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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Transportation, Tourism, and
Economic Development)

A bill to be entitled

An act relating to the Department of Transportation;
amending s. 311.07, F.S.; increasing the minimum
amount that must be made available annually from the
State Transportation Trust Fund to fund the Florida
Seaport Transportation and Economic Development
Program; amending s. 311.09, F.S.; increasing the
amount per year the department must include in its
annual legislative budget request for the Florida
Seaport Transportation and Economic Development
Program; amending s. 316.003, F.S.; defining the term
"port of entry"; amending s. 316.545, F.S.; providing
a specified penalty for drivers of commercial motor
vehicles who obtain temporary registration permits
entering the state at, or operating on designated
routes to, a port-of-entry location; amending s.
333.01, F.S.; defining and redefining terms; amending
s. 333.025, F.S.; revising the requirements relating
to permits required for obstructions; requiring
certain existing, planned, and proposed facilities to
be protected from airport hazards; requiring the local
government to provide a copy of a complete permit
application to the Department of Transportation's
aviation office, subject to certain requirements;
requiring the department to have a specified review
period following receipt of such application;



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27 providing exemptions from such review under certain
28 circumstances; revising the circumstances under which
29 the department issues or denies a permit; revising the
30 department's requirements before a permit is issued;
31 revising the circumstances under which the department
32 is prohibited from approving a permit; providing that
33 the denial of a permit is subject to administrative
34 review; amending s. 333.03, F.S.; conforming
35 provisions to changes made by the act; revising the
36 circumstances under which a political subdivision
37 owning or controlling an airport and another political
38 subdivision adopt, administer, and enforce airport
39 zoning regulations or create a joint airport
40 protection zoning board; revising the provisions
41 relating to airport protection zoning regulations and
42 joint airport protection zoning boards; requiring the
43 department to be available to provide assistance to
44 political subdivisions regarding federal obstruction
45 standards; deleting provisions relating to certain
46 duties of the department; revising provisions relating
47 to airport land use compatibility zoning regulations;
48 revising construction; providing applicability;
49 amending s. 333.04, F.S.; authorizing certain airport
50 zoning regulations to be incorporated in and made a
51 part of comprehensive plans and policies, rather than
52 a part of comprehensive zoning regulations, under
53 certain circumstances; revising requirements relating
54 to applicability; amending s. 333.05, F.S.; revising
55 procedures for adoption of airport zoning regulations;



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56 amending s. 333.06, F.S.; revising airport zoning
57 regulation requirements; repealing s. 333.065, F.S.,
58 relating to guidelines regarding land use near
59 airports; amending s. 333.07, F.S.; revising
60 requirements relating to local government permitting
61 of airspace obstructions; requiring a person proposing
62 to construct, alter, or allow an airport obstruction
63 to apply for a permit under certain circumstances;
64 revising the circumstances under which a permit is
65 prohibited from being issued; revising the
66 circumstances under which the owner of a nonconforming
67 structure is required to alter such structure to
68 conform to the current airport protection zoning
69 regulations; deleting provisions relating to variances
70 from zoning regulations; requiring a political
71 subdivision or its administrative agency to consider
72 specified criteria in determining whether to issue or
73 deny a permit; revising the requirements for marking
74 and lighting in conformance with certain standards;
75 repealing s. 333.08, F.S., relating to appeals of
76 decisions concerning airport zoning regulations;
77 amending s. 333.09, F.S.; revising the requirements
78 relating to the administration of airport protection
79 zoning regulations; requiring all airport protection
80 zoning regulations to provide for the administration
81 and enforcement of such regulations by the political
82 subdivision or its administrative agency; requiring a
83 political subdivision adopting airport zoning
84 regulations to provide a permitting process, subject



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85 to certain requirements; requiring a zoning board or
86 permitting body to implement the airport zoning
87 regulation permitting and appeals process if such
88 board or body already exists within a political
89 subdivision; authorizing a person, a political
90 subdivision or its administrative agency, or a
91 specified joint zoning board to use the process
92 established for an appeal, subject to certain
93 requirements; repealing s. 333.10, F.S., relating to
94 boards of adjustment provided for by airport zoning
95 regulations; amending s. 333.11, F.S.; revising the
96 requirements relating to judicial review; amending s.
97 333.12, F.S.; revising requirements relating to the
98 acquisition of air rights; amending s. 333.13, F.S.;
99 conforming provisions to changes made by the act;
100 creating s. 333.135, F.S.; requiring conflicting
101 airport zoning regulations in effect on a specified
102 date to be amended to conform to certain requirements;
103 requiring certain political subdivisions to adopt
104 certain airport zoning regulations by a specified
105 date; requiring the department to administer a
106 specified permitting process for certain political
107 subdivisions; repealing s. 333.14, F.S., relating to a
108 short title; amending s. 334.044, F.S.; authorizing
109 the department to assume certain responsibilities
110 under the National Environmental Policy Act with
111 respect to highway projects within the state and
112 certain related responsibilities relating to review or
113 approval of a highway project; authorizing the



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114 department to enter into certain agreements related to
115 the federal surface transportation project delivery
116 program under certain federal law; authorizing the
117 department to adopt implementing rules; authorizing
118 the department to adopt certain relevant federal
119 environmental standards; providing a limited waiver of
120 sovereign immunity to civil suit in federal court
121 consistent with certain federal law; amending s.
122 334.30, F.S.; conforming a cross-reference; requiring
123 the department to consult with the Division of Bond
124 Finance in connection with a proposal to finance or
125 refinance a transportation facility; requiring the
126 department to provide the division with information
127 necessary to provide timely consultation and
128 recommendations; authorizing the division to make an
129 independent recommendation to the Executive Office of
130 the Governor; creating s. 337.027, F.S.; authorizing
131 the department to establish a program for highway
132 projects that assist small businesses; providing a
133 program purpose; defining the term "small business";
134 authorizing the department to adopt rules; amending s.
135 338.165, F.S.; removing an option to issue certain
136 bonds secured by toll revenues collected on the
137 Beeline-East Expressway, the Navarre Bridge, and the
138 Pinellas Bayway; authorizing the department's Pinellas
139 Bayway System to be transferred by the department and
140 become part of the turnpike system under the Florida
141 Turnpike Enterprise Law; providing applicability;
142 repealing chapter 85-364, Laws of Florida, as amended,



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143 relating to the Pinellas Bayway; amending s. 338.231,
144 F.S.; increasing the number of years before an
145 inactive prepaid toll account is presumed unclaimed;
146 creating s. 339.0809, F.S.; creating a nonprofit
147 corporation to be known as the "Florida Department of
148 Transportation Financing Corporation"; defining the
149 term "corporation"; providing for membership of a
150 governing board of directors; providing certain powers
151 and duties; authorizing the corporation to enter into
152 service contracts with the Department of
153 Transportation subject to certain requirements;
154 authorizing the corporation to issue and incur notes,
155 bonds, certificates of indebtedness, or other
156 obligations or evidences of indebtedness under certain
157 circumstances; providing that the fulfillment of the
158 purposes of the corporation promotes the health,
159 safety, and general welfare of the people of the state
160 and serves essential governmental functions and a
161 paramount public purpose; providing certain exemptions
162 from taxation and assessments; authorizing the
163 corporation to validate certain obligations subject to
164 certain requirements; providing applicability;
165 prohibiting the benefits and earnings of the
166 corporation from inuring to any private person;
167 requiring title to all property owned by the
168 corporation to revert to the state upon dissolution of
169 the corporation; authorizing the corporation to
170 contract with the State Board of Administration to
171 perform certain services; authorizing the board to



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172 contract with others to provide such services and to
173 recover certain costs; authorizing the department to
174 enter into a service contract in conjunction with the
175 issuance of debt obligations which provides for
176 certain periodic payments; amending s. 348.0004, F.S.;
177 conforming a cross-reference; providing an effective
178 date.

179

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

181

182 Section 1. Subsection (2) of section 311.07, Florida
183 Statutes, is amended to read:

184 311.07 Florida seaport transportation and economic
185 development funding.—

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

197 Section 2. Subsection (9) of section 311.09, Florida
198 Statutes, is amended to read:

199 311.09 Florida Seaport Transportation and Economic
200 Development Council.—



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201 (9) The Department of Transportation shall include at least
202 \$25 ~~no less than \$15~~ million per year in its annual legislative
203 budget request for the Florida Seaport Transportation and
204 Economic Development Program funded under s. 311.07. Such budget
205 must ~~shall~~ include funding for projects approved by the council
206 which have been determined by each agency to be consistent. The
207 department shall include the specific approved Florida Seaport
208 Transportation and Economic Development Program projects to be
209 funded under s. 311.07 during the ensuing fiscal year in the
210 tentative work program developed pursuant to s. 339.135(4). The
211 total amount of funding to be allocated to Florida Seaport
212 Transportation and Economic Development Program projects under
213 s. 311.07 during the successive 4 fiscal years shall also be
214 included in the tentative work program developed pursuant to s.
215 339.135(4). The council may submit to the department a list of
216 approved projects that could be made production-ready within the
217 next 2 years. The list shall be submitted by the department as
218 part of the needs and project list prepared pursuant to s.
219 339.135(2)(b). However, the department shall, upon written
220 request of the Florida Seaport Transportation and Economic
221 Development Council, submit work program amendments pursuant to
222 s. 339.135(7) to the Governor within 10 days after the later of
223 the date the request is received by the department or the
224 effective date of the amendment, termination, or closure of the
225 applicable funding agreement between the department and the
226 affected seaport, as required to release the funds from the
227 existing commitment. Notwithstanding s. 339.135(7)(c), any work
228 program amendment to transfer prior year funds from one approved
229 seaport project to another seaport project is subject to the



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230 procedures in s. 339.135(7) (d). Notwithstanding any provision of
231 law to the contrary, the department may transfer unexpended
232 budget between the seaport projects as identified in the
233 approved work program amendments.

234 Section 3. Subsection (94) is added to section 316.003,
235 Florida Statutes, to read:

236 316.003 Definitions.—The following words and phrases, when
237 used in this chapter, shall have the meanings respectively
238 ascribed to them in this section, except where the context
239 otherwise requires:

240 (94) PORT OF ENTRY.—A designated location that allows
241 drivers of commercial motor vehicles to purchase temporary
242 registration permits necessary to operate legally within the
243 state. The locations and the designated routes to such locations
244 shall be determined by the Department of Transportation.

245 Section 4. Paragraph (b) of subsection (2) of section
246 316.545, Florida Statutes, is amended to read:

247 316.545 Weight and load unlawful; special fuel and motor
248 fuel tax enforcement; inspection; penalty; review.—

249 (2)

250 (b) The officer or inspector shall inspect the license
251 plate or registration certificate of the commercial vehicle, as
252 defined in s. 316.003(66), to determine if its gross weight is
253 in compliance with the declared gross vehicle weight. If its
254 gross weight exceeds the declared weight, the penalty shall be 5
255 cents per pound on the difference between such weights. In those
256 cases when the commercial vehicle, as defined in s. 316.003(66),
257 is being operated over the highways of the state with an expired
258 registration or with no registration from this or any other



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259 jurisdiction or is not registered under the applicable
260 provisions of chapter 320, the penalty herein shall apply on the
261 basis of 5 cents per pound on that scaled weight which exceeds
262 35,000 pounds on laden truck tractor-semitrailer combinations or
263 tandem trailer truck combinations, 10,000 pounds on laden
264 straight trucks or straight truck-trailer combinations, or
265 10,000 pounds on any unladen commercial motor vehicle. A driver
266 of a commercial motor vehicle entering the state at a designated
267 port-of-entry location, as defined in s. 316.003(94), or
268 operating on designated routes to a port-of-entry location, who
269 obtains a temporary registration permit shall be assessed a
270 penalty limited to the difference between its gross weight and
271 the declared gross vehicle weight at 5 cents per pound. If the
272 license plate or registration has not been expired for more than
273 90 days, the penalty imposed under this paragraph may not exceed
274 \$1,000. In the case of special mobile equipment as defined in s.
275 316.003(48), which qualifies for the license tax provided for in
276 s. 320.08(5)(b), being operated on the highways of the state
277 with an expired registration or otherwise not properly
278 registered under the applicable provisions of chapter 320, a
279 penalty of \$75 shall apply in addition to any other penalty
280 which may apply in accordance with this chapter. A vehicle found
281 in violation of this section may be detained until the owner or
282 operator produces evidence that the vehicle has been properly
283 registered. Any costs incurred by the retention of the vehicle
284 shall be the sole responsibility of the owner. A person who has
285 been assessed a penalty pursuant to this paragraph for failure
286 to have a valid vehicle registration certificate pursuant to the
287 provisions of chapter 320 is not subject to the delinquent fee



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288 authorized in s. 320.07 if such person obtains a valid
289 registration certificate within 10 working days after such
290 penalty was assessed.

291 Section 5. Section 333.01, Florida Statutes, is amended to
292 read:

293 333.01 Definitions.—As used in ~~For the purpose of~~ this
294 chapter, the term following words, terms, and phrases shall have
295 ~~the meanings herein given, unless otherwise specifically~~
296 ~~defined, or unless another intention clearly appears, or the~~
297 ~~context otherwise requires:~~

298 (1) "Aeronautical study" means a Federal Aviation
299 Administration study, conducted in accordance with the standards
300 of 14 C.F.R. part 77, subpart C, and Federal Aviation
301 Administration policy and guidance, on the effect of proposed
302 construction or alteration upon the operation of air navigation
303 facilities and the safe and efficient use of navigable airspace.

304 ~~(1) "Aeronautics" means transportation by aircraft; the~~
305 ~~operation, construction, repair, or maintenance of aircraft,~~
306 ~~aircraft power plants and accessories, including the repair,~~
307 ~~packing, and maintenance of parachutes; the design,~~
308 ~~establishment, construction, extension, operation, improvement,~~
309 ~~repair, or maintenance of airports, restricted landing areas, or~~
310 ~~other air navigation facilities, and air instruction.~~

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

315 (3) "Airport hazard" means an obstruction to air navigation
316 which affects the safe and efficient use of navigable airspace



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317 or the operation of planned or existing air navigation and
318 communication facilities ~~any structure or tree or use of land~~
319 ~~which would exceed the federal obstruction standards as~~
320 ~~contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29~~
321 ~~and which obstructs the airspace required for the flight of~~
322 ~~aircraft in taking off, maneuvering, or landing or is otherwise~~
323 ~~hazardous to such taking off, maneuvering, or landing of~~
324 ~~aircraft and for which no person has previously obtained a~~
325 ~~permit or variance pursuant to s. 333.025 or s. 333.07.~~

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

329 (5) "Airport land use compatibility zoning" means airport
330 zoning regulations governing ~~restricting~~ the use of land on,
331 adjacent to, or in the immediate vicinity of airports ~~in the~~
332 ~~manner enumerated in s. 333.03(2) to activities and purposes~~
333 ~~compatible with the continuation of normal airport operations~~
334 ~~including landing and takeoff of aircraft in order to promote~~
335 ~~public health, safety, and general welfare.~~

336 (6) "Airport layout plan" means a set of scaled drawings
337 that provide a graphic representation of the existing and future
338 development plan for the airport and demonstrate the
339 preservation and continuity of safety, utility, and efficiency
340 of the airport detailed, scale engineering drawing, including
341 pertinent dimensions, of an airport's current and planned
342 facilities, their locations, and runway usage.

343 (7) "Airport master plan" means a comprehensive plan of an
344 airport which typically describes current and future plans for
345 airport development designed to support existing and future



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346 aviation demand.

347 (8) "Airport protection zoning regulations" means airport
348 zoning regulations governing airport hazards.

349 (9) "Department" means the Department of Transportation as
350 created under s. 20.23.

351 (10) "Educational facility" means any structure, land, or
352 use that includes a public or private kindergarten through 12th
353 grade school, charter school, magnet school, college campus, or
354 university campus. The term does not include space used for
355 educational purposes within a multi-tenant building.

356 (11) "Landfill" has the same meaning as provided in s.
357 403.703.

358 (12)~~(7)~~ "Obstruction" means any existing or proposed
359 ~~manmade object or object, of natural growth or terrain, or~~
360 structure construction or alteration that exceeds violates the
361 federal obstruction standards contained in 14 C.F.R. part 77,
362 subpart C ss. 77.21, 77.23, 77.25, 77.28, and 77.29. The term
363 includes:

364 (a) Any object of natural growth or terrain;

365 (b) Permanent or temporary construction or alteration,
366 including equipment or materials used and any permanent or
367 temporary apparatus; or

368 (c) Alteration of any permanent or temporary existing
369 structure by a change in the structure's height, including
370 appurtenances, lateral dimensions, and equipment or materials
371 used in the structure.

372 (13)~~(8)~~ "Person" means any individual, firm, copartnership,
373 corporation, company, association, joint-stock association, or
374 body politic, and includes any trustee, receiver, assignee, or



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375 other similar representative thereof.

376 ~~(14)(9)~~ "Political subdivision" means the local government
377 of any county, municipality city, town, village, or other
378 subdivision or agency thereof, or any district or special
379 district, port commission, port authority, or other such agency
380 authorized to establish or operate airports in the state.

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

384 ~~(16)(10)~~ "Runway protection clear zone" means an area at
385 ground level beyond the runway end to enhance the safety and
386 protection of people and property on the ground ~~a runway clear~~
387 ~~zone as defined in 14 C.F.R. s. 151.9(b).~~

388 ~~(17)(11)~~ "Structure" means any object, ~~constructed,~~
389 erected, altered, or installed by humans, including, but not
390 limited to without limitation thereof, buildings, towers,
391 smokestacks, utility poles, power generation equipment, and
392 overhead transmission lines.

393 (18) "Substantial modification" means any repair,
394 reconstruction, rehabilitation, or improvement of a structure
395 when the actual cost of the repair, reconstruction,
396 rehabilitation, or improvement of the structure equals or
397 exceeds 50 percent of the market value of the structure.

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

399 Section 6. Section 333.025, Florida Statutes, is amended to
400 read:

401 333.025 Permit required for obstructions structures
402 ~~exceeding federal obstruction standards.-~~

403 (1) A person proposing the construction or alteration in



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404 ~~order to prevent the erection of an obstruction must obtain a~~
405 ~~permit from the department structures dangerous to air~~
406 ~~navigation, subject to the provisions of subsections (2), (3),~~
407 ~~and (4), each person shall secure from the Department of~~
408 ~~Transportation a permit for the erection, alteration, or~~
409 ~~modification of any structure the result of which would exceed~~
410 ~~the federal obstruction standards as contained in 14 C.F.R. ss.~~
411 ~~77.21, 77.23, 77.25, 77.28, and 77.29. However, permits from the~~
412 ~~department of Transportation will be required only within an~~
413 ~~airport hazard area where federal obstruction standards are~~
414 ~~exceeded and if the proposed construction or alteration is~~
415 ~~within a 10-nautical-mile radius of the airport reference point,~~
416 ~~located at the approximate geometric ~~geographical~~ center of all~~
417 ~~usable runways of a public-use airport or a publicly owned or~~
418 ~~operated airport, a military airport, or an airport licensed by~~
419 ~~the state for public use.~~

420 (2) Existing, planned, and proposed Affected airports will
421 ~~be considered as having these facilities on public-use airports~~
422 ~~contained in an which are shown on the airport master plan, in~~
423 ~~or an airport layout plan submitted to the Federal Aviation~~
424 ~~Administration, Airport District Office or in comparable~~
425 ~~military documents shall, and will be so protected from airport~~
426 ~~hazards. Planned or proposed public-use airports which are the~~
427 ~~subject of a notice or proposal submitted to the Federal~~
428 ~~Aviation Administration or to the Department of Transportation~~
429 ~~shall also be protected.~~

430 (3) A permit is not required for existing structures that
431 ~~requirements of subsection (1) shall not apply to projects which~~
432 ~~received construction permits from the Federal Communications~~



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433 Commission for structures exceeding federal obstruction
434 standards before ~~prior to~~ May 20, 1975, ~~provided such structures~~
435 ~~now exist; a permit is not required for~~ nor shall it apply to
436 ~~previously approved structures now existing,~~ or any necessary
437 replacement or repairs to such existing structures if, ~~so long~~
438 ~~as~~ the height and location are ~~is~~ unchanged.

439 (4) If ~~When~~ political subdivisions have, in compliance with
440 this chapter, adopted adequate airport airspace protection
441 zoning regulations, placed in compliance with s. 333.03, and
442 such regulations are on file with the department's aviation
443 office, and established a permitting process ~~Department of~~
444 Transportation, a permit for the construction or alteration of
445 an obstruction is ~~such structure shall not be required from the~~
446 ~~department of Transportation.~~ Upon receipt of a complete permit
447 application, the local government shall provide a copy of the
448 application to the department's aviation office by certified
449 mail, return receipt requested, or by a delivery service that
450 provides a receipt evidencing delivery. To evaluate technical
451 consistency with this subsection, the department shall have a
452 15-day review period following receipt of the application, which
453 must run concurrently with the local government permitting
454 process. Cranes, construction equipment, and other temporary
455 structures in use or in place for a period not to exceed 18
456 consecutive months are exempt from the department's review,
457 unless such review is requested by the department.

458 (5) The department ~~of Transportation~~ shall, within 30 days
459 after ~~of the~~ receipt of an application for a permit, issue or
460 deny a permit for the construction or erection, alteration, ~~or~~
461 ~~modification of an obstruction~~ any structure the result of which



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462 ~~would exceed federal obstruction standards as contained in 14~~
463 ~~C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29. The department~~
464 ~~shall review permit applications in conformity with s. 120.60.~~

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

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

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

469 (c) ~~(a)~~ The nature of the terrain and height of existing
470 structures.

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

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

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

477 (f) ~~(d)~~ Federal airways, visual flight rules, flyways and
478 corridors, and instrument approaches as designated by the
479 Federal Aviation Administration.

480 (g) ~~(e)~~ The effect of whether the construction or alteration
481 of an obstruction on the proposed structure would cause an
482 increase in the minimum descent altitude or the decision height
483 at the affected airport.

484 ~~(f) Technological advances.~~

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

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

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

488 (h) ~~(j)~~ The cumulative effects on navigable airspace of all
489 existing obstructions ~~structures, proposed structures identified~~
490 ~~in the applicable jurisdictions' comprehensive plans, and all~~



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491 ~~other~~ known proposed obstructions ~~structures~~ in the area.

492 (7) When issuing a permit under this section, the
493 department ~~of Transportation~~ shall, ~~as a specific condition of~~
494 ~~such permit,~~ require the owner ~~obstruction marking and lighting~~
495 of the obstruction to install, operate, and maintain, at the
496 owner's expense, marking and lighting in conformance with the
497 specific standards established by the Federal Aviation
498 Administration ~~permitted structure as provided in s.~~
499 ~~333.07(3)(b).~~

500 (8) The department may ~~of Transportation~~ shall not approve
501 a permit for the construction or alteration ~~erection~~ of an
502 obstruction ~~a structure~~ unless the applicant submits ~~both~~
503 documentation showing both compliance with the federal
504 requirement for notification of proposed construction or
505 alteration and a valid aeronautical study. ~~A evaluation, and no~~
506 permit may not ~~shall~~ be approved solely on the basis that the
507 Federal Aviation Administration determined that the ~~such~~
508 proposed construction or alteration of an obstruction was not an
509 airport hazard ~~structure will not exceed federal obstruction~~
510 ~~standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25,~~
511 ~~77.28, or 77.29, or any other federal aviation regulation.~~

512 (9) The denial of a permit under this section is subject to
513 administrative review pursuant to chapter 120.

514 Section 7. Section 333.03, Florida Statutes, is amended to
515 read:

516 333.03 Requirement ~~Power~~ to adopt airport zoning
517 regulations.-

518 (1) (a) ~~In order to prevent the creation or establishment of~~
519 ~~airport hazards,~~ Every political subdivision having an airport



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520 hazard area within its territorial limits shall, ~~by October 1,~~
521 ~~1977,~~ adopt, administer, and enforce, under the police power and
522 in the manner and upon the conditions ~~hereinafter~~ prescribed in
523 this section, airport protection zoning regulations for such
524 airport hazard area.

525 (b) If ~~where~~ an airport is owned or controlled by a
526 political subdivision and any other political subdivision has
527 land, upon which an obstruction may be constructed or altered,
528 underlying any of the 14 C.F.R. Part 77, subpart C surfaces of
529 the airport, the political subdivisions ~~airport hazard area~~
530 ~~appertaining to such airport is located wholly or partly outside~~
531 ~~the territorial limits of said political subdivision, the~~
532 ~~political subdivision owning or controlling the airport and the~~
533 ~~political subdivision within which the airport hazard area is~~
534 ~~located,~~ shall either:

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

539 2. By ordinance, regulation, or resolution duly adopted,
540 create a joint airport protection zoning board ~~that,~~ ~~which board~~
541 ~~shall have the same power to adopt, administer, and enforce a~~
542 set of airport protection zoning regulations ~~applicable to the~~
543 ~~airport hazard area in question as that vested in paragraph (a)~~
544 ~~in the political subdivision within which such area is located.~~
545 The ~~Each such~~ joint airport protection zoning board shall have
546 as voting members two representatives appointed by each
547 participating political subdivision ~~participating in its~~
548 ~~creation and in addition~~ a chair elected by a majority of the



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549 members so appointed. ~~However,~~ The airport manager or a
550 representative of each airport in ~~managers of~~ the affected
551 participating political subdivisions shall serve on the board in
552 a nonvoting capacity.

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

555 1. A permit variance for the construction or erection,
556 ~~alteration, or modification~~ of any obstruction ~~structure~~ which
557 ~~would cause the structure to exceed the federal obstruction~~
558 ~~standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25,~~
559 ~~77.28, and 77.29;~~

560 2. Obstruction marking and lighting for obstructions
561 ~~structures as specified in s. 333.07(3);~~

562 3. Documentation showing compliance with the federal
563 requirement for notification of proposed construction or
564 alteration of structures and a valid aeronautical study
565 ~~evaluation~~ submitted by each person applying for a permit
566 ~~variance;~~

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

569 5. That approval of a permit not be based ~~no variance shall~~
570 ~~be approved~~ solely on the determination by the Federal Aviation
571 Administration ~~basis~~ that the such proposed structure is not an
572 airport hazard ~~will not exceed federal obstruction standards as~~
573 ~~contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, or 77.29,~~
574 ~~or any other federal aviation regulation.~~

575 (d) The department shall be available to provide assistance
576 to political subdivisions regarding federal obstruction
577 standards ~~shall issue copies of the federal obstruction~~



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578 ~~standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25,~~
579 ~~77.28, and 77.29 to each political subdivision having airport~~
580 ~~hazard areas and, in cooperation with political subdivisions,~~
581 ~~shall issue appropriate airport zoning maps depicting within~~
582 ~~each county the maximum allowable height of any structure or~~
583 ~~tree. Material distributed pursuant to this subsection shall be~~
584 ~~at no cost to authorized recipients.~~

585 (2) In the manner provided in subsection (1), political
586 subdivisions shall adopt, administer, and enforce interim
587 airport land use compatibility zoning regulations shall be
588 adopted. Airport land use compatibility zoning ~~When political~~
589 ~~subdivisions have adopted land development regulations shall, at~~
590 a minimum, in accordance with the provisions of chapter 163
591 ~~which address the use of land in the manner consistent with the~~
592 ~~provisions herein, adoption of airport land use compatibility~~
593 ~~regulations pursuant to this subsection shall not be required.~~
594 ~~Interim airport land use compatibility zoning regulations shall~~
595 ~~consider the following:~~

596 (a) The prohibition of new landfills and the restriction of
597 existing landfills ~~Whether sanitary landfills are located within~~
598 ~~the following areas:~~

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

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

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



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

608 (b) Where ~~Whether~~ any landfill is located and constructed
609 in a manner ~~so~~ that ~~it~~ attracts or sustains hazardous bird
610 movements from feeding, water, or roosting areas into, or
611 across, the runways or approach and departure patterns of
612 aircraft. The landfill operator must ~~political subdivision shall~~
613 ~~request from the airport authority or other governing body~~
614 ~~operating the airport a report on such bird feeding or roosting~~
615 ~~areas that at the time of the request are known to the airport.~~
616 ~~In preparing its report, the authority, or other governing body,~~
617 ~~shall consider whether the landfill will incorporate bird~~
618 management techniques or other practices to minimize bird
619 hazards to airborne aircraft. ~~The airport authority or other~~
620 ~~governing body shall respond to the political subdivision no~~
621 ~~later than 30 days after receipt of such request.~~

622 (c) Where an airport authority or other governing body
623 operating a ~~publicly owned,~~ public-use airport has conducted a
624 noise study in accordance with ~~the provisions of 14 C.F.R. part~~
625 150, or where a public-use airport owner has established noise
626 contours pursuant to another public study approved by the
627 Federal Aviation Administration, the prohibition of incompatible
628 uses, as established in the noise study in 14 C.F.R. part 150,
629 Appendix A or as a part of an alternative Federal Aviation
630 Administration-approved public study, within the noise contours
631 established by any of these studies, except if such uses are
632 specifically contemplated by such study with appropriate
633 mitigation or similar techniques described in the study ~~neither~~
634 ~~residential construction nor any educational facility as defined~~
635 ~~in chapter 1013, with the exception of aviation school~~



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636 ~~facilities, shall be permitted within the area contiguous to the~~
637 ~~airport defined by an outer noise contour that is considered~~
638 ~~incompatible with that type of construction by 14 C.F.R. part~~
639 ~~150, Appendix A or an equivalent noise level as established by~~
640 ~~other types of noise studies.~~

641 (d) Where an airport authority or other governing body
642 operating a ~~publicly owned,~~ public-use airport has not conducted
643 a noise study, the prohibition of neither residential
644 construction and nor any educational facility ~~as defined in~~
645 ~~chapter 1013,~~ with the exception of aviation school facilities,
646 ~~shall be permitted~~ within an area contiguous to the airport
647 measuring one-half the length of the longest runway on either
648 side of and at the end of each runway centerline.

649 (e)(3) The restriction of ~~In the manner provided in~~
650 ~~subsection (1), airport zoning regulations shall be adopted~~
651 ~~which restrict~~ new incompatible uses, activities, or substantial
652 modifications to existing incompatible uses ~~construction~~ within
653 runway protection clear zones, ~~including uses, activities, or~~
654 ~~construction in runway clear zones which are incompatible with~~
655 ~~normal airport operations or endanger public health, safety, and~~
656 ~~welfare by resulting in congregations of people, emissions of~~
657 ~~light or smoke, or attraction of birds. Such regulations shall~~
658 ~~prohibit the construction of an educational facility of a public~~
659 ~~or private school at either end of a runway of a publicly owned,~~
660 ~~public-use airport within an area which extends 5 miles in a~~
661 ~~direct line along the centerline of the runway, and which has a~~
662 ~~width measuring one-half the length of the runway. Exceptions~~
663 ~~approving construction of an educational facility within the~~
664 ~~delineated area shall only be granted when the political~~



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665 ~~subdivision administering the zoning regulations makes specific~~
666 ~~findings detailing how the public policy reasons for allowing~~
667 ~~the construction outweigh health and safety concerns prohibiting~~
668 ~~such a location.~~

669 ~~(4) The procedures outlined in subsections (1), (2), and~~
670 ~~(3) for the adoption of such regulations are supplemental to any~~
671 ~~existing procedures utilized by political subdivisions in the~~
672 ~~adoption of such regulations.~~

673 ~~(3)(5) Political subdivisions shall provide The Department~~
674 ~~of Transportation shall provide technical assistance to any~~
675 ~~political subdivision requesting assistance in the preparation~~
676 ~~of an airport zoning code. a copy of all local airport~~
677 ~~protection zoning codes, rules, and regulations and airport land~~
678 ~~use compatibility zoning regulations, and any related amendments~~
679 ~~and proposed and granted variances thereto, to shall be filed~~
680 ~~with the department's aviation office within 30 days after~~
681 ~~adoption department.~~

682 ~~(4)(6) Nothing in Subsection (2) may not or subsection (3)~~
683 ~~shall be construed to require the removal, alteration, sound~~
684 ~~conditioning, or other change, or to interfere with the~~
685 ~~continued use or adjacent expansion of any educational facility~~
686 ~~structure or site in existence on July 1, 1993, or be construed~~
687 ~~to prohibit the construction of any new structure for which a~~
688 ~~site has been determined as provided in former s. 235.19, as of~~
689 ~~July 1, 1993.~~

690 ~~(5) This section does not prohibit an airport authority, a~~
691 ~~political subdivision or its administrative agency, or any other~~
692 ~~governing body operating a public-use airport from establishing~~
693 ~~airport zoning regulations more restrictive than prescribed in~~



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694 this section in order to protect the health, safety, and welfare
695 of the public in the air and on the ground.

696 Section 8. Section 333.04, Florida Statutes, is amended to
697 read:

698 333.04 Comprehensive zoning regulations; most stringent to
699 prevail where conflicts occur.—

700 (1) INCORPORATION.—In the event that a political
701 subdivision has adopted, or hereafter adopts, a comprehensive
702 plan or policy ~~zoning ordinance~~ regulating, among other things,
703 the height of buildings, structures, and natural objects, and
704 uses of property, any airport zoning regulations applicable to
705 the same area or portion thereof may be incorporated in and made
706 a part of such comprehensive plan or policy ~~zoning regulations~~,
707 and be administered and enforced in connection therewith.

708 (2) CONFLICT.—In the event of conflict between any airport
709 zoning regulations adopted under this chapter and any other
710 regulations applicable to the same area, whether the conflict be
711 with respect to the height of structures or vegetation ~~trees~~,
712 the use of land, or any other matter, and whether such
713 regulations were adopted by the political subdivision that ~~which~~
714 adopted the airport zoning regulations or by some other
715 political subdivision, the more stringent limitation or
716 requirement shall govern and prevail.

717 Section 9. Section 333.05, Florida Statutes, is amended to
718 read:

719 333.05 Procedure for adoption of airport zoning
720 regulations.—

721 (1) NOTICE AND HEARING.—~~No~~ Airport zoning regulations may
722 not shall be adopted, amended, or repealed ~~changed~~ under this



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723 chapter except by action of the legislative body of the
724 political subdivision or affected subdivisions in question, or
725 the joint board provided in s. 333.03(1)(b)2. ~~s. 333.03(1)(b)~~ by
726 the political subdivisions ~~bodies~~ therein provided and set
727 forth, after a public hearing in relation thereto, at which
728 parties in interest and citizens shall have an opportunity to be
729 heard. Notice of the hearing shall be published at least once a
730 week for 2 consecutive weeks in a newspaper ~~an official paper,~~
731 ~~or a paper~~ of general circulation, in the political subdivision
732 or subdivisions where ~~in which are located~~ the airport zoning
733 regulations are areas to be adopted, amended, or repealed ~~zoned~~.

734 (2) AIRPORT ZONING COMMISSION.—Before ~~Prior to~~ the initial
735 zoning of any airport area under this chapter, the political
736 subdivision or joint airport zoning board that ~~which~~ is to
737 adopt, administer, and enforce the regulations must ~~shall~~
738 appoint a commission, to be known as the airport zoning
739 commission, to recommend the boundaries of the various zones to
740 be established and the regulations to be adopted therefor. Such
741 commission shall make a preliminary report and hold public
742 hearings thereon before submitting its final report, and the
743 legislative body of the political subdivision or the joint
744 airport zoning board may ~~shall~~ not hold its public hearings or
745 take any action until it has received the final report of such
746 commission, and at least 15 days shall elapse between the
747 receipt of the final report of the commission and the hearing to
748 be held by the latter board. If ~~Where~~ a planning city plan
749 commission, an airport commission, or a comprehensive zoning
750 commission already exists, it may be appointed as the airport
751 zoning commission.



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752 Section 10. Section 333.06, Florida Statutes, is amended to
753 read:

754 333.06 Airport zoning regulation requirements.—

755 (1) REASONABLENESS.—All airport zoning regulations adopted
756 under this chapter shall be reasonable and may not ~~none shall~~
757 impose any requirement or restriction which is not reasonably
758 necessary to effectuate the purposes of this chapter. In
759 determining what regulations it may adopt, each political
760 subdivision and joint airport zoning board shall consider, among
761 other things, the character of the flying operations expected to
762 be conducted at the airport, the nature of the terrain within
763 the airport hazard area and runway protection ~~clear~~ zones, the
764 character of the neighborhood, the uses to which the property to
765 be zoned is put and adaptable, and the impact of any new use,
766 activity, or construction on the airport's operating capability
767 and capacity.

768 (2) INDEPENDENT JUSTIFICATION.—The purpose of all airport
769 zoning regulations adopted under this chapter is to provide both
770 airspace protection and land uses ~~use~~ compatible with airport
771 operations. Each aspect of this purpose requires independent
772 justification in order to promote the public interest in safety,
773 health, and general welfare. Specifically, construction in a
774 runway protection ~~clear~~ zone which does not exceed airspace
775 height restrictions is not conclusive ~~evidence per se~~ that such
776 use, activity, or construction is compatible with airport
777 operations.

778 (3) NONCONFORMING USES.—An air ~~Ne~~ airport protection zoning
779 regulation ~~regulations~~ adopted under this chapter may not ~~shall~~
780 require the removal, lowering, or other change or alteration of



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781 any obstruction ~~structure or tree~~ not conforming to the
782 regulation ~~regulations~~ when adopted or amended, or otherwise
783 interfere with the continuance of any nonconforming use, except
784 as provided in s. 333.07(1) and (3).

785 (4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO AFFECTED
786 LOCAL GOVERNMENTS.—An airport master plan shall be prepared by
787 each public-use ~~publicly owned and operated~~ airport licensed by
788 the department ~~of Transportation~~ under chapter 330. The
789 authorized entity having responsibility for governing the
790 operation of the airport, when either requesting from or
791 submitting to a state or federal governmental agency with
792 funding or approval jurisdiction a “finding of no significant
793 impact,” an environmental assessment, a site-selection study, an
794 airport master plan, or any amendment to an airport master plan,
795 shall submit simultaneously a copy of said request, submittal,
796 assessment, study, plan, or amendments by certified mail to all
797 affected local governments. As used in ~~For the purposes of~~ this
798 subsection, the term “affected local government” is defined as
799 any municipality ~~city~~ or county having jurisdiction over the
800 airport and any municipality ~~city~~ or county located within 2
801 miles of the boundaries of the land subject to the airport
802 master plan.

803 Section 11. Section 333.065, Florida Statutes, is repealed.

804 Section 12. Section 333.07, Florida Statutes, is amended to
805 read:

806 333.07 Local government permitting of airspace obstructions
807 ~~Permits and variances.—~~

808 (1) PERMITS.—

809 (a) A person proposing to construct, alter, or allow an



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810 airport obstruction in an airport hazard area in violation of
811 the airport protection zoning regulations adopted under this
812 chapter must apply for a permit. A ~~Any airport zoning~~
813 ~~regulations adopted under this chapter may require that a permit~~
814 ~~be obtained before any new structure or use may be constructed~~
815 ~~or established and before any existing use or structure may be~~
816 ~~substantially changed or substantially altered or repaired. In~~
817 ~~any event, however, all such regulations shall provide that~~
818 ~~before any nonconforming structure or tree may be replaced,~~
819 ~~substantially altered or repaired, rebuilt, allowed to grow~~
820 ~~higher, or replanted, a permit must be secured from the~~
821 ~~administrative agency authorized to administer and enforce the~~
822 ~~regulations, authorizing such replacement, change, or repair. No~~
823 ~~permit may not shall be issued if it granted that would allow~~
824 ~~the establishment or creation of an airport hazard or if it~~
825 ~~would permit a nonconforming obstruction structure or tree or~~
826 ~~nonconforming use to be made or become higher or to become a~~
827 ~~greater hazard to air navigation than it was when the applicable~~
828 ~~airport protection zoning regulation was adopted which allowed~~
829 ~~the establishment or creation of the obstruction, or than it is~~
830 ~~when the application for a permit is made.~~

831 (b) If ~~Whenever~~ the political subdivision or its
832 ~~administrative agency determines that a nonconforming~~
833 ~~obstruction use or nonconforming structure or tree has been~~
834 ~~abandoned or is more than 80 percent torn down, destroyed,~~
835 ~~deteriorated, or decayed, a ~~no~~ permit may not shall be granted~~
836 ~~if it that would allow the obstruction said structure or tree to~~
837 ~~exceed the applicable height limit or otherwise deviate from the~~
838 ~~airport protection zoning regulations. ~~;~~ and, Whether or not an~~



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839 application is made for a permit under this subsection ~~or not,~~
840 ~~the said agency may by appropriate action, compel~~ the owner of
841 the nonconforming obstruction may be required ~~structure or tree,~~
842 at his or her own expense, to lower, remove, reconstruct, alter,
843 or equip such obstruction ~~object~~ as may be necessary to conform
844 to the current airport protection zoning regulations. If the
845 owner of the nonconforming obstruction neglects or refuses
846 ~~structure or tree shall neglect or refuse~~ to comply with such
847 requirement ~~order~~ for 10 days after notice ~~thereof,~~ the
848 administrative ~~said~~ agency may report the violation to the
849 political subdivision involved ~~therein,~~ which subdivision,
850 through its appropriate agency, may proceed to have the
851 obstruction ~~object~~ so lowered, removed, reconstructed, altered,
852 or equipped, and assess the cost and expense thereof upon the
853 owner of the obstruction ~~object~~ or the land whereon it is or was
854 located, ~~and, unless such an assessment is paid within 90 days~~
855 ~~from the service of notice thereof on the owner or the owner's~~
856 ~~agent, of such object or land, the sum shall be a lien on said~~
857 ~~land, and shall bear interest thereafter at the rate of 6~~
858 ~~percent per annum until paid, and shall be collected in the same~~
859 ~~manner as taxes on real property are collected by said political~~
860 ~~subdivision, or, at the option of said political subdivision,~~
861 ~~said lien may be enforced in the manner provided for enforcement~~
862 ~~of liens by chapter 85.~~

863 ~~(c) Except as provided herein, applications for permits~~
864 ~~shall be granted, provided the matter applied for meets the~~
865 ~~provisions of this chapter and the regulations adopted and in~~
866 ~~force hereunder.~~

867 (2) CONSIDERATIONS WHEN ISSUING OR DENYING PERMITS.-In



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868 determining whether to issue or deny a permit, the political
869 subdivision or its administrative agency must consider the
870 following, as applicable:

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

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

873 (c) The nature of the terrain and height of existing
874 structures.

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

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

880 (f) Federal airways, visual flight rules, flyways and
881 corridors, and instrument approaches as designated by the
882 Federal Aviation Administration.

883 (g) The effect of the construction or alteration of the
884 proposed structure on the minimum descent altitude or the
885 decision height at the affected airport.

886 (h) The cumulative effects on navigable airspace of all
887 existing structures and all other known proposed structures in
888 the area.

889 (i) Additional requirements adopted by the political
890 subdivision or administrative agency pertinent to evaluation and
891 protection of airspace and airport operations.

892 ~~(2) VARIANCES.—~~

893 ~~(a) Any person desiring to erect any structure, increase~~
894 ~~the height of any structure, permit the growth of any tree, or~~
895 ~~otherwise use his or her property in violation of the airport~~
896 ~~zoning regulations adopted under this chapter or any land~~



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897 ~~development regulation adopted pursuant to the provisions of~~
898 ~~chapter 163 pertaining to airport land use compatibility, may~~
899 ~~apply to the board of adjustment for a variance from the zoning~~
900 ~~regulations in question. At the time of filing the application,~~
901 ~~the applicant shall forward to the department by certified mail,~~
902 ~~return receipt requested, a copy of the application. The~~
903 ~~department shall have 45 days from receipt of the application to~~
904 ~~comment and to provide its comments or waiver of that right to~~
905 ~~the applicant and the board of adjustment. The department shall~~
906 ~~include its explanation for any objections stated in its~~
907 ~~comments. If the department fails to provide its comments within~~
908 ~~45 days of receipt of the application, its right to comment is~~
909 ~~waived. The board of adjustment may proceed with its~~
910 ~~consideration of the application only upon the receipt of the~~
911 ~~department's comments or waiver of that right as demonstrated by~~
912 ~~the filing of a copy of the return receipt with the board.~~
913 ~~Noncompliance with this section shall be grounds to appeal~~
914 ~~pursuant to s. 333.08 and to apply for judicial relief pursuant~~
915 ~~to s. 333.11. Such variances may only be allowed where a literal~~
916 ~~application or enforcement of the regulations would result in~~
917 ~~practical difficulty or unnecessary hardship and where the~~
918 ~~relief granted would not be contrary to the public interest but~~
919 ~~would do substantial justice and be in accordance with the~~
920 ~~spirit of the regulations and this chapter. However, any~~
921 ~~variance may be allowed subject to any reasonable conditions~~
922 ~~that the board of adjustment may deem necessary to effectuate~~
923 ~~the purposes of this chapter.~~

924 ~~(b) The Department of Transportation shall have the~~
925 ~~authority to appeal any variance granted under this chapter~~



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926 ~~pursuant to s. 333.08, and to apply for judicial relief pursuant~~
927 ~~to s. 333.11.~~

928 (3) OBSTRUCTION MARKING AND LIGHTING.—

929 ~~(a) In issuing a granting any permit or variance under this~~
930 ~~section, the political subdivision or its administrative agency~~
931 ~~or board of adjustment shall require the owner of the~~
932 ~~obstruction structure or tree in question to install, operate,~~
933 ~~and maintain thereon, at his or her own expense, such marking~~
934 ~~and lighting in conformance with the specific standards~~
935 ~~established by the Federal Aviation Administration as may be~~
936 ~~necessary to indicate to aircraft pilots the presence of an~~
937 ~~obstruction.~~

938 ~~(b) Such marking and lighting shall conform to the specific~~
939 ~~standards established by rule by the Department of~~
940 ~~Transportation.~~

941 ~~(c) Existing structures not in compliance on October 1,~~
942 ~~1988, shall be required to comply whenever the existing marking~~
943 ~~requires refurbishment, whenever the existing lighting requires~~
944 ~~replacement, or within 5 years of October 1, 1988, whichever~~
945 ~~occurs first.~~

946 Section 13. Section 333.08, Florida Statutes, is repealed.

947 Section 14. Section 333.09, Florida Statutes, is amended to
948 read:

949 333.09 Administration of airport protection zoning
950 regulations.—

951 (1) ADMINISTRATION.—All airport protection zoning
952 regulations adopted under this chapter shall provide for the
953 administration and enforcement of such regulations by the
954 political subdivision or its administrative agency an



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955 ~~administrative agency which may be an agency created by such~~
956 ~~regulations or any official, board, or other existing agency of~~
957 ~~the political subdivision adopting the regulations or of one of~~
958 ~~the political subdivisions which participated in the creation of~~
959 ~~the joint airport zoning board adopting the regulations, if~~
960 ~~satisfactory to that political subdivision, but in no case shall~~
961 ~~such administrative agency be or include any member of the board~~
962 ~~of adjustment. The duties of any administrative agency~~
963 ~~designated pursuant to this chapter must ~~shall~~ include that of~~
964 ~~hearing and deciding all permits under s. 333.07 ~~s. 333.07(1)~~,~~
965 ~~deciding all matters under s. 333.07(3), as they pertain to such~~
966 ~~agency, and all other matters under this chapter applying to~~
967 ~~said agency, but such agency shall not have or exercise any of~~
968 ~~the powers herein delegated to the board of adjustment.~~

969 (2) LOCAL GOVERNMENT PROCESS.-

970 (a) A political subdivision required to adopt airport
971 zoning regulations under this chapter shall provide a process
972 to:

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

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

976 3. Enforce the issuance or denial of a permit or other
977 determination made by the administrative agency with respect to
978 airport zoning regulations.

979 (b) If a zoning board or permitting body already exists
980 within a political subdivision, the zoning board or permitting
981 body may implement the airport zoning regulation permitting and
982 appeals processes.

983 (3) APPEALS.-



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984 (a) A person, a political subdivision or its administrative
985 agency, or a joint airport zoning board that contends that a
986 decision made by a political subdivision or its administrative
987 agency is an improper application of airport zoning regulations
988 may use the process established for an appeal.

989 (b) All appeals taken under this section must be taken
990 within a reasonable time, as provided by the political
991 subdivision or its administrative agency, by filing with the
992 entity from which the appeal is taken a notice of appeal
993 specifying the grounds for appeal.

994 (c) An appeal shall stay all proceedings in the underlying
995 action appealed from, unless the entity from which the appeal is
996 taken certifies pursuant to the rules for appeal that by reason
997 of the facts stated in the certificate a stay would, in its
998 opinion, cause imminent peril to life or property. In such
999 cases, proceedings may not be stayed except by order of the
1000 political subdivision or its administrative agency on notice to
1001 the entity from which the appeal is taken and for good cause
1002 shown.

1003 (d) The political subdivision or its administrative agency
1004 shall set a reasonable time for the hearing of appeals, give
1005 public notice and due notice to the parties in interest, and
1006 decide the same within a reasonable time. Upon the hearing, any
1007 party may appear in person, by agent, or by attorney.

1008 (e) The political subdivision or its administrative agency
1009 may, in conformity with this chapter, affirm, reverse, or modify
1010 the decision on the permit or other determination from which the
1011 appeal is taken.

1012 Section 15. Section 333.10, Florida Statutes, is repealed.



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1013 Section 16. Section 333.11, Florida Statutes, is amended to
1014 read:

1015 333.11 Judicial review.—

1016 (1) Any person, ~~aggrieved, or taxpayer affected, by any~~
1017 ~~decision of a board of adjustment, or any governing body of a~~
1018 ~~political subdivision, or the Department of Transportation or~~
1019 ~~any joint airport zoning board affected by a decision of a~~
1020 political subdivision, or its ~~of any~~ administrative agency
1021 ~~hereunder~~, may apply for judicial relief to the circuit court in
1022 the judicial circuit where the political subdivision ~~board of~~
1023 ~~adjustment~~ is located within 30 days after rendition of the
1024 decision ~~by the board of adjustment~~. Review shall be by petition
1025 for writ of certiorari, which shall be governed by the Florida
1026 Rules of Appellate Procedure.

1027 ~~(2) Upon presentation of such petition to the court, it may~~
1028 ~~allow a writ of certiorari, directed to the board of adjustment,~~
1029 ~~to review such decision of the board. The allowance of the writ~~
1030 ~~shall not stay the proceedings upon the decision appealed from,~~
1031 ~~but the court may, on application, on notice to the board, on~~
1032 ~~due hearing and due cause shown, grant a restraining order.~~

1033 ~~(3) The board of adjustment shall not be required to return~~
1034 ~~the original papers acted upon by it, but it shall be sufficient~~
1035 ~~to return certified or sworn copies thereof or of such portions~~
1036 ~~thereof as may be called for by the writ. The return shall~~
1037 ~~concisely set forth such other facts as may be pertinent and~~
1038 ~~material to show the grounds of the decision appealed from and~~
1039 ~~shall be verified.~~

1040 (2)(4) The court has ~~shall have~~ exclusive jurisdiction to
1041 affirm, reverse, or modify, ~~or set aside~~ the decision on the



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1042 permit or other determination from which the appeal is taken
1043 ~~brought up for review, in whole or in part, and, if appropriate~~
1044 ~~need be, to order further proceedings by the political~~
1045 subdivision or its administrative agency board of adjustment.
1046 The findings of fact by the political subdivision or its
1047 administrative agency board, if supported by substantial
1048 evidence, shall be accepted by the court as conclusive, and an
1049 ~~no~~ objection to a decision of the political subdivision or its
1050 administrative agency may not board shall be considered by the
1051 court unless such objection was raised in the underlying
1052 proceeding shall have been urged before the board, or, if it was
1053 ~~not so urged, unless there were reasonable grounds for failure~~
1054 ~~to do so.~~

1055 ~~(3)(5)~~ If ~~In any case in which~~ airport zoning regulations
1056 adopted under this chapter, ~~although generally reasonable,~~ are
1057 held by a court to interfere with the use and enjoyment of a
1058 particular structure or parcel of land to such an extent, or to
1059 be so onerous in their application to such a structure or parcel
1060 of land, as to constitute a taking or deprivation of that
1061 property in violation of the State Constitution or the
1062 Constitution of the United States, such holding shall not affect
1063 the application of such regulations to other structures and
1064 parcels of land, or such regulations as are not involved in the
1065 particular decision.

1066 ~~(4)(6)~~ A judicial ~~No~~ appeal to any court may not shall be
1067 ~~or is~~ permitted under this section until the appellant has
1068 exhausted all of its remedies through application for local
1069 government permits, exceptions, and appeals, to any courts, as
1070 ~~herein provided, save and except an appeal from a decision of~~



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1071 ~~the board of adjustment, the appeal herein provided being from~~
1072 ~~such final decision of such board only, the appellant being~~
1073 ~~hereby required to exhaust his or her remedies hereunder of~~
1074 ~~application for permits, exceptions and variances, and appeal to~~
1075 ~~the board of adjustment, and gaining a determination by said~~
1076 ~~board, before being permitted to appeal to the court hereunder.~~

1077 Section 17. Section 333.12, Florida Statutes, is amended to
1078 read:

1079 333.12 Acquisition of air rights. ~~If in any case which: it~~
1080 ~~is desired to remove, lower or otherwise terminate a~~
1081 ~~nonconforming obstruction is determined to be an airport hazard~~
1082 ~~and the owner will not remove, lower, or otherwise eliminate it~~
1083 ~~structure or use; or~~ the approach protection necessary cannot,
1084 because of constitutional limitations, be provided by airport
1085 zoning regulations under this chapter; or it appears advisable
1086 that the necessary approach protection be provided by
1087 acquisition of property rights rather than by airport zoning
1088 regulations, the political subdivision within which the property
1089 or nonconforming obstruction ~~use~~ is located, or the political
1090 subdivision owning or operating the airport or being served by
1091 it, may acquire, by purchase, grant, or condemnation in the
1092 manner provided by chapter 73, such property, air right,
1093 avigation ~~navigation~~ easement, or other estate, portion, or
1094 interest in the property or nonconforming obstruction ~~structure~~
1095 ~~or use~~ or such interest in the air above such property, ~~tree,~~
1096 ~~structure, or use,~~ in question, as may be necessary to
1097 effectuate the purposes of this chapter, and in so doing, if by
1098 condemnation, to have the right to take immediate possession of
1099 the property, interest in property, air right, or other right



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1100 sought to be condemned, at the time, and in the manner and form,
1101 and as authorized by chapter 74. In the case of the purchase of
1102 any property, or any easement, or estate or interest therein or
1103 the acquisition of the same by the power of eminent domain, the
1104 political subdivision making such purchase or exercising such
1105 power shall, in addition to the damages for the taking, injury,
1106 or destruction of property, also pay the cost of the removal and
1107 relocation of any structure or any public utility that ~~which~~ is
1108 required to be moved to a new location.

1109 Section 18. Section 333.13, Florida Statutes, is amended to
1110 read:

1111 333.13 Enforcement and remedies.-

1112 (1) Each violation of this chapter or of any airport zoning
1113 regulations, orders, or rulings adopted ~~promulgated~~ or made
1114 pursuant to this chapter shall constitute a misdemeanor of the
1115 second degree, punishable as provided in s. 775.082 or s.
1116 775.083, and each day a violation continues to exist shall
1117 constitute a separate offense.

1118 (2) In addition, the political subdivision or agency
1119 adopting the airport zoning regulations under this chapter may
1120 institute in any court of competent jurisdiction an action to
1121 prevent, restrain, correct, or abate any violation of this
1122 chapter or of airport zoning regulations adopted under this
1123 chapter or of any order or ruling made in connection with their
1124 administration or enforcement, and the court shall adjudge to
1125 the plaintiff such relief, by way of injunction, which may be
1126 mandatory, or otherwise, as may be proper under all the facts
1127 and circumstances of the case in order to fully effectuate the
1128 purposes of this chapter and of the regulations adopted and



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1129 orders and rulings made pursuant thereto.

1130 (3) The department ~~of Transportation~~ may institute a civil
1131 action for injunctive relief in the appropriate circuit court to
1132 prevent violation of any provision of this chapter.

1133 Section 19. Section 333.135, Florida Statutes, is created
1134 to read:

1135 333.135 Transition provisions.-

1136 (1) Any airport zoning regulation in effect on July 1,
1137 2016, which includes provisions in conflict with this chapter
1138 shall be amended to conform to the requirements of this chapter
1139 by July 1, 2017.

1140 (2) Any political subdivision having an airport within its
1141 territorial limits which has not adopted airport zoning
1142 regulations shall, by July 1, 2017, adopt airport zoning
1143 regulations consistent with this chapter.

1144 (3) For those political subdivisions that have not yet
1145 adopted airport zoning regulations pursuant to this chapter, the
1146 department shall administer the permitting process as provided
1147 in s. 333.025.

1148 Section 20. Section 333.14, Florida Statutes, is repealed.

1149 Section 21. Subsection (34) is added to section 334.044,
1150 Florida Statutes, to read:

1151 334.044 Department; powers and duties.-The department shall
1152 have the following general powers and duties:

1153 (34) To assume responsibilities of the United States
1154 Department of Transportation with respect to highway projects
1155 within the state under the National Environmental Policy Act of
1156 1969, 42 U.S.C. s. 4321 et seq., and with respect to related
1157 responsibilities for environmental review, consultation, or



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1158 other action required under any federal environmental law
1159 pertaining to review or approval of a highway project within the
1160 state. The department may assume responsibilities under 23
1161 U.S.C. s. 327 and enter into one or more agreements, including
1162 memoranda of understanding, with the United States Secretary of
1163 Transportation related to the federal surface transportation
1164 project delivery program for the delivery of highway projects,
1165 as provided by 23 U.S.C. s. 327. The department may adopt rules
1166 to implement this subsection and may adopt relevant federal
1167 environmental standards as the standards for this state for a
1168 program described in this subsection. Sovereign immunity from
1169 civil suit in federal court is waived consistent with 23 U.S.C.
1170 s. 327 and limited to the compliance, discharge, or enforcement
1171 of a responsibility assumed by the department under this
1172 subsection.

1173 Section 22. Paragraph (d) of subsection (2) of section
1174 334.30, Florida Statutes, is amended, current paragraph (e) of
1175 subsection (6) of that section is redesignated as paragraph (f),
1176 and new paragraph (e) is added to that section, to read:

1177 334.30 Public-private transportation facilities.—The
1178 Legislature finds and declares that there is a public need for
1179 the rapid construction of safe and efficient transportation
1180 facilities for the purpose of traveling within the state, and
1181 that it is in the public's interest to provide for the
1182 construction of additional safe, convenient, and economical
1183 transportation facilities.

1184 (2) Agreements entered into pursuant to this section may
1185 authorize the private entity to impose tolls or fares for the
1186 use of the facility. The following provisions shall apply to



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1187 such agreements:

1188 (d) The department shall provide the analysis required in
1189 subparagraph (6)(f)2. ~~(6)(e)2.~~ to the Legislative Budget
1190 Commission created pursuant to s. 11.90 for review and approval
1191 prior to awarding a contract on a lease of an existing toll
1192 facility.

1193 (6) The procurement of public-private partnerships by the
1194 department shall follow the provisions of this section. Sections
1195 337.025, 337.11, 337.14, 337.141, 337.145, 337.175, 337.18,
1196 337.185, 337.19, 337.221, and 337.251 shall not apply to
1197 procurements under this section unless a provision is included
1198 in the procurement documents. The department shall ensure that
1199 generally accepted business practices for exemptions provided by
1200 this subsection are part of the procurement process or are
1201 included in the public-private partnership agreement.

1202 (e) The department shall consult with staff of the Division
1203 of Bond Finance of the State Board of Administration in
1204 connection with a proposal to finance or refinance a
1205 transportation facility pursuant to this section. The department
1206 shall provide the division with the information necessary to
1207 provide timely consultation and recommendations. The division
1208 may make an independent recommendation to the Executive Office
1209 of the Governor.

1210 Section 23. Section 337.027, Florida Statutes, is created
1211 to read:

1212 337.027 Authority to implement a business development
1213 program.—

1214 (1) The Department of Transportation may establish a
1215 program for highway projects that would assist small businesses.



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1216 The purpose of this program is to increase competition, lower
1217 prices, and provide increased support to meet the department's
1218 future work program. The program may include, but is not limited
1219 to, setting aside contracts, providing preference points for the
1220 use of small businesses, providing special assistance in bidding
1221 and contract completion, waiving bond requirements, and
1222 implementing other strategies that would increase competition.

1223 (2) For purposes of this section, the term "small business"
1224 means a business with average gross receipts of less than \$15
1225 million for road and bridge contracts and less than \$6.5 million
1226 for professional and nonprofessional services contracts. A
1227 business determines its size by averaging its annual gross
1228 receipts over the last 3 years, including the receipts of an
1229 affiliate as defined in s. 337.165.

1230 (3) The department may adopt rules to implement this
1231 section.

1232 Section 24. Subsection (4) of section 338.165, Florida
1233 Statutes, is amended, and subsection (11) is added to that
1234 section, to read:

1235 338.165 Continuation of tolls.—

1236 (4) Notwithstanding any other law to the contrary, pursuant
1237 to s. 11, Art. VII of the State Constitution, and subject to the
1238 requirements of subsection (2), the Department of Transportation
1239 may request the Division of Bond Finance to issue bonds secured
1240 by toll revenues collected on the Alligator Alley ~~and~~ the
1241 Sunshine Skyway Bridge, ~~the Beeline-East Expressway, the Navarre~~
1242 ~~Bridge, and the Pinellas Bayway~~ to fund transportation projects
1243 located within the county or counties in which the project is
1244 located and contained in the adopted work program of the



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1245 department.

1246 (11) The department's Pinellas Bayway System may be
1247 transferred by the department and become part of the turnpike
1248 system under the Florida Turnpike Enterprise Law. The transfer
1249 does not affect the rights of the parties, or their successors
1250 in interest, under the settlement agreement and final judgment
1251 in Leonard Lee Ratner, Esther Ratner, and Leeco Gas and Oil Co.
1252 v. State Road Department of the State of Florida, No. 67-1081
1253 (Fla. 2nd Cir. Ct. 1968). Upon transfer of the Pinellas Bayway
1254 System to the turnpike system, the department shall also
1255 transfer to the Florida Turnpike Enterprise the funds deposited
1256 in the reserve account established by chapter 85-364, Laws of
1257 Florida, as amended by chapters 95-382 and 2014-223, Laws of
1258 Florida, which funds shall be used by the Florida Turnpike
1259 Enterprise solely to help fund the costs of repair or
1260 replacement of the transferred facilities.

1261 Section 25. Chapter 85-364, Laws of Florida, as amended by
1262 chapters 95-382 and section 48 of 2014-223, Laws of Florida, is
1263 repealed.

1264 Section 26. Paragraph (c) of subsection (3) of section
1265 338.231, Florida Statutes, is amended to read:

1266 338.231 Turnpike tolls, fixing; pledge of tolls and other
1267 revenues.—The department shall at all times fix, adjust, charge,
1268 and collect such tolls and amounts for the use of the turnpike
1269 system as are required in order to provide a fund sufficient
1270 with other revenues of the turnpike system to pay the cost of
1271 maintaining, improving, repairing, and operating such turnpike
1272 system; to pay the principal of and interest on all bonds issued
1273 to finance or refinance any portion of the turnpike system as



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1274 the same become due and payable; and to create reserves for all
1275 such purposes.

1276 (3)

1277 (c) Notwithstanding any other provision of law to the
1278 contrary, any prepaid toll account of any kind which has
1279 remained inactive for 10 3 years shall be presumed unclaimed and
1280 its disposition shall be handled by the Department of Financial
1281 Services in accordance with all applicable provisions of chapter
1282 717 relating to the disposition of unclaimed property, and the
1283 prepaid toll account shall be closed by the department.

1284 Section 27. Section 339.0809, Florida Statutes, is created
1285 to read:

1286 339.0809 Florida Department of Transportation Financing
1287 Corporation.-

1288 (1) The Florida Department of Transportation Financing
1289 Corporation is created as a nonprofit corporation for the
1290 purpose of financing or refinancing projects for the department
1291 as provided in subsection (5).

1292 (2) When used in this section, the term "corporation" means
1293 the Florida Department of Transportation Financing Corporation.

1294 (3) The corporation shall be governed by a board of
1295 directors consisting of the director of the Office of Policy and
1296 Budget in the Executive Office of the Governor, the director of
1297 the Division of Bond Finance, and the Secretary of
1298 Transportation. The director of the Division of Bond Finance is
1299 the chief executive officer of the corporation and shall direct
1300 and supervise the administrative affairs of the corporation and
1301 shall control, direct, and supervise the operation of the
1302 corporation. The corporation shall have such other officers as



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1303 may be determined by the board of directors.

1304 (4) The corporation shall have all of the powers of a
1305 corporate body under the laws of this state to the extent that
1306 they are not inconsistent with or restricted by this section,
1307 including, but not limited to, the power to:

1308 (a) Adopt, amend, and repeal bylaws not inconsistent with
1309 this section.

1310 (b) Sue and be sued.

1311 (c) Adopt and use a common seal.

1312 (d) Acquire, purchase, hold, lease, and convey such real
1313 and personal property as may be proper or expedient to carry out
1314 the purposes of the corporation and this section and to sell,
1315 lease, or otherwise dispose of such property.

1316 (e) Elect or appoint and employ such other officers,
1317 agents, and employees as the corporation deems advisable to
1318 operate and manage the affairs of the corporation, which
1319 officers, agents, and employees may be officers or employees of
1320 the department and the state agencies represented on the board
1321 of directors of the corporation.

1322 (f) Borrow money and issue notes, bonds, certificates of
1323 indebtedness, or other obligations or evidences of indebtedness
1324 necessary to finance or refinance projects as provided in
1325 subsection (5).

1326 (g) Make and execute any and all contracts, trust
1327 agreements, and other instruments and agreements necessary or
1328 convenient to accomplish the purposes of the corporation and
1329 this section.

1330 (h) Select, retain, and employ professionals, contractors,
1331 or agents, which may include the Division of Bond Finance, as



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1332 necessary or convenient to enable or assist the corporation in
1333 carrying out the purposes of the corporation and this section.

1334 (i) Take any action necessary or convenient to carry out
1335 the purposes of the corporation and this section and the powers
1336 provided in this section.

1337 (5) The corporation may enter into one or more service
1338 contracts with the department to provide services to the
1339 department in connection with projects approved in the
1340 department's work program, which approval specifically provides
1341 that the department may enter into a service contract for the
1342 project pursuant to this section. The department may enter into
1343 one or more such service contracts with the corporation and
1344 provide for payments under such contracts, subject to annual
1345 appropriation by the Legislature. The proceeds from such service
1346 contracts may be used for the corporation's administrative costs
1347 and expenses after the payments specified in subsection (6).
1348 Each service contract may have a term of up to 35 years. In
1349 compliance with s. 287.0641 and other applicable law, the
1350 obligations of the department under such service contracts do
1351 not constitute a general obligation of the state or a pledge of
1352 the full faith and credit or taxing power of the state, and such
1353 obligations are not an obligation of the State Board of
1354 Administration or entities for which it invests funds, other
1355 than the department as provided in this section, but are payable
1356 solely from amounts available in the State Transportation Trust
1357 Fund, subject to annual appropriation. In compliance with this
1358 subsection and s. 287.0582, the service contract must expressly
1359 include the following statement: "The State of Florida's
1360 performance and obligation to pay under this contract is



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1361 contingent upon an annual appropriation by the Legislature.”

1362 (6) The corporation may issue and incur notes, bonds,
1363 certificates of indebtedness, or other obligations or evidences
1364 of indebtedness payable from and secured by amounts payable to
1365 the corporation by the department under a service contract
1366 entered into pursuant to subsection (5) for the purpose of
1367 financing or refinancing projects approved as provided in that
1368 subsection. The duration of any such note, bond, certificate of
1369 indebtedness, or other obligation or evidence of indebtedness
1370 may not exceed 30 annual maturities. The corporation may select
1371 its financing team and issue its obligations through competitive
1372 bidding or negotiated contracts, whichever is most cost-
1373 effective. Indebtedness of the corporation does not constitute a
1374 debt or obligation of the state or a pledge of the full faith
1375 and credit or taxing power of the state, but is payable from and
1376 secured by payments made by the department under the service
1377 contract.

1378 (7) The fulfillment of the purposes of the corporation
1379 promotes the health, safety, and general welfare of the people
1380 of the state and serves essential governmental functions and a
1381 paramount public purpose.

1382 (8) The corporation is exempt from taxation and assessments
1383 on its income, property, and assets or revenues acquired,
1384 received, or used in the furtherance of the purposes provided in
1385 this chapter. The obligations of the corporation incurred
1386 pursuant to subsection (6) and the interest and income on such
1387 obligations and all security agreements, letters of credit,
1388 liquidity facilities, or other obligations or instruments
1389 arising out of, entered into in connection with, or given to



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1390 secure payment of such obligations are exempt from taxation;
1391 however, such exemption does not apply to any tax imposed under
1392 chapter 220 on the interest, income, or profits on debt
1393 obligations owned by corporations.

1394 (9) The corporation may validate obligations to be incurred
1395 pursuant to subsection (6) and the validity and enforceability
1396 of any service contracts providing for payments pledged to the
1397 payment of such obligations by proceedings under chapter 75. The
1398 validation complaint may be filed only in the Circuit Court of
1399 Leon County. The notice required to be published by s. 75.06
1400 must be published in Leon County, and the complaint and order of
1401 the circuit court may be served only on the State Attorney for
1402 the Second Judicial Circuit. Sections 75.04(2) and 75.06(2) do
1403 not apply to a complaint for validation filed under this
1404 subsection.

1405 (10) The corporation is not a special district for the
1406 purposes of chapter 189 or a unit of local government for the
1407 purposes of part III of chapter 218. The provisions of chapters
1408 120 and 215, except the limitation on the interest rates
1409 provided by s. 215.84, which applies to obligations of the
1410 corporation issued pursuant to this section, and part I of
1411 chapter 287, except ss. 287.0582 and 287.0641, do not apply to
1412 this section, the corporation, the service contracts entered
1413 into pursuant to this section, or debt obligations issued by the
1414 corporation as contemplated in this section.

1415 (11) The benefits and earnings of the corporation may not
1416 inure to the benefit of any private person.

1417 (12) Upon dissolution of the corporation, title to all
1418 property owned by the corporation reverts to the state.



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1419 (13) The corporation may contract with the State Board of
1420 Administration to serve as a trustee with respect to debt
1421 obligations issued by the corporation as contemplated by this
1422 section; to hold, administer, and invest proceeds of such debt
1423 obligations and other funds of the corporation; and to perform
1424 other services required by the corporation. The State Board of
1425 Administration may perform such services and may contract with
1426 others to provide all or a part of such services and to recover
1427 its costs and other expenses thereof.

1428 (14) The department may enter into a service contract in
1429 conjunction with the issuance of debt obligations as provided in
1430 this section which provides for periodic payments for debt
1431 service or other amounts payable with respect to debt
1432 obligations, plus any administrative expenses of the
1433 corporation.

1434 Section 28. Paragraph (a) of subsection (9) of section
1435 348.0004, Florida Statutes, is amended to read:

1436 348.0004 Purposes and powers.—

1437 (9) The Legislature declares that there is a public need
1438 for the rapid construction of safe and efficient transportation
1439 facilities for traveling within the state and that it is in the
1440 public's interest to provide for public-private partnership
1441 agreements to effectuate the construction of additional safe,
1442 convenient, and economical transportation facilities.

1443 (a) Notwithstanding any other provision of the Florida
1444 Expressway Authority Act, any expressway authority,
1445 transportation authority, bridge authority, or toll authority
1446 may receive or solicit proposals and enter into agreements with
1447 private entities, or consortia thereof, for the building,



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1448 operation, ownership, or financing of authority transportation
1449 facilities or new transportation facilities within the
1450 jurisdiction of the authority which increase transportation
1451 capacity. An authority may not sell or lease any transportation
1452 facility owned by the authority, without providing the analysis
1453 required in s. 334.30(6) ~~s. 334.30(6)(e)2.~~ to the Legislative
1454 Budget Commission created pursuant to s. 11.90 for review and
1455 approval prior to awarding a contract on a lease of an existing
1456 toll facility. An authority is authorized to adopt rules to
1457 implement this subsection and shall, by rule, establish an
1458 application fee for the submission of unsolicited proposals
1459 under this subsection. The fee must be sufficient to pay the
1460 costs of evaluating the proposals. An authority may engage
1461 private consultants to assist in the evaluation. Before
1462 approval, an authority must determine that a proposed project:
1463 1. Is in the public's best interest.
1464 2. Would not require state funds to be used unless the
1465 project is on or provides increased mobility on the State
1466 Highway System.
1467 3. Would have adequate safeguards to ensure that no
1468 additional costs or service disruptions would be realized by the
1469 traveling public and residents of the state in the event of
1470 default or the cancellation of the agreement by the authority.
1471 4. Would have adequate safeguards in place to ensure that
1472 the department, the authority, or the private entity has the
1473 opportunity to add capacity to the proposed project and other
1474 transportation facilities serving similar origins and
1475 destinations.
1476 5. Would be owned by the authority upon completion or



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1477 termination of the agreement.

1478 Section 29. This act shall take effect July 1, 2016.