



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 assist in implementation of security at specified
9 seaports; directing the council to adopt rules;
10 amending s. 316.003, F.S.; revising and providing
11 definitions; creating s. 316.2069, F.S.; authorizing a
12 municipality or county to permit the use of commercial
13 megacycles; providing requirements; providing
14 applicability; amending s. 316.235, F.S.; revising
15 specifications for bus deceleration lighting systems;
16 amending s. 316.303, F.S.; providing exceptions to a
17 prohibition of a viewer or screen visible from the
18 driver's seat of a motor vehicle; amending s. 320.525,
19 F.S.; revising the definition of the term "port
20 vehicles and equipment"; amending s. 332.08, F.S.;
21 revising the maximum period of time for which certain
22 municipalities may lease airports, navigation
23 facilities, or related real property; amending s.
24 333.01, F.S.; revising and providing definitions of
25 terms used in provisions relating to airport safety
26 regulation; amending s. 333.025, F.S.; revising



27 requirements for a permit to construct or alter an
28 obstruction; revising procedures for issuing such
29 permit; revising duties of the department relating to
30 issuance of the permit; providing for administrative
31 review of a denial of a permit; amending s. 333.03,
32 F.S.; revising requirements and procedures for certain
33 local political subdivisions to adopt and enforce
34 airport zoning regulations; directing the department
35 to provide assistance to political subdivisions with
36 regard to federal obstruction standards; providing
37 minimum requirements for airport land use
38 compatibility zoning regulations; directing political
39 subdivisions to provide the department with copies of
40 airport zoning regulations; providing applicability
41 and effect; amending s. 333.04, F.S.; revising
42 provisions for incorporation of zoning regulations
43 with a political subdivision's comprehensive
44 regulations; revising provisions for a conflict
45 between airport zoning regulations and other
46 regulations; amending s. 333.05, F.S.; revising
47 procedure for adoption of zoning regulations; revising
48 provisions relating to an airport zoning commission;
49 amending s. 333.06, F.S.; revising airport zoning
50 regulation requirements; revising requirements for
51 adoption of an airport master plan and amendments
52 thereto; amending s. 333.07, F.S.; requiring a permit



53 | to construct, alter, or allow an airport obstruction
54 | in an airport hazard area under certain circumstances;
55 | providing conditions for issuance or denial of such
56 | permit; revising provisions to compel conformance;
57 | removing provisions for obtaining a variance to zoning
58 | regulations; removing reference to a board of
59 | adjustment; revising provisions directing a political
60 | subdivision to require an owner to install and
61 | maintain certain lighting or marking of obstructions;
62 | amending s. 333.09, F.S.; revising requirements for
63 | administration of airport protection zoning
64 | regulations; requiring the political subdivision to
65 | provide a process for permitting, notifications to the
66 | department, and enforcement; providing for appeal of
67 | decisions made by the political subdivision; amending
68 | s. 333.11, F.S.; revising provisions for judicial
69 | review of decisions by a political subdivision;
70 | revising jurisdiction of the court relating to
71 | decisions of the political subdivision; removing
72 | reference to a board of adjustment; requiring certain
73 | procedures before an appeal to a court; amending s.
74 | 333.12, F.S.; revising provisions for acquisition of
75 | property when a nonconforming obstruction is
76 | determined to be an airport hazard; amending s.
77 | 333.13, F.S.; revising penalty provisions; creating s.
78 | 333.135, F.S.; providing a timeframe for compliance by



79 political subdivisions; repealing ss. 333.065, 333.08,
80 333.10, and 333.14, F.S., relating to guidelines
81 regarding land use near airports, appeals, boards of
82 adjustment, and a short title; reenacting s.
83 350.81(6), F.S., relating to communications services
84 offered by governmental entities, to incorporate
85 changes made by the act in a reference thereto;
86 amending s. 337.18, F.S., relating to contracts for
87 construction or maintenance; revising conditions for
88 waiver of a required surety bond; amending 338.165,
89 F.S.; removing an option to issue certain bonds
90 secured by toll revenues collected on certain
91 facilities; authorizing the department to transfer the
92 Pinellas Bayway System to the Florida Turnpike;
93 providing applicability; repealing chapter 85-364,
94 Laws of Florida, as amended, relating to the Pinellas
95 Bayway; amending s. 338.231, F.S., relating to the
96 Florida Turnpike; removing a provision that authorizes
97 the department to use revenues from the turnpike
98 system for the payment of principal and interest of
99 certain bonds and the operation and maintenance
100 expenses of the Sawgrass Expressway; amending s.
101 339.175, F.S., relating to the Tampa Bay Area Regional
102 Transportation Authority; revising provisions for a
103 coordinating committee composed of metropolitan
104 planning organizations; designating the committee as



105 | the "TBARTA Metropolitan Planning Organizations Chairs
106 | Coordinating Committee"; revising membership of the
107 | committee; providing duties of the authority,
108 | M.P.O.'s, and the department; amending s. 339.2818,
109 | F.S., relating to the Small County Outreach Program;
110 | revising the definition of the term "small county";
111 | amending s. 339.55, F.S., relating to the State
112 | Infrastructure Bank; revising the types of projects
113 | eligible for consideration for state infrastructure
114 | loans; repealing s. 341.0532, F.S., relating to
115 | statewide transportation corridors; amending s.
116 | 341.301, F.S.; revising definitions relating to rail
117 | programs; amending s. 341.302, F.S., relating to the
118 | rail program; revising provisions for assumption of
119 | obligations and liability in conjunction with the
120 | acquisition, ownership, construction, operation,
121 | maintenance, and management of a rail corridor;
122 | amending s. 343.92, F.S.; revising membership of the
123 | governing board of the Tampa Bay Area Regional
124 | Transportation Authority; providing for the Secretary
125 | of Transportation to appoint two advisors to the
126 | board; amending s. 343.922, F.S., relating to powers
127 | and duties of such authority; revising the time period
128 | for updating the authority's master plan; directing
129 | the authority to provide administrative support and
130 | direction to the TBARTA Metropolitan Planning



131 Organizations Chairs Coordinating Committee; amending
132 s. 348.565, relating to the Tampa-Hillsborough County
133 Expressway Authority; revising provisions that
134 authorize certain projects to be financed by revenue
135 bonds; amending s. 348.753, F.S., relating to the
136 Central Florida Expressway Authority; revising
137 provisions for membership on the authority; removing a
138 provision for appointment of a secretary of the
139 authority; amending s. 565.02, F.S., authorizing the
140 Division of Alcoholic Beverages and Tobacco of the
141 Department of Business and Professional Regulation to
142 issue a license for the sale of beer and wine on
143 certain commercial megacycles; amending s. 810.09,
144 F.S.; providing enhanced criminal penalties for a
145 trespass upon the operational area of an airport with
146 specified intent if specified signage is posted;
147 providing a definition; directing the Office of
148 Economic and Demographic Research to determine the
149 economic benefits of the Department of
150 Transportation's adopted work program; directing the
151 department to provide access to necessary data;
152 requiring a report to the Legislature; directing the
153 department to study the operation of driver-assistive
154 truck platooning technology; authorizing the
155 department to conduct a pilot project to test such
156 operation; providing security requirements; requiring



157 a report to the Governor and Legislature; directing
158 the department to conduct a feasibility study of state
159 interchange improvements; requiring a report to the
160 Governor and Legislature; amending ss. 212.05,
161 316.1303, 316.545, 316.605, 316.6105, 316.613,
162 316.622, 316.650, 316.70, 320.01, 320.08, 320.0801,
163 320.38, 322.031, 450.181, 559.903, 655.960, 732.402,
164 and 860.065, F.S.; conforming cross-references;
165 providing an effective date.
166

167 Be It Enacted by the Legislature of the State of Florida:
168

169 Section 1. Subsections (5) and (6) are added to section
170 311.12, Florida Statutes, to read:

171 311.12 Seaport security.—

172 (5) ADVISORY COMMITTEE.—

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

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

177 1. Five or more port security directors appointed by the
178 council chair shall serve as voting members. The council chair
179 shall designate one member of the committee to serve as
180 committee chair.

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



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

185 4. Two representatives from local law enforcement agencies
186 providing security services at a Florida seaport shall serve ex
187 officio as nonvoting members.

188 (c) The committee shall meet at the call of the chair but
189 at least annually. A majority of the voting members constitutes
190 a quorum for the purpose of transacting business of the
191 committee, and a vote of the majority of the voting members
192 present is required for official action by the committee.

193 (d) The committee shall provide a forum for discussion of
194 seaport security issues, including, but not limited to, matters
195 such as national and state security strategy and policy, actions
196 required to meet current and future security threats, statewide
197 cooperation on security issues, and security concerns of the
198 state's maritime industry.

199 (e) The committee shall work closely with the United
200 States Coast Guard, United States Customs and Border Protection,
201 and the ports listed in s. 311.09(1) to advise, report to, and
202 make recommendations to the council on matters relating to
203 maritime security in the state.

204 (6) GRANT PROGRAM.—

205 (a) The Florida Seaport Transportation and Economic
206 Development Council shall establish a Seaport Security Grant
207 Program for the purpose of assisting in the implementation of
208 security plans and security measures at the seaports listed in



209 s. 311.09(1). Funds may be used for the purchase of equipment,
210 infrastructure needs, cybersecurity programs, and other security
211 measures identified in a seaport's approved federal security
212 plan. Such grants may not exceed 75 percent of the total cost of
213 the request and are subject to legislative appropriation.

214 (b) The Seaport Security Advisory Committee shall review
215 applications for the grant program and make recommendations to
216 the council for grant approvals. The council shall adopt by rule
217 criteria to implement this subsection.

218 Section 2. Section 316.003, Florida Statutes, is reordered
219 and amended to read:

220 316.003 Definitions.—The following words and phrases, when
221 used in this chapter, shall have the meanings respectively
222 ascribed to them in this section, except where the context
223 otherwise requires:

224 (1) AUTHORIZED EMERGENCY VEHICLES.—Vehicles of the fire
225 department (fire patrol), police vehicles, and such ambulances
226 and emergency vehicles of municipal departments, public service
227 corporations operated by private corporations, the Fish and
228 Wildlife Conservation Commission, the Department of
229 Environmental Protection, the Department of Health, the
230 Department of Transportation, and the Department of Corrections
231 as are designated or authorized by their respective department
232 or the chief of police of an incorporated city or any sheriff of
233 any of the various counties.

234 (2) AUTONOMOUS TECHNOLOGY.—Technology installed on a motor



235 vehicle that has the capability to drive the vehicle on which
236 the technology is installed without active control or monitoring
237 by a human operator.

238 (3) ~~(90)~~ AUTONOMOUS VEHICLE.—Any vehicle equipped with
239 autonomous technology. ~~The term "autonomous technology" means~~
240 ~~technology installed on a motor vehicle that has the capability~~
241 ~~to drive the vehicle on which the technology is installed~~
242 ~~without the active control or monitoring by a human operator.~~
243 The term does not include ~~excludes~~ a motor vehicle enabled with
244 active safety systems or driver assistance systems, including,
245 without limitation, a system to provide electronic blind spot
246 assistance, crash avoidance, emergency braking, parking
247 assistance, adaptive cruise control, lane keep assistance, lane
248 departure warning, or traffic jam and queuing assistant, unless
249 any such system alone or in combination with other systems has
250 the capability to drive the vehicle ~~enables the vehicle~~ on which
251 the technology is installed ~~to drive~~ without the active control
252 or monitoring by a human operator.

253 (4) ~~(2)~~ BICYCLE.—Every vehicle propelled solely by human
254 power, and every motorized bicycle propelled by a combination of
255 human power and an electric helper motor capable of propelling
256 the vehicle at a speed of not more than 20 miles per hour on
257 level ground upon which any person may ride, having two tandem
258 wheels, and including any device generally recognized as a
259 bicycle though equipped with two front or two rear wheels. The
260 term does not include such a vehicle with a seat height of no



261 more than 25 inches from the ground when the seat is adjusted to
 262 its highest position or a scooter or similar device. A ~~No~~ person
 263 under the age of 16 may not operate or ride upon a motorized
 264 bicycle.

265 (5) ~~(63)~~ BICYCLE PATH.—Any road, path, or way that is open
 266 to bicycle travel, which road, path, or way is physically
 267 separated from motorized vehicular traffic by an open space or
 268 by a barrier and is located either within the highway right-of-
 269 way or within an independent right-of-way.

270 (6) ~~(76)~~ BRAKE HORSEPOWER.—The actual unit of torque
 271 developed per unit of time at the output shaft of an engine, as
 272 measured by a dynamometer.

273 (7) ~~(3)~~ BUS.—Any motor vehicle designed for carrying more
 274 than 10 passengers and used for the transportation of persons
 275 and any motor vehicle, other than a taxicab, designed and used
 276 for the transportation of persons for compensation.

277 (8) ~~(4)~~ BUSINESS DISTRICT.—The territory contiguous to, and
 278 including, a highway when 50 percent or more of the frontage
 279 thereon, for a distance of 300 feet or more, is occupied by
 280 buildings in use for business.

281 (9) ~~(5)~~ CANCELLATION.—Declaration of Cancellation means
 282 ~~that~~ a license ~~which was~~ issued through error or fraud as is
 283 ~~declared~~ void and terminated. A new license may be obtained only
 284 as permitted in this chapter.

285 (10) ~~(64)~~ CHIEF ADMINISTRATIVE OFFICER.—The head, or his or
 286 her designee, of any law enforcement agency which is authorized



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287 to enforce traffic laws.

288 (11)~~(65)~~ CHILD.—A child as defined in s. 39.01, s. 984.03,
289 or s. 985.03.

290 (12) COMMERCIAL MEGACYCLE.—A vehicle that has fully
291 operational pedals for propulsion entirely by human power and
292 meets all of the following requirements:

293 (a) Has four wheels and is operated in a manner similar to
294 a bicycle.

295 (b) Has at least five but no more than 15 seats for
296 passengers.

297 (c) Is primarily powered by pedaling but may have an
298 auxiliary motor capable of propelling the vehicle at no more
299 than 15 miles per hour.

300 (d) Is used for commercial purposes.

301 (13)~~(66)~~ COMMERCIAL MOTOR VEHICLE.—Any self-propelled or
302 towed vehicle used on the public highways in commerce to
303 transport passengers or cargo, if such vehicle:

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

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

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

311

312 A vehicle that occasionally transports personal property to and



313 from a closed-course motorsport facility, as defined in s.
314 549.09(1)(a), is not a commercial motor vehicle if it is not
315 used for profit and corporate sponsorship is not involved. As
316 used in this subsection, the term "corporate sponsorship" means
317 a payment, donation, gratuity, in-kind service, or other benefit
318 provided to or derived by a person in relation to the underlying
319 activity, other than the display of product or corporate names,
320 logos, or other graphic information on the property being
321 transported.

322 (14)~~(67)~~ COURT.—The court having jurisdiction over traffic
323 offenses.

324 (15)~~(6)~~ CROSSWALK.—

325 (a) That part of a roadway at an intersection included
326 within the connections of the lateral lines of the sidewalks on
327 opposite sides of the highway, measured from the curbs or, in
328 the absence of curbs, from the edges of the traversable roadway.

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

332 (16)~~(7)~~ DAYTIME.—The period from a half hour before
333 sunrise to a half hour after sunset. The term "nighttime" means
334 at any other hour.

335 (17)~~(8)~~ DEPARTMENT.—The Department of Highway Safety and
336 Motor Vehicles as defined in s. 20.24. Any reference herein to
337 the Department of Transportation shall be construed as referring
338 to the Department of Transportation as~~7~~ defined in s. 20.23~~7~~ or



339 the appropriate division thereof.

340 (18)~~(9)~~ DIRECTOR.—The Director of the Division of the
341 Florida Highway Patrol of the Department of Highway Safety and
342 Motor Vehicles.

343 (19)~~(10)~~ DRIVER.—Any person who drives or is in actual
344 physical control of a vehicle on a highway or who is exercising
345 control of a vehicle or steering a vehicle being towed by a
346 motor vehicle.

347 (20) DRIVER-ASSISTIVE TRUCK PLATOONING TECHNOLOGY.—Vehicle
348 automation and safety technology that integrates sensor array,
349 wireless vehicle-to-vehicle communications, active safety
350 systems, and specialized software to link safety systems and
351 synchronize acceleration and braking between two vehicles while
352 leaving each vehicle's steering control and systems command in
353 the control of the vehicle's driver.

354 (21)~~(83)~~ ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.—Any
355 self-balancing, two-nontandem-wheeled device, designed to
356 transport only one person, with an electric propulsion system
357 with average power of 750 watts (1 horsepower), the maximum
358 speed of which, on a paved level surface when powered solely by
359 such a propulsion system while being ridden by an operator who
360 weighs 170 pounds, is less than 20 miles per hour. Electric
361 personal assistive mobility devices are not vehicles as defined
362 in this section.

363 (22)~~(11)~~ EXPLOSIVE.—Any chemical compound or mechanical
364 mixture that is commonly used or intended for the purpose of



365 producing an explosion and which contains any oxidizing and
366 combustive units or other ingredients in such proportions,
367 quantities, or packing that an ignition by fire, friction,
368 concussion, percussion, or detonator of any part of the compound
369 or mixture may cause such a sudden generation of highly heated
370 gases that the resultant gaseous pressures are capable of
371 producing destructive effect on contiguous objects or of
372 destroying life or limb.

373 (23)~~(62)~~ FARM LABOR VEHICLE.—Any vehicle equipped and used
374 for the transportation of nine or more migrant or seasonal farm
375 workers, in addition to the driver, to or from a place of
376 employment or employment-related activities. The term does not
377 include:

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

380 (b) Any vehicle being operated by a common carrier of
381 passengers.

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

383 (24)~~(12)~~ FARM TRACTOR.—Any motor vehicle designed and used
384 primarily as a farm implement for drawing plows, mowing
385 machines, and other implements of husbandry.

386 (25)~~(13)~~ FLAMMABLE LIQUID.—Any liquid which has a flash
387 point of 70 degrees Fahrenheit or less, as determined by a
388 Tagliabue or equivalent closed-cup test device.

389 (26)~~(68)~~ GOLF CART.—A motor vehicle designed and
390 manufactured for operation on a golf course for sporting or



391 recreational purposes.

392 (27)~~(14)~~ GROSS WEIGHT.—The weight of a vehicle without
393 load plus the weight of any load thereon.

394 (28)~~(69)~~ HAZARDOUS MATERIAL.—Any substance or material
395 which has been determined by the secretary of the United States
396 Department of Transportation to be capable of imposing an
397 unreasonable risk to health, safety, and property. This term
398 includes hazardous waste as defined in s. 403.703(13).

399 (29)~~(15)~~ HOUSE TRAILER.—

400 (a) A trailer or semitrailer which is designed,
401 constructed, and equipped as a dwelling place, living abode, or
402 sleeping place, and ~~(either permanently or temporarily,)~~ and is
403 equipped for use as a conveyance on streets and highways;7 or

404 (b) A trailer or a semitrailer the chassis and exterior
405 shell of which is designed and constructed for use as a house
406 trailer, as defined in paragraph (a), but which is used instead,
407 permanently or temporarily, for the advertising, sales, display,
408 or promotion of merchandise or services or for any other
409 commercial purpose except the transportation of property for
410 hire or the transportation of property for distribution by a
411 private carrier.

412 (30)~~(16)~~ IMPLEMENT OF HUSBANDRY.—Any vehicle designed and
413 adapted exclusively for agricultural, horticultural, or
414 livestock-raising operations or for lifting or carrying an
415 implement of husbandry and in either case not subject to
416 registration if used upon the highways.



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417 | (31)~~(17)~~ INTERSECTION.—

418 | (a) The area embraced within the prolongation or
419 | connection of the lateral curblines~~+~~ or, if none, then the
420 | lateral boundary lines of the roadways of two highways which
421 | join one another at, or approximately at, right angles; or the
422 | area within which vehicles traveling upon different highways
423 | joining at any other angle may come in conflict.

424 | (b) Where a highway includes two roadways 30 feet or more
425 | apart, ~~then~~ every crossing of each roadway of such divided
426 | highway by an intersecting highway shall be regarded as a
427 | separate intersection. If the ~~In the event such~~ intersecting
428 | highway also includes two roadways 30 feet or more apart, ~~then~~
429 | every crossing of two roadways of such highways shall be
430 | regarded as a separate intersection.

431 | (32)~~(18)~~ LANED HIGHWAY.—A highway the roadway of which is
432 | divided into two or more clearly marked lanes for vehicular
433 | traffic.

434 | (33)~~(19)~~ LIMITED ACCESS FACILITY.—A street or highway
435 | especially designed for through traffic and over, from, or to
436 | which owners or occupants of abutting land or other persons have
437 | no right or easement, or only a limited right or easement, of
438 | access, light, air, or view by reason of the fact that their
439 | property abuts upon such limited access facility or for any
440 | other reason. Such highways or streets may be parkways from
441 | which trucks, buses, and other commercial vehicles are excluded~~+~~
442 | or ~~they~~ may be freeways open to use by all customary forms of



443 street and highway traffic.

444 (34)~~(20)~~ LOCAL AUTHORITIES.—~~Includes~~ All officers and
445 public officials of the several counties and municipalities of
446 this state.

447 (35)~~(91)~~ LOCAL HEARING OFFICER.—The person, designated by
448 a department, county, or municipality that elects to authorize
449 traffic infraction enforcement officers to issue traffic
450 citations under s. 316.0083(1)(a), who is authorized to conduct
451 hearings related to a notice of violation issued pursuant to s.
452 316.0083. The charter county, noncharter county, or municipality
453 may use its currently appointed code enforcement board or
454 special magistrate to serve as the local hearing officer. The
455 department may enter into an interlocal agreement to use the
456 local hearing officer of a county or municipality.

457 (36)~~(80)~~ MAXI-CUBE VEHICLE.—A specialized combination
458 vehicle consisting of a truck carrying a separable cargo-
459 carrying unit combined with a semitrailer designed so that the
460 separable cargo-carrying unit is to be loaded and unloaded
461 through the semitrailer. The entire combination may not exceed
462 65 feet in length, and a single component of that combination
463 may not exceed 34 feet in length.

464 (37)~~(61)~~ MIGRANT OR SEASONAL FARM WORKER.—Any person
465 employed in hand labor operations in planting, cultivation, or
466 harvesting agricultural crops.

467 (38)~~(77)~~ MOPED.—Any vehicle with pedals to permit
468 propulsion by human power, having a seat or saddle for the use



469 of the rider and designed to travel on not more than three
 470 wheels,~~r~~ with a motor rated not in excess of 2 brake horsepower
 471 and not capable of propelling the vehicle at a speed greater
 472 than 30 miles per hour on level ground~~r~~ and with a power-drive
 473 system that functions directly or automatically without
 474 clutching or shifting gears by the operator after the drive
 475 system is engaged. If an internal combustion engine is used, the
 476 displacement may not exceed 50 cubic centimeters.

477 (39)~~(86)~~ MOTOR CARRIER TRANSPORTATION CONTRACT.—

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

479 1. The transportation of property for compensation or hire
 480 by the motor carrier;

481 2. Entrance on property by the motor carrier for the
 482 purpose of loading, unloading, or transporting property for
 483 compensation or hire; or

484 3. A service incidental to activity described in
 485 subparagraph 1. or subparagraph 2., including, but not limited
 486 to, storage of property.

487 (b) "Motor carrier transportation contract" does not
 488 include the Uniform Intermodal Interchange and Facilities Access
 489 Agreement administered by the Intermodal Association of North
 490 America or other agreements providing for the interchange, use,
 491 or possession of intermodal chassis, containers, or other
 492 intermodal equipment.

493 (40)~~(21)~~ MOTOR VEHICLE.—Except when used in s. 316.1001, a
 494 self-propelled vehicle not operated upon rails or guideway, but



495 not including any bicycle, motorized scooter, electric personal
496 assistive mobility device, swamp buggy, or moped. For purposes
497 of s. 316.1001, "motor vehicle" has the same meaning as provided
498 in s. 320.01(1)(a).

499 (41)~~(22)~~ MOTORCYCLE.—Any motor vehicle having a seat or
500 saddle for the use of the rider and designed to travel on not
501 more than three wheels in contact with the ground, but excluding
502 a tractor or a moped.

503 (42)~~(82)~~ MOTORIZED SCOOTER.—Any vehicle not having a seat
504 or saddle for the use of the rider, designed to travel on not
505 more than three wheels, and not capable of propelling the
506 vehicle at a speed greater than 30 miles per hour on level
507 ground.

508 (43)~~(78)~~ NONPUBLIC SECTOR BUS.—Any bus which is used for
509 the transportation of persons for compensation and which is not
510 owned, leased, operated, or controlled by a municipal, county,
511 or state government or a governmentally owned or managed
512 nonprofit corporation.

513 (44)~~(23)~~ OFFICIAL TRAFFIC CONTROL DEVICES.—All signs,
514 signals, markings, and devices, not inconsistent with this
515 chapter, placed or erected by authority of a public body or
516 official having jurisdiction for the purpose of regulating,
517 warning, or guiding traffic.

518 (45)~~(24)~~ OFFICIAL TRAFFIC CONTROL SIGNAL.—Any device,
519 whether manually, electrically, or mechanically operated, by
520 which traffic is alternately directed to stop and permitted to



521 proceed.

522 (46)~~(25)~~ OPERATOR.—Any person who is in actual physical
523 control of a motor vehicle upon the highway~~7~~ or who is
524 exercising control over or steering a vehicle being towed by a
525 motor vehicle.

526 (47)~~(26)~~ OWNER.—A person who holds the legal title of a
527 vehicle. If~~, or, in the event~~ a vehicle is the subject of an
528 agreement for the conditional sale or lease thereof with the
529 right of purchase upon performance of the conditions stated in
530 the agreement and with an immediate right of possession vested
531 in the conditional vendee or lessee, or if ~~in the event~~ a
532 mortgagor of a vehicle is entitled to possession, ~~then~~ such
533 conditional vendee~~7~~ or lessee~~7~~ or mortgagor shall be deemed the
534 owner~~7~~ for the purposes of this chapter.

535 (48)~~(27)~~ PARK OR PARKING.—The standing of a vehicle,
536 whether occupied or not occupied, otherwise than temporarily for
537 the purpose of and while actually engaged in loading or
538 unloading merchandise or passengers as may be permitted by law
539 under this chapter.

540 (49)~~(28)~~ PEDESTRIAN.—Any person afoot.

541 (50)~~(29)~~ PERSON.—Any natural person, firm, copartnership,
542 association, or corporation.

543 (51)~~(30)~~ PNEUMATIC TIRE.—Any tire in which compressed air
544 is designed to support the load.

545 (52)~~(31)~~ POLE TRAILER.—Any vehicle without motive power
546 designed to be drawn by another vehicle and attached to the



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547 towing vehicle by means of a reach or pole, or by being boomed
548 or otherwise secured to the towing vehicle, and ordinarily used
549 for transporting long or irregularly shaped loads such as poles,
550 pipes, or structural members capable, generally, of sustaining
551 themselves as beams between the supporting connections.

552 (53)~~(32)~~ POLICE OFFICER.—Any officer authorized to direct
553 or regulate traffic or to make arrests for violations of traffic
554 regulations, including Florida highway patrol officers,
555 sheriffs, deputy sheriffs, and municipal police officers.

556 (54)~~(33)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
557 provided in paragraph (76) (b) ~~(53) (b)~~, any privately owned way
558 or place used for vehicular travel by the owner and those having
559 express or implied permission from the owner, but not by other
560 persons.

561 (55)~~(34)~~ RADIOACTIVE MATERIALS.—Any materials or
562 combination of materials which emit ionizing radiation
563 spontaneously in which the radioactivity per gram of material,
564 in any form, is greater than 0.002 microcuries.

565 (56)~~(35)~~ RAILROAD.—A carrier of persons or property upon
566 cars operated upon stationary rails.

567 (57)~~(36)~~ RAILROAD SIGN OR SIGNAL.—Any sign, signal, or
568 device erected by authority of a public body or official, or by
569 a railroad, and intended to give notice of the presence of
570 railroad tracks or the approach of a railroad train.

571 (58)~~(37)~~ RAILROAD TRAIN.—A steam engine, electric or other
572 motor, with or without cars coupled thereto, operated upon



573 rails, except a streetcar.

574 (59)~~(38)~~ RESIDENCE DISTRICT.—The territory contiguous to,
575 and including, a highway, not comprising a business district,
576 when the property on such highway, for a distance of 300 feet or
577 more, is, in the main, improved with residences or residences
578 and buildings in use for business.

579 (60)~~(39)~~ REVOCATION.—Termination of ~~Revocation means that~~
580 a licensee's privilege to drive a motor vehicle ~~is terminated~~. A
581 new license may be obtained only as permitted by law.

582 (61)~~(40)~~ RIGHT-OF-WAY.—The right of one vehicle or
583 pedestrian to proceed in a lawful manner in preference to
584 another vehicle or pedestrian approaching under such
585 circumstances of direction, speed, and proximity as to give rise
586 to danger of collision unless one grants precedence to the
587 other.

588 (62)~~(41)~~ ROAD TRACTOR.—Any motor vehicle designed and used
589 for drawing other vehicles and not so constructed as to carry
590 any load thereon, either independently or as any part of the
591 weight of a vehicle or load so drawn.

592 (63)~~(42)~~ ROADWAY.—That portion of a highway improved,
593 designed, or ordinarily used for vehicular travel, exclusive of
594 the berm or shoulder. If ~~In the event~~ a highway includes two or
595 more separate roadways, the term "roadway" ~~as used herein~~ refers
596 to any such roadway separately, but not to all such roadways
597 collectively.

598 (64)~~(43)~~ SADDLE MOUNT; FULL MOUNT.—An arrangement whereby



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599 the front wheels of one vehicle rest in a secured position upon
600 another vehicle. All of the wheels of the towing vehicle are
601 upon the ground, and only the rear wheels of the towed vehicle
602 rest upon the ground. Such combinations may include one full
603 mount, whereby a smaller transport vehicle is placed completely
604 on the last towed vehicle.

605 (65)~~(44)~~ SAFETY ZONE.—The area or space officially set
606 apart within a roadway for the exclusive use of pedestrians and
607 protected or so marked by adequate signs or authorized pavement
608 markings as to be plainly visible at all times while set apart
609 as a safety zone.

610 (66)~~(92)~~ SANITATION VEHICLE.—A motor vehicle that bears an
611 emblem that is visible from the roadway and clearly identifies
612 that the vehicle belongs to or is under contract with a person,
613 entity, cooperative, board, commission, district, or unit of
614 local government that provides garbage, trash, refuse, or
615 recycling collection.

616 (67)~~(45)~~ SCHOOL BUS.—Any motor vehicle that complies with
617 the color and identification requirements of chapter 1006 and is
618 used to transport children to or from public or private school
619 or in connection with school activities, but not including buses
620 operated by common carriers in urban transportation of school
621 children. The term "school" includes all preelementary,
622 elementary, secondary, and postsecondary schools.

623 (68)~~(46)~~ SEMITRAILER.—Any vehicle with or without motive
624 power, other than a pole trailer, designed for carrying persons



625 or property and for being drawn by a motor vehicle and so
626 constructed that some part of its weight and that of its load
627 rests upon, or is carried by, another vehicle.

628 (69)~~(47)~~ SIDEWALK.—That portion of a street between the
629 curbline, or the lateral line, of a roadway and the adjacent
630 property lines, intended for use by pedestrians.

631 (70)~~(48)~~ SPECIAL MOBILE EQUIPMENT.—Any vehicle not
632 designed or used primarily for the transportation of persons or
633 property and only incidentally operated or moved over a highway,
634 including, but not limited to, ditchdigging apparatus, well-
635 boring apparatus, and road construction and maintenance
636 machinery, such as asphalt spreaders, bituminous mixers, bucket
637 loaders, tractors other than truck tractors, ditchers, leveling
638 graders, finishing machines, motor graders, road rollers,
639 scarifiers, earthmoving carryalls and scrapers, power shovels
640 and draglines, and self-propelled cranes and earthmoving
641 equipment. The term does not include house trailers, dump
642 trucks, truck-mounted transit mixers, cranes or shovels, or
643 other vehicles designed for the transportation of persons or
644 property to which machinery has been attached.

645 (71)~~(49)~~ STAND OR STANDING.—The halting of a vehicle,
646 whether occupied or not occupied, otherwise than temporarily,
647 for the purpose of, and while actually engaged in, receiving or
648 discharging passengers, as may be permitted by law under this
649 chapter.

650 (72)~~(50)~~ STATE ROAD.—Any highway designated as a state-



651 maintained road by the Department of Transportation.

652 ~~(73)(51)~~ STOP.—When required, complete cessation from
653 movement.

654 ~~(74)(52)~~ STOP OR STOPPING.—When prohibited, any halting,
655 even momentarily, of a vehicle, whether occupied or not
656 occupied, except when necessary to avoid conflict with other
657 traffic or to comply with the directions of a law enforcement
658 officer or traffic control sign or signal.

659 ~~(75)(70)~~ STRAIGHT TRUCK.—Any truck on which the cargo unit
660 and the motive power unit are located on the same frame so as to
661 form a single, rigid unit.

662 ~~(76)(53)~~ STREET OR HIGHWAY.—

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

666 (b) The entire width between the boundary lines of any
667 privately owned way or place used for vehicular travel by the
668 owner and those having express or implied permission from the
669 owner, but not by other persons, or any limited access road
670 owned or controlled by a special district, whenever, by written
671 agreement entered into under s. 316.006(2)(b) or (3)(b), a
672 county or municipality exercises traffic control jurisdiction
673 over said way or place;

674 (c) Any area, such as a runway, taxiway, ramp, clear zone,
675 or parking lot, within the boundary of any airport owned by the
676 state, a county, a municipality, or a political subdivision,



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677 | which area is used for vehicular traffic but which is not open
678 | for vehicular operation by the general public; or

679 | (d) Any way or place used for vehicular traffic on a
680 | controlled access basis within a mobile home park recreation
681 | district which has been created under s. 418.30 and the
682 | recreational facilities of which district are open to the
683 | general public.

684 | (77)~~(54)~~ SUSPENSION.—Temporary withdrawal of a licensee's
685 | privilege to drive a motor vehicle.

686 | (78)~~(89)~~ SWAMP BUGGY.—A motorized off-road vehicle that is
687 | designed or modified to travel over swampy or varied terrain and
688 | that may use large tires or tracks operated from an elevated
689 | platform. The term does not include any vehicle defined in
690 | chapter 261 or otherwise defined or classified in this chapter.

691 | (79)~~(81)~~ TANDEM AXLE.—Any two axles the ~~whose~~ centers of
692 | which are more than 40 inches but not more than 96 inches apart
693 | and are individually attached to or articulated from, or both, a
694 | common attachment to the vehicle, including a connecting
695 | mechanism designed to equalize the load between axles.

696 | (80)~~(71)~~ TANDEM TRAILER TRUCK.—Any combination of a truck
697 | tractor, semitrailer, and trailer coupled together so as to
698 | operate as a complete unit.

699 | (81)~~(72)~~ TANDEM TRAILER TRUCK HIGHWAY NETWORK.—A highway
700 | network consisting primarily of four or more lanes, including
701 | all interstate highways; highways designated by the United
702 | States Department of Transportation as elements of the National



703 Network; and any street or highway designated by the Florida
 704 Department of Transportation for use by tandem trailer trucks,
 705 in accordance with s. 316.515, except roads on which truck
 706 traffic was specifically prohibited on January 6, 1983.

707 (82)~~(73)~~ TERMINAL.—Any location where:

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

710 (b) Commercial motor carriers maintain operating
 711 facilities.

712 (83)~~(55)~~ THROUGH HIGHWAY.—Any highway or portion thereof
 713 on which vehicular traffic is given the right-of-way and at the
 714 entrances to which vehicular traffic from intersecting highways
 715 is required to yield right-of-way to vehicles on such through
 716 highway in obedience to ~~either~~ a stop sign or yield sign, or
 717 otherwise in obedience to law.

718 (84)~~(56)~~ TIRE WIDTH.—~~The Tire width is that~~ width stated
 719 on the surface of the tire by the manufacturer of the tire, if
 720 the width stated does not exceed 2 inches more than the width of
 721 the tire contacting the surface.

722 (85)~~(57)~~ TRAFFIC.—Pedestrians, ridden or herded animals,
 723 and vehicles, streetcars, and other conveyances ~~either~~ singly or
 724 together while using any street or highway for purposes of
 725 travel.

726 (86)~~(87)~~ TRAFFIC INFRACTION DETECTOR.—A vehicle sensor
 727 installed to work in conjunction with a traffic control signal
 728 and a camera or cameras synchronized to automatically record two



729 or more sequenced photographic or electronic images or streaming
 730 video of only the rear of a motor vehicle at the time the
 731 vehicle fails to stop behind the stop bar or clearly marked stop
 732 line when facing a traffic control signal steady red light. Any
 733 notification under s. 316.0083(1)(b) or traffic citation issued
 734 by the use of a traffic infraction detector must include a
 735 photograph or other recorded image showing both the license tag
 736 of the offending vehicle and the traffic control device being
 737 violated.

738 (87)~~(84)~~ TRAFFIC SIGNAL PREEMPTION SYSTEM.—Any system or
 739 device with the capability of activating a control mechanism
 740 mounted on or near traffic signals which alters a traffic
 741 signal's timing cycle.

742 (88)~~(58)~~ TRAILER.—Any vehicle with or without motive
 743 power, other than a pole trailer, designed for carrying persons
 744 or property and for being drawn by a motor vehicle.

745 (89)~~(74)~~ TRANSPORTATION.—The conveyance or movement of
 746 goods, materials, livestock, or persons from one location to
 747 another on any road, street, or highway open to travel by the
 748 public.

749 (90)~~(88)~~ TRI-VEHICLE.—An enclosed three-wheeled passenger
 750 vehicle that:

- 751 (a) Is designed to operate with three wheels in contact
- 752 with the ground;
- 753 (b) Has a minimum unladen weight of 900 pounds;
- 754 (c) Has a single, completely enclosed, occupant



755 compartment;

756 (d) Is produced in a minimum quantity of 300 in any
757 calendar year;

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

760 (f) Is equipped with:

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

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

765 3. A propulsion unit located forward or aft of the
766 enclosed occupant compartment;

767 4. A seat belt for each vehicle occupant certified to meet
768 the requirements of Federal Motor Vehicle Safety Standard No.
769 209, "Seat belt assemblies" (49 C.F.R. s. 571.209);

770 5. A windshield and an appropriate windshield wiper and
771 washer system that are certified by the vehicle manufacturer to
772 meet the requirements of Federal Motor Vehicle Safety Standard
773 No. 205, "Glazing materials" (49 C.F.R. s. 571.205) and Federal
774 Motor Vehicle Safety Standard No. 104, "Windshield wiping and
775 washing systems" (49 C.F.R. s. 571.104); and

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

780 (91)~~(59)~~ TRUCK.—Any motor vehicle designed, used, or



781 maintained primarily for the transportation of property.

782 (92)~~(60)~~ TRUCK TRACTOR.—Any motor vehicle designed and
 783 used primarily for drawing other vehicles and not so constructed
 784 as to carry a load other than a part of the weight of the
 785 vehicle and load so drawn.

786 (93)~~(93)~~ UTILITY SERVICE VEHICLE.—A motor vehicle that
 787 bears an emblem that is visible from the roadway and clearly
 788 identifies that the vehicle belongs to or is under contract with
 789 a person, entity, cooperative, board, commission, district, or
 790 unit of local government that provides electric, natural gas,
 791 water, wastewater, cable, telephone, or communications services.

792 (94)~~(75)~~ VEHICLE.—Every device~~r~~, in, upon, or by which any
 793 person or property is or may be transported or drawn upon a
 794 highway, except ~~excepting~~ devices used exclusively upon
 795 stationary rails or tracks.

796 (95)~~(85)~~ VICTIM SERVICES PROGRAMS.—Any community-based
 797 organization the ~~whose~~ primary purpose of which is to act as an
 798 advocate for the victims and survivors of traffic crashes and
 799 for their families. The victims services offered by these
 800 programs may include grief and crisis counseling, assistance
 801 with preparing victim compensation claims excluding third-party
 802 legal action, or connecting persons with other service
 803 providers, and providing emergency financial assistance.

804 (96)~~(79)~~ WORK ZONE AREA.—The area and its approaches on
 805 any state-maintained highway, county-maintained highway, or
 806 municipal street where construction, repair, maintenance, or



807 other street-related or highway-related work is being performed
808 or where one or more lanes are ~~is~~ closed to traffic.

809 Section 3. Section 316.2069, Florida Statutes, is created
810 to read:

811 316.2069 Commercial megacycles.-

812 (1) The governing body of a municipality, or the governing
813 board of a county with respect to an unincorporated portion of
814 the county, may permit the use of a commercial megacycle within
815 its jurisdiction pursuant to the following:

816 (a) The authorization by the governing body must clearly
817 limit the area of operation of commercial megacycles and their
818 hours of operation.

819 (b) During commercial operation, a commercial megacycle
820 must be:

821 1. Propelled solely by pedal power. Except under emergency
822 circumstances, an auxiliary motor may not be operating while a
823 passenger is in a commercial megacycle.

824 2. Operated at all times by its owner or lessee or an
825 employee of the owner or lessee.

826 3. Operated by a driver at least 21 years of age who
827 possesses a Class E driver license and must be occupied by a
828 safety monitor at least 21 years of age who shall supervise the
829 passengers while the commercial megacycle is in motion.

830 (2) The governing body of a municipality, or the governing
831 board of a county with respect to an unincorporated portion of
832 the county, may permit the use of a commercial megacycle within



833 its jurisdiction for the sale of beer or wine pursuant to the
834 requirements of subsection (1) and the following:

835 (a) The owner or lessee of the commercial megacycle must
836 be authorized to sell beer and wine under the Beverage Law.

837 (b) A commercial megacycle may not operate within 100 feet
838 of a licensed vendor of beer or spirituous beverages unless the
839 commercial megacycle is owned or operated by such vendor.

840 (3) Section 316.1936 does not apply to a commercial
841 megacycle while operating under subsections (1) and (2).

842 Section 4. Subsection (5) of section 316.235, Florida
843 Statutes, is amended to read:

844 316.235 Additional lighting equipment.—

845 (5) A bus, ~~as defined in s. 316.003(3),~~ may be equipped
846 with a deceleration lighting system which cautions following
847 vehicles that the bus is slowing, is preparing to stop, or is
848 stopped. Such lighting system shall consist of two red or amber
849 lights mounted in horizontal alignment on the rear of the
850 vehicle at ~~or near~~ the vertical centerline of the vehicle, no
851 greater than 12 inches apart, and not higher than the lower edge
852 of the rear window or, if the vehicle has no rear window, not
853 higher than 72 inches from the ground. Such lights shall be
854 visible from a distance of not less than 300 feet to the rear in
855 normal sunlight. Lights are permitted to light and flash during
856 deceleration, braking, or standing and idling of the bus.
857 Vehicular hazard warning flashers may be used in conjunction
858 with or in lieu of a rear-mounted deceleration lighting system.



859 Section 5. Subsections (1) and (3) of section 316.303,
860 Florida Statutes, are amended to read:

861 316.303 Television receivers.—

862 (1) A ~~No~~ motor vehicle operated on the highways of this
863 state may not shall be equipped with television-type receiving
864 equipment so located that the viewer or screen is visible from
865 the driver's seat unless the vehicle is operating in autonomous
866 mode as provided in s. 316.85(2) or operating with driver-
867 assistive truck platooning technology.

868 (3) This section does not prohibit the use of an
869 electronic display used in conjunction with a vehicle navigation
870 system, used by the operator of a vehicle operating in
871 autonomous mode as provided in s. 316.85(2), or used by the
872 operator of a vehicle operating with driver-assistive truck
873 platooning technology.

874 Section 6. Subsection (1) of section 320.525, Florida
875 Statutes, is amended to read:

876 320.525 Port vehicles and equipment; definition;
877 exemption.—

878 (1) As used in this section, the term "port vehicles and
879 equipment" means trucks, tractors, trailers, truck cranes, top
880 loaders, fork lifts, hostling tractors, chassis, or other
881 vehicles or equipment used for transporting cargo, containers,
882 or other equipment. The term includes motor vehicles being
883 relocated within a port facility or via designated port district
884 roads.



885 Section 7. Paragraph (c) of subsection (1) of section
886 332.08, Florida Statutes, is amended to read:

887 332.08 Additional powers.—

888 (1) In addition to the general powers in ss. 332.01-332.12
889 conferred and without limitation thereof, a municipality that
890 has established or may hereafter establish airports, restricted
891 landing areas, or other air navigation facilities, or that has
892 acquired or set apart or may hereafter acquire or set apart real
893 property for such purposes, is authorized:

894 (c) To lease for a term not exceeding 50 ~~30~~ years such
895 airports or other air navigation facilities, or real property
896 acquired or set apart for airport purposes, to private parties,
897 any municipal or state government or the national government, or
898 any department of either thereof, for operation; to lease or
899 assign for a term not exceeding 50 ~~30~~ years to private parties,
900 any municipal or state government or the national government, or
901 any department of either thereof, for operation or use
902 consistent with the purposes of ss. 332.01-332.12, space, area,
903 improvements, or equipment on such airports; to sell any part of
904 such airports, other air navigation facilities, or real property
905 to any municipal or state government, or the United States or
906 any department or instrumentality thereof, for aeronautical
907 purposes or purposes incidental thereto, and to confer the
908 privileges of concessions of supplying upon its airports goods,
909 commodities, things, services, and facilities; provided, that in
910 each case in so doing the public is not deprived of its rightful



911 equal and uniform use thereof.

912 Section 8. Section 333.01, Florida Statutes, is amended to
913 read:

914 333.01 Definitions.—As used in ~~For the purpose of this~~
915 ~~chapter, the term following words, terms, and phrases shall have~~
916 ~~the meanings herein given, unless otherwise specifically~~
917 ~~defined, or unless another intention clearly appears, or the~~
918 ~~context otherwise requires:~~

919 (1) "Aeronautical study" means a Federal Aviation
920 Administration study, conducted in accordance with the standards
921 of 14 C.F.R. part 77, subpart C, and Federal Aviation
922 Administration policy and guidance, on the effect of proposed
923 construction or alteration on the operation of air navigation
924 facilities and the safe and efficient use of navigable airspace.

925 ~~(1) "Aeronautics" means transportation by aircraft; the~~
926 ~~operation, construction, repair, or maintenance of aircraft,~~
927 ~~aircraft power plants and accessories, including the repair,~~
928 ~~packing, and maintenance of parachutes; the design,~~
929 ~~establishment, construction, extension, operation, improvement,~~
930 ~~repair, or maintenance of airports, restricted landing areas, or~~
931 ~~other air navigation facilities, and air instruction.~~

932 (2) "Airport" means any area of land or water designed and
933 set aside for the landing and taking off of aircraft and used
934 ~~utilized~~ or to be used ~~utilized~~ in the interest of the public
935 for such purpose.

936 (3) "Airport hazard" means an obstruction to air



937 navigation that affects the safe and efficient use of navigable
938 airspace or the operation of planned or existing air navigation
939 and communication facilities ~~any structure or tree or use of~~
940 ~~land which would exceed the federal obstruction standards as~~
941 ~~contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29~~
942 ~~and which obstructs the airspace required for the flight of~~
943 ~~aircraft in taking off, maneuvering, or landing or is otherwise~~
944 ~~hazardous to such taking off, maneuvering, or landing of~~
945 ~~aircraft and for which no person has previously obtained a~~
946 ~~permit or variance pursuant to s. 333.025 or s. 333.07.~~

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

950 (5) "Airport land use compatibility zoning" means airport
951 zoning regulations governing ~~restricting~~ the use of land on,
952 adjacent to, or in the immediate vicinity of airports ~~in the~~
953 ~~manner enumerated in s. 333.03(2) to activities and purposes~~
954 ~~compatible with the continuation of normal airport operations~~
955 ~~including landing and takeoff of aircraft in order to promote~~
956 ~~public health, safety, and general welfare.~~

957 (6) "Airport layout plan" means a set of scaled drawings
958 that provides a graphic representation of the existing and
959 future development plan for the airport and demonstrates the
960 preservation and continuity of safety, utility, and efficiency
961 of the airport detailed, scale engineering drawing, including
962 ~~pertinent dimensions, of an airport's current and planned~~



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

964 (7) "Airport master plan" means a comprehensive plan of an
965 airport which typically describes current and future plans for
966 airport development designed to support existing and future
967 aviation demand.

968 (8) "Airport protection zoning" means airport zoning
969 regulations governing airport hazards.

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

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

976 (11) "Landfill" has the same meaning as provided in s.
977 403.703.

978 (12) ~~(7)~~ "Obstruction" means any object of natural growth
979 or terrain, or permanent or temporary construction or
980 alteration, including equipment or materials used and any
981 permanent or temporary apparatus, or alteration of any permanent
982 or temporary existing structure by a change in its height,
983 including appurtenances, or lateral dimensions, including
984 equipment or material used therein, existing or proposed, which
985 exceeds ~~manmade object or object of natural growth or terrain~~
986 that violates the federal obstruction standards contained in 14
987 C.F.R. part 77, subpart C ss. ~~77.21, 77.23, 77.25, 77.28, and~~
988 77.29.



989 ~~(13)-(8)~~ "Person" means any individual, firm,
990 copartnership, corporation, company, association, joint-stock
991 association, or body politic, and includes any trustee,
992 receiver, assignee, or other similar representative thereof.

993 ~~(14)-(9)~~ "Political subdivision" means the local government
994 of any county, city, town, village, or other subdivision or
995 agency thereof, or any district or special district, port
996 commission, port authority, or other such agency authorized to
997 establish or operate airports in the state.

998 (15) "Public-use airport" means an airport, publicly or
999 privately owned, licensed by the state, which is open for use by
1000 the public.

1001 ~~(16)-(10)~~ "Runway protection clear zone" means an area at
1002 ground level beyond the runway end to enhance the safety and
1003 protection of people and property on the ground ~~a runway clear~~
1004 ~~zone as defined in 14 C.F.R. s. 151.9(b).~~

1005 ~~(17)-(11)~~ "Structure" means any object, constructed,
1006 erected, altered, or installed by humans, including, but not
1007 limited to ~~without limitation thereof~~, buildings, towers,
1008 smokestacks, utility poles, power generation equipment, and
1009 overhead transmission lines.

1010 (18) "Substantial modification" means any repair,
1011 reconstruction, rehabilitation, or improvement of a structure
1012 the actual cost of which equals or exceeds 50 percent of the
1013 market value of the structure.

1014 ~~(12) "Tree" includes any plant of the vegetable kingdom.~~



1015 Section 9. Section 333.025, Florida Statutes, is amended
 1016 to read:

1017 333.025 Permit required for obstructions ~~structures~~
 1018 ~~exceeding federal obstruction standards.~~

1019 (1) A person proposing the construction or alteration of
 1020 an obstruction shall obtain a permit from the department ~~In~~
 1021 ~~order to prevent the erection of structures dangerous to air~~
 1022 ~~navigation, subject to the provisions of subsections (2), (3),~~
 1023 ~~and (4), each person shall secure from the Department of~~
 1024 ~~Transportation a permit for the erection, alteration, or~~
 1025 ~~modification of any structure the result of which would exceed~~
 1026 ~~the federal obstruction standards as contained in 14 C.F.R. ss.~~
 1027 ~~77.21, 77.23, 77.25, 77.28, and 77.29. However, permits from the~~
 1028 ~~department~~ are ~~of Transportation will be required only within an~~
 1029 ~~airport hazard area where federal~~ obstruction ~~standards are~~
 1030 ~~exceeded and if the proposed construction~~ or alteration ~~is~~
 1031 ~~within a 10-nautical-mile radius of the~~ airport reference point,
 1032 located at the approximate geometric ~~geographical~~ center of all
 1033 usable runways of a public-use airport or a publicly owned or
 1034 ~~operated airport, a military airport, or an airport licensed by~~
 1035 ~~the state for public use.~~

1036 (2) Existing, planned, and proposed ~~Affected airports will~~
 1037 ~~be considered as having these facilities~~ on public-use airports
 1038 contained in an ~~which are shown on the airport master plan, on~~
 1039 ~~or~~ an airport layout plan submitted to the Federal Aviation
 1040 Administration, ~~Airport District Office or in~~ comparable



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1041 military documents shall, ~~and will~~ be ~~so~~ protected from airport
1042 hazards. ~~Planned or proposed public-use airports which are the~~
1043 ~~subject of a notice or proposal submitted to the Federal~~
1044 ~~Aviation Administration or to the Department of Transportation~~
1045 ~~shall also be protected.~~

1046 (3) A permit is not required for existing structures that
1047 ~~requirements of subsection (1) shall not apply to projects which~~
1048 received construction permits from the Federal Communications
1049 Commission for structures exceeding federal obstruction
1050 standards before ~~prior to~~ May 20, 1975, and a permit is not
1051 required for ~~provided such structures now exist; nor shall it~~
1052 ~~apply to previously approved structures now existing, or any~~
1053 necessary replacement or repairs to such existing structures
1054 provided, so long as the height and location are ~~is~~ unchanged.

1055 (4) When political subdivisions have, in compliance with
1056 this chapter, adopted adequate airport airspace protection
1057 zoning regulations, placed in compliance with s. 333.03, and
1058 such regulations ~~are~~ on file with the department's Aviation and
1059 Spaceports Office Department of Transportation, and established
1060 a permitting process, a permit for such structure ~~is shall~~ not
1061 ~~be~~ required from the department ~~of Transportation~~. Upon receipt
1062 of a complete permit application, the local government shall
1063 provide a copy of the application to the department's Aviation
1064 and Spaceports Office by certified mail, return receipt
1065 requested, or by delivery service that provides a receipt
1066 evidencing delivery. To evaluate technical consistency with this



1067 subsection, the department has a 15-day review period following
 1068 receipt of the application, which runs concurrently with the
 1069 local government permitting process. Cranes, construction
 1070 equipment, and other temporary structures in use or in place for
 1071 a period not to exceed 18 consecutive months are exempt from
 1072 department review unless such review is requested by the
 1073 department.

1074 (5) The department ~~of Transportation~~ shall, within 30 days
 1075 after ~~of the~~ receipt of an application for a permit, issue or
 1076 deny a permit for the construction or erection, alteration, ~~or~~
 1077 ~~modification~~ of an obstruction. The department shall review
 1078 permit applications in accordance with s. 120.60 any structure
 1079 ~~the result of which would exceed federal obstruction standards~~
 1080 ~~as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and~~
 1081 ~~77.29.~~

1082 (6) In determining whether to issue or deny a permit, the
 1083 department shall consider:

1084 (a) The safety of persons on the ground and in the air.

1085 (b) The safe and efficient use of navigable airspace.

1086 (c) ~~(a)~~ The nature of the terrain and height of existing
 1087 structures.

1088 (d) The effect of the construction or alteration of an
 1089 obstruction on the state licensing standards for a public-use
 1090 airport contained in chapter 330 and rules adopted thereunder.

1091 ~~(b) Public and private interests and investments.~~

1092 (e) ~~(e)~~ The character of existing and planned flight flying



1093 operations and ~~planned~~ developments at public-use ~~of~~ airports.
 1094 (f)(d) Federal airways, visual flight rules, flyways and
 1095 corridors, and instrument approaches as designated by the Federal
 1096 Aviation Administration.

1097 (g)(e) The effect of ~~Whether~~ the construction or
 1098 alteration of an obstruction on ~~of the proposed structure would~~
 1099 ~~cause an increase in~~ the minimum descent altitude or the
 1100 decision height at the affected airport.

1101 ~~(f) Technological advances.~~

1102 ~~(g) The safety of persons on the ground and in the air.~~

1103 ~~(h) Land use density.~~

1104 ~~(i) The safe and efficient use of navigable airspace.~~

1105 (h)(j) The cumulative effects on navigable airspace of all
 1106 existing obstructions ~~structures, proposed structures identified~~
 1107 ~~in the applicable jurisdictions' comprehensive plans,~~ and all
 1108 other known proposed obstructions ~~structures~~ in the area.

1109 (7) When issuing a permit under this section, the
 1110 department ~~of Transportation~~ shall, ~~as a specific condition of~~
 1111 ~~such permit,~~ require the owner of the obstruction to install,
 1112 operate, and maintain thereon, at the owner's expense, marking
 1113 and lighting in conformance with the specific standards
 1114 established by the Federal Aviation Administration ~~of the~~
 1115 ~~permitted structure as provided in s. 333.07(3)(b).~~

1116 (8) The department may ~~of Transportation~~ shall not approve
 1117 a permit for the construction or alteration of an obstruction
 1118 ~~erection of a structure~~ unless the applicant submits ~~both~~



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1119 | documentation showing compliance with the federal requirement
1120 | for notification of proposed construction or alteration and a
1121 | valid aeronautical study. ~~A evaluation, and no permit may not~~
1122 | ~~shall~~ be approved solely because the Federal Aviation
1123 | Administration determines that the proposed obstruction is not
1124 | an airport hazard ~~on the basis that such proposed structure will~~
1125 | ~~not exceed federal obstruction standards as contained in 14~~
1126 | ~~C.F.R. ss. 77.21, 77.23, 77.25, 77.28, or 77.29, or any other~~
1127 | ~~federal aviation regulation.~~

1128 | (9) The denial of a permit under this section is subject
1129 | to administrative review under chapter 120.

1130 | Section 10. Section 333.03, Florida Statutes, is amended
1131 | to read:

1132 | 333.03 ~~Power to adopt~~ Airport protection zoning
1133 | regulations.-

1134 | (1) (a) ~~In order to prevent the creation or establishment~~
1135 | ~~of airport hazards,~~ Every political subdivision having an
1136 | airport hazard area within its territorial limits shall, ~~by~~
1137 | ~~October 1, 1977,~~ adopt, administer, and enforce, under the
1138 | police power and in the manner and upon the conditions
1139 | ~~hereinafter~~ prescribed in this section, airport protection
1140 | zoning regulations for such airport hazard area.

1141 | (b) When ~~Where~~ an airport is owned or controlled by a
1142 | political subdivision and any other political subdivision has
1143 | land upon which an obstruction may be constructed or altered,
1144 | which land underlies any of the surfaces of the airport



1145 described in 14 C.F.R. part 77, subpart C, the political
 1146 subdivisions ~~airport hazard area appertaining to such airport is~~
 1147 ~~located wholly or partly outside the territorial limits of said~~
 1148 ~~political subdivision, the political subdivision owning or~~
 1149 ~~controlling the airport and the political subdivision within~~
 1150 ~~which the airport hazard area is located,~~ shall either:

1151 1. By interlocal agreement, ~~in accordance with the~~
 1152 ~~provisions of chapter 163,~~ adopt, administer, and enforce a set
 1153 of airport protection zoning regulations ~~applicable to the~~
 1154 ~~airport hazard area in question;~~ or

1155 2. By ordinance, regulation, or resolution ~~duly adopted,~~
 1156 create a joint airport protection zoning board ~~that,~~ which board
 1157 shall ~~have the same power to~~ adopt, administer, and enforce a
 1158 set of airport protection zoning regulations ~~applicable to the~~
 1159 ~~airport hazard area in question as that vested in paragraph (a)~~
 1160 ~~in the political subdivision within which such area is located.~~
 1161 The ~~Each such~~ joint airport protection zoning board shall have
 1162 as voting members two representatives appointed by each
 1163 participating political subdivision ~~participating in its~~
 1164 ~~creation and in addition~~ a chair elected by a majority of the
 1165 members ~~so~~ appointed. ~~However,~~ The airport manager or a
 1166 representative of each airport in ~~managers of the~~ participating
 1167 ~~affected~~ political subdivisions shall serve on the board in a
 1168 nonvoting capacity.

1169 (c) Airport protection zoning regulations adopted under
 1170 paragraph (a) shall, at ~~as~~ a minimum, require:



1171 1. A permit variance for the construction or erection,
1172 alteration, or modification of any obstruction structure which
1173 would cause the structure to exceed the federal obstruction
1174 standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25,
1175 77.28, and 77.29;

1176 2. ~~Obstruction~~ Marking and lighting for obstructions
1177 structures as specified in s. 333.07(3);

1178 3. Documentation showing compliance with the federal
1179 requirement for notification of proposed construction or
1180 alteration of structures and a valid aeronautical study
1181 evaluation submitted by each person applying for a permit
1182 variance;

1183 4. Consideration of the criteria in s. 333.025(6) ~~7~~ when
1184 determining whether to issue or deny a permit variance; and

1185 5. That a permit may not ~~no variance shall~~ be approved
1186 solely because the Federal Aviation Administration determines
1187 that the proposed obstruction is not an airport hazard ~~on the~~
1188 ~~basis that such proposed structure will not exceed federal~~
1189 ~~obstruction standards as contained in 14 C.F.R. ss. 77.21,~~
1190 ~~77.23, 77.25, 77.28, or 77.29, or any other federal aviation~~
1191 ~~regulation.~~

1192 (d) The department shall be available to provide
1193 assistance to political subdivisions with regard to ~~issue copies~~
1194 ~~of the federal obstruction standards as contained in 14 C.F.R.~~
1195 ~~ss. 77.21, 77.23, 77.25, 77.28, and 77.29 to each political~~
1196 ~~subdivision having airport hazard areas and, in cooperation with~~



1197 ~~political subdivisions, shall issue appropriate airport zoning~~
 1198 ~~maps depicting within each county the maximum allowable height~~
 1199 ~~of any structure or tree. Material distributed pursuant to this~~
 1200 ~~subsection shall be at no cost to authorized recipients.~~

1201 (2) In the manner provided in subsection (1), political
 1202 subdivisions shall adopt, administer, and enforce interim
 1203 airport land use compatibility zoning regulations shall be
 1204 adopted. Airport land use compatibility zoning regulations
 1205 shall, at a minimum, address ~~When political subdivisions have~~
 1206 ~~adopted land development regulations in accordance with the~~
 1207 ~~provisions of chapter 163 which address the use of land in the~~
 1208 ~~manner consistent with the provisions herein, adoption of~~
 1209 ~~airport land use compatibility regulations pursuant to this~~
 1210 ~~subsection shall not be required. Interim airport land use~~
 1211 ~~compatibility zoning regulations shall consider the following:~~

1212 (a) Prohibiting any new landfills and restricting any
 1213 existing ~~Whether sanitary landfills are located within the~~
 1214 following areas:

1215 1. Within 10,000 feet from the nearest point of any runway
 1216 used or planned to be used by turbine ~~turbojet or turboprop~~
 1217 aircraft.

1218 2. Within 5,000 feet from the nearest point of any runway
 1219 used only by nonturbine ~~piston-type~~ aircraft.

1220 3. Outside the perimeters defined in subparagraphs 1. and
 1221 2., but still within the lateral limits of the civil airport
 1222 imaginary surfaces defined in 14 C.F.R. s. 77.19 ~~part 77.25.~~



1223 Case-by-case review of such landfills is advised.

1224 (b) Where ~~Whether~~ any landfill is located and constructed
1225 so that it attracts or sustains hazardous bird movements from
1226 feeding, water, or roosting areas into, or across, the runways
1227 or approach and departure patterns of aircraft. The operator of
1228 such a landfill must be required to ~~political subdivision shall~~
1229 ~~request from the airport authority or other governing body~~
1230 ~~operating the airport a report on such bird feeding or roosting~~
1231 ~~areas that at the time of the request are known to the airport.~~
1232 ~~In preparing its report, the authority, or other governing body,~~
1233 ~~shall consider whether the landfill will~~ incorporate bird
1234 management techniques or other practices to minimize bird
1235 hazards to airborne aircraft. ~~The airport authority or other~~
1236 ~~governing body shall respond to the political subdivision no~~
1237 ~~later than 30 days after receipt of such request.~~

1238 (c) Where an airport authority or other governing body
1239 operating a ~~publicly owned,~~ public-use airport has conducted a
1240 noise study in accordance with ~~the provisions of~~ 14 C.F.R. part
1241 150 or where a public-use airport owner has established noise
1242 contours pursuant to another public study approved by the Federal
1243 Aviation Administration. Noncompatible land uses, as established
1244 in the noise study under Appendix A to 14 C.F.R. part 150 or as a
1245 part of an alternative public study approved by the Federal
1246 Aviation Administration, are not permitted within the noise
1247 contours established by such study, except where such land use is
1248 specifically contemplated by such study with appropriate



1249 ~~mitigation or similar techniques described in the study, neither~~
1250 ~~residential construction nor any educational facility as defined~~
1251 ~~in chapter 1013, with the exception of aviation school~~
1252 ~~facilities, shall be permitted within the area contiguous to the~~
1253 ~~airport defined by an outer noise contour that is considered~~
1254 ~~incompatible with that type of construction by 14 C.F.R. part~~
1255 ~~150, Appendix A or an equivalent noise level as established by~~
1256 ~~other types of noise studies.~~

1257 (d) Where an airport authority or other governing body
1258 operating a ~~publicly owned,~~ public-use airport has not conducted
1259 a noise study, ~~neither~~ Residential construction and ~~nor~~ any
1260 educational facility as defined in chapter 1013, with the
1261 exception of an aviation school facility ~~facilities,~~ are not
1262 ~~shall be~~ permitted within an area contiguous to the airport
1263 measuring one-half the length of the longest runway on either
1264 side of and at the end of each runway centerline.

1265 (e)(3) Restricting ~~In the manner provided in subsection~~
1266 ~~(1), airport zoning regulations shall be adopted which restrict~~
1267 ~~new incompatible uses, activities, or~~ substantial modifications
1268 to existing incompatible uses ~~construction~~ within runway
1269 protection ~~clear zones, including uses, activities, or~~
1270 ~~construction in runway clear zones which are incompatible with~~
1271 ~~normal airport operations or endanger public health, safety, and~~
1272 ~~welfare by resulting in congregations of people, emissions of~~
1273 ~~light or smoke, or attraction of birds. Such regulations shall~~
1274 ~~prohibit the construction of an educational facility of a public~~



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1275 ~~or private school at either end of a runway of a publicly owned,~~
1276 ~~public-use airport within an area which extends 5 miles in a~~
1277 ~~direct line along the centerline of the runway, and which has a~~
1278 ~~width measuring one-half the length of the runway. Exceptions~~
1279 ~~approving construction of an educational facility within the~~
1280 ~~delineated area shall only be granted when the political~~
1281 ~~subdivision administering the zoning regulations makes specific~~
1282 ~~findings detailing how the public policy reasons for allowing~~
1283 ~~the construction outweigh health and safety concerns prohibiting~~
1284 ~~such a location.~~

1285 ~~(4) The procedures outlined in subsections (1), (2), and~~
1286 ~~(3) for the adoption of such regulations are supplemental to any~~
1287 ~~existing procedures utilized by political subdivisions in the~~
1288 ~~adoption of such regulations.~~

1289 ~~(3)-(5) Political subdivisions The Department of~~
1290 ~~Transportation shall provide technical assistance to any~~
1291 ~~political subdivision requesting assistance in the preparation~~
1292 ~~of an airport zoning code. a copy of all local airport~~
1293 ~~protection zoning codes, rules, and regulations and airport land~~
1294 ~~use compatibility zoning regulations, together with any related~~
1295 ~~amendments, to the department's Aviation and Spaceports Office~~
1296 ~~within 30 days after adoption, and amendments and proposed and~~
1297 ~~granted variances thereto, shall be filed with the department.~~

1298 ~~(4)-(6) Nothing in Subsection (2) does not or subsection~~
1299 ~~(3) shall be construed to require the removal, alteration, sound~~
1300 ~~conditioning, or other change to, or ~~to~~ interfere with the~~



1301 continued use or adjacent expansion of, any educational facility
 1302 structure or site in existence on July 1, 1993, ~~or be construed~~
 1303 ~~to prohibit the construction of any new structure for which a~~
 1304 ~~site has been determined as provided in former s. 235.19, as of~~
 1305 ~~July 1, 1993.~~

1306 (5) This section does not preclude an airport authority, a
 1307 political subdivision or its administrative agency, or other
 1308 governing body operating a public-use airport from establishing
 1309 airport zoning regulations more restrictive than prescribed in
 1310 this section in order to protect the health, safety, and welfare
 1311 of the public in the air and on the ground.

1312 Section 11. Section 333.04, Florida Statutes, is amended
 1313 to read:

1314 333.04 Comprehensive plans or policies ~~zoning regulations;~~
 1315 most stringent zoning regulations to prevail where conflicts
 1316 occur.—

1317 (1) INCORPORATION.—~~If In the event that~~ a political
 1318 subdivision ~~has adopted, or hereafter adopts,~~ a comprehensive
 1319 plan or policy that regulates ~~zoning ordinance regulating, among~~
 1320 ~~other things,~~ the height of buildings, structures, and natural
 1321 objects, ~~and uses of property,~~ any airport zoning regulations
 1322 applicable to the same area or portion thereof may be
 1323 incorporated in and made a part of such comprehensive plan or
 1324 policy ~~zoning regulations,~~ and ~~be~~ administered and enforced in
 1325 connection therewith.

1326 (2) CONFLICT.—If there is a ~~In the event of~~ conflict



1327 between any airport zoning regulations adopted under this
 1328 chapter and any other regulations applicable to the same area,
 1329 whether the conflict be with respect to the height of structures
 1330 or vegetation ~~trees~~, the use of land, or any other matter, and
 1331 whether such regulations were adopted by the political
 1332 subdivision that ~~which~~ adopted the airport zoning regulations or
 1333 by some other political subdivision, the more stringent
 1334 limitation or requirement shall govern and prevail.

1335 Section 12. Section 333.05, Florida Statutes, is amended
 1336 to read:

1337 333.05 Procedure for adoption of zoning regulations.—

1338 (1) NOTICE AND HEARING.—~~No~~ Airport zoning regulations may
 1339 not shall be adopted, amended, or repealed ~~changed~~ under this
 1340 chapter except by action of the legislative body of the
 1341 political subdivision or affected subdivisions ~~in question~~, or
 1342 the joint board provided for in s. 333.03(1)(b)2. ~~333.03(1)(b)~~
 1343 ~~by the bodies therein provided and set forth~~, after a public
 1344 hearing on the adoption, amendment, or repeal ~~in relation~~
 1345 ~~thereto~~, at which parties in interest and citizens shall have an
 1346 opportunity to be heard. Notice of the hearing shall be
 1347 published at least once a week for 2 consecutive weeks in a
 1348 newspaper ~~an official paper, or a paper~~ of general circulation,
 1349 in the political subdivision or subdivisions where ~~in which are~~
 1350 ~~located~~ the airport zoning regulations are ~~areas~~ to be adopted,
 1351 amended, or deleted ~~zoned~~.

1352 (2) AIRPORT ZONING COMMISSION.—Before ~~Prior to~~ the initial



1353 zoning of any airport area under this chapter, the political
 1354 subdivision or joint airport zoning board that ~~which~~ is to
 1355 adopt, administer, and enforce the regulations shall appoint a
 1356 commission, to be known as the airport zoning commission, to
 1357 recommend the boundaries of the various zones to be established
 1358 and the regulations to be adopted therefor. The ~~Such~~ commission
 1359 shall make a preliminary report and hold public hearings on the
 1360 preliminary report ~~thereon~~ before submitting its final report.7
 1361 ~~and~~ The legislative body of the political subdivision or the
 1362 joint airport zoning board may ~~shall~~ not hold ~~its~~ public
 1363 hearings or take any action until it has received the final
 1364 report of the ~~such~~ commission, and at least 15 days have elapsed
 1365 ~~shall elapse~~ between the receipt of the final report of the
 1366 commission and the hearing to be held by the legislative body or
 1367 the latter board. Where a planning city plan commission, airport
 1368 commission, or comprehensive zoning commission already exists,
 1369 it may be appointed as the airport zoning commission.

1370 Section 13. Section 333.06, Florida Statutes, is amended
 1371 to read:

1372 333.06 Airport zoning regulation requirements.-

1373 (1) REASONABLENESS.-All airport zoning regulations adopted
 1374 under this chapter shall be reasonable and may not ~~none shall~~
 1375 impose any requirement or restriction that ~~which~~ is not
 1376 reasonably necessary to effectuate the purposes of this chapter.
 1377 In determining what regulations it may adopt, each political
 1378 subdivision and joint airport zoning board shall consider, among



1379 other things, the character of the flying operations expected to
1380 be conducted at the airport, the nature of the terrain within
1381 the airport hazard area and runway protection ~~clear~~ zones, the
1382 character of the neighborhood, the uses to which the property to
1383 be zoned is put and adaptable, and the impact of any new use,
1384 activity, or construction on the airport's operating capability
1385 and capacity.

1386 (2) INDEPENDENT JUSTIFICATION.—The purpose of all airport
1387 zoning regulations adopted under this chapter is to provide ~~both~~
1388 airspace protection and land uses ~~use~~ compatible with airport
1389 operations. Each aspect of this purpose requires independent
1390 justification in order to promote the public interest in safety,
1391 health, and general welfare. Specifically, construction in a
1392 runway protection ~~clear~~ zone which does not exceed airspace
1393 height restrictions is not conclusive ~~evidence per se~~ that such
1394 use, activity, or construction is compatible with airport
1395 operations.

1396 (3) NONCONFORMING USES.—~~No~~ Airport protection zoning
1397 regulations adopted under this chapter may not ~~shall~~ require the
1398 removal, lowering, or other change or alteration of any
1399 obstruction ~~structure or tree~~ not conforming to the regulations
1400 when adopted or amended, or otherwise interfere with the
1401 continuance of any nonconforming use, except as provided in s.
1402 333.07(1) and (3).

1403 (4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO AFFECTED
1404 LOCAL GOVERNMENTS.—An airport master plan shall be prepared by



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1405 each public-use ~~publicly owned and operated~~ airport licensed by
1406 the department ~~of Transportation~~ under chapter 330. The
1407 authorized entity having responsibility for governing the
1408 operation of the airport, when ~~either~~ requesting from or
1409 submitting to a state or federal governmental agency with
1410 funding or approval jurisdiction a "finding of no significant
1411 impact," an environmental assessment, a site-selection study, an
1412 airport master plan, or any amendment to an airport master plan,
1413 shall submit simultaneously a copy of said request, submittal,
1414 assessment, study, plan, or amendments by certified mail to all
1415 affected local governments. For ~~the~~ purposes of this subsection,
1416 "affected local government" means ~~is defined as~~ any city or
1417 county having jurisdiction over the airport and any city or
1418 county located within 2 miles of the boundaries of the land
1419 subject to the airport master plan.

1420 Section 14. Section 333.07, Florida Statutes, is amended
1421 to read:

1422 333.07 Local government permitting of airspace
1423 obstructions ~~Permits and variances.~~—

1424 (1) PERMITS.—

1425 (a) A person proposing to construct, alter, or allow an
1426 airport obstruction in an airport hazard area in violation of
1427 the airport protection zoning regulations adopted under this
1428 chapter shall apply for a permit. A ~~Any airport zoning~~
1429 ~~regulations adopted under this chapter may require that a permit~~
1430 ~~be obtained before any new structure or use may be constructed~~



1431 ~~or established and before any existing use or structure may be~~
1432 ~~substantially changed or substantially altered or repaired. In~~
1433 ~~any event, however, all such regulations shall provide that~~
1434 ~~before any nonconforming structure or tree may be replaced,~~
1435 ~~substantially altered or repaired, rebuilt, allowed to grow~~
1436 ~~higher, or replanted, a permit must be secured from the~~
1437 ~~administrative agency authorized to administer and enforce the~~
1438 ~~regulations, authorizing such replacement, change, or repair. No~~
1439 ~~permit~~ may not ~~shall~~ be issued ~~granted~~ that would allow the
1440 establishment or creation of an airport hazard or that would
1441 permit a nonconforming obstruction ~~structure or tree or~~
1442 ~~nonconforming use to be made or become higher or to become a~~
1443 ~~greater hazard to air navigation than it was~~ when the applicable
1444 airport protection zoning regulation was adopted that allowed
1445 the establishment or creation of the obstruction or than ~~it is~~
1446 when the application for a permit is made.

1447 (b) Whenever the political subdivision or its
1448 administrative agency determines that a nonconforming
1449 obstruction ~~use or nonconforming structure or tree~~ has been
1450 abandoned or that is more than 80 percent of the obstruction is
1451 torn down, destroyed, deteriorated, or decayed, a ~~no~~ permit may
1452 not ~~shall~~ be granted that would allow the obstruction ~~said~~
1453 ~~structure or tree~~ to exceed the applicable height limit or
1454 otherwise deviate from the airport protection zoning
1455 regulations. Regardless of ~~and~~, whether an application is made
1456 for a permit under this subsection ~~or not~~, ~~the said agency may~~



1457 ~~by appropriate action, compel~~ the owner of the nonconforming
1458 obstruction may be required ~~structure or tree~~, at his or her own
1459 expense, to lower, remove, reconstruct, alter, or equip such
1460 obstruction ~~object~~ as ~~may be~~ necessary to conform to the current
1461 airport protection zoning regulations. If the owner of the
1462 nonconforming obstruction fails or refuses ~~structure or tree~~
1463 ~~shall neglect or refuse~~ to comply with such requirement within
1464 ~~order for~~ 10 days after notice ~~thereof~~, the administrative ~~said~~
1465 agency may report the violation to the political subdivision
1466 involved therein, which subdivision, through its appropriate
1467 agency, may proceed to have the obstruction ~~object~~ so lowered,
1468 removed, reconstructed, altered, or equipped, and assess the
1469 cost and expense thereof upon the owner of the obstruction
1470 ~~object~~ or the land on which ~~whereon~~ it is or was located, and,
1471 ~~unless such an assessment is paid within 90 days from the~~
1472 ~~service of notice thereof on the owner or the owner's agent, of~~
1473 ~~such object or land, the sum shall be a lien on said land, and~~
1474 ~~shall bear interest thereafter at the rate of 6 percent per~~
1475 ~~annum until paid, and shall be collected in the same manner as~~
1476 ~~taxes on real property are collected by said political~~
1477 ~~subdivision, or, at the option of said political subdivision,~~
1478 ~~said lien may be enforced in the manner provided for enforcement~~
1479 ~~of liens by chapter 85.~~

1480 ~~(c) Except as provided herein, applications for permits~~
1481 ~~shall be granted, provided the matter applied for meets the~~
1482 ~~provisions of this chapter and the regulations adopted and in~~



1483 ~~force hereunder.~~

1484 (2) CONSIDERATIONS WHEN ISSUING OR DENYING PERMITS.—In
1485 determining whether to issue or deny a permit, the political
1486 subdivision or its administrative agency shall consider the
1487 following, as applicable:

1488 (a) The safety of persons on the ground and in the air.

1489 (b) The safe and efficient use of navigable airspace.

1490 (c) The nature of the terrain and height of existing
1491 structures.

1492 (d) The effect of the construction or alteration on the
1493 state licensing standards for a public-use airport contained in
1494 chapter 330 and rules adopted thereunder.

1495 (e) The character of existing and planned flight
1496 operations and developments at public-use airports.

1497 (f) Federal airways, visual flight rules, flyways and
1498 corridors, and instrument approaches as designated by the
1499 Federal Aviation Administration.

1500 (g) The effect of the construction or alteration of the
1501 proposed structure on the minimum descent altitude or the
1502 decision height at the affected airport.

1503 (h) The cumulative effects on navigable airspace of all
1504 existing structures and all other known proposed structures in
1505 the area.

1506 (i) Additional requirements adopted by the political
1507 subdivision or administrative agency pertinent to evaluation and
1508 protection of airspace and airport operations.



1509 ~~(2) VARIANCES.—~~
1510 ~~(a) Any person desiring to erect any structure, increase~~
1511 ~~the height of any structure, permit the growth of any tree, or~~
1512 ~~otherwise use his or her property in violation of the airport~~
1513 ~~zoning regulations adopted under this chapter or any land~~
1514 ~~development regulation adopted pursuant to the provisions of~~
1515 ~~chapter 163 pertaining to airport land use compatibility, may~~
1516 ~~apply to the board of adjustment for a variance from the zoning~~
1517 ~~regulations in question. At the time of filing the application,~~
1518 ~~the applicant shall forward to the department by certified mail,~~
1519 ~~return receipt requested, a copy of the application. The~~
1520 ~~department shall have 45 days from receipt of the application to~~
1521 ~~comment and to provide its comments or waiver of that right to~~
1522 ~~the applicant and the board of adjustment. The department shall~~
1523 ~~include its explanation for any objections stated in its~~
1524 ~~comments. If the department fails to provide its comments within~~
1525 ~~45 days of receipt of the application, its right to comment is~~
1526 ~~waived. The board of adjustment may proceed with its~~
1527 ~~consideration of the application only upon the receipt of the~~
1528 ~~department's comments or waiver of that right as demonstrated by~~
1529 ~~the filing of a copy of the return receipt with the board.~~
1530 ~~Noncompliance with this section shall be grounds to appeal~~
1531 ~~pursuant to s. 333.08 and to apply for judicial relief pursuant~~
1532 ~~to s. 333.11. Such variances may only be allowed where a literal~~
1533 ~~application or enforcement of the regulations would result in~~
1534 ~~practical difficulty or unnecessary hardship and where the~~



1535 ~~relief granted would not be contrary to the public interest but~~
1536 ~~would do substantial justice and be in accordance with the~~
1537 ~~spirit of the regulations and this chapter. However, any~~
1538 ~~variance may be allowed subject to any reasonable conditions~~
1539 ~~that the board of adjustment may deem necessary to effectuate~~
1540 ~~the purposes of this chapter.~~

1541 ~~(b) The Department of Transportation shall have the~~
1542 ~~authority to appeal any variance granted under this chapter~~
1543 ~~pursuant to s. 333.08, and to apply for judicial relief pursuant~~
1544 ~~to s. 333.11.~~

1545 (3) OBSTRUCTION MARKING AND LIGHTING.—

1546 ~~(a) When issuing a In granting any permit or variance~~
1547 ~~under this section, the political subdivision or its~~
1548 ~~administrative agency or board of adjustment shall require the~~
1549 ~~owner of the obstruction structure or tree in question to~~
1550 ~~install, operate, and maintain thereon, at the owner's his or~~
1551 ~~her own expense, such marking and lighting in conformance with~~
1552 ~~the specific standards established by the Federal Aviation~~
1553 ~~Administration as may be necessary to indicate to aircraft~~
1554 ~~pilots the presence of an obstruction.~~

1555 ~~(b) Such marking and lighting shall conform to the~~
1556 ~~specific standards established by rule by the Department of~~
1557 ~~Transportation.~~

1558 ~~(c) Existing structures not in compliance on October 1,~~
1559 ~~1988, shall be required to comply whenever the existing marking~~
1560 ~~requires refurbishment, whenever the existing lighting requires~~



1561 ~~replacement, or within 5 years of October 1, 1988, whichever~~
1562 ~~occurs first.~~

1563 Section 15. Section 333.09, Florida Statutes, is amended
1564 to read:

1565 333.09 Administration of airport zoning regulations.—

1566 (1) ADMINISTRATION.—All airport zoning regulations adopted
1567 under this chapter shall provide for the administration and
1568 enforcement of such regulations by the political subdivision or
1569 its ~~an~~ administrative agency ~~which may be an agency created by~~
1570 ~~such regulations or any official, board, or other existing~~
1571 ~~agency of the political subdivision adopting the regulations or~~
1572 ~~of one of the political subdivisions which participated in the~~
1573 ~~creation of the joint airport zoning board adopting the~~
1574 ~~regulations, if satisfactory to that political subdivision, but~~
1575 ~~in no case shall such administrative agency be or include any~~
1576 ~~member of the board of adjustment.~~ The duties of an ~~any~~
1577 administrative agency designated pursuant to this chapter shall
1578 include ~~that of~~ hearing and deciding all permits under s. 333.07
1579 333.07(1), ~~deciding all matters under s. 333.07(3)~~, as they
1580 pertain to such agency~~7~~ and all other matters under this chapter
1581 applying to such ~~said~~ agency~~7~~ ~~but such agency shall not have or~~
1582 ~~exercise any of the powers herein delegated to the board of~~
1583 ~~adjustment.~~

1584 (2) LOCAL GOVERNMENT PROCESS.—

1585 (a) A political subdivision required to adopt airport
1586 zoning regulations under this chapter shall provide a process to:



- 1587 1. Issue or deny permits consistent with s. 333.07.
1588 2. Provide the department with a copy of a complete
1589 application consistent with s. 333.025(4).
- 1590 3. Enforce the issuance or denial of a permit or other
1591 determination made by the administrative agency with respect to
1592 airport zoning regulations.
- 1593 (b) If a zoning board or permitting body already exists
1594 within a political subdivision, the zoning board or permitting
1595 body may implement the airport zoning regulation permitting and
1596 appeals processes.
- 1597 (3) APPEALS.—
- 1598 (a) A person, a political subdivision or its administrative
1599 agency, or a joint airport zoning board that contends that a
1600 decision made by a political subdivision or its administrative
1601 agency is an improper application of airport zoning regulations
1602 may use the process established for an appeal.
- 1603 (b) All appeals taken under this section must be taken
1604 within a reasonable time, as provided by the political
1605 subdivision or its administrative agency, by filing with the
1606 entity from which the appeal is taken a notice of appeal
1607 specifying the grounds for appeal.
- 1608 (c) An appeal shall stay all proceedings in the underlying
1609 action appealed from, unless the entity from which the appeal is
1610 taken certifies, pursuant to the rules for appeal, that by reason
1611 of the facts stated in the certificate a stay would, in its
1612 opinion, cause imminent peril to life or property. In such cases,



1613 proceedings may not be stayed except by order of the political
 1614 subdivision or its administrative agency on notice to the entity
 1615 from which the appeal is taken and for good cause shown.

1616 (d) The political subdivision or its administrative agency
 1617 shall set a reasonable time for the hearing of appeals, give
 1618 public notice and due notice to the parties in interest, and
 1619 decide the issue within a reasonable time. Upon the hearing, any
 1620 party may appear in person, by agent, or by attorney.

1621 (e) The political subdivision or its administrative agency
 1622 may, in accordance with this chapter, affirm, reverse, or modify
 1623 the decision on the permit or other determination from which the
 1624 appeal is taken.

1625 Section 16. Section 333.11, Florida Statutes, is amended
 1626 to read:

1627 333.11 Judicial review.—

1628 (1) A ~~Any person, aggrieved, or taxpayer affected, by any~~
 1629 ~~decision of a board of adjustment, or any governing body of a~~
 1630 ~~political subdivision, or the Department of Transportation or~~
 1631 ~~any joint airport zoning board~~ affected by a decision of a
 1632 political subdivision, ~~or its~~ ~~of any~~ administrative agency
 1633 ~~hereunder,~~ may apply for judicial relief to the circuit court in
 1634 the judicial circuit where the political subdivision ~~board of~~
 1635 ~~adjustment~~ is located within 30 days after rendition of the
 1636 decision ~~by the board of adjustment.~~ Review shall be by petition
 1637 for writ of certiorari, which shall be governed by the Florida
 1638 Rules of Appellate Procedure.



1639 ~~(2) Upon presentation of such petition to the court, it~~
1640 ~~may allow a writ of certiorari, directed to the board of~~
1641 ~~adjustment, to review such decision of the board. The allowance~~
1642 ~~of the writ shall not stay the proceedings upon the decision~~
1643 ~~appealed from, but the court may, on application, on notice to~~
1644 ~~the board, on due hearing and due cause shown, grant a~~
1645 ~~restraining order.~~

1646 ~~(3) The board of adjustment shall not be required to~~
1647 ~~return the original papers acted upon by it, but it shall be~~
1648 ~~sufficient to return certified or sworn copies thereof or of~~
1649 ~~such portions thereof as may be called for by the writ. The~~
1650 ~~return shall concisely set forth such other facts as may be~~
1651 ~~pertinent and material to show the grounds of the decision~~
1652 ~~appealed from and shall be verified.~~

1653 ~~(2)-(4)~~ The court has ~~shall have~~ exclusive jurisdiction to
1654 affirm, reverse, or modify, ~~or set aside~~ the decision on the
1655 permit or other determination from which the appeal is taken
1656 ~~brought up for review, in whole or in part, and, if appropriate~~
1657 ~~need be, to order further proceedings by the~~ political
1658 subdivision or its administrative agency ~~board of adjustment.~~
1659 The findings of fact by the political subdivision or its
1660 administrative agency ~~board~~, if supported by substantial
1661 evidence, shall be accepted by the court as conclusive, and an
1662 ~~no~~ objection to a decision of the political subdivision or its
1663 administrative agency may not ~~board shall~~ be considered by the
1664 court unless such objection was raised in the underlying



1665 ~~proceeding shall have been urged before the board, or, if it was~~
1666 ~~not so urged, unless there were reasonable grounds for failure~~
1667 ~~to do so.~~

1668 (3)~~(5)~~ In any case in which airport zoning regulations
1669 adopted under this chapter,~~although generally reasonable,~~ are
1670 held by a court to interfere with the use and enjoyment of a
1671 particular structure or parcel of land to such an extent, or to
1672 be so onerous in their application to such a structure or parcel
1673 of land, as to constitute a taking or deprivation of that
1674 property in violation of the State Constitution or the
1675 Constitution of the United States, such holding shall not affect
1676 the application of such regulations to other structures and
1677 parcels of land, or such regulations as are not involved in the
1678 particular decision.

1679 (4)~~(6)~~ A judicial ~~no~~ appeal to any court may not ~~shall~~ be
1680 ~~or is~~ permitted under this section until the appellant has
1681 exhausted all of its remedies through application for local
1682 government permits, exceptions, and appeals, ~~to any courts, as~~
1683 ~~herein provided, save and except an appeal from a decision of~~
1684 ~~the board of adjustment, the appeal herein provided being from~~
1685 ~~such final decision of such board only, the appellant being~~
1686 ~~hereby required to exhaust his or her remedies hereunder of~~
1687 ~~application for permits, exceptions and variances, and appeal to~~
1688 ~~the board of adjustment, and gaining a determination by said~~
1689 ~~board, before being permitted to appeal to the court hereunder.~~

1690 Section 17. Section 333.12, Florida Statutes, is amended



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1691 to read:

1692 333.12 Acquisition of air rights.—~~If In any case which: it~~
1693 ~~is desired to remove, lower or otherwise terminate a~~
1694 nonconforming obstruction is determined to be an airport hazard
1695 and the owner will not remove, lower, or otherwise eliminate it
1696 ~~structure or use; if~~ ~~or~~ the approach protection necessary
1697 cannot, because of constitutional limitations, be provided by
1698 airport regulations under this chapter; or if it appears
1699 advisable that the necessary approach protection be provided by
1700 acquisition of property rights rather than by airport zoning
1701 regulations, the political subdivision within which the property
1702 or nonconforming obstruction ~~use~~ is located, or the political
1703 subdivision owning or operating the airport or being served by
1704 it, may acquire, ~~by purchase, grant, or condemnation in the~~
1705 manner provided by chapter 73, ~~such~~ property, air right,
1706 avigation ~~navigation~~ easement, or other estate, portion, or
1707 interest in the property or nonconforming obstruction ~~structure~~
1708 ~~or use~~ or such interest in the air above such property, ~~tree,~~
1709 ~~structure, or use, in question,~~ as may be necessary to
1710 effectuate the purposes of this chapter, and ~~in so doing,~~ if by
1711 condemnation, may ~~to have the right to~~ take immediate possession
1712 of the property, interest in property, air right, or other right
1713 sought to be condemned, at the time, ~~and~~ in the manner and form,
1714 and as authorized by chapter 74. If the political subdivision
1715 acquires any ~~In the case of the purchase of any property, or any~~
1716 easement, or estate or interest therein by purchase or ~~the~~



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1717 ~~acquisition of the same~~ by the power of eminent domain, the
1718 political subdivision ~~making such purchase or exercising such~~
1719 ~~power~~ shall, in addition to the damages for the taking, injury,
1720 or destruction of property, ~~also~~ pay the cost of the removal and
1721 relocation of any structure or any public utility that must
1722 ~~which is required to~~ be moved to a new location.

1723 Section 18. Section 333.13, Florida Statutes, is amended
1724 to read:

1725 333.13 Enforcement and remedies.—

1726 (1) A ~~Each~~ violation of this chapter or ~~of~~ any airport
1727 zoning regulations, orders, or rulings adopted ~~promulgated~~ or
1728 made under ~~pursuant to~~ this chapter is ~~shall constitute~~ a
1729 misdemeanor of the second degree, punishable as provided in s.
1730 775.082 or s. 775.083, and each day a violation continues to
1731 exist constitutes ~~shall constitute~~ a separate offense.

1732 (2) In addition, the political subdivision or agency
1733 adopting the airport zoning regulations under this chapter may
1734 institute in any court of competent jurisdiction an action to
1735 prevent, restrain, correct, or abate a ~~any~~ violation of this
1736 chapter, any ~~or of~~ airport zoning regulations adopted under this
1737 chapter, or ~~of~~ any order or ruling made in connection with their
1738 administration or enforcement, and the court shall adjudge to
1739 the plaintiff such relief, by way of injunction (which may be
1740 mandatory) or otherwise, as may be proper under all the facts
1741 and circumstances of the case in order to fully effectuate the
1742 purposes of this chapter and of the regulations adopted and



1743 orders and rulings made pursuant thereto.

1744 (3) The department ~~of Transportation~~ may institute a civil
1745 action for injunctive relief in the appropriate circuit court to
1746 prevent violation of ~~any provision of~~ this chapter.

1747 Section 19. Section 333.135, Florida Statutes, is created
1748 to read:

1749 333.135 Transition provisions.—

1750 (1) For those political subdivisions that have not adopted
1751 airport zoning regulations pursuant to this chapter, the
1752 department shall administer the permitting process as provided in
1753 s. 333.025.

1754 (2) By July 1, 2017:

1755 (a) Any airport zoning regulation in effect on July 1,
1756 2016, that includes provisions in conflict with this chapter
1757 shall be amended to conform to the requirements of this chapter.

1758 (b) Any political subdivision having an airport within its
1759 territorial limits which has not adopted airport zoning
1760 regulations shall adopt airport zoning regulations consistent
1761 with this chapter.

1762 Section 20. Sections 333.065, 333.08, 333.10, and 333.14,
1763 Florida Statutes, are repealed.

1764 Section 21. For the purpose of incorporating the amendment
1765 made by this act to section 333.01, Florida Statutes, in a
1766 reference thereto, subsection (6) of section 350.81, Florida
1767 Statutes, is reenacted to read:

1768 350.81 Communications services offered by governmental



1769 entities.—

1770 (6) To ensure the safe and secure transportation of
1771 passengers and freight through an airport facility, as defined
1772 in s. 159.27(17), an airport authority or other governmental
1773 entity that provides or is proposing to provide communications
1774 services only within the boundaries of its airport layout plan,
1775 as defined in s. 333.01(6), to subscribers which are integral
1776 and essential to the safe and secure transportation of
1777 passengers and freight through the airport facility, is exempt
1778 from this section. An airport authority or other governmental
1779 entity that provides or is proposing to provide shared-tenant
1780 service under s. 364.339, but not dial tone enabling subscribers
1781 to complete calls outside the airport layout plan, to one or
1782 more subscribers within its airport layout plan which are not
1783 integral and essential to the safe and secure transportation of
1784 passengers and freight through the airport facility is exempt
1785 from this section. An airport authority or other governmental
1786 entity that provides or is proposing to provide communications
1787 services to one or more subscribers within its airport layout
1788 plan which are not integral and essential to the safe and secure
1789 transportation of passengers and freight through the airport
1790 facility, or to one or more subscribers outside its airport
1791 layout plan, is not exempt from this section. By way of example
1792 and not limitation, the integral, essential subscribers may
1793 include airlines and emergency service entities, and the
1794 nonintegral, nonessential subscribers may include retail shops,



1795 restaurants, hotels, or rental car companies.

1796 Section 22. Paragraph (a) of subsection (1) of section
1797 337.18, Florida Statutes, is amended to read:

1798 337.18 Surety bonds for construction or maintenance
1799 contracts; requirement with respect to contract award; bond
1800 requirements; defaults; damage assessments.—

1801 (1) (a) A surety bond shall be required of the successful
1802 bidder in an amount equal to the awarded contract price.
1803 However, the department may choose, in its discretion and
1804 applicable only to multiyear maintenance contracts, to allow for
1805 incremental annual contract bonds that cumulatively total the
1806 full, awarded, multiyear contract price.

1807 1. The department may waive the requirement for all or a
1808 portion of a surety bond if:

1809 a. ~~For a project for which~~ The contract price is \$250,000
1810 or less ~~and,~~ the department ~~may waive the requirement for all or~~
1811 ~~a portion of a surety bond if it~~ determines that the project is
1812 of a noncritical nature and nonperformance will not endanger
1813 public health, safety, or property;

1814 b. The prime contractor is a qualified nonprofit agency
1815 for the blind or for the other severely handicapped under s.
1816 413.036(2); or

1817 c. The prime contractor is using a subcontractor that is a
1818 qualified nonprofit agency for the blind or for the other
1819 severely handicapped under s. 413.036(2). However, the
1820 department may not waive more than the amount of the



1821 subcontract.

1822 2. If the Secretary of Transportation or the secretary's
1823 designee determines that it is in the best interests of the
1824 department to reduce the bonding requirement for a project and
1825 that to do so will not endanger public health, safety, or
1826 property, the department may waive the requirement of a surety
1827 bond in an amount equal to the awarded contract price for a
1828 project having a contract price of \$250 million or more and, in
1829 its place, may set a surety bond amount that is a portion of the
1830 total contract price and provide an alternate means of security
1831 for the balance of the contract amount that is not covered by
1832 the surety bond or provide for incremental surety bonding and
1833 provide an alternate means of security for the balance of the
1834 contract amount that is not covered by the surety bond. Such
1835 alternative means of security may include letters of credit,
1836 United States bonds and notes, parent company guarantees, and
1837 cash collateral. The department may require alternate means of
1838 security if a surety bond is waived. The surety on such bond
1839 shall be a surety company authorized to do business in the
1840 state. All bonds shall be payable to the department and
1841 conditioned for the prompt, faithful, and efficient performance
1842 of the contract according to plans and specifications and within
1843 the time period specified, and for the prompt payment of all
1844 persons defined in s. 713.01 furnishing labor, material,
1845 equipment, and supplies for work provided in the contract;
1846 however, whenever an improvement, demolition, or removal



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1847 contract price is \$25,000 or less, the security may, in the
1848 discretion of the bidder, be in the form of a cashier's check,
1849 bank money order of any state or national bank, certified check,
1850 or postal money order. The department shall adopt rules to
1851 implement this subsection. Such rules shall include provisions
1852 under which the department shall refuse to accept bonds on
1853 contracts when a surety wrongfully fails or refuses to settle or
1854 provide a defense for claims or actions arising under a contract
1855 for which the surety previously furnished a bond.

1856 Section 23. Subsection (4) of section 338.165, Florida
1857 Statutes, is amended, and subsection (11) is added to that
1858 section, to read:

1859 338.165 Continuation of tolls.—

1860 (4) Notwithstanding any other law to the contrary,
1861 pursuant to s. 11, Art. VII of the State Constitution, and
1862 subject to ~~the requirements of~~ subsection (2), the Department of
1863 Transportation may request the Division of Bond Finance to issue
1864 bonds secured by toll revenues collected on the Alligator Alley
1865 and, the Sunshine Skyway Bridge, ~~the Beeline-East Expressway,~~
1866 ~~the Navarre Bridge, and the Pinellas Bayway~~ to fund
1867 transportation projects located within the county or counties in
1868 which the project is located and contained in the adopted work
1869 program of the department.

1870 (11) The department's Pinellas Bayway system may be
1871 transferred by the department and become part of the turnpike
1872 system under the Florida Turnpike Enterprise Law. The transfer



1873 shall not affect the rights of the parties, or their successors
1874 in interest, under the settlement agreement and final judgment
1875 in Leon County Circuit Court Case Number 67-1081, *Leonard Lee*
1876 *Ratner, Esther Ratner, and Leeco Gas and Oil Co., Plaintiffs,*
1877 *vs. State Road Department of the State of Florida, Defendants.*
1878 Upon transfer of the Pinellas Bayway system to the turnpike
1879 system, the department shall also transfer to the Florida
1880 Turnpike Enterprise the funds deposited in the reserve account
1881 established by chapter 85-364, Laws of Florida, as amended by
1882 chapters 95-382 and 2014-223, Laws of Florida, which funds shall
1883 be used by the Florida Turnpike Enterprise solely to help fund
1884 the costs of repair or replacement of the transferred
1885 facilities.

1886 Section 24. Chapter 85-364, Laws of Florida, as amended by
1887 chapters 95-382 and 2014-223, Laws of Florida, is repealed.

1888 Section 25. Subsection (5) of section 338.231, Florida
1889 Statutes, is amended to read:

1890 338.231 Turnpike tolls, fixing; pledge of tolls and other
1891 revenues.—The department shall at all times fix, adjust, charge,
1892 and collect such tolls and amounts for the use of the turnpike
1893 system as are required in order to provide a fund sufficient
1894 with other revenues of the turnpike system to pay the cost of
1895 maintaining, improving, repairing, and operating such turnpike
1896 system; to pay the principal of and interest on all bonds issued
1897 to finance or refinance any portion of the turnpike system as
1898 the same become due and payable; and to create reserves for all



1899 such purposes.

1900 ~~(5) In each fiscal year while any of the bonds of the~~
 1901 ~~Broward County Expressway Authority series 1984 and series 1986~~
 1902 ~~A remain outstanding, the department is authorized to pledge~~
 1903 ~~revenues from the turnpike system to the payment of principal~~
 1904 ~~and interest of such series of bonds and the operation and~~
 1905 ~~maintenance expenses of the Sawgrass Expressway, to the extent~~
 1906 ~~gross toll revenues of the Sawgrass Expressway are insufficient~~
 1907 ~~to make such payments. The terms of an agreement relative to the~~
 1908 ~~pledge of turnpike system revenue will be negotiated with the~~
 1909 ~~parties of the 1984 and 1986 Broward County Expressway Authority~~
 1910 ~~lease purchase agreements, and subject to the covenants of those~~
 1911 ~~agreements. The agreement must establish that the Sawgrass~~
 1912 ~~Expressway is subject to the planning, management, and operating~~
 1913 ~~control of the department limited only by the terms of the~~
 1914 ~~lease purchase agreements. The department shall provide for the~~
 1915 ~~payment of operation and maintenance expenses of the Sawgrass~~
 1916 ~~Expressway until such agreement is in effect. This pledge of~~
 1917 ~~turnpike system revenues is subordinate to the debt service~~
 1918 ~~requirements of any future issue of turnpike bonds, the payment~~
 1919 ~~of turnpike system operation and maintenance expenses, and~~
 1920 ~~subject to any subsequent resolution or trust indenture relating~~
 1921 ~~to the issuance of such turnpike bonds.~~

1922 Section 26. Paragraph (i) of subsection (6) of section
 1923 339.175, Florida Statutes, is amended to read:

1924 339.175 Metropolitan planning organization.—



1925 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,
1926 privileges, and authority of an M.P.O. are those specified in
1927 this section or incorporated in an interlocal agreement
1928 authorized under s. 163.01. Each M.P.O. shall perform all acts
1929 required by federal or state laws or rules, now and subsequently
1930 applicable, which are necessary to qualify for federal aid. It
1931 is the intent of this section that each M.P.O. shall be involved
1932 in the planning and programming of transportation facilities,
1933 including, but not limited to, airports, intercity and high-
1934 speed rail lines, seaports, and intermodal facilities, to the
1935 extent permitted by state or federal law.

1936 (i) The TBARTA Metropolitan Planning Organization Chairs ~~A~~
1937 ~~chair's~~ Coordinating Committee is created within the Tampa Bay
1938 Area Regional Transportation Authority, composed of the M.P.O.'s
1939 serving Citrus, Hernando, Hillsborough, Manatee, Pasco,
1940 Pinellas, Polk, and Sarasota Counties. The authority shall
1941 provide administrative support and direction to the committee,
1942 and the department and member M.P.O.'s shall provide necessary
1943 funding to the authority for this purpose. The committee must,
1944 at a minimum:

1945 1. Coordinate transportation projects deemed to be
1946 regionally significant by the committee.

1947 2. Review the impact of regionally significant land use
1948 decisions on the region.

1949 3. Review all proposed regionally significant
1950 transportation projects in the respective transportation



1951 improvement programs which affect more than one of the M.P.O.'s
 1952 represented on the committee.

1953 4. Institute a conflict resolution process to address any
 1954 conflict that may arise in the planning and programming of such
 1955 regionally significant projects.

1956 Section 27. Subsection (2) of section 339.2818, Florida
 1957 Statutes, is amended to read:

1958 339.2818 Small County Outreach Program.—

1959 (2)(a) For the purposes of this section, the term "small
 1960 county" means any county that has a population of 170,000
 1961 ~~150,000~~ or less as determined by the most recent official
 1962 estimate pursuant to s. 186.901.

1963 ~~(b) Notwithstanding paragraph (a), for the 2015-2016~~
 1964 ~~fiscal year, for purposes of this section, the term "small~~
 1965 ~~county" means any county that has a population of 165,000 or~~
 1966 ~~less as determined by the most recent official estimate pursuant~~
 1967 ~~to s. 186.901. This paragraph expires July 1, 2016.~~

1968 Section 28. Subsections (1) and (2) of section 339.55,
 1969 Florida Statutes, is amended to read:

1970 339.55 State-funded infrastructure bank.—

1971 (1) There is created within the Department of
 1972 Transportation a state-funded infrastructure bank for the
 1973 purpose of providing loans and credit enhancements to government
 1974 units and private entities for use in constructing and improving
 1975 transportation facilities or ancillary facilities that produce
 1976 or distribute natural gas or fuel.



1977 (2) The bank may lend capital costs or provide credit
1978 enhancements for:

1979 (a) A transportation facility project that is on the State
1980 Highway System or that provides for increased mobility on the
1981 state's transportation system or provides intermodal
1982 connectivity with airports, seaports, rail facilities, and other
1983 transportation terminals, pursuant to s. 341.053, for the
1984 movement of people and goods.

1985 (b) Projects of the Transportation Regional Incentive
1986 Program which are identified pursuant to s. 339.2819(4).

1987 (c)1. Emergency loans for damages incurred to public-use
1988 commercial deepwater seaports, public-use airports, and other
1989 public-use transit and intermodal facilities that are within an
1990 area that is part of an official state declaration of emergency
1991 pursuant to chapter 252 and all other applicable laws. Such
1992 loans:

1993 a. May not exceed 24 months in duration except in extreme
1994 circumstances, for which the Secretary of Transportation may
1995 grant up to 36 months upon making written findings specifying
1996 the conditions requiring a 36-month term.

1997 b. Require application from the recipient to the
1998 department that includes documentation of damage claims filed
1999 with the Federal Emergency Management Agency or an applicable
2000 insurance carrier and documentation of the recipient's overall
2001 financial condition.

2002 c. Are subject to approval by the Secretary of



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2003 Transportation and the Legislative Budget Commission.

2004 2. Loans provided under this paragraph must be repaid upon
2005 receipt by the recipient of eligible program funding for damages
2006 in accordance with the claims filed with the Federal Emergency
2007 Management Agency or an applicable insurance carrier, but no
2008 later than the duration of the loan.

2009 (d) Beginning July 1, 2017, the development and
2010 construction of natural gas or fuel production or distribution
2011 facilities used primarily to support the state's transportation
2012 system. Loans provided under this paragraph may be used to
2013 refinance outstanding debt.

2014 Section 29. Section 341.0532, Florida Statutes, is
2015 repealed.

2016 Section 30. Section 341.301, Florida Statutes, is amended
2017 to read:

2018 341.301 Definitions; ss. 341.302-341.303.—As used in ss.
2019 341.302-341.303, the term:

2020 (1) "Ancillary development" includes any lessee or
2021 licensee of the department, including other governmental
2022 entities, vendors, retailers, restaurateurs, or contract service
2023 providers, within a ~~department-owned~~ rail corridor owned by the
2024 department or in which the department has an easement interest,
2025 a right to operate, or a right of access. The term does not
2026 include, except for providers of commuter rail service,
2027 intercity rail passenger service by an intercity rail passenger
2028 operator or by National Railroad Passenger Corporation, or



2029 freight rail service. The term includes air and subsurface
 2030 rights, services that provide a local area network for devices
 2031 for transmitting data over wireless networks, and advertising.

2032 (2) "Branch line continuance project" means a project that
 2033 involves branch line rehabilitation, new connecting track, rail
 2034 banking, and other similar types of projects, including those
 2035 specifically identified in the federal Railroad Revitalization
 2036 and Regulatory Reform Act of 1976, and subsequent amendments to
 2037 that act.

2038 (3) "Commuter rail passenger" or "passengers" means all
 2039 persons, ticketed or unticketed, using the commuter rail service
 2040 on a ~~department-owned~~ rail corridor owned by the department or
 2041 in which the department has an easement interest, a right to
 2042 operate, or a right of access:

2043 (a) On board trains, locomotives, rail cars, or rail
 2044 equipment employed in commuter rail service or entraining
 2045 thereon and detraining therefrom;

2046 (b) On or about the rail corridor for any purpose related
 2047 to the commuter rail service, including parking, inquiring about
 2048 commuter rail service, or purchasing tickets therefor, and
 2049 coming to, waiting for, leaving from, or observing trains,
 2050 locomotives, rail cars, or rail equipment; or

2051 (c) Meeting, assisting, or in the company of any person
 2052 described in paragraph (a) or paragraph (b).

2053 (4) "Commuter rail service" means the transportation of
 2054 commuter rail passengers and other passengers by rail pursuant



2055 to a rail program provided by the department or any other
2056 governmental entity.

2057 (5) "Department train" means a train operating in the rail
2058 corridor pursuant to an easement interest, a right to operate,
2059 or a right to access granted to the department, or an assignee
2060 of the department, or an "other train" as defined in s.
2061 341.302(17)(a)4.

2062 (6)~~(5)~~ "Governmental entity" or "entities" has the same
2063 meaning as provided in s. 11.45, including a "public agency" as
2064 defined in s. 163.01.

2065 (7) "Intercity rail passenger operator" means a private
2066 rail operator of passenger rail service in a minimum of three
2067 counties, other than National Railroad Passenger Corporation,
2068 whose ridership consists of passengers traveling between two or
2069 more metropolitan areas.

2070 (8)~~(6)~~ "Intercity rail transportation system" means the
2071 network of railroad facilities used or available for interstate
2072 and intrastate passenger and freight operations by railroads,
2073 whether or not on a schedule or whether or not restricted.

2074 (9)~~(7)~~ "Limited covered accident" means:

2075 (a) A collision directly between the trains, locomotives,
2076 rail cars, or rail equipment of the department and the freight
2077 rail operator only, where the collision is caused by or arising
2078 from the willful misconduct of the freight rail operator or its
2079 subsidiaries, agents, licensees, employees, officers, or
2080 directors or where punitive damages or exemplary damages are



2081 awarded due to the conduct of the freight rail operator or its
 2082 subsidiaries, agents, licensees, employees, officers, or
 2083 directors; ~~or~~

2084 (b) A collision directly between the trains, locomotives,
 2085 rail cars, or rail equipment of the department and National
 2086 Railroad Passenger Corporation only, where the collision is
 2087 caused by or arising from the willful misconduct of National
 2088 Railroad Passenger Corporation or its subsidiaries, agents,
 2089 licensees, employees, officers, or directors or where punitive
 2090 damages or exemplary damages are awarded due to the conduct of
 2091 National Railroad Passenger Corporation or its subsidiaries,
 2092 agents, licensees, employees, officers, or directors; or

2093 (c) A collision directly between the trains, locomotives,
 2094 rail cars, or rail equipment of the department and the intercity
 2095 rail passenger operator only, where the collision is caused by
 2096 or arising from the willful misconduct of the intercity rail
 2097 passenger operator or its subsidiaries, agents, licensees,
 2098 employees, officers, or directors or where punitive damages or
 2099 exemplary damages are awarded due to the conduct of the
 2100 intercity rail passenger operator or its subsidiaries, agents,
 2101 licensees, employees, officers, or directors.

2102 (10)-(8)- "Rail corridor" means a linear contiguous strip of
 2103 real property that is used for rail service. The term includes
 2104 the corridor and structures essential to railroad operations,
 2105 including the land, structures, improvements, rights-of-way,
 2106 easements, rail lines, rail beds, guideway structures, switches,



2107 yards, parking facilities, power relays, switching houses, rail
2108 stations, any ancillary development, and any other facilities or
2109 equipment used for the purposes of construction, operation, or
2110 maintenance of a railroad that provides rail service.

2111 (11)~~(9)~~ "Rail corridor invitee" means all persons who are
2112 on or about a ~~department-owned~~ rail corridor owned by the
2113 department or in which the department has an easement interest,
2114 a right to operate, or a right of access:

2115 (a) For any purpose related to any ancillary development
2116 thereon; or

2117 (b) Meeting, assisting, or in the company of any person
2118 described in paragraph (a).

2119 (12)~~(10)~~ "Rail programs" means those programs administered
2120 by the state or other governmental entities which involve
2121 projects affecting the movement of people or goods by rail lines
2122 that have been or will be constructed to serve freight or
2123 passenger markets within a city or between cities.

2124 (13)~~(11)~~ "Rail service development project" means a
2125 project undertaken by a public agency to determine whether a new
2126 or innovative technique or measure can be utilized to improve or
2127 expand rail service. The duration of the project funding shall
2128 be limited according to the type of project and in no case shall
2129 exceed 3 years. Rail service development projects include those
2130 projects and other actions undertaken to enhance railroad
2131 operating efficiency or increased rail service, including
2132 measures that result in improved speed profiles, operations, or



2133 technological applications that lead to reductions in operating
2134 costs and increases in productivity or service.

2135 (14)~~(12)~~ "Railroad" or "rail system" means any common
2136 carrier fixed-guideway transportation system such as the
2137 conventional steel rail-supported, steel-wheeled system as well
2138 as the high-speed rail system defined in s. 341.8203.

2139 (15)~~(13)~~ "Railroad capital improvement project" means a
2140 project identified by the rail component of the Florida
2141 Transportation Plan, which project involves the leasing,
2142 acquisition, design, construction, reconstruction, or
2143 improvement to the existing intercity rail transportation system
2144 or future segments thereof, including such items as locomotives
2145 and other rolling stock, tracks, terminals, and rights-of-way
2146 for the continuance or expansion of rail service as necessary to
2147 ensure the continued effectiveness of the state's rail
2148 facilities and systems in meeting mobility and industrial
2149 development needs.

2150 (16)~~(14)~~ "Railroad operations" means the use of the rail
2151 corridor to conduct commuter rail service by an intercity rail
2152 passenger operator or by National Railroad Passenger
2153 Corporation, intercity rail passenger service, or freight rail
2154 service.

2155 (17)~~(15)~~ "Train" means any locomotive engine that is
2156 powered by diesel fuel, electricity, or other means, with or
2157 without cars coupled thereto, and operated upon a railroad track
2158 or any other form of fixed guideway, except that the term does



2159 | not include a light rail vehicle such as a streetcar or people
2160 | mover.

2161 | Section 31. Subsection (17) of section 341.302, Florida
2162 | Statutes, is amended to read:

2163 | 341.302 Rail program; duties and responsibilities of the
2164 | department.—The department, in conjunction with other
2165 | governmental entities, including the rail enterprise and the
2166 | private sector, shall develop and implement a rail program of
2167 | statewide application designed to ensure the proper maintenance,
2168 | safety, revitalization, and expansion of the rail system to
2169 | assure its continued and increased availability to respond to
2170 | statewide mobility needs. Within the resources provided pursuant
2171 | to chapter 216, and as authorized under federal law, the
2172 | department shall:

2173 | (17) In conjunction with the acquisition, ownership,
2174 | construction, operation, maintenance, and management of a rail
2175 | corridor, have the authority to:

2176 | (a) Assume obligations pursuant to the following:

2177 | 1.a. The department may assume the obligation by contract
2178 | to forever protect, defend, indemnify, and hold harmless the
2179 | freight rail operator, or its successors, from whom the
2180 | department has acquired a real property interest in the rail
2181 | corridor, and that freight rail operator's officers, agents, and
2182 | employees, from and against any liability, cost, and expense,
2183 | including, but not limited to, commuter rail passengers and rail
2184 | corridor invitees in the rail corridor, regardless of whether



2185 the loss, damage, destruction, injury, or death giving rise to
 2186 any such liability, cost, or expense is caused in whole or in
 2187 part, and to whatever nature or degree, by the fault, failure,
 2188 negligence, misconduct, nonfeasance, or misfeasance of such
 2189 freight rail operator, its successors, or its officers, agents,
 2190 and employees, or any other person or persons whomsoever; ~~or~~

2191 b. The department may assume the obligation by contract to
 2192 forever protect, defend, indemnify, and hold harmless National
 2193 Railroad Passenger Corporation, or its successors, and officers,
 2194 agents, and employees of National Railroad Passenger
 2195 Corporation, from and against any liability, cost, and expense,
 2196 including, but not limited to, commuter rail passengers and rail
 2197 corridor invitees in the rail corridor, regardless of whether
 2198 the loss, damage, destruction, injury, or death giving rise to
 2199 any such liability, cost, or expense is caused in whole or in
 2200 part, and to whatever nature or degree, by the fault, failure,
 2201 negligence, misconduct, nonfeasance, or misfeasance of National
 2202 Railroad Passenger Corporation, its successors, or its officers,
 2203 agents, and employees, or any other person or persons
 2204 whomsoever; or

2205 c. The department may assume the obligation by contract to
 2206 forever protect, defend, indemnify, and hold harmless an
 2207 intercity rail passenger operator or its successors, or a
 2208 freight rail operator or its successors, from whom the
 2209 department has acquired an easement interest, a right to
 2210 operate, or a right of access in the rail corridor and that



2211 intercity rail passenger operator's or freight rail operator's
2212 officers, agents, and employees from and against any liability,
2213 cost, and expense, including, but not limited to, commuter rail
2214 passengers and rail corridor invitees in the rail corridor,
2215 regardless of whether the loss, damage, destruction, injury, or
2216 death giving rise to any such liability, cost, or expense is
2217 caused in whole or in part, and to whatever nature or degree, by
2218 the fault, failure, negligence, misconduct, nonfeasance, or
2219 misfeasance of such intercity rail passenger operator or such
2220 freight rail operator, its successors, or its officers, agents,
2221 and employees or any other person.

2222 2. The assumption of liability of the department by
2223 contract pursuant to sub-subparagraph 1.a. or sub-subparagraph
2224 1.b. may not in any instance exceed the following parameters of
2225 allocation of risk:

2226 a. The department may be solely responsible for any loss,
2227 injury, or damage to commuter rail passengers, or rail corridor
2228 invitees, or trespassers, regardless of circumstances or cause,
2229 subject to sub-subparagraph b. and subparagraphs 3., 4., 5., and
2230 6.

2231 b.(I) In the event of a limited covered accident, the
2232 authority of the department to protect, defend, and indemnify
2233 the freight operator for all liability, cost, and expense,
2234 including punitive or exemplary damages, in excess of the
2235 deductible or self-insurance retention fund established under
2236 paragraph (b) and actually in force at the time of the limited



2237 covered accident exists only if the freight operator agrees,
2238 with respect to the limited covered accident, to protect,
2239 defend, and indemnify the department for the amount of the
2240 deductible or self-insurance retention fund established under
2241 paragraph (b) and actually in force at the time of the limited
2242 covered accident.

2243 (II) In the event of a limited covered accident, the
2244 authority of the department to protect, defend, and indemnify
2245 National Railroad Passenger Corporation for all liability, cost,
2246 and expense, including punitive or exemplary damages, in excess
2247 of the deductible or self-insurance retention fund established
2248 under paragraph (b) and actually in force at the time of the
2249 limited covered accident exists only if National Railroad
2250 Passenger Corporation agrees, with respect to the limited
2251 covered accident, to protect, defend, and indemnify the
2252 department for the amount of the deductible or self-insurance
2253 retention fund established under paragraph (b) and actually in
2254 force at the time of the limited covered accident.

2255 (III) In the event of a limited covered accident, the
2256 authority of the department to protect, defend, and indemnify
2257 the intercity rail passenger operator for all liability, cost,
2258 and expense, including punitive or exemplary damages, in excess
2259 of the deductible or self-insurance retention fund established
2260 under paragraph (b) and actually in force at the time of the
2261 limited covered accident exists only if the intercity rail
2262 passenger operator agrees, with respect to the limited covered



2263 accident, to protect, defend, and indemnify the department for
 2264 the amount of the deductible or self-insurance retention fund
 2265 established under paragraph (b) and actually in force at the
 2266 time of the limited covered accident.

2267 3. When only one train is involved in an incident, the
 2268 department may be solely responsible for any loss, injury, or
 2269 damage if the train is a department train or other train
 2270 pursuant to subparagraph 4., but only if:

2271 a. When an incident occurs with only a freight train
 2272 involved, including incidents with trespassers or at grade
 2273 crossings, the freight rail operator is solely responsible for
 2274 any loss, injury, or damage, except for commuter rail passengers
 2275 and rail corridor invitees; ~~or~~

2276 b. When an incident occurs with only a National Railroad
 2277 Passenger Corporation train involved, including incidents with
 2278 trespassers or at grade crossings, National Railroad Passenger
 2279 Corporation is solely responsible for any loss, injury, or
 2280 damage, except for commuter rail passengers and rail corridor
 2281 invitees; or

2282 c. When an incident occurs with only an intercity rail
 2283 passenger train involved, including incidents with trespassers
 2284 or at grade crossings, the intercity rail passenger operator is
 2285 solely responsible for any loss, injury, or damage, except for
 2286 commuter rail passengers and rail corridor invitees.

2287 4. For the purposes of this subsection:

2288 a. Any train involved in an incident that is not ~~neither~~



2289 the department's train, ~~nor~~ the freight rail operator's train,
2290 or an intercity rail passenger operator's train, ~~hereinafter~~
2291 referred to in this subsection as an "other train," may be
2292 treated as a department train, solely for purposes of any
2293 allocation of liability between the department and the freight
2294 rail operator only, but only if the department and the freight
2295 rail operator share responsibility equally as to third parties
2296 outside the rail corridor who incur loss, injury, or damage as a
2297 result of any incident involving both a department train and a
2298 freight rail operator train, and the allocation as between the
2299 department and the freight rail operator, regardless of whether
2300 the other train is treated as a department train, shall remain
2301 one-half each as to third parties outside the rail corridor who
2302 incur loss, injury, or damage as a result of the incident. The
2303 involvement of any other train shall not alter the sharing of
2304 equal responsibility as to third parties outside the rail
2305 corridor who incur loss, injury, or damage as a result of the
2306 incident; ~~or~~

2307 b. Any train involved in an incident that is not ~~neither~~
2308 the department's train or ~~nor~~ the National Railroad Passenger
2309 Corporation's train, ~~hereinafter~~ referred to in this subsection
2310 as an "other train," may be treated as a department train,
2311 solely for purposes of any allocation of liability between the
2312 department and National Railroad Passenger Corporation only, but
2313 only if the department and National Railroad Passenger
2314 Corporation share responsibility equally as to third parties



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2315 outside the rail corridor who incur loss, injury, or damage as a
2316 result of any incident involving both a department train and a
2317 National Railroad Passenger Corporation train, and the
2318 allocation as between the department and National Railroad
2319 Passenger Corporation, regardless of whether the other train is
2320 treated as a department train, shall remain one-half each as to
2321 third parties outside the rail corridor who incur loss, injury,
2322 or damage as a result of the incident. The involvement of any
2323 other train shall not alter the sharing of equal responsibility
2324 as to third parties outside the rail corridor who incur loss,
2325 injury, or damage as a result of the incident; or
2326 c. Any train involved in an incident that is not the
2327 department's train, the intercity rail passenger operator's
2328 train, or the freight rail operator's train, referred to in this
2329 subsection as an "other train," may be treated as a department
2330 train, solely for purposes of any allocation of liability
2331 between the department and the intercity rail passenger operator
2332 only, but only if the department and the intercity rail
2333 passenger operator share responsibility equally as to third
2334 parties outside the rail corridor who incur loss, injury, or
2335 damage as a result of any incident involving both a department
2336 train and an intercity rail passenger train, and the allocation
2337 as between the department and the intercity rail passenger
2338 operator, regardless of whether the other train is treated as a
2339 department train, shall remain one-half each as to third parties
2340 outside the rail corridor who incur loss, injury, or damage as a



2341 result of the incident. The involvement of any other train shall
2342 not alter the sharing of equal responsibility as to third
2343 parties outside the rail corridor who incur loss, injury, or
2344 damages as a result of the incident.

2345 5. When more than one train is involved in an incident:

2346 a.(I) If only a department train and freight rail
2347 operator's train, or only an other train as described in sub-
2348 subparagraph 4.a. and a freight rail operator's train, are
2349 involved in an incident, the department may be responsible for
2350 its property and all of its people, all commuter rail
2351 passengers, and rail corridor invitees, but only if the freight
2352 rail operator is responsible for its property and all of its
2353 people, and the department and the freight rail operator each
2354 share one-half responsibility as to trespassers or third parties
2355 outside the rail corridor who incur loss, injury, or damage as a
2356 result of the incident; ~~or~~

2357 (II) If only a department train and a National Railroad
2358 Passenger Corporation train, or only an other train as described
2359 in sub-subparagraph 4.b. and a National Railroad Passenger
2360 Corporation train, are involved in an incident, the department
2361 may be responsible for its property and all of its people, all
2362 commuter rail passengers, and rail corridor invitees, but only
2363 if National Railroad Passenger Corporation is responsible for
2364 its property and all of its people, all National Railroad
2365 Passenger Corporation's rail passengers, and the department and
2366 National Railroad Passenger Corporation each share one-half



2367 responsibility as to trespassers or third parties outside the
 2368 rail corridor who incur loss, injury, or damage as a result of
 2369 the incident; or

2370 (III) If only a department train and an intercity rail
 2371 passenger operator's train, or only an other train as described
 2372 in sub-subparagraph 4.a. and an intercity rail passenger
 2373 operator's train, are involved in an incident, the department
 2374 may be responsible for its property and all of its people, all
 2375 commuter rail passengers, and rail corridor invitees, but only
 2376 if the intercity rail passenger operator is responsible for its
 2377 property and all of its people, and the department and the
 2378 intercity rail passenger operator each share one-half
 2379 responsibility as to trespassers or third parties outside the
 2380 rail corridor who incur loss, injury, or damage as a result of
 2381 the incident.

2382 b.(I) If a department train, a freight rail operator
 2383 train, and any other train are involved in an incident, the
 2384 allocation of liability between the department and the freight
 2385 rail operator, regardless of whether the other train is treated
 2386 as a department train, shall remain one-half each as to third
 2387 parties outside the rail corridor who incur loss, injury, or
 2388 damage as a result of the incident; the involvement of any other
 2389 train shall not alter the sharing of equal responsibility as to
 2390 third parties outside the rail corridor who incur loss, injury,
 2391 or damage as a result of the incident; and, if the owner,
 2392 operator, or insurer of the other train makes any payment to



2393 | injured third parties outside the rail corridor who incur loss,
 2394 | injury, or damage as a result of the incident, the allocation of
 2395 | credit between the department and the freight rail operator as
 2396 | to such payment shall not in any case reduce the freight rail
 2397 | operator's third-party-sharing allocation of one-half under this
 2398 | paragraph to less than one-third of the total third party
 2399 | liability; ~~or~~

2400 | (II) If a department train, a National Railroad Passenger
 2401 | Corporation train, and any other train are involved in an
 2402 | incident, the allocation of liability between the department and
 2403 | National Railroad Passenger Corporation, regardless of whether
 2404 | the other train is treated as a department train, shall remain
 2405 | one-half each as to third parties outside the rail corridor who
 2406 | incur loss, injury, or damage as a result of the incident; the
 2407 | involvement of any other train shall not alter the sharing of
 2408 | equal responsibility as to third parties outside the rail
 2409 | corridor who incur loss, injury, or damage as a result of the
 2410 | incident; and, if the owner, operator, or insurer of the other
 2411 | train makes any payment to injured third parties outside the
 2412 | rail corridor who incur loss, injury, or damage as a result of
 2413 | the incident, the allocation of credit between the department
 2414 | and National Railroad Passenger Corporation as to such payment
 2415 | shall not in any case reduce National Railroad Passenger
 2416 | Corporation's third-party-sharing allocation of one-half under
 2417 | this sub-subparagraph to less than one-third of the total third
 2418 | party liability; or



2419 (III) If a department train, an intercity rail passenger
2420 operator train, and any other train are involved in an incident,
2421 the allocation of liability between the department and the
2422 intercity rail passenger operator, regardless of whether the
2423 other train is treated as a department train, shall remain one-
2424 half each as to third parties outside the rail corridor who
2425 incur loss, injury, or damage as a result of the incident; the
2426 involvement of any other train shall not alter the sharing of
2427 equal responsibility as to third parties outside the rail
2428 corridor who incur loss, injury, or damage as a result of the
2429 incident; and, if the owner, operator, or insurer of the other
2430 train makes any payment to injured third parties outside the
2431 rail corridor who incur loss, injury, or damage as a result of
2432 the incident, the allocation of credit between the department
2433 and the intercity rail passenger operator as to such payment
2434 shall not in any case reduce the intercity rail passenger
2435 operator's third-party-sharing allocation of one-half under this
2436 sub-subparagraph to less than one-third of the total third party
2437 liability.

2438 6. Any such contractual duty to protect, defend,
2439 indemnify, and hold harmless such a freight rail operator,
2440 intercity rail passenger operator, or National Railroad
2441 Passenger Corporation shall expressly include a specific cap on
2442 the amount of the contractual duty, which amount shall not
2443 exceed \$200 million without prior legislative approval, and the
2444 department to purchase liability insurance and establish a self-



2445 insurance retention fund in the amount of the specific cap
2446 established under this subparagraph, provided that:

2447 a. No such contractual duty shall in any case be effective
2448 nor otherwise extend the department's liability in scope and
2449 effect beyond the contractual liability insurance and self-
2450 insurance retention fund required pursuant to this paragraph;
2451 and

2452 b.(I) The freight rail operator's compensation to the
2453 department for future use of the department's rail corridor
2454 shall include a monetary contribution to the cost of such
2455 liability coverage for the sole benefit of the freight rail
2456 operator.

2457 (II) National Railroad Passenger Corporation's
2458 compensation to the department for future use of the
2459 department's rail corridor shall include a monetary contribution
2460 to the cost of such liability coverage for the sole benefit of
2461 National Railroad Passenger Corporation.

2462 (III) The intercity rail passenger operator's compensation
2463 to the department for future use of the department's rail
2464 corridor shall include a monetary contribution to the cost of
2465 such liability coverage for the sole benefit of the intercity
2466 rail passenger operator.

2467 (b) Purchase liability insurance, which amount shall not
2468 exceed \$200 million, and establish a self-insurance retention
2469 fund for the purpose of paying the deductible limit established
2470 in the insurance policies it may obtain, including coverage for



2471 the department, any intercity rail passenger operator, any
2472 freight rail operator ~~as described in paragraph (a)~~, National
2473 Railroad Passenger Corporation, commuter rail service providers,
2474 governmental entities, or any ancillary development, which self-
2475 insurance retention fund or deductible shall not exceed \$10
2476 million. The insureds shall pay a reasonable monetary
2477 contribution to the cost of such liability coverage for the sole
2478 benefit of the insured. Such insurance and self-insurance
2479 retention fund may provide coverage for all damages, including,
2480 but not limited to, compensatory, special, and exemplary, and be
2481 maintained to provide an adequate fund to cover claims and
2482 liabilities for loss, injury, or damage arising out of or
2483 connected with the ownership, operation, maintenance, and
2484 management of a rail corridor.

2485 (c) Incur expenses for the purchase of advertisements,
2486 marketing, and promotional items.

2487
2488 Neither the assumption by contract to protect, defend,
2489 indemnify, and hold harmless; the purchase of insurance; nor the
2490 establishment of a self-insurance retention fund shall be deemed
2491 to be a waiver of any defense of sovereign immunity for torts
2492 nor deemed to increase the limits of the department's or the
2493 governmental entity's liability for torts as provided in s.
2494 768.28. The requirements of s. 287.022(1) shall not apply to the
2495 purchase of any insurance under this subsection. The provisions
2496 of this subsection shall apply and inure fully as to any other



2497 governmental entity providing commuter rail service and
 2498 constructing, operating, maintaining, or managing a rail
 2499 corridor on publicly owned right-of-way, including a public
 2500 easement on private right-of-way, under contract by the
 2501 governmental entity with the department or a governmental entity
 2502 designated by the department. Notwithstanding any law to the
 2503 contrary, procurement for the construction, operation,
 2504 maintenance, and management of any rail corridor described in
 2505 this subsection, whether by the department, a governmental
 2506 entity under contract with the department, or a governmental
 2507 entity designated by the department, shall be pursuant to s.
 2508 287.057 and shall include, but not be limited to, criteria for
 2509 the consideration of qualifications, technical aspects of the
 2510 proposal, and price. Further, any such contract for design-build
 2511 shall be procured pursuant to the criteria in s. 337.11(7).

2512 Section 32. Subsection (2) of section 343.92, Florida
 2513 Statutes, is amended to read:

2514 343.92 Tampa Bay Area Regional Transportation Authority.-

2515 (2) The governing board of the authority shall consist of
 2516 15 voting ~~16~~ members.

2517 (a) ~~There shall be one nonvoting, ex officio member of the~~
 2518 ~~board who shall be appointed by~~ The secretary of the department
 2519 shall appoint two advisors to the board ~~but~~ who must be the
 2520 district secretary for each ~~one~~ of the department districts
 2521 within the seven-county area of the authority, ~~at the discretion~~
 2522 ~~of the secretary of the department.~~



2523 (b) The ~~There shall be~~ 15 voting members of the board
2524 shall be as follows:

2525 1. The county commissions of Citrus, Hernando,
2526 Hillsborough, Pasco, Pinellas, Manatee, and Sarasota Counties
2527 shall each appoint one elected official to the board. Members
2528 appointed under this subparagraph shall serve 2-year terms with
2529 not more than three consecutive terms being served by any
2530 person. If a member under this subparagraph leaves elected
2531 office, a vacancy exists on the board to be filled as provided
2532 in this subparagraph.

2533 2. The West Central Florida M.P.O. Chairs Coordinating
2534 Committee shall appoint one member to the board who must be a
2535 chair of one of the six metropolitan planning organizations in
2536 the region. The member appointed under this subparagraph shall
2537 serve a 2-year term with not more than three consecutive terms
2538 being served by any person.

2539 3.a. Two members of the board shall be the mayor, or the
2540 mayor's designee, of the largest municipality within the service
2541 area of each of the following independent transit agencies or
2542 their legislatively created successor agencies: Pinellas
2543 Suncoast Transit Authority and Hillsborough Area Regional
2544 Transit Authority. The largest municipality is that municipality
2545 with the largest population as determined by the most recent
2546 United States Decennial Census.

2547 b. Should a mayor choose not to serve, his or her designee
2548 must be an elected official selected by the mayor from that



2549 largest municipality's city council or city commission. A mayor
2550 or his or her designee shall serve a 2-year term with not more
2551 than three consecutive terms being served by any person.

2552 c. A designee's term ends if the mayor leaves office for
2553 any reason. If a designee leaves elected office on the city
2554 council or commission, a vacancy exists on the board to be
2555 filled by the mayor of that municipality as provided in sub-
2556 subparagraph a.

2557 d. A mayor who has served three consecutive terms on the
2558 board must designate an elected official from that largest
2559 municipality's city council or city commission to serve on the
2560 board for at least one term.

2561 4.a. One membership on the board shall rotate every 2
2562 years between the mayor, or his or her designee, of the largest
2563 municipality within Manatee County and the mayor, or his or her
2564 designee, of the largest municipality within Sarasota County.
2565 The mayor, or his or her designee, from the largest municipality
2566 within Manatee County shall serve the first 2-year term. The
2567 largest municipality is that municipality with the largest
2568 population as determined by the most recent United States
2569 Decennial Census.

2570 b. Should a mayor choose not to serve, his or her designee
2571 must be an elected official selected by the mayor from that
2572 municipality's city council or city commission.

2573 5. The Governor shall appoint to the board four business
2574 representatives, each of whom must reside in one of the seven



2575 | counties governed by the authority, none of whom may be elected
 2576 | officials, and at least one but not more than two of whom shall
 2577 | represent counties within the federally designated Tampa Bay
 2578 | Transportation Management Area. Members appointed by the
 2579 | Governor shall serve 3-year terms with not more than two
 2580 | consecutive terms being served by any person.

2581 | (c) Appointments may be staggered to avoid mass turnover
 2582 | at the end of any 2-year or 4-year period. A vacancy during a
 2583 | term shall be filled by the respective appointing authority
 2584 | within 90 days in the same manner as the original appointment
 2585 | and only for the remainder of the unexpired term.

2586 | Section 33. Paragraphs (d), (e), and (f) of subsection (3)
 2587 | of section 343.922, Florida Statutes, are amended, and paragraph
 2588 | (g) is added to that subsection, to read:

2589 | 343.922 Powers and duties.—

2590 | (3)

2591 | (d) After its adoption, the master plan shall be updated
 2592 | every 5 ~~2~~ years before July 1.

2593 | (e) The authority shall present the original master plan
 2594 | and updates to the governing bodies of the counties within the
 2595 | seven-county region, to the TBARTA Metropolitan Planning
 2596 | Organization ~~West Central Florida M.P.O.~~ Chairs Coordinating
 2597 | Committee, and to the legislative delegation members
 2598 | representing those counties within 90 days after adoption.

2599 | (f) The authority shall coordinate plans and projects with
 2600 | the TBARTA Metropolitan Planning Organization ~~West Central~~



2601 ~~Florida M.P.O.~~ Chairs Coordinating Committee, to the extent
 2602 practicable, and participate in the regional M.P.O. planning
 2603 process to ensure regional comprehension of the authority's
 2604 mission, goals, and objectives.

2605 (g) The authority shall provide administrative support and
 2606 direction to the TBARTA Metropolitan Planning Organization
 2607 Chairs Coordinating Committee as provided in s. 339.175(6)(i).

2608 Section 34. Section 348.565, Florida Statutes, is amended
 2609 to read:

2610 348.565 Revenue bonds for specified projects.—The existing
 2611 facilities that constitute the Tampa-Hillsborough County
 2612 Expressway System are hereby approved to be refinanced by
 2613 revenue bonds issued by the Division of Bond Finance of the
 2614 State Board of Administration pursuant to s. 11(f), Art. VII of
 2615 the State Constitution and the State Bond Act or by revenue
 2616 bonds issued by the authority pursuant to s. 348.56(1)(b). In
 2617 addition, the following projects of the Tampa-Hillsborough
 2618 County Expressway Authority are approved to be financed or
 2619 refinanced by the issuance of revenue bonds in accordance with
 2620 this part and s. 11(f), Art. VII of the State Constitution:

2621 (1) Brandon area feeder roads.

2622 (2) Capital improvements to the expressway system,
 2623 including safety and operational improvements and toll
 2624 collection equipment.

2625 (3) Lee Roy Selmon Crosstown Expressway System widening
 2626 and any extensions thereof.



2627 (4) The connector highway linking the Lee Roy Selmon
 2628 Crosstown Expressway to Interstate 4.

2629 (5) Capital projects that the authority is authorized to
 2630 acquire, construct, reconstruct, equip, operate, and maintain
 2631 pursuant to this part, provided that any such capital project
 2632 financed by the issuance of bonds or other evidence of
 2633 indebtedness does not pledge the full faith and credit of the
 2634 state.

2635 Section 35. Subsection (3) and paragraph (a) of subsection
 2636 (4) of section 348.753, Florida Statutes, are amended to read:

2637 348.753 Central Florida Expressway Authority.—

2638 (3) The governing body of the authority shall consist of
 2639 nine members. The chairs of the boards of the county commissions
 2640 of Seminole, Lake, and Osceola Counties shall each appoint one
 2641 member from his or her respective county, who must ~~may~~ be a
 2642 commission member or chair or a county mayor. The Mayor of
 2643 Orange County shall appoint a member from the Orange County
 2644 Commission. The Governor shall appoint three citizen members,
 2645 each of whom must be a citizen of ~~either~~ Orange County, Seminole
 2646 County, Lake County, or Osceola County. ~~The eighth member must~~
 2647 ~~be the Mayor of Orange County and. The ninth member must be the~~
 2648 Mayor of the City of Orlando shall also serve as members. The
 2649 executive director of the Florida Turnpike Enterprise shall
 2650 serve as a nonvoting advisor to the governing body of the
 2651 authority. Each member appointed by the Governor shall serve for
 2652 4 years, with his or her term ending on December 31 of his or



2653 her last year of service. Each county-appointed member shall
2654 serve for 2 years. ~~The terms of standing board members expire~~
2655 ~~June 20, 2014.~~ Each appointed member shall hold office until his
2656 or her successor has been appointed and has qualified. A vacancy
2657 occurring during a term must be filled only for the balance of
2658 the unexpired term. Each appointed member of the authority shall
2659 be a person of outstanding reputation for integrity,
2660 responsibility, and business ability, but, except as provided in
2661 this subsection, a person who is an officer or employee of a
2662 municipality or county may not be an appointed member of the
2663 authority. Any member of the authority is eligible for
2664 reappointment.

2665 (4) (a) The authority shall elect one of its members as
2666 chair of the authority. The authority shall also elect one of
2667 its members as vice chair, ~~one of its members as secretary,~~ and
2668 one of its members as treasurer. The chair, vice chair,
2669 ~~secretary,~~ and treasurer shall hold such offices at the will of
2670 the authority. Five members of the authority constitute a
2671 quorum, and the vote of five members is necessary for any action
2672 taken by the authority. A vacancy in the authority does not
2673 impair the right of a quorum of the authority to exercise all of
2674 the rights and perform all of the duties of the authority.

2675 Section 36. Subsection (12) of section 565.02, Florida
2676 Statutes, is renumbered as subsection (13), and a new subsection
2677 (12) is added to that section to read:

2678 565.02 License fees; vendors; clubs; caterers; and



2679 others.—

2680 (12) Upon the filing of an application and payment of an
2681 annual fee of \$1,100, the division may issue a permit
2682 authorizing the owner or lessee of a commercial megacycle, as
2683 defined in s. 316.003, to sell beer and wine for consumption on
2684 the megacycle while operating under s. 316.2069.

2685 Section 37. Paragraph (j) is added to subsection (2) of
2686 section 810.09, Florida Statutes, to read:

2687 810.09 Trespass on property other than structure or
2688 conveyance.—

2689 (2)

2690 (j)1. The offender commits a felony of the third degree,
2691 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
2692 if the offender trespasses with the intent to injure another
2693 person, damage property, or impede the operation or use of an
2694 aircraft, runway, taxiway, ramp, or apron area and the property
2695 trespassed upon is the operational area of an airport that is
2696 legally posted and identified in substantially the following
2697 manner: "THIS AREA IS A DESIGNATED OPERATIONAL AREA OF AN
2698 AIRPORT. ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A
2699 FELONY."

2700 2. For purposes of this paragraph, the term "operational
2701 area of an airport" means any portion of an airport to which
2702 access by the public is prohibited by fences or appropriate
2703 signs and includes runways, taxiways, ramps, apron areas,
2704 aircraft parking and storage areas, fuel storage areas,



2705 maintenance areas, and any other area of an airport used or
2706 intended to be used for landing, takeoff, or surface maneuvering
2707 of aircraft.

2708 Section 38. (1) (a) The Office of Economic and Demographic
2709 Research shall evaluate and determine the economic benefits, as
2710 defined in s. 288.005(1), Florida Statutes, of the state's
2711 investment in the Department of Transportation's adopted work
2712 program developed in accordance with s. 339.135(5), Florida
2713 Statutes, for fiscal year 2016-2017 and the following 4 fiscal
2714 years. At a minimum, a separate return on investment shall be
2715 projected for each of the following areas:

2716 1. Roads and highways.

2717 2. Rails.

2718 3. Public transit.

2719 4. Aviation.

2720 5. Seaports.

2721 (b) The evaluation shall be limited to the funding
2722 anticipated by the adopted work program but may address the
2723 continuing economic impact for those transportation projects in
2724 the 5 years after the conclusion of the adopted work program.
2725 The evaluation must also determine the number of jobs created,
2726 the increase or decrease in personal income, and the impact on
2727 gross domestic product from the direct, indirect, and induced
2728 effects on the state's investment in each area.

2729 (2) The Department of Transportation and each of its
2730 district offices shall provide the Office of Economic and



2731 Demographic Research full access to all data necessary to
2732 complete the evaluation, including any confidential data.

2733 (3) The Office of Economic and Demographic Research shall
2734 submit the evaluation to the President of the Senate and the
2735 Speaker of the House of Representatives by January 1, 2017.

2736 Section 39. The Department of Transportation, in
2737 consultation with the Department of Highway Safety and Motor
2738 Vehicles, shall study the use and safe operation of driver-
2739 assistive truck platooning technology, as defined in s. 316.003,
2740 Florida Statutes, for the purpose of developing a pilot project
2741 to test vehicles that are equipped to operate using driver-
2742 assistive truck platooning technology.

2743 (1) Upon conclusion of the study, the Department of
2744 Transportation, in consultation with the Department of Highway
2745 Safety and Motor Vehicles, may conduct a pilot project to test
2746 the use and safe operation of vehicles equipped with driver-
2747 assistive truck platooning technology.

2748 (2) Notwithstanding ss. 316.0895 and 316.303, Florida
2749 Statutes, the Department of Transportation may conduct the pilot
2750 project in such a manner and at such locations as determined by
2751 the Department of Transportation based on the study.

2752 (3) Before the start of the pilot project, manufacturers
2753 of driver-assistive truck platooning technology being tested in
2754 the pilot project must submit to the Department of Highway
2755 Safety and Motor Vehicles an instrument of insurance, surety
2756 bond, or proof of self-insurance acceptable to the department in



2757 | the amount of \$5 million.

2758 | (4) Upon conclusion of the pilot project, the Department
2759 | of Transportation, in consultation with the Department of
2760 | Highway Safety and Motor Vehicles, shall submit the results of
2761 | the study and any findings or recommendations from the pilot
2762 | project to the Governor, the President of the Senate, and the
2763 | Speaker of the House of Representatives.

2764 | Section 40. The Department of Transportation, in
2765 | consultation with the Department of Highway Safety and Motor
2766 | Vehicles, shall conduct a feasibility study of state interchange
2767 | improvements to enhance economic development opportunities. By
2768 | January 1, 2017, the Department of Transportation shall submit
2769 | the results of the study and any findings or recommendations to
2770 | the Governor, the President of the Senate, and the Speaker of
2771 | the House of Representatives.

2772 | Section 41. Paragraph (c) of subsection (1) of section
2773 | 212.05, Florida Statutes, is amended to read:

2774 | 212.05 Sales, storage, use tax.—It is hereby declared to
2775 | be the legislative intent that every person is exercising a
2776 | taxable privilege who engages in the business of selling
2777 | tangible personal property at retail in this state, including
2778 | the business of making mail order sales, or who rents or
2779 | furnishes any of the things or services taxable under this
2780 | chapter, or who stores for use or consumption in this state any
2781 | item or article of tangible personal property as defined herein
2782 | and who leases or rents such property within the state.



2783 (1) For the exercise of such privilege, a tax is levied on
2784 each taxable transaction or incident, which tax is due and
2785 payable as follows:

2786 (c) At the rate of 6 percent of the gross proceeds derived
2787 from the lease or rental of tangible personal property, as
2788 defined herein; however, the following special provisions apply
2789 to the lease or rental of motor vehicles:

2790 1. When a motor vehicle is leased or rented for a period
2791 of less than 12 months:

2792 a. If the motor vehicle is rented in Florida, the entire
2793 amount of such rental is taxable, even if the vehicle is dropped
2794 off in another state.

2795 b. If the motor vehicle is rented in another state and
2796 dropped off in Florida, the rental is exempt from Florida tax.

2797 2. Except as provided in subparagraph 3., for the lease or
2798 rental of a motor vehicle for a period of not less than 12
2799 months, sales tax is due on the lease or rental payments if the
2800 vehicle is registered in this state; provided, however, that no
2801 tax shall be due if the taxpayer documents use of the motor
2802 vehicle outside this state and tax is being paid on the lease or
2803 rental payments in another state.

2804 3. The tax imposed by this chapter does not apply to the
2805 lease or rental of a commercial motor vehicle as defined in s.
2806 316.003(13)(a) ~~316.003(66)(a)~~ to one lessee or rentee for a
2807 period of not less than 12 months when tax was paid on the
2808 purchase price of such vehicle by the lessor. To the extent tax



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2809 | was paid with respect to the purchase of such vehicle in another
2810 | state, territory of the United States, or the District of
2811 | Columbia, the Florida tax payable shall be reduced in accordance
2812 | with the provisions of s. 212.06(7). This subparagraph shall
2813 | only be available when the lease or rental of such property is
2814 | an established business or part of an established business or
2815 | the same is incidental or germane to such business.

2816 | Section 42. Subsection (1) of section 316.1303, Florida
2817 | Statutes, is amended to read:

2818 | 316.1303 Traffic regulations to assist mobility-impaired
2819 | persons.—

2820 | (1) Whenever a pedestrian who is mobility impaired is in
2821 | the process of crossing a public street or highway with the
2822 | assistance of a guide dog or service animal designated as such
2823 | with a visible means of identification, a walker, a crutch, an
2824 | orthopedic cane, or a wheelchair, the driver of a vehicle
2825 | approaching the intersection, ~~as defined in s. 316.003(17),~~
2826 | shall bring his or her vehicle to a full stop before arriving at
2827 | the intersection and, before proceeding, shall take precautions
2828 | necessary to avoid injuring the pedestrian.

2829 | Section 43. Paragraph (b) of subsection (2) and paragraph
2830 | (a) of subsection (4) of section 316.545, Florida Statutes, are
2831 | amended to read:

2832 | 316.545 Weight and load unlawful; special fuel and motor
2833 | fuel tax enforcement; inspection; penalty; review.—

2834 | (2)



2835 (b) The officer or inspector shall inspect the license
 2836 plate or registration certificate of the commercial vehicle,~~as~~
 2837 ~~defined in s. 316.003(66),~~ to determine whether ~~if~~ its gross
 2838 weight is in compliance with the declared gross vehicle weight.
 2839 If its gross weight exceeds the declared weight, the penalty
 2840 shall be 5 cents per pound on the difference between such
 2841 weights. In those cases when the commercial vehicle,~~as defined~~
 2842 ~~in s. 316.003(66),~~ is being operated over the highways of the
 2843 state with an expired registration or with no registration from
 2844 this or any other jurisdiction or is not registered under the
 2845 applicable provisions of chapter 320, the penalty herein shall
 2846 apply on the basis of 5 cents per pound on that scaled weight
 2847 which exceeds 35,000 pounds on laden truck tractor-semitrailer
 2848 combinations or tandem trailer truck combinations, 10,000 pounds
 2849 on laden straight trucks or straight truck-trailer combinations,
 2850 or 10,000 pounds on any unladen commercial motor vehicle. If the
 2851 license plate or registration has not been expired for more than
 2852 90 days, the penalty imposed under this paragraph may not exceed
 2853 \$1,000. In the case of special mobile equipment ~~as defined in s.~~
 2854 ~~316.003(48),~~ which qualifies for the license tax provided for in
 2855 s. 320.08(5)(b), being operated on the highways of the state
 2856 with an expired registration or otherwise not properly
 2857 registered under the applicable provisions of chapter 320, a
 2858 penalty of \$75 shall apply in addition to any other penalty
 2859 which may apply in accordance with this chapter. A vehicle found
 2860 in violation of this section may be detained until the owner or



2861 operator produces evidence that the vehicle has been properly
2862 registered. Any costs incurred by the retention of the vehicle
2863 shall be the sole responsibility of the owner. A person who has
2864 been assessed a penalty pursuant to this paragraph for failure
2865 to have a valid vehicle registration certificate pursuant to the
2866 provisions of chapter 320 is not subject to the delinquent fee
2867 authorized in s. 320.07 if such person obtains a valid
2868 registration certificate within 10 working days after such
2869 penalty was assessed.

2870 (4) (a) A ~~Ne~~ commercial vehicle may not, ~~as defined in s.~~
2871 ~~316.003(66)~~, ~~shall~~ be operated over the highways of this state
2872 unless it has been properly registered under ~~the provisions of~~
2873 s. 207.004. Whenever any law enforcement officer identified in
2874 s. 207.023(1), upon inspecting the vehicle or combination of
2875 vehicles, determines that the vehicle is in violation of s.
2876 207.004, a penalty in the amount of \$50 shall be assessed, and
2877 the vehicle may be detained until payment is collected by the
2878 law enforcement officer.

2879 Section 44. Subsection (2) of section 316.605, Florida
2880 Statutes, is amended to read:

2881 316.605 Licensing of vehicles.—

2882 (2) Any commercial motor vehicle, ~~as defined in s.~~
2883 ~~316.003(66)~~, operating over the highways of this state with an
2884 expired registration, with no registration from this or any
2885 other jurisdiction, or with no registration under the applicable
2886 provisions of chapter 320 shall be in violation of s. 320.07(3)



2887 and shall subject the owner or operator of such vehicle to the
2888 penalty provided. In addition, a commercial motor vehicle found
2889 in violation of this section may be detained by any law
2890 enforcement officer until the owner or operator produces
2891 evidence that the vehicle has been properly registered and that
2892 any applicable delinquent penalties have been paid.

2893 Section 45. Subsection (6) of section 316.6105, Florida
2894 Statutes, is amended to read:

2895 316.6105 Violations involving operation of motor vehicle
2896 in unsafe condition or without required equipment; procedure for
2897 disposition.—

2898 (6) This section does not apply to commercial motor
2899 vehicles ~~as defined in s. 316.003(66)~~ or transit buses owned or
2900 operated by a governmental entity.

2901 Section 46. Paragraph (a) of subsection (2) of section
2902 316.613, Florida Statutes, is amended to read:

2903 316.613 Child restraint requirements.—

2904 (2) As used in this section, the term "motor vehicle"
2905 means a motor vehicle as defined in s. 316.003 that is operated
2906 on the roadways, streets, and highways of the state. The term
2907 does not include:

2908 (a) A school bus ~~as defined in s. 316.003(45)~~.

2909 Section 47. Subsection (8) of section 316.622, Florida
2910 Statutes, is amended to read:

2911 316.622 Farm labor vehicles.—

2912 (8) The department shall provide to the Department of



2913 Business and Professional Regulation each quarter a copy of each
 2914 accident report involving a farm labor vehicle, ~~as defined in s.~~
 2915 ~~316.003(62), commencing with the first quarter of the 2006-2007~~
 2916 ~~fiscal year.~~

2917 Section 48. Paragraph (b) of subsection (1) of section
 2918 316.650, Florida Statutes, is amended to read:

2919 316.650 Traffic citations.—

2920 (1)

2921 (b) The department shall prepare, and supply to every
 2922 traffic enforcement agency in the state, an appropriate
 2923 affidavit-of-compliance form that shall be issued along with the
 2924 form traffic citation for any violation of s. 316.610 and that
 2925 indicates the specific defect needing to be corrected. However,
 2926 such affidavit of compliance may ~~shall~~ not be issued in the case
 2927 of a violation of s. 316.610 by a commercial motor vehicle ~~as~~
 2928 ~~defined in s. 316.003(66)~~. Such affidavit-of-compliance form
 2929 shall be distributed in the same manner and to the same parties
 2930 as is the form traffic citation.

2931 Section 49. Subsection (1) of section 316.70, Florida
 2932 Statutes, is amended to read:

2933 316.70 Nonpublic sector buses; safety rules.—

2934 (1) The Department of Transportation shall establish and
 2935 revise standards to ensure ~~assure~~ the safe operation of
 2936 nonpublic sector buses, ~~as defined in s. 316.003(78)~~, which
 2937 standards shall be those contained in 49 C.F.R. parts 382, 385,
 2938 and 390-397 and which shall be directed toward ensuring ~~towards~~



2939 ~~assuring~~ that:

2940 (a) Nonpublic sector buses are safely maintained,
2941 equipped, and operated.

2942 (b) Nonpublic sector buses are carrying the insurance
2943 required by law and carrying liability insurance on the checked
2944 baggage of passengers not to exceed the standard adopted by the
2945 United States Department of Transportation.

2946 (c) Florida license tags are purchased for nonpublic
2947 sector buses pursuant to s. 320.38.

2948 (d) The driving records of drivers of nonpublic sector
2949 buses are checked by their employers at least once each year to
2950 ascertain whether the driver has a suspended or revoked driver
2951 license.

2952 Section 50. Paragraph (a) of subsection (1) of section
2953 320.01, Florida Statutes, is amended to read:

2954 320.01 Definitions, general.—As used in the Florida
2955 Statutes, except as otherwise provided, the term:

2956 (1) "Motor vehicle" means:

2957 (a) An automobile, motorcycle, truck, trailer,
2958 semitrailer, truck tractor and semitrailer combination, or any
2959 other vehicle operated on the roads of this state, used to
2960 transport persons or property, and propelled by power other than
2961 muscular power, but the term does not include traction engines,
2962 road rollers, special mobile equipment as defined in s. 316.003
2963 ~~316.003(48)~~, vehicles that run only upon a track, bicycles,
2964 swamp buggies, or mopeds.



2965 Section 51. Section 320.08, Florida Statutes, is amended
 2966 to read:

2967 320.08 License taxes.—Except as otherwise provided herein,
 2968 there are hereby levied and imposed annual license taxes for the
 2969 operation of motor vehicles, mopeds, motorized bicycles as
 2970 defined in s. 316.003(4) ~~316.003(2)~~, tri-vehicles as defined in
 2971 s. 316.003, and mobile homes~~7~~ as defined in s. 320.01, which
 2972 shall be paid to and collected by the department or its agent
 2973 upon the registration or renewal of registration of the
 2974 following:

2975 (1) MOTORCYCLES AND MOPEDS.—

2976 (a) Any motorcycle: \$10 flat.

2977 (b) Any moped: \$5 flat.

2978 (c) Upon registration of a motorcycle, motor-driven cycle,
 2979 or moped, in addition to the license taxes specified in this
 2980 subsection, a nonrefundable motorcycle safety education fee in
 2981 the amount of \$2.50 shall be paid. The proceeds of such
 2982 additional fee shall be deposited in the Highway Safety
 2983 Operating Trust Fund to fund a motorcycle driver improvement
 2984 program implemented pursuant to s. 322.025, the Florida
 2985 Motorcycle Safety Education Program established in s. 322.0255,
 2986 or the general operations of the department.

2987 (d) An ancient or antique motorcycle: \$7.50 flat, of which
 2988 \$2.50 shall be deposited into the General Revenue Fund.

2989 (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—

2990 (a) An ancient or antique automobile, as defined in s.



2991 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.
 2992 (b) Net weight of less than 2,500 pounds: \$14.50 flat.
 2993 (c) Net weight of 2,500 pounds or more, but less than
 2994 3,500 pounds: \$22.50 flat.
 2995 (d) Net weight of 3,500 pounds or more: \$32.50 flat.
 2996 (3) TRUCKS.—
 2997 (a) Net weight of less than 2,000 pounds: \$14.50 flat.
 2998 (b) Net weight of 2,000 pounds or more, but not more than
 2999 3,000 pounds: \$22.50 flat.
 3000 (c) Net weight more than 3,000 pounds, but not more than
 3001 5,000 pounds: \$32.50 flat.
 3002 (d) A truck defined as a "goat," or other vehicle if used
 3003 in the field by a farmer or in the woods for the purpose of
 3004 harvesting a crop, including naval stores, during such
 3005 harvesting operations, and which is not principally operated
 3006 upon the roads of the state: \$7.50 flat. The term "goat" means a
 3007 motor vehicle designed, constructed, and used principally for
 3008 the transportation of citrus fruit within citrus groves or for
 3009 the transportation of crops on farms, and which can also be used
 3010 for hauling associated equipment or supplies, including required
 3011 sanitary equipment, and the towing of farm trailers.
 3012 (e) An ancient or antique truck, as defined in s. 320.086:
 3013 \$7.50 flat.
 3014 (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS
 3015 VEHICLE WEIGHT.—
 3016 (a) Gross vehicle weight of 5,001 pounds or more, but less



3017 | than 6,000 pounds: \$60.75 flat, of which \$15.75 shall be
3018 | deposited into the General Revenue Fund.

3019 | (b) Gross vehicle weight of 6,000 pounds or more, but less
3020 | than 8,000 pounds: \$87.75 flat, of which \$22.75 shall be
3021 | deposited into the General Revenue Fund.

3022 | (c) Gross vehicle weight of 8,000 pounds or more, but less
3023 | than 10,000 pounds: \$103 flat, of which \$27 shall be deposited
3024 | into the General Revenue Fund.

3025 | (d) Gross vehicle weight of 10,000 pounds or more, but
3026 | less than 15,000 pounds: \$118 flat, of which \$31 shall be
3027 | deposited into the General Revenue Fund.

3028 | (e) Gross vehicle weight of 15,000 pounds or more, but
3029 | less than 20,000 pounds: \$177 flat, of which \$46 shall be
3030 | deposited into the General Revenue Fund.

3031 | (f) Gross vehicle weight of 20,000 pounds or more, but
3032 | less than 26,001 pounds: \$251 flat, of which \$65 shall be
3033 | deposited into the General Revenue Fund.

3034 | (g) Gross vehicle weight of 26,001 pounds or more, but
3035 | less than 35,000: \$324 flat, of which \$84 shall be deposited
3036 | into the General Revenue Fund.

3037 | (h) Gross vehicle weight of 35,000 pounds or more, but
3038 | less than 44,000 pounds: \$405 flat, of which \$105 shall be
3039 | deposited into the General Revenue Fund.

3040 | (i) Gross vehicle weight of 44,000 pounds or more, but
3041 | less than 55,000 pounds: \$773 flat, of which \$201 shall be
3042 | deposited into the General Revenue Fund.



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3043 (j) Gross vehicle weight of 55,000 pounds or more, but
3044 less than 62,000 pounds: \$916 flat, of which \$238 shall be
3045 deposited into the General Revenue Fund.

3046 (k) Gross vehicle weight of 62,000 pounds or more, but
3047 less than 72,000 pounds: \$1,080 flat, of which \$280 shall be
3048 deposited into the General Revenue Fund.

3049 (l) Gross vehicle weight of 72,000 pounds or more: \$1,322
3050 flat, of which \$343 shall be deposited into the General Revenue
3051 Fund.

3052 (m) Notwithstanding the declared gross vehicle weight, a
3053 truck tractor used within a 150-mile radius of its home address
3054 is eligible for a license plate for a fee of \$324 flat if:

3055 1. The truck tractor is used exclusively for hauling
3056 forestry products; or

3057 2. The truck tractor is used primarily for the hauling of
3058 forestry products, and is also used for the hauling of
3059 associated forestry harvesting equipment used by the owner of
3060 the truck tractor.

3061
3062 Of the fee imposed by this paragraph, \$84 shall be deposited
3063 into the General Revenue Fund.

3064 (n) A truck tractor or heavy truck, not operated as a for-
3065 hire vehicle, which is engaged exclusively in transporting raw,
3066 unprocessed, and nonmanufactured agricultural or horticultural
3067 products within a 150-mile radius of its home address, is
3068 eligible for a restricted license plate for a fee of:



3069 | 1. If such vehicle's declared gross vehicle weight is less
 3070 | than 44,000 pounds, \$87.75 flat, of which \$22.75 shall be
 3071 | deposited into the General Revenue Fund.

3072 | 2. If such vehicle's declared gross vehicle weight is
 3073 | 44,000 pounds or more and such vehicle only transports from the
 3074 | point of production to the point of primary manufacture; to the
 3075 | point of assembling the same; or to a shipping point of a rail,
 3076 | water, or motor transportation company, \$324 flat, of which \$84
 3077 | shall be deposited into the General Revenue Fund.

3078 |
 3079 | Such not-for-hire truck tractors and heavy trucks used
 3080 | exclusively in transporting raw, unprocessed, and
 3081 | nonmanufactured agricultural or horticultural products may be
 3082 | incidentally used to haul farm implements and fertilizers
 3083 | delivered direct to the growers. The department may require any
 3084 | documentation deemed necessary to determine eligibility prior to
 3085 | issuance of this license plate. For the purpose of this
 3086 | paragraph, "not-for-hire" means the owner of the motor vehicle
 3087 | must also be the owner of the raw, unprocessed, and
 3088 | nonmanufactured agricultural or horticultural product, or the
 3089 | user of the farm implements and fertilizer being delivered.

3090 | (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
 3091 | SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

3092 | (a)1. A semitrailer drawn by a GVW truck tractor by means
 3093 | of a fifth-wheel arrangement: \$13.50 flat per registration year
 3094 | or any part thereof, of which \$3.50 shall be deposited into the



3095 General Revenue Fund.

3096 2. A semitrailer drawn by a GVW truck tractor by means of
3097 a fifth-wheel arrangement: \$68 flat per permanent registration,
3098 of which \$18 shall be deposited into the General Revenue Fund.

3099 (b) A motor vehicle equipped with machinery and designed
3100 for the exclusive purpose of well drilling, excavation,
3101 construction, spraying, or similar activity, and which is not
3102 designed or used to transport loads other than the machinery
3103 described above over public roads: \$44 flat, of which \$11.50
3104 shall be deposited into the General Revenue Fund.

3105 (c) A school bus used exclusively to transport pupils to
3106 and from school or school or church activities or functions
3107 within their own county: \$41 flat, of which \$11 shall be
3108 deposited into the General Revenue Fund.

3109 (d) A wrecker, as defined in s. 320.01, which is used to
3110 tow a vessel as defined in s. 327.02, a disabled, abandoned,
3111 stolen-recovered, or impounded motor vehicle as defined in s.
3112 320.01, or a replacement motor vehicle as defined in s. 320.01:
3113 \$41 flat, of which \$11 shall be deposited into the General
3114 Revenue Fund.

3115 (e) A wrecker that is used to tow any nondisabled motor
3116 vehicle, a vessel, or any other cargo unless used as defined in
3117 paragraph (d), as follows:

3118 1. Gross vehicle weight of 10,000 pounds or more, but less
3119 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited
3120 into the General Revenue Fund.



3121 2. Gross vehicle weight of 15,000 pounds or more, but less
3122 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited
3123 into the General Revenue Fund.

3124 3. Gross vehicle weight of 20,000 pounds or more, but less
3125 than 26,000 pounds: \$251 flat, of which \$65 shall be deposited
3126 into the General Revenue Fund.

3127 4. Gross vehicle weight of 26,000 pounds or more, but less
3128 than 35,000 pounds: \$324 flat, of which \$84 shall be deposited
3129 into the General Revenue Fund.

3130 5. Gross vehicle weight of 35,000 pounds or more, but less
3131 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited
3132 into the General Revenue Fund.

3133 6. Gross vehicle weight of 44,000 pounds or more, but less
3134 than 55,000 pounds: \$772 flat, of which \$200 shall be deposited
3135 into the General Revenue Fund.

3136 7. Gross vehicle weight of 55,000 pounds or more, but less
3137 than 62,000 pounds: \$915 flat, of which \$237 shall be deposited
3138 into the General Revenue Fund.

3139 8. Gross vehicle weight of 62,000 pounds or more, but less
3140 than 72,000 pounds: \$1,080 flat, of which \$280 shall be
3141 deposited into the General Revenue Fund.

3142 9. Gross vehicle weight of 72,000 pounds or more: \$1,322
3143 flat, of which \$343 shall be deposited into the General Revenue
3144 Fund.

3145 (f) A hearse or ambulance: \$40.50 flat, of which \$10.50
3146 shall be deposited into the General Revenue Fund.



3147 (6) MOTOR VEHICLES FOR HIRE.—
 3148 (a) Under nine passengers: \$17 flat, of which \$4.50 shall
 3149 be deposited into the General Revenue Fund; plus \$1.50 per cwt,
 3150 of which 50 cents shall be deposited into the General Revenue
 3151 Fund.
 3152 (b) Nine passengers and over: \$17 flat, of which \$4.50
 3153 shall be deposited into the General Revenue Fund; plus \$2 per
 3154 cwt, of which 50 cents shall be deposited into the General
 3155 Revenue Fund.
 3156 (7) TRAILERS FOR PRIVATE USE.—
 3157 (a) Any trailer weighing 500 pounds or less: \$6.75 flat
 3158 per year or any part thereof, of which \$1.75 shall be deposited
 3159 into the General Revenue Fund.
 3160 (b) Net weight over 500 pounds: \$3.50 flat, of which \$1
 3161 shall be deposited into the General Revenue Fund; plus \$1 per
 3162 cwt, of which 25 cents shall be deposited into the General
 3163 Revenue Fund.
 3164 (8) TRAILERS FOR HIRE.—
 3165 (a) Net weight under 2,000 pounds: \$3.50 flat, of which \$1
 3166 shall be deposited into the General Revenue Fund; plus \$1.50 per
 3167 cwt, of which 50 cents shall be deposited into the General
 3168 Revenue Fund.
 3169 (b) Net weight 2,000 pounds or more: \$13.50 flat, of which
 3170 \$3.50 shall be deposited into the General Revenue Fund; plus
 3171 \$1.50 per cwt, of which 50 cents shall be deposited into the
 3172 General Revenue Fund.



3173 (9) RECREATIONAL VEHICLE-TYPE UNITS.—
 3174 (a) A travel trailer or fifth-wheel trailer, as defined by
 3175 s. 320.01(1)(b), that does not exceed 35 feet in length: \$27
 3176 flat, of which \$7 shall be deposited into the General Revenue
 3177 Fund.
 3178 (b) A camping trailer, as defined by s. 320.01(1)(b)2.:
 3179 \$13.50 flat, of which \$3.50 shall be deposited into the General
 3180 Revenue Fund.
 3181 (c) A motor home, as defined by s. 320.01(1)(b)4.:
 3182 1. Net weight of less than 4,500 pounds: \$27 flat, of
 3183 which \$7 shall be deposited into the General Revenue Fund.
 3184 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
 3185 which \$12.25 shall be deposited into the General Revenue Fund.
 3186 (d) A truck camper as defined by s. 320.01(1)(b)3.:
 3187 1. Net weight of less than 4,500 pounds: \$27 flat, of
 3188 which \$7 shall be deposited into the General Revenue Fund.
 3189 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
 3190 which \$12.25 shall be deposited into the General Revenue Fund.
 3191 (e) A private motor coach as defined by s. 320.01(1)(b)5.:
 3192 1. Net weight of less than 4,500 pounds: \$27 flat, of
 3193 which \$7 shall be deposited into the General Revenue Fund.
 3194 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
 3195 which \$12.25 shall be deposited into the General Revenue Fund.
 3196 (10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS;
 3197 35 FEET TO 40 FEET.—
 3198 (a) Park trailers.—Any park trailer, as defined in s.



3199 | 320.01(1)(b)7.: \$25 flat.
 3200 | (b) A travel trailer or fifth-wheel trailer, as defined in
 3201 | s. 320.01(1)(b), that exceeds 35 feet: \$25 flat.
 3202 | (11) MOBILE HOMES.—
 3203 | (a) A mobile home not exceeding 35 feet in length: \$20
 3204 | flat.
 3205 | (b) A mobile home over 35 feet in length, but not
 3206 | exceeding 40 feet: \$25 flat.
 3207 | (c) A mobile home over 40 feet in length, but not
 3208 | exceeding 45 feet: \$30 flat.
 3209 | (d) A mobile home over 45 feet in length, but not
 3210 | exceeding 50 feet: \$35 flat.
 3211 | (e) A mobile home over 50 feet in length, but not
 3212 | exceeding 55 feet: \$40 flat.
 3213 | (f) A mobile home over 55 feet in length, but not
 3214 | exceeding 60 feet: \$45 flat.
 3215 | (g) A mobile home over 60 feet in length, but not
 3216 | exceeding 65 feet: \$50 flat.
 3217 | (h) A mobile home over 65 feet in length: \$80 flat.
 3218 | (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised
 3219 | motor vehicle dealer, independent motor vehicle dealer, marine
 3220 | boat trailer dealer, or mobile home dealer and manufacturer
 3221 | license plate: \$17 flat, of which \$4.50 shall be deposited into
 3222 | the General Revenue Fund.
 3223 | (13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or
 3224 | official license plate: \$4 flat, of which \$1 shall be deposited



3225 into the General Revenue Fund.

3226 (14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor
 3227 vehicle for hire operated wholly within a city or within 25
 3228 miles thereof: \$17 flat, of which \$4.50 shall be deposited into
 3229 the General Revenue Fund; plus \$2 per cwt, of which 50 cents
 3230 shall be deposited into the General Revenue Fund.

3231 (15) TRANSPORTER.—Any transporter license plate issued to
 3232 a transporter pursuant to s. 320.133: \$101.25 flat, of which
 3233 \$26.25 shall be deposited into the General Revenue Fund.

3234 Section 52. Subsection (1) of section 320.0801, Florida
 3235 Statutes, is amended to read:

3236 320.0801 Additional license tax on certain vehicles.—

3237 (1) In addition to the license taxes specified in s.
 3238 320.08 and in subsection (2), there is hereby levied and imposed
 3239 an annual license tax of 10 cents for the operation of a motor
 3240 vehicle, as defined in s. 320.01, and moped, as defined in s.
 3241 316.003 ~~316.003(77)~~, which tax shall be paid to the department
 3242 or its agent upon the registration or renewal of registration of
 3243 the vehicle. Notwithstanding ~~the provisions of~~ s. 320.20,
 3244 revenues collected from the tax imposed in this subsection shall
 3245 be deposited in the Emergency Medical Services Trust Fund and
 3246 used solely for the purpose of carrying out ~~the provisions of~~
 3247 ss. 395.401, 395.4015, 395.404, and 395.4045 and s. 11, chapter
 3248 87-399, Laws of Florida.

3249 Section 53. Section 320.38, Florida Statutes, is amended
 3250 to read:



3251 320.38 When nonresident exemption not allowed.—The
3252 provisions of s. 320.37 authorizing the operation of motor
3253 vehicles over the roads of this state by nonresidents of this
3254 state when such vehicles are duly registered or licensed under
3255 the laws of some other state or foreign country do not apply to
3256 any nonresident who accepts employment or engages in any trade,
3257 profession, or occupation in this state, except a nonresident
3258 migrant or seasonal farm worker as defined in s. 316.003
3259 ~~316.003(61)~~. In every case in which a nonresident, except a
3260 nonresident migrant or seasonal farm worker as defined in s.
3261 316.003 ~~316.003(61)~~, accepts employment or engages in any trade,
3262 profession, or occupation in this state or enters his or her
3263 children to be educated in the public schools of this state,
3264 such nonresident shall, within 10 days after the commencement of
3265 such employment or education, register his or her motor vehicles
3266 in this state if such motor vehicles are proposed to be operated
3267 on the roads of this state. Any person who is enrolled as a
3268 student in a college or university and who is a nonresident but
3269 who is in this state for a period of up to 6 months engaged in a
3270 work-study program for which academic credits are earned from a
3271 college whose credits or degrees are accepted for credit by at
3272 least three accredited institutions of higher learning, as
3273 defined in s. 1005.02, is not required to have a Florida
3274 registration for the duration of the work-study program if the
3275 person's vehicle is properly registered in another jurisdiction.
3276 Any nonresident who is enrolled as a full-time student in such



3277 institution of higher learning is also exempt for the duration
3278 of such enrollment.

3279 Section 54. Subsection (1) of section 322.031, Florida
3280 Statutes, is amended to read:

3281 322.031 Nonresident; when license required.—

3282 (1) In each case in which a nonresident, except a
3283 nonresident migrant or seasonal farm worker as defined in s.
3284 316.003 ~~316.003(61)~~, accepts employment or engages in a trade,
3285 profession, or occupation in this state or enters his or her
3286 children to be educated in the public schools of this state,
3287 such nonresident shall, within 30 days after beginning such
3288 employment or education, be required to obtain a Florida driver
3289 license if such nonresident operates a motor vehicle on the
3290 highways of this state. The spouse or dependent child of such
3291 nonresident shall also be required to obtain a Florida driver
3292 license within that 30-day period before operating a motor
3293 vehicle on the highways of this state.

3294 Section 55. Subsection (3) of section 450.181, Florida
3295 Statutes, is amended to read:

3296 450.181 Definitions.—As used in part II, unless the
3297 context clearly requires a different meaning:

3298 (3) The term "migrant laborer" has the same meaning as
3299 migrant or seasonal farm worker ~~workers~~ as defined in s. 316.003
3300 ~~316.003(61)~~.

3301 Section 56. Subsection (5) of section 559.903, Florida
3302 Statutes, is amended to read:



3303 559.903 Definitions.—As used in this act:

3304 (5) "Motor vehicle" means any automobile, truck, bus,
 3305 recreational vehicle, motorcycle, motor scooter, or other motor
 3306 powered vehicle, but does not include trailers, mobile homes,
 3307 travel trailers, trailer coaches without independent motive
 3308 power, watercraft or aircraft, or special mobile equipment as
 3309 defined in s. 316.003 ~~316.003(48)~~.

3310 Section 57. Subsection (1) of section 655.960, Florida
 3311 Statutes, is amended to read:

3312 655.960 Definitions; ss. 655.960-655.965.—As used in this
 3313 section and ss. 655.961-655.965, unless the context otherwise
 3314 requires:

3315 (1) "Access area" means any paved walkway or sidewalk
 3316 which is within 50 feet of any automated teller machine. The
 3317 term does not include any street or highway open to the use of
 3318 the public, as defined in s. 316.003(76)(a) ~~316.003(53)(a)~~ or
 3319 (b), including any adjacent sidewalk, as defined in s. 316.003
 3320 ~~316.003(47)~~.

3321 Section 58. Paragraph (b) of subsection (2) of section
 3322 732.402, Florida Statutes, is amended to read:

3323 732.402 Exempt property.—

3324 (2) Exempt property shall consist of:

3325 (b) Two motor vehicles as defined in s. 316.003
 3326 ~~316.003(21)~~, which do not, individually as to either such motor
 3327 vehicle, have a gross vehicle weight in excess of 15,000 pounds,
 3328 held in the decedent's name and regularly used by the decedent



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3329 | or members of the decedent's immediate family as their personal
3330 | motor vehicles.

3331 | Section 59. Subsection (1) of section 860.065, Florida
3332 | Statutes, is amended to read:

3333 | 860.065 Commercial transportation; penalty for use in
3334 | commission of a felony.—

3335 | (1) It is unlawful for any person to attempt to obtain,
3336 | solicit to obtain, or obtain any means of public or commercial
3337 | transportation or conveyance, including vessels, aircraft,
3338 | railroad trains, or commercial vehicles as defined in s. 316.003
3339 | ~~316.003(66)~~, with the intent to use such public or commercial
3340 | transportation or conveyance to commit any felony or to
3341 | facilitate the commission of any felony.

3342 | Section 60. This act shall take effect July 1, 2016.