the highways of the
2190 state with an expired registration or with no registration from
2191 this or any other jurisdiction or is not registered under the
2192 applicable provisions of chapter 320, the penalty herein shall
2193 apply on the basis of 5 cents per pound on that scaled weight
2194 which exceeds 35,000 pounds on laden truck tractor-semitrailer
2195 combinations or tandem trailer truck combinations, 10,000 pounds
2196 on laden straight trucks or straight truck-trailer combinations,
2197 or 10,000 pounds on any unladen commercial motor vehicle. If the
2198 license plate or registration has not been expired for more than
2199 90 days, the penalty imposed under this paragraph may not exceed
2200 \$1,000. In the case of special mobile equipment ~~as defined in s.~~
2201 ~~316.003(48)~~, which qualifies for the license tax provided for in
2202 s. 320.08(5)(b), being operated on the highways of the state
2203 with an expired registration or otherwise not properly
2204 registered under the applicable provisions of chapter 320, a
2205 penalty of \$75 shall apply in addition to any other penalty
2206 which may apply in accordance with this chapter. A vehicle found
2207 in violation of this section may be detained until the owner or
2208 operator produces evidence that the vehicle has been properly
2209 registered. Any costs incurred by the retention of the vehicle
2210 shall be the sole responsibility of the owner. A person who has

2211 | been assessed a penalty pursuant to this paragraph for failure
 2212 | to have a valid vehicle registration certificate pursuant to the
 2213 | provisions of chapter 320 is not subject to the delinquent fee
 2214 | authorized in s. 320.07 if such person obtains a valid
 2215 | registration certificate within 10 working days after such
 2216 | penalty was assessed.

2217 | (4) (a) A ~~Ne~~ commercial vehicle may not, ~~as defined in s.~~
 2218 | ~~316.003(66)~~, shall be operated over the highways of this state
 2219 | unless it has been properly registered under ~~the provisions of~~
 2220 | s. 207.004. Whenever any law enforcement officer identified in
 2221 | s. 207.023(1), upon inspecting the vehicle or combination of
 2222 | vehicles, determines that the vehicle is in violation of s.
 2223 | 207.004, a penalty in the amount of \$50 shall be assessed, and
 2224 | the vehicle may be detained until payment is collected by the
 2225 | law enforcement officer.

2226 | Section 31. Subsection (2) of section 316.605, Florida
 2227 | Statutes, is amended to read:

2228 | 316.605 Licensing of vehicles.—

2229 | (2) Any commercial motor vehicle, ~~as defined in s.~~
 2230 | ~~316.003(66)~~, operating over the highways of this state with an
 2231 | expired registration, with no registration from this or any
 2232 | other jurisdiction, or with no registration under the applicable
 2233 | provisions of chapter 320 shall be in violation of s. 320.07(3)
 2234 | and shall subject the owner or operator of such vehicle to the
 2235 | penalty provided. In addition, a commercial motor vehicle found
 2236 | in violation of this section may be detained by any law

HB 7061

2016

2237 enforcement officer until the owner or operator produces
 2238 evidence that the vehicle has been properly registered and that
 2239 any applicable delinquent penalties have been paid.

2240 Section 32. Subsection (6) of section 316.6105, Florida
 2241 Statutes, is amended to read:

2242 316.6105 Violations involving operation of motor vehicle
 2243 in unsafe condition or without required equipment; procedure for
 2244 disposition.—

2245 (6) This section does not apply to commercial motor
 2246 vehicles ~~as defined in s. 316.003(66)~~ or transit buses owned or
 2247 operated by a governmental entity.

2248 Section 33. Paragraph (a) of subsection (2) of section
 2249 316.613, Florida Statutes, is amended to read:

2250 316.613 Child restraint requirements.—

2251 (2) As used in this section, the term "motor vehicle"
 2252 means a motor vehicle as defined in s. 316.003 that is operated
 2253 on the roadways, streets, and highways of the state. The term
 2254 does not include:

2255 (a) A school bus ~~as defined in s. 316.003(45)~~.

2256 Section 34. Subsection (8) of section 316.622, Florida
 2257 Statutes, is amended to read:

2258 316.622 Farm labor vehicles.—

2259 (8) The department shall provide to the Department of
 2260 Business and Professional Regulation each quarter a copy of each
 2261 accident report involving a farm labor vehicle, ~~as defined in s.~~
 2262 ~~316.003(62), commencing with the first quarter of the 2006-2007~~

2263 ~~fiscal year.~~

2264 Section 35. Paragraph (b) of subsection (1) of section
2265 316.650, Florida Statutes, is amended to read:

2266 316.650 Traffic citations.—

2267 (1)

2268 (b) The department shall prepare, and supply to every
2269 traffic enforcement agency in the state, an appropriate
2270 affidavit-of-compliance form that shall be issued along with the
2271 form traffic citation for any violation of s. 316.610 and that
2272 indicates the specific defect needing to be corrected. However,
2273 such affidavit of compliance may ~~shall~~ not be issued in the case
2274 of a violation of s. 316.610 by a commercial motor vehicle ~~as~~
2275 ~~defined in s. 316.003(66)~~. Such affidavit-of-compliance form
2276 shall be distributed in the same manner and to the same parties
2277 as is the form traffic citation.

2278 Section 36. Subsection (1) of section 316.70, Florida
2279 Statutes, is amended to read:

2280 316.70 Nonpublic sector buses; safety rules.—

2281 (1) The Department of Transportation shall establish and
2282 revise standards to ensure ~~assure~~ the safe operation of
2283 nonpublic sector buses, ~~as defined in s. 316.003(78)~~, which
2284 standards shall be those contained in 49 C.F.R. parts 382, 385,
2285 and 390-397 and which shall be directed toward ensuring ~~towards~~
2286 ~~assuring~~ that:

2287 (a) Nonpublic sector buses are safely maintained,
2288 equipped, and operated.

HB 7061

2016

2289 (b) Nonpublic sector buses are carrying the insurance
 2290 required by law and carrying liability insurance on the checked
 2291 baggage of passengers not to exceed the standard adopted by the
 2292 United States Department of Transportation.

2293 (c) Florida license tags are purchased for nonpublic
 2294 sector buses pursuant to s. 320.38.

2295 (d) The driving records of drivers of nonpublic sector
 2296 buses are checked by their employers at least once each year to
 2297 ascertain whether the driver has a suspended or revoked driver
 2298 license.

2299 Section 37. Paragraph (a) of subsection (1) of section
 2300 320.01, Florida Statutes, is amended to read:

2301 320.01 Definitions, general.—As used in the Florida
 2302 Statutes, except as otherwise provided, the term:

2303 (1) "Motor vehicle" means:

2304 (a) An automobile, motorcycle, truck, trailer,
 2305 semitrailer, truck tractor and semitrailer combination, or any
 2306 other vehicle operated on the roads of this state, used to
 2307 transport persons or property, and propelled by power other than
 2308 muscular power, but the term does not include traction engines,
 2309 road rollers, special mobile equipment as defined in s. 316.003
 2310 ~~316.003(48)~~, vehicles that run only upon a track, bicycles,
 2311 swamp buggies, or mopeds.

2312 Section 38. Section 320.08, Florida Statutes, is amended
 2313 to read:

2314 320.08 License taxes.—Except as otherwise provided herein,

2315 | there are hereby levied and imposed annual license taxes for the
 2316 | operation of motor vehicles, mopeds, motorized bicycles as
 2317 | defined in s. 316.003(4) ~~316.003(2)~~, tri-vehicles as defined in
 2318 | s. 316.003, and mobile homes~~r~~, as defined in s. 320.01, which
 2319 | shall be paid to and collected by the department or its agent
 2320 | upon the registration or renewal of registration of the
 2321 | following:

- 2322 | (1) MOTORCYCLES AND MOPEDS.—
- 2323 | (a) Any motorcycle: \$10 flat.
- 2324 | (b) Any moped: \$5 flat.
- 2325 | (c) Upon registration of a motorcycle, motor-driven cycle,
- 2326 | or moped, in addition to the license taxes specified in this
- 2327 | subsection, a nonrefundable motorcycle safety education fee in
- 2328 | the amount of \$2.50 shall be paid. The proceeds of such
- 2329 | additional fee shall be deposited in the Highway Safety
- 2330 | Operating Trust Fund to fund a motorcycle driver improvement
- 2331 | program implemented pursuant to s. 322.025, the Florida
- 2332 | Motorcycle Safety Education Program established in s. 322.0255,
- 2333 | or the general operations of the department.
- 2334 | (d) An ancient or antique motorcycle: \$7.50 flat, of which
- 2335 | \$2.50 shall be deposited into the General Revenue Fund.
- 2336 | (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—
- 2337 | (a) An ancient or antique automobile, as defined in s.
- 2338 | 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.
- 2339 | (b) Net weight of less than 2,500 pounds: \$14.50 flat.
- 2340 | (c) Net weight of 2,500 pounds or more, but less than

2341 3,500 pounds: \$22.50 flat.

2342 (d) Net weight of 3,500 pounds or more: \$32.50 flat.

2343 (3) TRUCKS.—

2344 (a) Net weight of less than 2,000 pounds: \$14.50 flat.

2345 (b) Net weight of 2,000 pounds or more, but not more than

2346 3,000 pounds: \$22.50 flat.

2347 (c) Net weight more than 3,000 pounds, but not more than

2348 5,000 pounds: \$32.50 flat.

2349 (d) A truck defined as a "goat," or other vehicle if used

2350 in the field by a farmer or in the woods for the purpose of

2351 harvesting a crop, including naval stores, during such

2352 harvesting operations, and which is not principally operated

2353 upon the roads of the state: \$7.50 flat. The term "goat" means a

2354 motor vehicle designed, constructed, and used principally for

2355 the transportation of citrus fruit within citrus groves or for

2356 the transportation of crops on farms, and which can also be used

2357 for hauling associated equipment or supplies, including required

2358 sanitary equipment, and the towing of farm trailers.

2359 (e) An ancient or antique truck, as defined in s. 320.086:

2360 \$7.50 flat.

2361 (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS

2362 VEHICLE WEIGHT.—

2363 (a) Gross vehicle weight of 5,001 pounds or more, but less

2364 than 6,000 pounds: \$60.75 flat, of which \$15.75 shall be

2365 deposited into the General Revenue Fund.

2366 (b) Gross vehicle weight of 6,000 pounds or more, but less

2367 than 8,000 pounds: \$87.75 flat, of which \$22.75 shall be
 2368 deposited into the General Revenue Fund.

2369 (c) Gross vehicle weight of 8,000 pounds or more, but less
 2370 than 10,000 pounds: \$103 flat, of which \$27 shall be deposited
 2371 into the General Revenue Fund.

2372 (d) Gross vehicle weight of 10,000 pounds or more, but
 2373 less than 15,000 pounds: \$118 flat, of which \$31 shall be
 2374 deposited into the General Revenue Fund.

2375 (e) Gross vehicle weight of 15,000 pounds or more, but
 2376 less than 20,000 pounds: \$177 flat, of which \$46 shall be
 2377 deposited into the General Revenue Fund.

2378 (f) Gross vehicle weight of 20,000 pounds or more, but
 2379 less than 26,001 pounds: \$251 flat, of which \$65 shall be
 2380 deposited into the General Revenue Fund.

2381 (g) Gross vehicle weight of 26,001 pounds or more, but
 2382 less than 35,000: \$324 flat, of which \$84 shall be deposited
 2383 into the General Revenue Fund.

2384 (h) Gross vehicle weight of 35,000 pounds or more, but
 2385 less than 44,000 pounds: \$405 flat, of which \$105 shall be
 2386 deposited into the General Revenue Fund.

2387 (i) Gross vehicle weight of 44,000 pounds or more, but
 2388 less than 55,000 pounds: \$773 flat, of which \$201 shall be
 2389 deposited into the General Revenue Fund.

2390 (j) Gross vehicle weight of 55,000 pounds or more, but
 2391 less than 62,000 pounds: \$916 flat, of which \$238 shall be
 2392 deposited into the General Revenue Fund.

2393 (k) Gross vehicle weight of 62,000 pounds or more, but
 2394 less than 72,000 pounds: \$1,080 flat, of which \$280 shall be
 2395 deposited into the General Revenue Fund.

2396 (l) Gross vehicle weight of 72,000 pounds or more: \$1,322
 2397 flat, of which \$343 shall be deposited into the General Revenue
 2398 Fund.

2399 (m) Notwithstanding the declared gross vehicle weight, a
 2400 truck tractor used within a 150-mile radius of its home address
 2401 is eligible for a license plate for a fee of \$324 flat if:

2402 1. The truck tractor is used exclusively for hauling
 2403 forestry products; or

2404 2. The truck tractor is used primarily for the hauling of
 2405 forestry products, and is also used for the hauling of
 2406 associated forestry harvesting equipment used by the owner of
 2407 the truck tractor.

2408
 2409 Of the fee imposed by this paragraph, \$84 shall be deposited
 2410 into the General Revenue Fund.

2411 (n) A truck tractor or heavy truck, not operated as a for-
 2412 hire vehicle, which is engaged exclusively in transporting raw,
 2413 unprocessed, and nonmanufactured agricultural or horticultural
 2414 products within a 150-mile radius of its home address, is
 2415 eligible for a restricted license plate for a fee of:

2416 1. If such vehicle's declared gross vehicle weight is less
 2417 than 44,000 pounds, \$87.75 flat, of which \$22.75 shall be
 2418 deposited into the General Revenue Fund.

2419 2. If such vehicle's declared gross vehicle weight is
 2420 44,000 pounds or more and such vehicle only transports from the
 2421 point of production to the point of primary manufacture; to the
 2422 point of assembling the same; or to a shipping point of a rail,
 2423 water, or motor transportation company, \$324 flat, of which \$84
 2424 shall be deposited into the General Revenue Fund.

2425
 2426 Such not-for-hire truck tractors and heavy trucks used
 2427 exclusively in transporting raw, unprocessed, and
 2428 nonmanufactured agricultural or horticultural products may be
 2429 incidentally used to haul farm implements and fertilizers
 2430 delivered direct to the growers. The department may require any
 2431 documentation deemed necessary to determine eligibility prior to
 2432 issuance of this license plate. For the purpose of this
 2433 paragraph, "not-for-hire" means the owner of the motor vehicle
 2434 must also be the owner of the raw, unprocessed, and
 2435 nonmanufactured agricultural or horticultural product, or the
 2436 user of the farm implements and fertilizer being delivered.

2437 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
 2438 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

2439 (a)1. A semitrailer drawn by a GVW truck tractor by means
 2440 of a fifth-wheel arrangement: \$13.50 flat per registration year
 2441 or any part thereof, of which \$3.50 shall be deposited into the
 2442 General Revenue Fund.

2443 2. A semitrailer drawn by a GVW truck tractor by means of
 2444 a fifth-wheel arrangement: \$68 flat per permanent registration,

2445 of which \$18 shall be deposited into the General Revenue Fund.

2446 (b) A motor vehicle equipped with machinery and designed
 2447 for the exclusive purpose of well drilling, excavation,
 2448 construction, spraying, or similar activity, and which is not
 2449 designed or used to transport loads other than the machinery
 2450 described above over public roads: \$44 flat, of which \$11.50
 2451 shall be deposited into the General Revenue Fund.

2452 (c) A school bus used exclusively to transport pupils to
 2453 and from school or school or church activities or functions
 2454 within their own county: \$41 flat, of which \$11 shall be
 2455 deposited into the General Revenue Fund.

2456 (d) A wrecker, as defined in s. 320.01, which is used to
 2457 tow a vessel as defined in s. 327.02, a disabled, abandoned,
 2458 stolen-recovered, or impounded motor vehicle as defined in s.
 2459 320.01, or a replacement motor vehicle as defined in s. 320.01:
 2460 \$41 flat, of which \$11 shall be deposited into the General
 2461 Revenue Fund.

2462 (e) A wrecker that is used to tow any nondisabled motor
 2463 vehicle, a vessel, or any other cargo unless used as defined in
 2464 paragraph (d), as follows:

2465 1. Gross vehicle weight of 10,000 pounds or more, but less
 2466 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited
 2467 into the General Revenue Fund.

2468 2. Gross vehicle weight of 15,000 pounds or more, but less
 2469 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited
 2470 into the General Revenue Fund.

2471 3. Gross vehicle weight of 20,000 pounds or more, but less
 2472 than 26,000 pounds: \$251 flat, of which \$65 shall be deposited
 2473 into the General Revenue Fund.

2474 4. Gross vehicle weight of 26,000 pounds or more, but less
 2475 than 35,000 pounds: \$324 flat, of which \$84 shall be deposited
 2476 into the General Revenue Fund.

2477 5. Gross vehicle weight of 35,000 pounds or more, but less
 2478 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited
 2479 into the General Revenue Fund.

2480 6. Gross vehicle weight of 44,000 pounds or more, but less
 2481 than 55,000 pounds: \$772 flat, of which \$200 shall be deposited
 2482 into the General Revenue Fund.

2483 7. Gross vehicle weight of 55,000 pounds or more, but less
 2484 than 62,000 pounds: \$915 flat, of which \$237 shall be deposited
 2485 into the General Revenue Fund.

2486 8. Gross vehicle weight of 62,000 pounds or more, but less
 2487 than 72,000 pounds: \$1,080 flat, of which \$280 shall be
 2488 deposited into the General Revenue Fund.

2489 9. Gross vehicle weight of 72,000 pounds or more: \$1,322
 2490 flat, of which \$343 shall be deposited into the General Revenue
 2491 Fund.

2492 (f) A hearse or ambulance: \$40.50 flat, of which \$10.50
 2493 shall be deposited into the General Revenue Fund.

2494 (6) MOTOR VEHICLES FOR HIRE.—

2495 (a) Under nine passengers: \$17 flat, of which \$4.50 shall
 2496 be deposited into the General Revenue Fund; plus \$1.50 per cwt,

HB 7061

2016

2497 of which 50 cents shall be deposited into the General Revenue
2498 Fund.

2499 (b) Nine passengers and over: \$17 flat, of which \$4.50
2500 shall be deposited into the General Revenue Fund; plus \$2 per
2501 cwt, of which 50 cents shall be deposited into the General
2502 Revenue Fund.

2503 (7) TRAILERS FOR PRIVATE USE.—

2504 (a) Any trailer weighing 500 pounds or less: \$6.75 flat
2505 per year or any part thereof, of which \$1.75 shall be deposited
2506 into the General Revenue Fund.

2507 (b) Net weight over 500 pounds: \$3.50 flat, of which \$1
2508 shall be deposited into the General Revenue Fund; plus \$1 per
2509 cwt, of which 25 cents shall be deposited into the General
2510 Revenue Fund.

2511 (8) TRAILERS FOR HIRE.—

2512 (a) Net weight under 2,000 pounds: \$3.50 flat, of which \$1
2513 shall be deposited into the General Revenue Fund; plus \$1.50 per
2514 cwt, of which 50 cents shall be deposited into the General
2515 Revenue Fund.

2516 (b) Net weight 2,000 pounds or more: \$13.50 flat, of which
2517 \$3.50 shall be deposited into the General Revenue Fund; plus
2518 \$1.50 per cwt, of which 50 cents shall be deposited into the
2519 General Revenue Fund.

2520 (9) RECREATIONAL VEHICLE-TYPE UNITS.—

2521 (a) A travel trailer or fifth-wheel trailer, as defined by
2522 s. 320.01(1)(b), that does not exceed 35 feet in length: \$27

2523 flat, of which \$7 shall be deposited into the General Revenue
 2524 Fund.

2525 (b) A camping trailer, as defined by s. 320.01(1)(b)2.:
 2526 \$13.50 flat, of which \$3.50 shall be deposited into the General
 2527 Revenue Fund.

2528 (c) A motor home, as defined by s. 320.01(1)(b)4.:

2529 1. Net weight of less than 4,500 pounds: \$27 flat, of
 2530 which \$7 shall be deposited into the General Revenue Fund.

2531 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
 2532 which \$12.25 shall be deposited into the General Revenue Fund.

2533 (d) A truck camper as defined by s. 320.01(1)(b)3.:

2534 1. Net weight of less than 4,500 pounds: \$27 flat, of
 2535 which \$7 shall be deposited into the General Revenue Fund.

2536 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
 2537 which \$12.25 shall be deposited into the General Revenue Fund.

2538 (e) A private motor coach as defined by s. 320.01(1)(b)5.:

2539 1. Net weight of less than 4,500 pounds: \$27 flat, of
 2540 which \$7 shall be deposited into the General Revenue Fund.

2541 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
 2542 which \$12.25 shall be deposited into the General Revenue Fund.

2543 (10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS;
 2544 35 FEET TO 40 FEET.—

2545 (a) Park trailers.—Any park trailer, as defined in s.
 2546 320.01(1)(b)7.: \$25 flat.

2547 (b) A travel trailer or fifth-wheel trailer, as defined in
 2548 s. 320.01(1)(b), that exceeds 35 feet: \$25 flat.

- 2549 (11) MOBILE HOMES.—
- 2550 (a) A mobile home not exceeding 35 feet in length: \$20
- 2551 flat.
- 2552 (b) A mobile home over 35 feet in length, but not
- 2553 exceeding 40 feet: \$25 flat.
- 2554 (c) A mobile home over 40 feet in length, but not
- 2555 exceeding 45 feet: \$30 flat.
- 2556 (d) A mobile home over 45 feet in length, but not
- 2557 exceeding 50 feet: \$35 flat.
- 2558 (e) A mobile home over 50 feet in length, but not
- 2559 exceeding 55 feet: \$40 flat.
- 2560 (f) A mobile home over 55 feet in length, but not
- 2561 exceeding 60 feet: \$45 flat.
- 2562 (g) A mobile home over 60 feet in length, but not
- 2563 exceeding 65 feet: \$50 flat.
- 2564 (h) A mobile home over 65 feet in length: \$80 flat.
- 2565 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised
- 2566 motor vehicle dealer, independent motor vehicle dealer, marine
- 2567 boat trailer dealer, or mobile home dealer and manufacturer
- 2568 license plate: \$17 flat, of which \$4.50 shall be deposited into
- 2569 the General Revenue Fund.
- 2570 (13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or
- 2571 official license plate: \$4 flat, of which \$1 shall be deposited
- 2572 into the General Revenue Fund.
- 2573 (14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor
- 2574 vehicle for hire operated wholly within a city or within 25

HB 7061

2016

2575 miles thereof: \$17 flat, of which \$4.50 shall be deposited into
 2576 the General Revenue Fund; plus \$2 per cwt, of which 50 cents
 2577 shall be deposited into the General Revenue Fund.

2578 (15) TRANSPORTER.—Any transporter license plate issued to
 2579 a transporter pursuant to s. 320.133: \$101.25 flat, of which
 2580 \$26.25 shall be deposited into the General Revenue Fund.

2581 Section 39. Subsection (1) of section 320.0801, Florida
 2582 Statutes, is amended to read:

2583 320.0801 Additional license tax on certain vehicles.—

2584 (1) In addition to the license taxes specified in s.
 2585 320.08 and in subsection (2), there is hereby levied and imposed
 2586 an annual license tax of 10 cents for the operation of a motor
 2587 vehicle, as defined in s. 320.01, and moped, as defined in s.
 2588 316.003 ~~316.003(77)~~, which tax shall be paid to the department
 2589 or its agent upon the registration or renewal of registration of
 2590 the vehicle. Notwithstanding ~~the provisions of~~ s. 320.20,
 2591 revenues collected from the tax imposed in this subsection shall
 2592 be deposited in the Emergency Medical Services Trust Fund and
 2593 used solely for the purpose of carrying out ~~the provisions of~~
 2594 ss. 395.401, 395.4015, 395.404, and 395.4045 and s. 11, chapter
 2595 87-399, Laws of Florida.

2596 Section 40. Section 320.38, Florida Statutes, is amended
 2597 to read:

2598 320.38 When nonresident exemption not allowed.—The
 2599 provisions of s. 320.37 authorizing the operation of motor
 2600 vehicles over the roads of this state by nonresidents of this

HB 7061

2016

2601 state when such vehicles are duly registered or licensed under
2602 the laws of some other state or foreign country do not apply to
2603 any nonresident who accepts employment or engages in any trade,
2604 profession, or occupation in this state, except a nonresident
2605 migrant or seasonal farm worker as defined in s. 316.003
2606 ~~316.003(61)~~. In every case in which a nonresident, except a
2607 nonresident migrant or seasonal farm worker as defined in s.
2608 316.003 ~~316.003(61)~~, accepts employment or engages in any trade,
2609 profession, or occupation in this state or enters his or her
2610 children to be educated in the public schools of this state,
2611 such nonresident shall, within 10 days after the commencement of
2612 such employment or education, register his or her motor vehicles
2613 in this state if such motor vehicles are proposed to be operated
2614 on the roads of this state. Any person who is enrolled as a
2615 student in a college or university and who is a nonresident but
2616 who is in this state for a period of up to 6 months engaged in a
2617 work-study program for which academic credits are earned from a
2618 college whose credits or degrees are accepted for credit by at
2619 least three accredited institutions of higher learning, as
2620 defined in s. 1005.02, is not required to have a Florida
2621 registration for the duration of the work-study program if the
2622 person's vehicle is properly registered in another jurisdiction.
2623 Any nonresident who is enrolled as a full-time student in such
2624 institution of higher learning is also exempt for the duration
2625 of such enrollment.

2626 Section 41. Subsection (1) of section 322.031, Florida

HB 7061

2016

2627 Statutes, is amended to read:

2628 322.031 Nonresident; when license required.—

2629 (1) In each case in which a nonresident, except a
 2630 nonresident migrant or seasonal farm worker as defined in s.
 2631 316.003 ~~316.003(61)~~, accepts employment or engages in a trade,
 2632 profession, or occupation in this state or enters his or her
 2633 children to be educated in the public schools of this state,
 2634 such nonresident shall, within 30 days after beginning such
 2635 employment or education, be required to obtain a Florida driver
 2636 license if such nonresident operates a motor vehicle on the
 2637 highways of this state. The spouse or dependent child of such
 2638 nonresident shall also be required to obtain a Florida driver
 2639 license within that 30-day period before operating a motor
 2640 vehicle on the highways of this state.

2641 Section 42. Subsection (3) of section 450.181, Florida
 2642 Statutes, is amended to read:

2643 450.181 Definitions.—As used in part II, unless the
 2644 context clearly requires a different meaning:

2645 (3) The term "migrant laborer" has the same meaning as
 2646 migrant or seasonal farm worker ~~workers~~ as defined in s. 316.003
 2647 ~~316.003(61)~~.

2648 Section 43. Subsection (5) of section 559.903, Florida
 2649 Statutes, is amended to read:

2650 559.903 Definitions.—As used in this act:

2651 (5) "Motor vehicle" means any automobile, truck, bus,
 2652 recreational vehicle, motorcycle, motor scooter, or other motor

HB 7061

2016

2653 | powered vehicle, but does not include trailers, mobile homes,
 2654 | travel trailers, trailer coaches without independent motive
 2655 | power, watercraft or aircraft, or special mobile equipment as
 2656 | defined in s. 316.003 ~~316.003(48)~~.

2657 | Section 44. Subsection (1) of section 655.960, Florida
 2658 | Statutes, is amended to read:

2659 | 655.960 Definitions; ss. 655.960-655.965.—As used in this
 2660 | section and ss. 655.961-655.965, unless the context otherwise
 2661 | requires:

2662 | (1) "Access area" means any paved walkway or sidewalk
 2663 | which is within 50 feet of any automated teller machine. The
 2664 | term does not include any street or highway open to the use of
 2665 | the public, as defined in s. 316.003(75)(a) ~~316.003(53)(a)~~ or
 2666 | (b), including any adjacent sidewalk, as defined in s. 316.003
 2667 | ~~316.003(47)~~.

2668 | Section 45. Paragraph (b) of subsection (2) of section
 2669 | 732.402, Florida Statutes, is amended to read:

2670 | 732.402 Exempt property.—

2671 | (2) Exempt property shall consist of:

2672 | (b) Two motor vehicles as defined in s. 316.003
 2673 | ~~316.003(21)~~, which do not, individually as to either such motor
 2674 | vehicle, have a gross vehicle weight in excess of 15,000 pounds,
 2675 | held in the decedent's name and regularly used by the decedent
 2676 | or members of the decedent's immediate family as their personal
 2677 | motor vehicles.

2678 | Section 46. Subsection (1) of section 860.065, Florida

HB 7061

2016

2679 Statutes, is amended to read:

2680 860.065 Commercial transportation; penalty for use in
2681 commission of a felony.—

2682 (1) It is unlawful for any person to attempt to obtain,
2683 solicit to obtain, or obtain any means of public or commercial
2684 transportation or conveyance, including vessels, aircraft,
2685 railroad trains, or commercial vehicles as defined in s. 316.003
2686 ~~316.003(66)~~, with the intent to use such public or commercial
2687 transportation or conveyance to commit any felony or to
2688 facilitate the commission of any felony.

2689 Section 47. This act shall take effect July 1, 2016.