

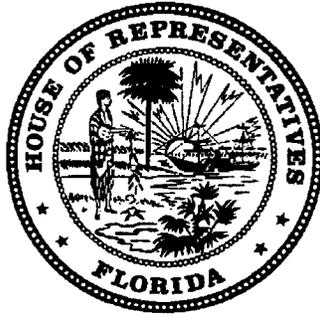


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# **Transportation & Economic Development Appropriations Subcommittee**

## **Meeting Packet**

**January 19, 2016  
4:00 p.m. – 6:00 p.m.  
Reed Hall**



## **AGENDA**

Transportation & Economic Development Appropriations Subcommittee  
January 19, 2016  
4:00 p.m. – 6:00 p.m.  
Reed Hall

**I. Call to Order/Roll Call**

**II. Consideration of Bills**

CS/HB 83 Identification Cards and Driver Licenses by Highway &  
Waterway Safety Subcommittee, Santiago

HB 7027 Department of Transportation by Transportation & Ports  
Subcommittee, Rooney

HB 7061 Transportation by Transportation & Ports Subcommittee,  
Santiago

HB 7063 Department of Highway Safety and Motor Vehicles by Highway &  
Waterway Safety Subcommittee, Steube

**III. Closing Remarks/Adjourn**



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 83 Identification Cards and Driver Licenses

**SPONSOR(S):** Santiago

**TIED BILLS:** IDEN./SIM. **BILLS:** SB 158

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	13 Y, 0 N, As CS	Whittaker	Smith
2) Transportation & Economic Development Appropriations Subcommittee		Cobb <i>PL</i>	Davis <i>Davis</i>
3) Economic Affairs Committee			

### SUMMARY ANALYSIS

The bill requires the Department of Highway Safety and Motor Vehicles (DHSMV) to notate on the identification card or driver license the applicant's status as a lifetime freshwater fishing, saltwater fishing, hunting or sportsman licensee, or lifetime boater safety identification card holder issued by the Florida Fish and Wildlife Conservation Commission (FWC).

Upon proof of an individual's status as a lifetime licensee or card holder, the Department of Highway Safety and Motor Vehicles shall include symbols on the identification card or driver license representing the below:

- If the applicant holds a lifetime freshwater fishing license;
- If the applicant holds a lifetime saltwater fishing license;
- If the applicant holds a lifetime hunting license;
- If the applicant holds a lifetime sportsman license; or
- If the applicant holds a lifetime boater safety education card.

The DHSMV is authorized to collect an additional \$1 fee to add the lifetime licensee or cardholder status when issuing an original or renewed identification card or driver license.

An individual who surrenders and replaces his or her identification card or driver license before its expiration date with the sole purpose to include the individual's status as a lifetime licensee or card holder is required to pay a \$2 fee for the card or license and the \$25 replacement fee will be waived.

The bill also provides that the state-issued identification card or driver license displaying the lifetime designation is valid proof of the indicated lifetime card or recreational license.

According to DHSMV, the bill will have a minimal, negative fiscal impact of \$64,840 due to programming hours required for implementation. Additionally, there may be an indeterminate, positive fiscal impact to the Highway Safety Operating Trust Fund. See fiscal comments.

An effective date of July 1, 2016 is provided in the bill.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### **Driver License/Hunting and Fishing License Pilot Project<sup>1</sup>**

Beginning in 2014, the FWC began a pilot project which links a person's Florida driver license or identification card with the recreational hunting and fishing license database. FWC is actively using an in-house web based query function that allows staff to query the status of different permits and licenses issued by FWC by entering a driver license number or by swiping the license through a peripheral magnetic card reader. This function is available to all FWC employees using computers connected to the FWC Network and can also be used by Division of Law Enforcement officers in the field to determine all valid licenses held by an individual.

If an FWC officer does not have access to their mobile computer they can relay the driver license information to a dispatcher via radio to query the database for confirmation of valid license status. FWC also accepts the presentation of a license "image" via a smart phone device as a valid alternative.

##### **Recreational Lifetime Hunting and Fishing Licenses, Boater Safety Identification Cards**

The Florida Fish and Wildlife Conservation Commission (FWC) issues lifetime licenses to Florida residents for freshwater fishing, saltwater fishing, and hunting, as well as boater safety identification cards.

Every person, unless exempt as provided in s. 379.353, F.S., taking game, fish, or fur-bearing animals within this state is required to have a hunting or fishing license, permit, or authorization number authorizing that activity.<sup>2</sup> The license, permit, or authorization number must be in the personal possession of the person to whom it was issued while that person is taking, attempting to take, or possessing game, fish, or fur-bearing animals.<sup>3</sup>

Lifetime hunting and fishing licenses are only available to Florida residents, and are valid from the date they are issued until the death of the individual to whom the license is issued, even if the license holder moves out of the state, unless revoked.<sup>4</sup> A recreational license may be suspended for a period ranging from 1-3 years if the license holder is convicted of certain Level Two or Level Three offenses as outlined in s.379.401, F.S.

As of August 2015, FWC had the following "active" lifetime licenses and cards on file:

Lifetime Freshwater Fishing Licenses	2,861
Lifetime Saltwater Fishing Licenses	18,314
Lifetime Hunting Licenses	1,578
Lifetime Sportsman Licenses	22,409
Lifetime Boater Safety Id Card	<u>441,000</u>
Total:	<u>486,162</u> <sup>5</sup>

##### ***Lifetime Freshwater or Saltwater Fishing License<sup>6</sup>***

<sup>1</sup> Fish and Wildlife Conservation Commission, *Driver License/Hunting & Fishing License Pilot Project Update – 10/2015* (Oct. 5, 2015) (On file with the House Transportation and Economic Development Appropriations Subcommittee).

<sup>2</sup> s. 379.354(1), F.S.

<sup>3</sup> s. 379.354(2), F.S.

<sup>4</sup> ss. 379.401 or 379.404, F.S.

<sup>5</sup> Department of Highway Safety and Motor Vehicles, *Agency Analysis of 2016 House Bill 83*, p.3 (Sept. 4, 2015) (on file with the House Transportation and Economic Development Appropriations Subcommittee).

In addition to authorizing the take or attempted take or possession of freshwater fish, a lifetime freshwater fishing license authorizes all activities included with a wildlife management area permit, except hunting.

In addition to authorizing the take or attempted take or possession of saltwater fish, a lifetime saltwater fishing license authorizes all activities included with snook and spiny lobster permits.

Lifetime fishing licenses are available to Florida residents for a fee of:

- \$125 for persons age 4 or younger;
- \$225 for persons age 5 to 12; and
- \$300 for persons age 13 or older.

### ***Lifetime Hunting License***<sup>7</sup>

In addition to authorizing the take or attempted take or possession of game animals, a lifetime hunting license authorizes all activities included with Deer, Wildlife Management Area, Archery, Muzzleloading Gun, Crossbow, Turkey and Florida Waterfowl permits.

Lifetime hunting licenses are available to residents of Florida for a fee of:

- \$200 for persons age 4 or younger;
- \$350 for persons age 5 to 12; and
- \$500 for persons age 13 or older.

### ***Lifetime Sportsman License***<sup>8</sup>

In addition to authorizing the take or attempted take or possession of freshwater fish, saltwater fish, and game animals, a lifetime sportsman's license authorizes all activities included with Deer, Wildlife Management Area, Archery, Muzzleloading Gun, Crossbow, Turkey, Florida Waterfowl, Snook and Lobster permits.

Lifetime sportsman licenses are available to residents of Florida for a fee of:

- \$400 for persons age 4 or younger;
- \$700 for persons age 5 to 12; and
- \$1,000 for persons age 13 or older.

### ***Boater Safety Identification Card***<sup>9</sup>

Any person in Florida who was born on or after January 1, 1988, and who is operating a boat powered by a motor of more than 10 horsepower, must have in their possession a boater safety identification card, acquired from FWC for successfully completing approved boater safety education, as well as a valid for of photo identification. A person is exempt from this requirement if he or she:

- Is licensed by the U.S. Coast Guard as a master of a vessel.
- Is operating a vessel on a private lake or pond;
- Is accompanied on the vessel by a person who is least 18 years of age, who is exempt or who has complied with the requirement, provided that person is attendant to and responsible for the safe operation of the vessel and for any violation that occurs during the operation of the vessel;
- Is a nonresident who has in his or her possession proof that he or she has completed a boater education course or equivalency examination from another state which meets or exceeds Florida's requirements;
- Is operating a vessel within 90 days after the purchase of that vessel with a valid bill of sale; or

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<sup>6</sup> s. 379.354(10), F.S.

<sup>7</sup> s. 379.354(11), F.S.

<sup>8</sup> s. 379.354(12), F.S.

<sup>9</sup> s. 327.395, F.S.

- Is operating a vessel within 90 days of completing an approved boating safety course and has valid photo identification and a boater education course completion certificate in his or her possession.

Any person, regardless of age, may complete the boater safety education course, and all who do so will be issued a boater safety identification card valid for life.

### **Effect of Proposed Changes**

#### **Sections 1 and 2:**

The bill amends ss. 322.14 and 322.051, F.S., requiring the Department of Highway Safety and Motor Vehicles (DHSMV) to notate on the identification card or driver license the applicant's status as a lifetime freshwater fishing, saltwater fishing, hunting, or sportsman licensee, or lifetime boater safety identification card holder issued by the Florida Fish and Wildlife Conservation Commission (FWC).

Upon proof of an individual's status as a lifetime licensee or card holder the Department of Highway Safety and Motor Vehicles shall include symbols on the identification card or driver license representing the below:

- If the applicant holds a lifetime freshwater fishing license;
- If the applicant holds a lifetime saltwater fishing license;
- If the applicant holds a lifetime hunting license;
- If the applicant holds a lifetime sportsman license; or
- If the applicant holds a lifetime boater safety education card.

The DHSMV is authorized to collect an additional \$1 fee to add the lifetime licensee or cardholder status when issuing an original or renewed identification card or driver license.

An individual who surrenders and replaces his or her identification card or driver license before its expiration date with the sole purpose to include the individual's status as a lifetime licensee or card holder is required to pay a \$2 fee for the card or license, and the \$25 replacement fee will be waived.

In addition, the bill makes a technical change to ss. 322.051 and 322.14, F.S., to ensure the issuance of a replacement identification card or driver license *shall*, rather than *may*, be issued with the word "Veteran" without paying the \$25 replacement fee. This aligns with the DHSMV's current practice.<sup>10</sup>

#### **Sections 3 and 4:**

The bill amends ss. 327.395 and 379.354, F.S., providing that the state-issued identification card or driver license displaying the lifetime designation is valid proof of the indicated lifetime card or recreational license.

#### **Section 5:**

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

## **B. SECTION DIRECTORY:**

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<sup>10</sup> DHSMV Agency Analysis, *supra* note 5.  
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DATE: 1/19/2016

- Section 1** Amends s. 322.051, F.S., providing for a person's status as a lifetime freshwater fishing, saltwater fishing, hunting, or sportsman licensee, or boater safety identification cardholder, to be indicated on his or her identification card or driver license upon payment of an additional fee and presentation of the person's lifetime freshwater fishing, saltwater fishing, hunting, or sportsman's license or boater safety identification card; providing a waiver of the replacement fee in certain circumstances.
- Section 2** Amends s. 322.14, F.S., providing for a person's status as a lifetime freshwater fishing, saltwater fishing, hunting, or sportsman licensee, or boater safety identification cardholder, to be indicated on his or her identification card or driver license upon payment of an additional fee and presentation of the person's lifetime freshwater fishing, saltwater fishing, hunting, or sportsman's license or boater safety identification card; providing a waiver of the replacement fee in certain circumstances.
- Section 3** Amends s.327.395, F.S., prohibiting a person born on or after a certain date from operating a certain vessel unless such person has in his or her possession aboard the vessel photographic identification and a boater safety identification card or a state-issued identification card or driver license which meets certain requirements.
- Section 4** Amends s. 379.354, F.S., requiring each state-issued identification card or driver license indicating possession of certain recreational licenses to be in the personal possession of the person to whom such license is issued while the person is taking, attempting to take, or possessing game, freshwater or saltwater fish, or fur-bearing animals.
- Section 5** Provides applicability.
- Section 6** Provides an effective date of July 1, 2016.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

The bill may have an indeterminate, positive fiscal impact to the Highway Safety Operating Trust Fund due to the increased revenue from the \$1 and \$2 fees.

The additional \$1 fee will be collected for original, and renewal, identification card and driver license transactions; however, it is unknown how many individuals may apply for the designation.

For identification card and driver license replacement transactions, the bill allows DHSMV to collect a \$2 fee when adding the designation. When the replacement transaction is performed for any reason in addition to adding the designation (change of address, lost card, etc.), the individual will be required to pay the full \$25 replacement fee, and the additional \$2 fee. When the replacement transaction is performed for the sole purpose of adding the designation, the standard \$25 replacement fee will be waived, and the \$2 fee will offset the cost of printing an identification card or driver license. Though the bill allows for the waiver of the \$25 fee in this particular circumstance, the individuals who would be replacing their identification cards and licenses for the sole purpose of adding the designation would otherwise have no reason to replace their cards, therefore the waivers should not directly result in any lost revenue.

2. Expenditures:

DHSMV estimates 826 programming hours would be required for implementation at an estimated cost of \$64,840 in FTE and contracted resources.<sup>11</sup>

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Individuals can have their status as a lifetime licensee or cardholder indicated on his or her identification card or driver license upon payment of an additional \$1 when being issued an original or renewed identification card or driver license.

An individual who surrenders and replaces his or her identification card or driver license before its expiration date with the sole purpose to include the individual's status as a lifetime licensee or cardholder is required to pay a \$2 fee for the card or license instead of the \$25 replacement fee. If the replacement transaction is performed for any reason in addition to adding the designation, the individual will pay the standard \$25 replacement fee, and the additional \$2 fee.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

It is unclear how a suspension or revocation of an individual's lifetime hunting or fishing license would be accommodated if reflected on his or her identification card or driver license.

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On October 20, 2015, The Highway and Waterway Safety Subcommittee adopted a strike all amendment to HB 83 and the reported the bill favorably as a committee substitute. The strike all provided that:

- Upon proof of an individual's status as a lifetime licensee or card holder the Department of Highway Safety and Motor Vehicles shall include symbols on the identification card or driver license representing the below:
  - If the applicant holds a lifetime freshwater fishing license;
  - If the applicant holds a lifetime saltwater fishing license;
  - If the applicant holds a lifetime hunting license;
  - If the applicant holds a lifetime sportsman license; or
  - If the applicant holds a lifetime boater safety education card.
- An identification card or driver license displaying a symbol is valid proof of possession of the indicated lifetime card or recreational license.
- Changes made by the bill to the identification card and driver license will apply upon implementation of new designs for the identification card and driver license by DHSMV.

The analysis is drafted to the committee substitute as reported by the Highway and Waterway Safety Subcommittee.



27 providing applicability; providing an effective date.

28

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

30

31 Section 1. Paragraph (b) of subsection (8) of section  
 32 322.051, Florida Statutes, is amended, and paragraph (c) is  
 33 added to that subsection, to read:

34 322.051 Identification cards.—

35 (8)

36 (b) The word "Veteran" shall be exhibited on the  
 37 identification card of a veteran upon the payment of an  
 38 additional \$1 fee for the identification card and the  
 39 presentation of a copy of the person's DD Form 214, issued by  
 40 the United States Department of Defense, or another acceptable  
 41 form specified by the Department of Veterans' Affairs. Until a  
 42 veteran's identification card is next renewed, the veteran may  
 43 have the word "Veteran" added to his or her identification card  
 44 upon surrender of his or her current identification card,  
 45 payment of a \$2 fee to be deposited into the Highway Safety  
 46 Operating Trust Fund, and presentation of a copy of his or her  
 47 DD Form 214 or another acceptable form specified by the  
 48 Department of Veterans' Affairs. If the applicant is not  
 49 conducting any other transaction affecting the identification  
 50 card, a replacement identification card shall ~~may~~ be issued with  
 51 the word "Veteran" without payment of the fee required in s.  
 52 322.21(1)(f)3.

53        (c) The department shall include symbols representing the  
 54 following on an identification card upon the payment of an  
 55 additional \$1 fee by an applicant who meets the requirements of  
 56 subsection (1) and presents his or her:

- 57            1. Lifetime freshwater fishing license;
- 58            2. Lifetime saltwater fishing license;
- 59            3. Lifetime hunting license;
- 60            4. Lifetime sportsman's license; or
- 61            5. Lifetime boater safety identification card.

62

63 A person may replace his or her identification card before its  
 64 expiration date with a card that includes his or her status as a  
 65 lifetime licensee or boater safety cardholder upon surrender of  
 66 his or her current identification card, payment of a \$2 fee to  
 67 be deposited into the Highway Safety Operating Trust Fund, and  
 68 presentation of the person's lifetime license or card. If the  
 69 sole purpose of the replacement identification card is the  
 70 inclusion of the applicant's status as a lifetime licensee or  
 71 cardholder, the replacement identification card must be issued  
 72 without payment of the fee required in s. 322.21(1)(f)3.

73            Section 2. Paragraph (c) of subsection (1) of section  
 74 322.14, Florida Statutes, is amended, and paragraph (d) is added  
 75 to that subsection, to read:

76            322.14 Licenses issued to drivers.—

77            (1)

78            (c) The word "Veteran" shall be exhibited on the driver

79 license of a veteran upon the payment of an additional \$1 fee  
 80 for the license and the presentation of a copy of the person's  
 81 DD Form 214, issued by the United States Department of Defense,  
 82 or another acceptable form specified by the Department of  
 83 Veterans' Affairs. Until a veteran's license is next renewed,  
 84 the veteran may have the word "Veteran" added to his or her  
 85 license upon surrender of his or her current license, payment of  
 86 a \$2 fee to be deposited into the Highway Safety Operating Trust  
 87 Fund, and presentation of a copy of his or her DD Form 214 or  
 88 another acceptable form specified by the Department of Veterans'  
 89 Affairs. If the applicant is not conducting any other  
 90 transaction affecting the driver license, a replacement license  
 91 shall ~~may~~ be issued with the word "Veteran" without payment of  
 92 the fee required in s. 322.21(1)(e).

93 (d) The department shall include symbols representing the  
 94 following on a driver license upon the payment of an additional  
 95 \$1 fee by an applicant who meets the requirements of s. 322.08  
 96 and presents his or her:

- 97 1. Lifetime freshwater fishing license;
- 98 2. Lifetime saltwater fishing license;
- 99 3. Lifetime hunting license;
- 100 4. Lifetime sportsman's license; or
- 101 5. Lifetime boater safety identification card.

102  
 103 A person may replace his or her driver license before its  
 104 expiration date with a license that includes his or her status

105 as a lifetime licensee or boater safety cardholder upon  
 106 surrender of his or her current driver license, payment of a \$2  
 107 fee to be deposited into the Highway Safety Operating Trust  
 108 Fund, and presentation of the person's lifetime license or  
 109 identification card. If the sole purpose of the replacement  
 110 driver license is the inclusion of the applicant's status as a  
 111 lifetime licensee or cardholder, the replacement driver license  
 112 must be issued without payment of the fee required in s.  
 113 322.21(1)(e).

114 Section 3. Subsection (1) of section 327.395, Florida  
 115 Statutes, is amended to read:

116 327.395 Boating safety identification cards.—

117 (1) A person born on or after January 1, 1988, may not  
 118 operate a vessel powered by a motor of 10 horsepower or greater  
 119 unless such person has in his or her possession aboard the  
 120 vessel photographic identification and a boater safety  
 121 identification card issued by the commission, or a state-issued  
 122 identification card or driver license indicating possession of  
 123 the boater safety identification card, which shows that he or  
 124 she has:

125 (a) Completed a commission-approved boater education  
 126 course that meets the minimum 8-hour instruction requirement  
 127 established by the National Association of State Boating Law  
 128 Administrators;

129 (b) Passed a course equivalency examination approved by  
 130 the commission; or

131 (c) Passed a temporary certificate examination developed  
 132 or approved by the commission.

133 Section 4. Subsection (3) of section 379.354, Florida  
 134 Statutes, is amended to read:

135 379.354 Recreational licenses, permits, and authorization  
 136 numbers; fees established.—

137 (3) PERSONAL POSSESSION REQUIRED.—Each recreational  
 138 license, state-issued identification card or driver license  
 139 indicating possession of a recreational license, permit, or  
 140 authorization number must be in the personal possession of the  
 141 person to whom it is issued while ~~the~~ ~~such~~ person is taking,  
 142 attempting to take, or possessing game, freshwater or saltwater  
 143 fish, or fur-bearing animals. Any person taking, attempting to  
 144 take, or possessing game, freshwater or saltwater fish, or fur-  
 145 bearing animals who fails to produce a recreational license,  
 146 state-issued identification card or driver license indicating  
 147 possession of a recreational license, permit, or authorization  
 148 number at the request of a commission law enforcement officer  
 149 commits a violation of the law.

150 Section 5. The amendments made by this act to ss. 322.051  
 151 and 322.14, Florida Statutes, shall apply upon implementation of  
 152 new designs for the driver license and identification card by  
 153 the Department of Highway Safety and Motor Vehicles.

154 Section 6. This act shall take effect July 1, 2016.



**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 7027      PCB TPS 16-01      Department of Transportation  
**SPONSOR(S):** Transportation & Ports Subcommittee, Rooney, Jr.  
**TIED BILLS:**                      **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Transportation & Ports Subcommittee	12 Y, 0 N	Willson	Vickers
1) Transportation & Economic Development Appropriations Subcommittee		Davis 	Davis
2) Economic Affairs Committee			

**SUMMARY ANALYSIS**

This is a comprehensive bill relating to the Department of Transportation (DOT). In summary the bill:

- Reallocates \$10 million within the Work Program to the Florida Seaport and Economic Development (FSTED) Program, which increases the program's annual funding minimum from \$15 to \$25 million.
- Authorizes DOT to designate certain locations and routes as ports of entry, and limits the penalty that may be assessed for specified operators which obtain temporary permits at a port of entry.
- Authorizes the DOT to assume specified environmental review responsibilities under the National Environmental Policy Act (NEPA) with respect to highway projects.
- Modifies the process for the development and review of public-private partnership project proposals.
- Authorizes DOT to establish a Business Development Program that would assist small businesses and increase competition in the procurement of highway project contractors.
- Removes the Beeline-East Expressway and the Navarre Bridge from the list of facilities whose toll revenues may be used to secure bonds.
- Authorizes the creation of the DOT Financing Corporation to serve as a conduit issuer of debt to finance transportation projects.
- Increases the length of time that a toll account must remain dormant before it is presumed unclaimed property.
- Revises requirements for when a DOT Work Program amendment must be approved by the Legislative Budget Commission.

The overall fiscal impact of this bill is indeterminate but likely insignificant. Additionally, there also may be cost savings associated with DOT assuming responsibilities under NEPA. See fiscal section for specific details.

The bill has an effective date of July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

This is a comprehensive bill relating to the Department of Transportation (DOT). For ease of understanding, this analysis is arranged by topic.

#### **FSTED Funding (Sections 1 and 2)**

##### Current Situation

In 1990, the Legislature created Ch. 311, F.S., authorizing the Florida Seaport and Economic Development (FSTED) Program.<sup>1</sup> This program established a collaborative relationship between DOT and the seaports and currently codifies an annual minimum of \$15 million for a seaport grant program.<sup>2</sup> FSTED funds are to be used on approved projects on a 50-50 matching basis.<sup>3</sup> Funding grants under the FSTED program are limited to the following port facilities or port transportation projects:

- Transportation facilities within the jurisdiction of the port.
- The dredging or deepening of channels, turning basins, or harbors.
- The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with the foregoing.
- The acquisition of vessel tracking systems, container cranes, or other mechanized equipment used in the movement of cargo or passengers in international commerce.
- The acquisition of land to be used for port purposes.
- The acquisition, improvement, enlargement, or extension of existing port facilities.
- Environmental protection projects: which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites; or which result from the funding of eligible projects.
- Transportation facilities which are not otherwise part of DOT's adopted Work Program.<sup>4</sup>
- Intermodal access projects.
- Construction or rehabilitation of port facilities, excluding any park or recreational facility, in ports listed in s. 311.09(1), F.S.,<sup>5</sup> with operating revenues of \$5 million or less, provided that such project creates economic development opportunities, capital improvements, and positive financial returns to such ports.
- Seaport master plan or strategic plan development updates, including the purchase of data to support such plans or other provisions of the Community Planning Act.<sup>6</sup>

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

The FSTED program is managed by the FSTED Council, which consists of the port director, or director's designee of the 15 deepwater ports, the Secretary of DOT or his or her designee, and the Executive Director of the Department of Economic Opportunity or his or her designee.<sup>7</sup>

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<sup>1</sup> Ch. 90-136, L.O.F.

<sup>2</sup> SS. 311.07 and 311.09, F.S.

<sup>3</sup> S. 311.07(3)(a), F.S.

<sup>4</sup> DOT's Work Program is adopted pursuant to s. 339.135, F.S.

<sup>5</sup> The ports listed in s. 311.09(1), F.S., are the ports of Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina.

<sup>6</sup> Part II of Ch. 163, F.S.

### Proposed Changes

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

### Port of Entry (Sections 3 and 4)

#### Current Situation

The Federal Motor Carrier Safety Administration and the state have enacted certain laws and regulations intended to promote the safe operation of commercial vehicles and to protect the state's roads and bridges from damage associated with overweight vehicles. DOT's Office of Maintenance's Motor Carrier Size and Weight Office as well as the Florida Highway Patrol's Commercial Vehicle Enforcement Unit enforce laws relating to commercial vehicle size, weight, and safety.<sup>8</sup>

Interstate operators of commercial motor vehicles are required to obtain a number of credentials. The basic credential requirements include a valid and current apportioned registration (International Registration Plan [IRP]),<sup>9</sup> international fuel tax agreement (IFTA) license and decals, display of a valid United States Department of Transportation number, and, in some situations, overweight/over dimensional permits.

A "port of entry" or "POE" state allows carriers to purchase all or portions of these credentials at select weigh station facilities or other locations within the state. Currently, Florida is not a port of entry state, meaning that all applicable permits and credentials must be obtained prior to entering the state.

Section 320.0715(1), F.S., requires all apportionable vehicles<sup>10</sup> domiciled in this state to register under the International Registration Plan and to display the apportioned license plate. A CVM that is not registered with Florida or for Florida with any other IRP jurisdiction, or the registration is found to be expired, or the vehicle is improperly registered, Florida law requires a penalty assessment of five cents per pound for all weight over 10,000 pounds, except loaded truck tractor-semitrailer and tandem trailer combinations, which will be assessed for all weight over 35,000 pounds.

An IRP trip permit registration may be obtained for a commercial motor vehicle that was eligible for, but failed to obtain, IRP credentials prior to entering Florida.<sup>11</sup> The trip permit allows the vehicle to be operated in interstate or intrastate commerce for a ten-day period and may be obtained at a weigh station for \$30.<sup>12</sup> Under current law, a weight penalty is assessed for an improperly registered commercial motor vehicle without regard to location or whether the operator of the commercial motor vehicle obtains a temporary IRP trip permit registration.<sup>13</sup> When the registered declared gross vehicle weight of a properly credentialed commercial motor vehicle is exceeded, a penalty of five cents per pound will be assessed for all weight over the registered gross vehicle weight.<sup>14</sup>

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<sup>7</sup> S. 311.09(1), F.S.

<sup>8</sup> Florida Department of Transportation, *Florida Port of Entry Feasibility Study*, September 2014, at 27, available at [http://www.dot.state.fl.us/trafficoperations/Traf\\_Incident/Projects\\_CVO/Presentation/FL%20POE%20Technical%20Study%20Final.pdf](http://www.dot.state.fl.us/trafficoperations/Traf_Incident/Projects_CVO/Presentation/FL%20POE%20Technical%20Study%20Final.pdf) (last accessed Nov. 18, 2015).

<sup>9</sup> The IRP is a registration reciprocity agreement among states of the United States, the District of Columbia and provinces of Canada providing for payment of apportionable fees on the basis of total distance operated in all jurisdictions. <http://www.irponline.org/> (Last visited February 12, 2015).

<sup>10</sup> Section 320.01(24), F.S., defines "apportionable vehicle" to mean "any vehicle [with certain exceptions] which is used or intended for use in two or more member jurisdictions that allocate or proportionally register vehicles and which is used for the transportation of persons for hire or is designed, used, or maintained primarily for the transportation of property and: (a) Is a power unit having a gross vehicle weight in excess of 26,000 pounds; (b) Is a power unit having three or more axles, regardless of weight; or (c) Is sued in combination, when the weight of such combination exceeds 26,000 pounds gross vehicle weight."

<sup>11</sup> S. 320.0715(2)(a), F.S.

<sup>12</sup> *Id.*

<sup>13</sup> S. 316.545(2)(b), F.S.

<sup>14</sup> *Id.*

### Proposed Changes

The bill creates s. 316.003(94), F.S., defining “port-of-entry” as a designated location that allows drivers of commercial motor vehicles to purchase temporary registration permits necessary to operate legally within the state. The locations and the designated routes to such locations shall be determined by DOT.

The bill amends s. 316.545(2)(b), F.S., providing that commercial motor vehicles entering the state at designated ports-of-entry, or operating on designated routes to a port of entry location, which obtain temporary registration permits associated with the IRP, shall be assessed a penalty limited to the difference between its gross weight and the declared gross vehicle weight<sup>15</sup> at five cents per pound. Existing penalties for failure to obtain other required credentials remain unchanged, including, but not limited to, IFTA violations and overweight and over-dimensional permit violations.

The FDOT advises three potential POE locations are under consideration:

- I-10 at the first eastbound weigh station entering the state;
- I-75 at the first southbound weigh station entering the state; and
- I-95 at the first southbound weigh station entering the state.

The designated route for each location would be the portion of the interstate from the state line to the weigh station.<sup>16</sup>

### **NEPA Delegation (Section 5)**

#### Current Situation

The DOT funds, develops and constructs highway transportation projects through several funding sources including federal, state, local, toll or combination thereof. When DOT advances a highway project as “federally eligible,” the project is developed consistent with the National Environmental Policy Act (NEPA) and other laws and regulations in consultation with and subject to the oversight of the Federal Highway Administration (FHWA) of the United States Department of Transportation (USDOT). DOT meets NEPA requirements through its Efficient Transportation Decision Making (ETDM) and Project Development and Environment (PD&E) processes.

DOT uses the ETDM process to initiate contact with agencies and other stakeholders during the planning phase of a project to provide the opportunity for input by multiple parties and garner information that can be used to inform the PD&E process. The PD&E process is DOT’s procedure for analyzing, performing outreach, guiding agency coordination and meeting regulatory requirements before a project can be advanced. The two processes have been working in concert since 2005 and PD&E has been in place for over 20 years. Under this process DOT prepares documents, analyzes alternatives, consults with agencies, makes recommendations and provides this information to the FHWA as the lead federal agency for review, comment, approval and ultimate decision making.

Under this federally assisted, state administered process DOT is responsible for providing all supporting work and effort to advance DOT projects but has limited autonomy and authority to make ultimate project decisions. The result is that DOT must perform its analysis, coordinate and consult with agencies and ultimately satisfy FHWA. The additional layer of coordination, review and satisfaction of FHWA can add considerable time and cost to project development and delivery.

From a legal standpoint, the FHWA provides legal sufficiency reviews of project documents developed by DOT and is tasked with addressing court challenges of projects. These challenges are based on the federal Administrative Procedures Act and therefore focus on the administrative record and the

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<sup>15</sup> S. 322.01(13), F.S., defines “Declared weight” as the maximum loaded weight declared for purposes of registration, pursuant to chapter 320.

<sup>16</sup> Copy on file with the House Transportation & Ports Subcommittee.

prepared documentation and related analysis. DOT is typically a party to these challenges to support FHWA and ensure its project advancement.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was signed into law in August of 2005. Under SAFETEA-LU a five-state pilot program was established authorizing the pilot states to assume the USDOT Secretary's environmental responsibilities, NEPA and other environmental laws.<sup>17</sup> In 2012, Congress enacted the Moving Ahead for Progress in the 21st Century Act (MAP-21), which made the program permanent, provided the opportunity for its use to all states and expanded the responsibilities that could be assigned and assumed. Application requirements and criteria for participation were recently defined.<sup>18</sup>

### Proposed Changes

The bill creates s. 334.044(34), F.S., authorizing DOT to assume responsibilities of the USDOT with respect to highway projects within the state under NEPA<sup>19</sup> or other actions required under any federal environmental law pertaining to review or approval of any highway project within the state. DOT may assume responsibilities under 23 U.S.C. s. 327,<sup>20</sup> and enter into one or more agreements, including memoranda of understanding with the United States Secretary of Transportation related to the federal surface transportation project delivery program for transportation projects as provided by 23 U.S.C. s. 327. DOT may adopt rules to implement this section and may adopt relevant federal environmental standards as the standards for the state for a program described above.

The bill would allow Florida to assume greater responsibility for the fate of its own projects by giving the DOT direct NEPA decision making authority. By assuming FHWA's role in the review and approval of transportation projects, DOT anticipates achieving both time and cost savings in project delivery. These benefits are due in part to eliminating one layer of governmental review, allowing direct consultation between DOT and federal regulatory agencies and maximizing efficiency by consolidating all NEPA reviews under DOT. According to DOT, NEPA assignment will result in more timely delivery of transportation projects to Florida's citizens and enhancement of the infrastructure needed to support Florida's economic competitiveness.<sup>21</sup>

A limited waiver of sovereign immunity to civil suit in federal court is required before a state may assume the FHWA's NEPA responsibilities. The waiver of sovereign immunity is limited to only those actions delegated to the DOT and related to carrying out its NEPA duties on state highway projects. NEPA review is governed by the federal Administrative Procedures Act. The standard for review is whether the DOT's action is arbitrary and capricious. The remedy for a successful challenge is to require additional review, analysis, and documentation to support the project. Monetary damages are not permitted. Further, a state assuming the NEPA responsibilities may use federally apportioned surface transportation funds for attorneys' fees directly attributable to eligible activities associated with a project.<sup>22</sup>

### **Public-Private Partnerships (Section 6)**

#### Current Situation

Section 334.30, F.S., authorizes DOT to advance projects which are programmed in the adopted 5 year Work Program that increase transportation capacity and projects greater than \$500 million in the 10-year Strategic Intermodal Plan using funds provided by public-private partnerships (P3) or private entities. These partnerships allow DOT to advance a project utilizing private financing and to reimburse those funds in the fiscal year in which the project is programmed in the Work Program. No more than

<sup>17</sup> 23 U.S.C. s. 327

<sup>18</sup> These requirements were defined in the updated 23 C.F.R. s. 773.

<sup>19</sup> 42 U.S.C. s. 4321 et. seq.

<sup>20</sup> 23 U.S.C. s. 327 relates to the surface transportation project delivery program.

<sup>21</sup> See Florida Department of Transportation, *NEPA Analysis*, July 2015. Copy on file with Transportation & Ports Subcommittee Staff.

<sup>22</sup> 23 USC s. 327(a)(2)(G)

15 percent of total federal and state funding in any given year for the State Transportation Trust Fund may be obligated for public private partnership projects.

Inclusion of a project on DOT's 5-year Work Program indicates Legislative approval for the DOT to receive and solicit proposals to enter into agreements with private entities for the building, operation, ownership or financing of transportation facilities.

The Division of Bond Finance of the State Board of Administration is responsible for issuing bonds and advising on debt management policies for the state. The Division also provides technical assistance on new financing programs and legislative proposals, administers the volume cap allocation for private activity bonds, and provides an arbitrage compliance program for State bond issues.

#### Proposed Changes

The bill amends s. 334.30, F.S., providing that DOT must provide information to, and consult with, the Division of Bond Finance of the State Board of Administration in connection with public-private partnership project proposals to finance or refinance a transportation facility. The bill authorizes the Division of Bond Finance to make an independent recommendation to the Office of the Governor.

#### **Business Development Program (Section 7)**

##### Current Situation

Section 337.025, F.S., authorizes DOT to establish a program for innovative highway projects. The program fosters innovative strategies in highway construction, maintenance, and finance and bidding in order to limit time and cost increases on construction projects. Innovative techniques are exempt from provisions of law that would otherwise prevent their use, and DOT may not enter into more than \$120 million in contracts under this program each year.<sup>23</sup>

In response to the rising cost of bids and limited competition between majority prime contractors and consultants between 2004 and 2006, DOT implemented a Business Development Initiative pilot project (Initiative). The Initiative is designed to cultivate small businesses to have the ability to bid as prime firms. The Initiative was designed to support the DOT's efforts to increase competition, lower prices, and increase support to meet its contracting needs over the next 10 years. Another goal of the Initiative was to provide more opportunities and support for small businesses wishing to move from subcontracting and sub-consulting to prime contracting and consulting roles.

The initial phase of the Initiative was implemented in fiscal years 2006-07 and 2007-08, with the first six months using DOT District Two as the pilot, followed by the remaining districts in January 2007. DOT conducted a series of focus group sessions in each district to discuss the initiative and various contracting barriers small businesses have when competing on DOT contracts. DOT also sent a survey to small businesses throughout the state, and more than half of the respondents found DOT's goal to be consistent their vision of becoming a prime firm. As a result, DOT implemented a number of strategies to increase competition for highway projects, including:

- Reserve construction, maintenance, and professional services contracts under \$1,000,000 for small businesses and offer assistance to firms with little or no experience of working with DOT as a prime.
- Waive bonding requirements for non-critical projects and/or reduce bid bond amount.
- Provide additional/preference points on professional services contracts and design build contracts for primes who contract with small businesses.
- Revise liability insurance requirements.
- Reduce cost of Construction Training Qualification Program courses for small businesses.

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<sup>23</sup> S. 337.025, F.S.

In March 2009, DOT received approval from Federal Highway Administration (FHWA) to apply the Business Development Initiative strategies to federally funded projects. The program was the first of its kind to be approved by the US DOT.

The total value of innovative contracts for Fiscal Year 2016 is \$113,777,507, according to DOT, of which the Initiative accounts for \$24,320,195.

#### Proposed Changes

The bill creates s. 337.027, F.S., providing DOT with authorization to establish a program that would assist small businesses and increase competition for highway projects in the DOT Work Program. The bill would allow DOT to create a Business Development Program separate from the current authorization for the Initiative pursuant to s. 337.025, F.S. The bill allows DOT to set aside contracts, provide preferential points and special assistance, waive certain bond requirements, and implement other strategies.

The bill defines a qualifying small business as a business with average gross receipts under \$15 million for road and bridge contracts and under \$6.5 million for professional and non-professional services contracts.

The bill authorizes DOT to adopt rules for the implementation of a business development program.

#### **Obsolete Facilities for Toll Revenue (Section 8)**

##### Current Situation

Current law authorizes DOT to request the Division of Bond Finance to issue bonds secured by toll revenues collected on Alligator Alley, the Sunshine Skyway Bridge, the Beeline-East Expressway, the Navarre Bridge, and the Pinellas Bayway to fund transportation projects within the county or counties in which the project is located and contained in DOT's adopted Work Program.<sup>24</sup>

The Navarre Bridge is county owned and is no longer used for toll revenue. The Beeline-East Expressway (re-named the Beachline East Expressway) is now part of the Turnpike Enterprise<sup>25</sup> and toll revenues can be used to secure turnpike debt.

##### Proposed Changes

The bill amends s. 338.165(4), F.S., removing the Beeline-East Expressway and the Navarre Bridge from the list of facilities from which DOT may use toll revenues for certain purposes.

#### **Dormant Toll Accounts (Section 9)**

##### Current Situation

SunPass is the Florida's electronic, prepaid tolls program. It is accepted on all Florida toll roads and nearly all toll bridges. SunPass customers always pay the lowest toll rates available and pay 25 cents less than TOLL-BY-PLATE customers at every exit and location where Turnpike all-electronic, no-cash tolling is in place.

SunPass uses electronic transponders attached to the inside of a car's windshield. When a car equipped with SunPass goes through a tolling location, the transponder sends a signal and the toll is deducted from the customer's account.<sup>26</sup>

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<sup>24</sup> S. 338.165(4), F.S.

<sup>25</sup> Ch. 2012-128, F.S.

<sup>26</sup> <http://www.floridasturnpike.com/all-electronic-tolling/SunPass.cfm> (Last visited January 22, 2015).

Current law provides that any prepaid toll account that has remained inactive for three years shall be presumed unclaimed and handled by the Department of Financial Services in accordance laws relating to the disposition of unclaimed property<sup>27</sup> and that DOT shall close the prepaid toll account.<sup>28</sup>

According to DOT, there are approximately 250,000 SunPass accounts and 35,000 Toll-by-Plate accounts that have not had any activity since January 1, 2012.<sup>29</sup>

#### Proposed Changes

The bill amends s. 338.231(3)(c), F.S., increasing the length of time, from 3 years to 10 years, that a toll account must remain dormant before it is presumed unclaimed.

### **DOT Financing Corporation (Section 10)**

#### Current Situation

The Florida Constitution and current law authorize DOT to issue debt for the purpose of financing the cost of specific types of transportation projects, including:

- Right of Way Acquisition and Bridge Construction Bonds to fund the acquisition of right of way for roads and the costs of bridge construction projects, authorized by Section 17, Article VII of the Florida Constitution and s. 215.605, F.S.;
- Revenue bonds payable from toll revenues of Florida's Turnpike System, and from the revenues of other Department owned toll facilities, authorized by Section 11, Article VII of the Florida Constitution and s. 338.227 and s. 338.165, F.S.;
- Federal highway apportionment grant anticipation revenue vehicle (GAARVEE) bonds, authorized by s. 215.616, F.S.; and
- Revenue bonds to finance fixed guideway projects, authorized by s. 215.615, F.S.

Article VII, Section 11 of the Florida Constitution otherwise requires approval by vote of the electors for state bonds that would pledge the full faith and credit of the state to finance or refinance the cost of state fixed capital outlay projects authorized by law. Other than the limited authority for right of way acquisition and bridge construction bonds, DOT has no broad authority to pledge future State Transportation Trust Fund monies, a full faith and credit pledge, to support the issuance of debt to finance the acquisition or construction of transportation facilities.

Section 339, F.S., authorizes DOT to contractually commit future State Transportation Trust Fund revenues over its 5 year Work Program.

Section 334.30, F.S., authorizes DOT to enter into public-private partnership agreements, which are long term contractual obligations to finance the costs of acquisition and construction of transportation facilities by private entities.

#### Proposed Changes

The bill creates the Florida Department of Transportation Financing Corporation (Corporation), a conduit issuer of indebtedness that would be secured by amounts payable to the Corporation by the DOT under one or more contracts.

The Corporation would be a state governmental entity, governed by a board made up of the Director of the Office of Policy and Budget in the Executive Office of the Governor, the Director of the Division of Bond Finance, and the DOT Secretary. The Corporation would have the power to enter into agreements with DOT under which the DOT would remit payments to the Corporation in exchange for financing services from the Corporation. DOT's commitments would be subject to appropriation and

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<sup>27</sup> Ch. 717, F.S.

<sup>28</sup> S. 338.231(3)(c), F.S.

<sup>29</sup> DOT e-mail response to staff questions, February 3, 2015. Copy on file with Transportation & Ports Subcommittee Staff.

would not constitute a general obligation of the State or a pledge of the full faith and credit of the State. The payments from the DOT would effectively constitute revenues in the hands of the Corporation.

The bill allows DOT to leverage the favorable terms available to governmental borrowers in the tax exempt municipal bond market when DOT enters into long term financing agreements and commits future transportation funding for the acquisition and construction of transportation facilities.

The bill would permit the issuance of debt to finance transportation projects for which the DOT currently lacks legal authority to issue bonds. The Corporation would be authorized to issue debt payable from and secured by the contractual commitments of the DOT and provide the proceeds of the debt to the DOT for the purpose of financing identified transportation projects. The Corporation would be acting as a "conduit issuer" and would not be generally liable for repayment of the debt. Because the debt would only be secured by the DOT contractual commitment to pay under its contract with the Corporation, which obligation remains subject to annual appropriation, the debt would not be secured by the full faith and credit of the State. This provides a constitutionally permissible mechanism by which the DOT could leverage future State Transportation Trust Fund revenues to provide funding for currently needed projects.

### **Work Program (Section 11)**

#### Current Situation

Each year, DOT develops and submits to the Legislature a Work Program, which consists of transportation projects it intends to undertake in the next five years. As part of the annual General Appropriations Act, the Legislature approves DOT's Work Program. DOT has the statutory authority to amend its Work Program.<sup>30</sup>

Current law permits amending the adopted Work Program, but Work Program amendments are only required to come before the Legislative Budget Commission (LBC) if budget authority is moved between appropriations categories.<sup>31</sup> However, historically, there has been sufficient budget authority within each appropriations category to negate the need for a LBC amendment. Therefore, most amendments to the Work Program must only be placed on consultation for 14 days, and become effective automatically unless the House of Representatives or the Senate objects to an amendment.

Current law provides that any Work Program amendment requiring the transfer of fixed capital outlay appropriations between categories within DOT or the increase of an appropriation category is subject to the approval of the LBC. However, if a meeting of the LBC cannot be held within 30 days, then the chair and vice chair of the LBC may authorize the amendment to be approved pursuant to s. 216.177, F.S.<sup>32, 33</sup>

#### Proposed Changes

The bill amends s. 339.135(7)(g), F.S., removing the authorization for the chair and vice chair of the LBC to approve an amendment to the Work Program if a LBC meeting cannot be held within 30 days.

The bill creates s. 339.135(7)(h), F.S., providing that any Work Program amendment which also adds a new project, or project phase, to the adopted Work Program in excess of \$3 million is subject to LBC approval. Any Work Program amendment submitted under s. 339.135(7)(h), F.S. must include, as supplemental information, a list of projects, or project phases, in the current five-year adopted Work Program that are eligible for the funds within the appropriation category being utilized for the proposed amendment. DOT is required to provide a narrative with the rationale for not advancing an existing project or project phase in lieu of the proposed amendment.

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<sup>30</sup> S. 339.135, F.S.

<sup>31</sup> S. 339.135(7), F.S.

<sup>32</sup> Section 216.177, F.S., relates to Appropriations acts, statement of intent, violation, notice, review and objection procedures.

<sup>33</sup> S. 339.135(7)(g), F.S.

### **Effective Date (Section 12)**

The bill has an effective date of July 1, 2016.

#### **B. SECTION DIRECTORY:**

- Section 1 Amends s. 311.07, F.S., relating to Florida seaport transportation and economic development funding.
- Section 2 Amends s. 311.09, F.S., relating to Florida Seaport Transportation and Economic Development Council.
- Section 3 Amends s. 316.003, F.S., relating to definitions.
- Section 4 Amends s. 316.545, F.S., relating to weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.
- Section 5 Amends s. 334.044, F.S., providing DOT powers and duties.
- Section 6 Amends s. 334.30, F.S., relating to public-private transportation facilities.
- Section 7 Creates s. 337.027, F.S., providing authority to implement a business development program.
- Section 8 Amends s. 338.165, F.S., relating to the continuation of tolls.
- Section 9 Amends s. 338.231, F.S., relating to turnpike tolls, fixing; pledge of tolls and other revenues.
- Section 10 Creates s. 339.0805, F.S., creating the DOT Financing Corporation.
- Section 11 Amends s. 339.135, F.S., relating to Work Program; legislative budget request; definitions; preparation, adoption, execution, and amendment.
- Section 12 Provides an effective date.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

##### **Port of Entry**

Currently, if a commercial vehicle operator does not have the necessary permits and credentials upon entering Florida and attempts to purchase them at the first weigh station, they will be cited for not having the necessary credentials. Creating ports of entry and the ability to purchase temporary credentials will limit the penalties and reduce revenues associated with these citations. DOT estimates there will be a \$1.6 million recurring negative fiscal impact to the STTF from allowing commercial motor vehicles to purchase IRP permits at ports of entry.<sup>34</sup>

##### **2. Expenditures:**

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<sup>34</sup> Florida Department of Transportation response to Transportation & Ports Subcommittee Staff Questions. February 3, 2014.

### **FSTED Funding**

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

### **Port of Entry**

As a port of entry state, Florida will require infrastructure to accommodate the acceptance and processing of applications for the credentials necessary to satisfy compliance with Florida's laws. However, existing initiatives currently utilize the same equipment and technologies and will require only minor programming modifications to make them compatible with Florida's port of entry policies. It is estimated that equipment costs for all port of entry sites combined will not exceed \$58,000.<sup>35</sup>

### **NEPA Delegation**

DOT examined NEPA projects that were under review in 2014 and 2015, and calculated that elimination of FHWA coordination during the PD&E phase and the Design phase would have yielded an estimated cost savings of approximately \$74 million over a two year period.<sup>36</sup> Actual cost reduction or cost-avoidance will be based on specific projects.

## **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

### **1. Revenues:**

None.

### **2. Expenditures:**

None.

## **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

### **FSTED Funding**

The additional \$10 million in FSTED funding will assist seaports with various projects. Projects planned for various ports include dredging, berth rehabilitation, and the expansion of facilities. These projects will help increase the competitiveness of Florida's seaports.

### **Port of Entry**

Commercial motor vehicle operators may see a reduction in their costs due to the ability to obtain permits at the state's ports-of-entry and avoiding fines by not having the proper permits when entering the state. Commercial motor vehicle operations may also save time with the ability to purchase permits at ports-of-entry.

### **Dormant Toll Accounts**

Individuals are less likely to have their prepaid tolls revert to unclaimed property with increasing the length of time the account is dormant from three years to 10 years.

### **Business Development Program**

This program should have a positive impact on small businesses by reducing barriers to entry for smaller firms competing for DOT contracts.

## **D. FISCAL COMMENTS:**

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<sup>35</sup> Florida Department of Transportation, *Florida Port of Entry Feasibility Study*, September 2014, at 27, available at [http://www.dot.state.fl.us/trafficoperations/Traf\\_Incident/Projects\\_CVO/Presentation/FL%20POE%20Technical%20Study%20Final.pdf](http://www.dot.state.fl.us/trafficoperations/Traf_Incident/Projects_CVO/Presentation/FL%20POE%20Technical%20Study%20Final.pdf) (last accessed Nov. 18, 2015).

<sup>36</sup> Florida Department of Transportation, *NEPA Time Costs brief*, October 2015. Copy on file with Transportation & Ports Subcommittee Staff.

Giving DOT direct NEPA decision making authority may result in more efficient project delivery and reduced project costs. While cost reductions will be project specific, DOT estimates that FHWA coordination adds on average a cost increase of 25%, or approximately \$44 million, over a two-year period (2014 and 2015) in the PD&E phase alone.<sup>37</sup> An estimate of additional project costs in the Design phase, based on an average 2.5% cost increase due to FHWA coordination, yields an estimated savings of approximately \$30 million over a two-year period (2014 and 2015).<sup>38</sup> DOT also indicates that it will not require any additional positions as a result of NEPA delegation.<sup>39</sup>

Creation of the department's Financing Corporation and its governing board will have no fiscal impact. Any debt issued by the newly authorized corporation would be secured by amounts payable to the corporation by the department under one or more contracts and subject to appropriation. Proceeds of the debt would be used for financing identified transportation projects.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

##### 2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

DOT's rules regarding commercial motor vehicle permits may need to be amended if Florida becomes a port of entry state as proposed in the bill.

The bill authorizes DOT to adopt rules implementing its responsibilities under NEPA.

The bill authorizes DOT to adopt rules to implement the Business Development Program.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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<sup>37</sup> Florida Department of Transportation, *NEPA Time Costs brief*, October 2015. Copy on file with Transportation & Ports Subcommittee Staff.

<sup>38</sup> *Id.*

<sup>39</sup> Conversation between Transportation & Ports Subcommittee Staff and DOT staff.

1                                   A bill to be entitled  
 2           An act relating to the Department of Transportation;  
 3           amending ss. 311.07 and 311.09, F.S.; revising the  
 4           minimum amount of funds that the department must  
 5           request for the Florida Seaport Transportation and  
 6           Economic Development Program; amending s. 316.003,  
 7           F.S.; defining the term "port-of-entry" for purposes  
 8           of the Florida Uniform Traffic Control Law; amending  
 9           s. 316.545, F.S.; providing fines for certain  
 10          commercial motor vehicles that obtain a specified  
 11          temporary registration permit; amending s. 334.044,  
 12          F.S.; authorizing the department to assume certain  
 13          responsibilities of the United States Department of  
 14          Transportation with respect to highway projects within  
 15          the state; authorizing the department to enter into  
 16          certain agreements related to the federal surface  
 17          transportation project delivery program under  
 18          specified federal law; authorizing the department to  
 19          adopt rules and relevant federal environmental  
 20          standards; providing a limited waiver of sovereign  
 21          immunity to civil suit in federal court; amending s.  
 22          334.30, F.S.; revising requirements for the  
 23          development and approval of a proposal to finance or  
 24          refinance a transportation project; authorizing the  
 25          Division of Bond Finance of the State Board of  
 26          Administration to make certain recommendations to the

27 Governor; creating s. 337.027, F.S., relating to  
 28 highway project contracts; authorizing the department  
 29 to establish a program that would assist small  
 30 businesses; defining the term "small business";  
 31 authorizing the department to adopt rules; amending s.  
 32 338.165, F.S.; removing certain facilities from a list  
 33 of facilities whose toll revenues may be used to  
 34 secure bonds; amending s. 338.231, F.S., relating to  
 35 the turnpike system; revising the length of time that  
 36 a prepaid toll account must be inactive before  
 37 reverting to unclaimed property; creating s. 339.0809,  
 38 F.S.; establishing the Florida Department of  
 39 Transportation Financing Corporation; providing for a  
 40 board of directors; providing for membership and  
 41 organization; providing powers and duties of the  
 42 corporation; authorizing the corporation to borrow  
 43 money; providing for effect of dissolution with  
 44 respect to property owned by the corporation; amending  
 45 s. 339.135, F.S.; revising requirements for amendments  
 46 to the department's adopted work program to be  
 47 submitted to the Legislative Budget Commission;  
 48 providing an effective date.

49  
 50 Be It Enacted by the Legislature of the State of Florida:

51  
 52 Section 1. Subsection (2) of section 311.07, Florida

53 Statutes, is amended to read:

54 311.07 Florida seaport transportation and economic  
55 development funding.—

56 (2) A minimum of \$25 ~~\$15~~ million per year shall be made  
57 available from the State Transportation Trust Fund to fund the  
58 Florida Seaport Transportation and Economic Development Program.  
59 The Florida Seaport Transportation and Economic Development  
60 Council created in s. 311.09 shall develop guidelines for  
61 project funding. Council staff, the Department of  
62 Transportation, and the Department of Economic Opportunity shall  
63 work in cooperation to review projects and allocate funds in  
64 accordance with the schedule required for the Department of  
65 Transportation to include these projects in the tentative work  
66 program developed pursuant to s. 339.135(4).

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

69 311.09 Florida Seaport Transportation and Economic  
70 Development Council.—

71 (9) The Department of Transportation shall include at  
72 least \$25 ~~no less than \$15~~ million per year in its annual  
73 legislative budget request for the Florida Seaport  
74 Transportation and Economic Development Program funded under s.  
75 311.07. Such budget shall include funding for projects approved  
76 by the council which have been determined by each agency to be  
77 consistent. The department shall include the specific approved  
78 Florida Seaport Transportation and Economic Development Program

79 projects to be funded under s. 311.07 during the ensuing fiscal  
 80 year in the tentative work program developed pursuant to s.  
 81 339.135(4). The total amount of funding to be allocated to  
 82 Florida Seaport Transportation and Economic Development Program  
 83 projects under s. 311.07 during the successive 4 fiscal years  
 84 shall also be included in the tentative work program developed  
 85 pursuant to s. 339.135(4). The council may submit to the  
 86 department a list of approved projects that could be made  
 87 production-ready within the next 2 years. The list shall be  
 88 submitted by the department as part of the needs and project  
 89 list prepared pursuant to s. 339.135(2)(b). However, the  
 90 department shall, upon written request of the Florida Seaport  
 91 Transportation and Economic Development Council, submit work  
 92 program amendments pursuant to s. 339.135(7) to the Governor  
 93 within 10 days after the later of the date the request is  
 94 received by the department or the effective date of the  
 95 amendment, termination, or closure of the applicable funding  
 96 agreement between the department and the affected seaport, as  
 97 required to release the funds from the existing commitment.  
 98 Notwithstanding s. 339.135(7)(c), any work program amendment to  
 99 transfer prior year funds from one approved seaport project to  
 100 another seaport project is subject to the procedures in s.  
 101 339.135(7)(d). Notwithstanding any provision of law to the  
 102 contrary, the department may transfer unexpended budget between  
 103 the seaport projects as identified in the approved work program  
 104 amendments.

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

107 316.003 Definitions.—The following words and phrases, when  
 108 used in this chapter, shall have the meanings respectively  
 109 ascribed to them in this section, except where the context  
 110 otherwise requires:

111 (94) PORT-OF-ENTRY.—A designated location at which drivers  
 112 of commercial motor vehicles are allowed to purchase temporary  
 113 registration permits necessary to operate lawfully within the  
 114 state. The locations and the designated routes to such locations  
 115 shall be determined by the Department of Transportation.

116 Section 4. Paragraph (b) of subsection (2) of section  
 117 316.545, Florida Statutes, is amended to read:

118 316.545 Weight and load unlawful; special fuel and motor  
 119 fuel tax enforcement; inspection; penalty; review.—

120 (2)

121 (b) The officer or inspector shall inspect the license  
 122 plate or registration certificate of the commercial vehicle, as  
 123 defined in s. 316.003(66), to determine if its gross weight is  
 124 in compliance with the declared gross vehicle weight. If its  
 125 gross weight exceeds the declared weight, the penalty shall be 5  
 126 cents per pound on the difference between such weights. In those  
 127 cases when the commercial vehicle, as defined in s. 316.003(66),  
 128 is being operated over the highways of the state with an expired  
 129 registration or with no registration from this or any other  
 130 jurisdiction or is not registered under the applicable

131 provisions of chapter 320, the penalty herein shall apply on the  
 132 basis of 5 cents per pound on that scaled weight which exceeds  
 133 35,000 pounds on laden truck tractor-semitrailer combinations or  
 134 tandem trailer truck combinations, 10,000 pounds on laden  
 135 straight trucks or straight truck-trailer combinations, or  
 136 10,000 pounds on any unladen commercial motor vehicle. A driver  
 137 of a commercial motor vehicle entering the state at a designated  
 138 port-of-entry location, as defined in s. 316.003, or operating  
 139 on designated routes to a port-of-entry location, who obtains a  
 140 temporary registration permit shall be assessed a penalty  
 141 limited to the difference between its gross weight and the  
 142 declared gross vehicle weight at 5 cents per pound. If the  
 143 license plate or registration has not been expired for more than  
 144 90 days, the penalty imposed under this paragraph may not exceed  
 145 \$1,000. In the case of special mobile equipment as defined in s.  
 146 316.003(48), which qualifies for the license tax provided for in  
 147 s. 320.08(5)(b), being operated on the highways of the state  
 148 with an expired registration or otherwise not properly  
 149 registered under the applicable provisions of chapter 320, a  
 150 penalty of \$75 shall apply in addition to any other penalty  
 151 which may apply in accordance with this chapter. A vehicle found  
 152 in violation of this section may be detained until the owner or  
 153 operator produces evidence that the vehicle has been properly  
 154 registered. Any costs incurred by the retention of the vehicle  
 155 shall be the sole responsibility of the owner. A person who has  
 156 been assessed a penalty pursuant to this paragraph for failure

157 | to have a valid vehicle registration certificate pursuant to the  
 158 | provisions of chapter 320 is not subject to the delinquent fee  
 159 | authorized in s. 320.07 if such person obtains a valid  
 160 | registration certificate within 10 working days after such  
 161 | penalty was assessed.

162 | Section 5. Subsection (34) is added to section 334.044,  
 163 | Florida Statutes, to read:

164 | 334.044 Powers and duties of the department, ~~powers and~~  
 165 | ~~duties~~.—The department shall have the following general powers  
 166 | and duties:

167 | (34) To assume the responsibilities of the United States  
 168 | Department of Transportation with respect to highway projects  
 169 | within the state under the National Environmental Policy Act of  
 170 | 1969, 42 U.S.C. ss. 4321 et seq., and with respect to related  
 171 | responsibilities for environmental review, consultation, or  
 172 | other action required under any federal environmental law  
 173 | pertaining to review or approval of a highway project within the  
 174 | state. The department may assume responsibilities under 23  
 175 | U.S.C. s. 327 and enter into one or more agreements, including  
 176 | memoranda of understanding, with the United States Secretary of  
 177 | Transportation related to the federal surface transportation  
 178 | project delivery program for the delivery of highway projects,  
 179 | as provided by 23 U.S.C. s. 327. The department may adopt rules  
 180 | to implement this subsection and may adopt relevant federal  
 181 | environmental standards as the standards for this state for a  
 182 | program described in this subsection. Sovereign immunity from

183 civil suit in federal court is waived consistent with 23 U.S.C.  
 184 s. 327 and limited to the compliance, discharge, or enforcement  
 185 of a responsibility assumed by the department under this  
 186 subsection.

187 Section 6. Subsection (13) is added to section 334.30,  
 188 Florida Statutes, to read:

189 334.30 Public-private transportation facilities.—The  
 190 Legislature finds and declares that there is a public need for  
 191 the rapid construction of safe and efficient transportation  
 192 facilities for the purpose of traveling within the state, and  
 193 that it is in the public's interest to provide for the  
 194 construction of additional safe, convenient, and economical  
 195 transportation facilities.

196 (13) In connection with a proposal to finance or refinance  
 197 a transportation facility pursuant to this section, the  
 198 department shall consult with the Division of Bond Finance of  
 199 the State Board of Administration. The department shall provide  
 200 the division with the information necessary to provide timely  
 201 consultation and recommendations. The Division of Bond Finance  
 202 may make an independent recommendation to the Executive Office  
 203 of the Governor.

204 Section 7. Section 337.027, Florida Statutes, is created  
 205 to read:

206 337.027 Authority to implement a business development  
 207 program.—

208 (1) The department may establish a program for highway

209 projects which would assist small businesses. The purpose of  
 210 this program is to increase competition, lower prices, and  
 211 provide increased support to meet the department's future work  
 212 program. The program may include, but is not limited to, setting  
 213 aside contracts, providing preference points for the use of  
 214 small businesses, providing special assistance in bidding and  
 215 contract completion, waiving bond requirements, and implementing  
 216 other strategies that would increase competition.

217 (2) For purposes of this section, the term "small  
 218 business" means a business with yearly average gross receipts of  
 219 less than \$15 million for road and bridge contracts and less  
 220 than \$6.5 million for professional and nonprofessional services  
 221 contracts. A business' average gross receipts is determined by  
 222 averaging its annual gross receipts over the last 3 years,  
 223 including the receipts of any affiliate as defined in s.  
 224 337.165.

225 (3) The department may adopt rules to implement this  
 226 section.

227 Section 8. Subsection (4) of section 338.165, Florida  
 228 Statutes, is amended to read:

229 338.165 Continuation of tolls.—

230 (4) Notwithstanding any other law to the contrary,  
 231 pursuant to s. 11, Art. VII of the State Constitution, and  
 232 subject to the requirements of subsection (2), the Department of  
 233 Transportation may request the Division of Bond Finance to issue  
 234 bonds secured by toll revenues collected on the Alligator Alley,

235 the Sunshine Skyway Bridge, ~~the Beeline East Expressway, the~~  
 236 ~~Navarre Bridge,~~ and the Pinellas Bayway to fund transportation  
 237 projects located within the county or counties in which the  
 238 project is located and contained in the adopted work program of  
 239 the department.

240 Section 9. Paragraph (c) of subsection (3) of section  
 241 338.231, Florida Statutes, is amended to read:

242 338.231 Turnpike tolls, fixing; pledge of tolls and other  
 243 revenues.—The department shall at all times fix, adjust, charge,  
 244 and collect such tolls and amounts for the use of the turnpike  
 245 system as are required in order to provide a fund sufficient  
 246 with other revenues of the turnpike system to pay the cost of  
 247 maintaining, improving, repairing, and operating such turnpike  
 248 system; to pay the principal of and interest on all bonds issued  
 249 to finance or refinance any portion of the turnpike system as  
 250 the same become due and payable; and to create reserves for all  
 251 such purposes.

252 (3)

253 (c) Notwithstanding any other provision of law to the  
 254 contrary, any prepaid toll account of any kind which has  
 255 remained inactive for 10 ~~3~~ years shall be presumed unclaimed and  
 256 its disposition shall be handled by the Department of Financial  
 257 Services in accordance with all applicable provisions of chapter  
 258 717 relating to the disposition of unclaimed property, and the  
 259 prepaid toll account shall be closed by the department.

260 Section 10. Section 339.0809, Florida Statutes, is created

261 to read:

262 339.0809 Florida Department of Transportation Financing  
 263 Corporation.—

264 (1) The Florida Department of Transportation Financing  
 265 Corporation is created as a nonprofit corporation for the  
 266 purpose of financing or refinancing projects for the department  
 267 as provided in subsection (4).

268 (2) The Florida Department of Transportation Financing  
 269 Corporation shall be governed by a board of directors consisting  
 270 of the director of the Office of Policy and Budget within the  
 271 Executive Office of the Governor, the director of the Division  
 272 of Bond Finance, and the Secretary of Transportation. The  
 273 director of the Division of Bond Finance shall be the chief  
 274 executive officer of the corporation and shall direct and  
 275 supervise the administrative affairs of the corporation and  
 276 shall control, direct, and supervise the operation of the  
 277 corporation. The corporation shall have such other officers as  
 278 may be determined by the board of directors.

279 (3) The Florida Department of Transportation Financing  
 280 Corporation shall have all the powers of a corporate body under  
 281 the laws of the state to the extent not inconsistent with or  
 282 restricted by this section, including, but not limited to, the  
 283 power to:

284 (a) Adopt, amend, and repeal bylaws.

285 (b) Sue and be sued.

286 (c) Adopt and use a common seal.

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

291        (e) Elect or appoint and employ such other officers,  
 292 agents, and employees as the corporation deems advisable to  
 293 operate and manage the affairs of the corporation, which  
 294 officers, agents, and employees may be officers or employees of  
 295 the department and the state agencies represented on the board  
 296 of directors of the corporation.

297        (f) Borrow money and issue notes, bonds, certificates of  
 298 indebtedness, or other obligations or evidences of indebtedness  
 299 necessary to finance or refinance projects as provided in  
 300 subsection (4).

301        (g) Make and execute any and all contracts, trust  
 302 agreements, and other instruments and agreements necessary or  
 303 convenient to accomplish the purposes of the corporation and  
 304 this section.

305        (h) Select, retain, and employ professionals, contractors,  
 306 or agents, which may include the Division of Bond Finance, as  
 307 necessary or convenient to enable or assist the corporation in  
 308 carrying out the purposes of the corporation and this section.

309        (i) Take any action necessary or convenient to carry out  
 310 the purposes of the corporation and this section and the powers  
 311 provided in this section.

312        (4) The Florida Department of Transportation Financing

313 Corporation may enter into one or more service contracts with  
 314 the department to provide services to the department in  
 315 connection with projects approved in the department's work  
 316 program, which approval specifically provides that the  
 317 department may enter into a service contract for the project  
 318 pursuant to this section. The department may enter into one or  
 319 more such service contracts with the corporation and provide for  
 320 payments under such contracts, subject to annual appropriation  
 321 by the Legislature. The proceeds from such service contracts may  
 322 be used for the corporation's administrative costs and expenses  
 323 after payments under subsection (5). Each service contract may  
 324 have a term of up to 35 years. In compliance with s. 287.0641  
 325 and other applicable law, the obligations of the department  
 326 under such service contracts do not constitute a general  
 327 obligation of the state or a pledge of the full faith and credit  
 328 or taxing power of the state, and such obligations are not an  
 329 obligation of the State Board of Administration or entities for  
 330 which it invests funds, other than the department as provided in  
 331 this section, but are payable solely from amounts available in  
 332 the State Transportation Trust Fund, subject to annual  
 333 appropriation. In compliance with this subsection and s.  
 334 287.0582, the service contract must expressly include the  
 335 following statement: "The State of Florida's performance and  
 336 obligation to pay under this contract is contingent upon an  
 337 annual appropriation by the Legislature."

338 (5) The Florida Department of Transportation Financing

339 Corporation may issue and incur notes, bonds, certificates of  
 340 indebtedness, and other obligations or evidences of indebtedness  
 341 payable from and secured by amounts payable to the corporation  
 342 by the department under a service contract entered into under  
 343 subsection (4) for the purpose of financing or refinancing  
 344 projects approved as provided in subsection (4). The duration of  
 345 any such note, bond, certificate of indebtedness, or other  
 346 obligation or evidence of indebtedness may not exceed 30 annual  
 347 maturities. The corporation may select its financing team and  
 348 issue its obligations through competitive bidding or negotiated  
 349 contracts, whichever is most cost-effective. Indebtedness of the  
 350 corporation does not constitute a debt or obligation of the  
 351 state or a pledge of the full faith and credit or taxing power  
 352 of the state but is payable from and secured by payments made by  
 353 the department under the service contract.

354 (6) The fulfillment of the purposes of the Florida  
 355 Department of Transportation Financing Corporation promotes the  
 356 health, safety, and general welfare of the people of the state  
 357 and serves as essential governmental functions and a paramount  
 358 public purpose.

359 (7) The Florida Department of Transportation Financing  
 360 Corporation is exempt from taxation and assessments on its  
 361 income, property, and assets or revenues acquired, received, or  
 362 used in the furtherance of the purposes provided in this  
 363 chapter. The obligations of the corporation incurred under  
 364 subsection (5) and the interest and income on such obligations

365 and all security agreements, letters of credit, liquidity  
366 facilities, or other obligations or instruments arising out of,  
367 entered into in connection with, or given to secure payment of  
368 such obligations are exempt from taxation; however, such  
369 exemption does not apply to any tax imposed under chapter 220 on  
370 the interest, income, or profits on debt obligations owned by  
371 corporations.

372 (8) The Florida Department of Transportation Financing  
373 Corporation may validate obligations to be incurred under  
374 subsection (5) and the validity and enforceability of any  
375 service contracts providing for payments pledged to the payment  
376 of such obligations by proceedings under chapter 75. The  
377 validation complaint may be filed only in the circuit court of  
378 the Second Judicial Circuit in and for Leon County. The notice  
379 required to be published by s. 75.06 must be published in Leon  
380 County, and the complaint and order of the circuit court may be  
381 served only on the State Attorney for the Second Judicial  
382 Circuit. Sections 75.04(2) and 75.06(2) do not apply to a  
383 complaint for validation filed under this subsection.

384 (9) The Florida Department of Transportation Financing  
385 Corporation is not a special district for purposes of chapter  
386 189 or a unit of local government for purposes of part III of  
387 chapter 218. Chapters 120 and 215, except the limitation on the  
388 interest rates provided by s. 215.84, which applies to  
389 obligations of the corporation issued pursuant to this section,  
390 and part I of chapter 287, except ss. 287.0582 and 287.0641, do

391 not apply to this section, the corporation, the service  
 392 contracts entered into pursuant to this section, or debt  
 393 obligations issued by the corporation as contemplated in this  
 394 section.

395 (10) The benefits and earnings of the Florida Department  
 396 of Transportation Financing Corporation may not inure to the  
 397 benefit of any private person.

398 (11) Upon dissolution of the Florida Department of  
 399 Transportation Financing Corporation, title to all property  
 400 owned by the corporation shall revert to the state.

401 (12) The Florida Department of Transportation Financing  
 402 Corporation may contract with the State Board of Administration  
 403 to serve as a trustee with respect to debt obligations issued by  
 404 the corporation as contemplated by this section; to hold,  
 405 administer, and invest proceeds of such debt obligations and  
 406 other funds of the corporation; and to perform other services  
 407 required by the corporation. The State Board of Administration  
 408 may perform such services and may contract with others to  
 409 provide all or a part of such services and to recover its and  
 410 such other costs and expenses thereof.

411 (13) The department may enter into a service contract in  
 412 conjunction with the issuance of debt obligations as provided in  
 413 this section which provides for periodic payments for debt  
 414 service or other amounts payable with respect to debt  
 415 obligations, plus any administrative expenses of the Florida  
 416 Department of Transportation Financing Corporation.

417 Section 11. Paragraph (g) of subsection (7) of section  
 418 339.135, Florida Statutes, is amended, and paragraph (h) is  
 419 added to that subsection, to read:

420 339.135 Work program; legislative budget request;  
 421 definitions; preparation, adoption, execution, and amendment.—

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

423 (g) Any work program amendment which also requires the  
 424 transfer of fixed capital outlay appropriations between  
 425 categories within the department or the increase of an  
 426 appropriation category is subject to the approval of the  
 427 Legislative Budget Commission. ~~If a meeting of the Legislative~~  
 428 ~~Budget Commission cannot be held within 30 days of the~~  
 429 ~~department submitting an amendment to the Legislative Budget~~  
 430 ~~Commission, then the chair and vice chair of the Legislative~~  
 431 ~~Budget Commission may authorize such amendment to be approved~~  
 432 ~~pursuant to the provisions of s. 216.177.~~

433 (h) Any work program amendment that also adds a new  
 434 project, or phase thereof, to the adopted work program in excess  
 435 of \$3 million is subject to approval by the Legislative Budget  
 436 Commission. Any work program amendment submitted under this  
 437 paragraph must include, as supplemental information, a list of  
 438 projects, or phases thereof, in the current 5-year adopted work  
 439 program which are eligible for the funds within the  
 440 appropriation category being used for the proposed amendment.  
 441 The department shall provide a narrative with the rationale for  
 442 not advancing an existing project, or phase thereof, in lieu of

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443 | the proposed amendment.

444 |       Section 12. This act shall take effect July 1, 2016.



**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 7061      PCB TPS 16-02      Transportation  
**SPONSOR(S):** Transportation & Ports Subcommittee, Santiago  
**TIED BILLS:**                      **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Transportation & Ports Subcommittee	11 Y, 0 N	Willson	Vickers
1) Transportation & Economic Development Appropriations Subcommittee		Dobson <i>MD</i>	Davis <i>[Signature]</i>
2) Economic Affairs Committee			

**SUMMARY ANALYSIS**

This is a comprehensive bill related to transportation. In summary, the bill:

- Creates the Florida Seaport Security Advisory Committee under the direction of the Florida Seaport Transportation and Economic Development Council to advise, report and make recommendations on matters related to maritime security in Florida.
- Establishes the Seaport Security Grant Program, subject to legislative appropriation, to assist in the implementation of security plans and measures at Florida's deepwater ports.
- Separates the definition of "autonomous technology" from "autonomous vehicle".
- Defines "driver-assistive truck platooning technology."
- Revises the definitions of Ch. 316, F.S., redesignating the subsections into alphanumerical order.
- Exempts vehicles operating in autonomous mode or with driver-assistive truck platooning technology from a prohibition against television-type receiving equipment being visible from the driver's seat.
- Provides that motor vehicles being relocated within a port facility via designated port district roads are exempt from motor vehicle registration requirements.
- Creates the Florida Aviation Transportation and Economic Development Program to finance airport transportation and facilities projects, and provides for a minimum of \$15 million from the State Transportation Trust Fund to fund the program each year.
- Creates the Florida Aviation Transportation and Economic Development Council to review projects and allocate funds in a manner consistent with the DOT tentative work program.
- Updates and revises Chapter 333, F.S., governing land use and airspace management at or around airports.
- Revises the surety bond requirements imposed on certain non-profit entities for specified contracts with the Department of Transportation.
- Repeals an obsolete reference to bonds issued through the Broward County Expressway Authority.
- Increases the maximum population for counties eligible for the Small County Outreach Program from 150,000 to 165,000.
- Repeals an obsolete provision relating to statewide transportation corridors.
- Provides that certain members of the Central Florida Expressway Authority's (CFX) board must be elected officials from their respective counties.
- Provides an expiration date for the terms of CFX board members appointed by the Governor.
- Removes the requirement for the CFX board to elect one of its members as secretary.
- Requires the Office of Economic and Demographic Research to evaluate and determine the economic benefits of DOT's Work Program.
- Revises a number of statutory cross-references, conforming to revisions made to s. 316.003; F.S.

The fiscal impact of the bill is indeterminate but likely insignificant. See fiscal section for specific details. The bill has an effective date of July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

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

#### Current Situation

#### **Seaport Security (Section 1)**

#### **Background**

Chapter 311, F.S., provides security requirements for Florida's 15 deepwater public ports. Florida seaports are also regulated by federal laws created to protect against acts of terrorism, such as the Maritime Transportation Security Act of 2002,<sup>1</sup> the Security and Accountability for Every Port Act,<sup>2</sup> and the Code of Federal Regulations (CFR).<sup>3</sup> In addition, provisions of international treaties such as the Safety of Life at Sea, which protect the safety of merchant ships, have been incorporated within the CFR in fulfillment of treaty obligations that affect seaport security at United States and foreign ports.

The 2000 Legislature passed CS/CS/CS/SB 1258,<sup>4</sup> which provided additional regulations for money laundering and created s. 311.12, F.S., relating to seaport security. In creating s. 311.12, F.S., the Legislature introduced regulation of seaports that benefited from public financing, and provided for:

- Development and implementation of a statewide seaport security plan including minimum standards for seaport security that address the prevention of criminal activity and money laundering;
- Development of individual seaport security plans at each of the ports listed in s. 311.09 (1), F.S.;
- Establishment of a fingerprint-based criminal history check of current employees and future applicants for employment at Florida's seaports; and
- A requirement directing the Florida Department of Law Enforcement (FDLE) to annually conduct no less than one unannounced inspection at each of the public ports and report its findings to the Governor, the President of the Senate, the Speaker of the House, and the chief administrator of each seaport inspected.

Section 311.12, F.S., was amended during the 2001 Legislative Session to incorporate seaport security standards.<sup>5</sup> The section has been further amended to disqualify persons who have been convicted of certain offenses within the previous seven years from gaining initial employment within or regular access to a seaport or port restricted access area. Current disqualifying offenses relate to terrorism, distribution or smuggling of illicit drugs, felony theft and robbery, money laundering, and felony use of weapons or firearms.

After September 11, 2001, the U.S. Congress produced a series of laws which largely preempted the existing state law relating to seaport security. This effort included passage of the Homeland Security Act of 2002, which resulted in a major governmental reorganization that created the Department of

<sup>1</sup> Pub. L No. 107-295, 116 Stat. 2064 (2002).

<sup>2</sup> Pub. L No. 109-347, 120 Stat. 1884 (2006).

<sup>3</sup> Principally 33 C.F.R. §§ 101 – 106, relating to various aspects of vessel and port security.

<sup>4</sup> Ch. 00-360, Laws of Fla.

<sup>5</sup> Ch. 01-112, Laws of Fla. These standards form the basis for FDLE's current seaport security inspection program.

Homeland Security (DHS).<sup>6</sup> The U. S. Customs and Border Protection agency (CBP) was transferred to DHS with the mission of preventing terrorists and terrorist weapons from entering the U. S.<sup>7</sup> The U. S. Coast Guard (USCG) was also transferred to DHS and given the mission of lead federal agency for maritime homeland security including ports, waterways, and coastal security as well as drug interdiction.<sup>8</sup>

Congress passed the MTSA in November of 2002, thereby laying out the federal structure for defending U.S. ports against acts of terrorism. In passing MTSA, Congress set forth direction for anti-terrorism activities while also recognizing in its findings that port crimes such as drug smuggling, illegal car smuggling, fraud, and cargo theft had also been a problem in the late 1990s. In laying out a maritime security framework, MTSA established requirements for the development and implementation of national and area maritime transportation security plans, vessel and facility security plans, and a transportation security card,<sup>9</sup> along with requirements to conduct vulnerability assessments for port facilities and vessels, and for the establishment of a process that would assess foreign ports from which vessels embark on voyages to the United States.<sup>10</sup>

The United States Coast Guard is responsible for administration of the MTSA and its implementing regulations,<sup>11</sup> including review and approval of Facility Security Plans<sup>12</sup> by the Captain of the Port (COTP) responsible for each seaport area.<sup>13</sup> Section 311.12, F.S., requires each of the 15 deepwater seaports listed in s. 311.09(1), F.S.<sup>14</sup> to adopt and maintain an approved federal facility security plan and to receive a federal facility security assessment.<sup>15</sup> Furthermore, section 311.12(1)(a), F.S., authorizes seaports to implement security measures that are more stringent, more extensive or supplemental to the federal seaport security regulations.

### **Florida Seaport Transportation and Economic Development (FSTED) Council**

In 1990, the Legislature created Ch. 311, F.S., authorizing the Florida Seaport Transportation and Economic Development (FSTED) Program.<sup>16</sup> This program established a collaborative relationship between DOT and the seaports and currently codifies an annual minimum of \$15 million for a seaport grant program.<sup>17</sup> FSTED funds are to be used on approved projects on a 50-50 matching basis.<sup>18</sup>

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<sup>6</sup> The Homeland Security Act of 2002, Pub. L. No. 107-296 (2002).

<sup>7</sup> Department of Homeland Security Fact Sheet. [www.dhs.gov/dhspublic/display?theme=43&content=5437&print=true](http://www.dhs.gov/dhspublic/display?theme=43&content=5437&print=true).

<sup>8</sup> Congressional Research Service, "Homeland Security: Coast Guard Operations – Background and Issues for Congress," October 25, 2006. Note: According to this report, under the Ports and Waterways Safety Act of 1972, Pub. L. No. 92-340, and the Maritime Transportation Security ACT of 2002, Pub. L. No. 107-295 (Nov. 25, 2002), the Coast Guard has responsibility to protect vessels and harbors from subversive acts. With regard to port security, the Coast Guard is responsible for evaluating, boarding, and inspecting commercial ships approaching U. S. waters, countering terrorist threats in U.S. ports, and helping protect U. S. Navy ships in U. S. ports. A Coast Guard officer in each port area is designated the COPT to serve as the lead federal official for security and safety of vessels and waterways in that area.

<sup>9</sup> The Maritime Transportation Security Act of 2002, Pub. L. No. 107-295 (Nov. 25, 2002)

<sup>10</sup> Government Accountability Office, "Maritime Security, One Year Later: A Progress Report on the SAFE Port Act," GAO-18-171T, October 16, 2007, p. 1.

<sup>11</sup> 33 C.F.R. §§ 101 to 106

<sup>12</sup> 33 C.F.R. § 101.105 defines a facility as any structure or facility of any kind located in, on, under, or adjacent to any waters subject to the jurisdiction of the U.S. and used, operated, or maintained by a public or private entity, including any contiguous or adjoining property under common ownership or operation. A seaport may be considered a facility by itself or in the case of large seaports may include multiple facilities within the port boundaries.

<sup>13</sup> The USCG requires each port tenant to have a security plan, whereas under Ch. 311, F.S., the port authority is responsible for security plan development and implementation.

<sup>14</sup> The ports listed in s. 311.09(1), F.S., are the ports of Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina.

<sup>15</sup> 33 C.F.R. § 101.105

<sup>16</sup> Ch. 90-136, Laws of Fla.

<sup>17</sup> ss. 311.07 and 311.09, F.S.

<sup>18</sup> s. 311.07(3)(a), F.S.

Funding grants under the FSTED program are limited to the following port facilities or port transportation projects:

- Transportation facilities within the jurisdiction of the port.
- The dredging or deepening of channels, turning basins, or harbors.
- The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with the foregoing.
- The acquisition of vessel tracking systems, container cranes, or other mechanized equipment used in the movement of cargo or passengers in international commerce.
- The acquisition of land to be used for port purposes.
- The acquisition, improvement, enlargement, or extension of existing port facilities.
- Environmental protection projects: which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites; or which result from the funding of eligible projects.
- Transportation facilities which are not otherwise part of DOT's adopted Work Program.<sup>19</sup>
- Intermodal access projects.
- Construction or rehabilitation of port facilities, excluding any park or recreational facility, in ports listed in s. 311.09(1), F.S.,<sup>20</sup> with operating revenues of \$5 million or less, provided that such project creates economic development opportunities, capital improvements, and positive financial returns to such ports.
- Seaport master plan or strategic plan development updates, including the purchase of data to support such plans or other provisions of the Community Planning Act.<sup>21</sup>

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

The FSTED program is managed by the FSTED Council, which consists of the port director or designee of the 15 deepwater ports, the Secretary of DOT or his or her designee, and the Executive Director of the Department of Economic Opportunity or his or her designee.<sup>22</sup>

#### Proposed Changes

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

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

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<sup>19</sup> DOT's work program is adopted pursuant to s. 339.135, F.S.

<sup>20</sup> The ports listed in s. 311.09(1), F.S., are the ports of Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina.

<sup>21</sup> Part II of Ch. 163, F.S.

<sup>22</sup> s. 311.09(1), F.S.

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

### **Definitions – Chapter 316 (Section 2)**

The bill amends s. 316.003, F.S., revising and updating numerous definitions to provide alphanumerical order to the subsections.

### **Driver-Assistive Truck Platooning (Sections 2 and 3)**

In August 2014, the National Highway Traffic Safety Administration (NHTSA) issued an advance notice of proposed rulemaking, following NHTSA's earlier announcement that the agency will begin working on a regulatory proposal to require vehicle-to-vehicle (V2V) devices in passenger cars and light trucks in a future year. V2V is a crash avoidance technology, relying on communication of information between nearby vehicles to warn drivers about dangerous situations that could lead to a crash.<sup>23</sup> NHTSA advises that, "Using V2V technology, vehicles ranging from cars to trucks and buses to trains could one day be able to communicate important safety and mobility information to one another that can help save lives, prevent injuries, ease traffic congestion, and improve the environment."<sup>24</sup>

One form of V2V technology is known as driver-assistive truck platooning (DATP), which allows trucks to communicate with each other and to travel as close as thirty feet apart with automatic acceleration and braking. A draft is created, reducing wind resistance and cutting down on fuel consumption.<sup>25</sup>

The DATP concept is based on a system that controls inter-vehicle spacing based on information from forward-looking radars and direct vehicle-to-vehicle communications. Braking and other operational data is constantly exchanged between the trucks, enabling the control system to automatically adjust engine and brakes in real-time. This allows equipped trucks to travel closer together than manual operations would safely allow. Platooning technology is increasingly a subject of interest in the truck community, with multiple companies developing prototypes.<sup>26</sup>

One such system uses integrated sensors, controls, and wireless communications for "connected" trucks. The system is cloud-based, determining in real time whether specific trucks are clear to engage in platooning operations. The system synchronizes acceleration and braking between tractor-trailers, leaving steering to the drivers, but eliminating braking distance otherwise caused by lags in the front or rear driver's response time. The following vehicle is provided video showing the lead truck's line of sight while the lead vehicle is provided video showing the area behind the following truck. If another vehicle enters between platooning trucks, the system will automatically increase following distance or delink the trucks and then relink once the cut-in risk has passed. If data transfer between platooning trucks ceases, the driver is immediately notified that manual acceleration and braking control is about to resume.<sup>27</sup>

Section 316.0895(2), F.S., provides that it is unlawful for the driver of any motor truck, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer, when traveling upon a roadway outside of a business or residence district, to follow within 300 feet of another motor truck, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer. That subsection expressly does not prohibit overtaking and passing and does not apply to any lane specially designated for use by motor trucks or other slow-moving vehicles.

### **Proposed Changes**

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<sup>23</sup> See the U.S. Department of Transportation Fact Sheet on Vehicle-To-Vehicle Communication Technology. On file in the House Transportation & Ports Subcommittee.

<sup>24</sup> See the NHTSA website: <http://www.safercar.gov/v2v/index.html> (last visited Dec. 12, 2015).

<sup>25</sup> See the GBT Global News website: <http://www.gobytrucknews.com/driver-survey-platooning/123> (last visited Dec. 12, 2015).

<sup>26</sup> See the American Transportation Research Institute website: <http://atri-online.org/2014/11/17/atri-seeks-input-on-driver-assistive-truck-platooning/> (last visited Dec. 12, 2015).

<sup>27</sup> See <http://www.peloton-tech.com/faq/> (last visited Dec. 12, 2015).

The bill amends s. 316.003, F.S., defining “driver-assistive truck platooning” as vehicle automation technology that integrates sensor arrays, wireless communications, vehicle controls, and specialized software to synchronize acceleration and braking between up to two truck tractor-semitrailer combinations, while leaving each vehicle’s steering control systems command in the control of the vehicle’s driver.

The bill amends s. 316.303(1), F.S., providing that television-type receiving equipment may be located so that the viewer or screen is visible from the driver’s seat if the vehicle is operating with driver-assistive truck platooning technology. The bill amends s. 316.303(3), F.S., providing that s. 316.303, F.S., does not prohibit the use of an electronic display used by the operator of a vehicle operating with driver-assistive truck platooning technology.

## **Autonomous Vehicles (Sections 2 and 3)**

### **Current Situation**

#### **Background**

An autonomous vehicle is a vehicle equipped with advanced sensors and computing abilities to perceive its surroundings and activate steering, braking, and acceleration without operator input. While presently not in widespread use, autonomous vehicles have the potential to provide several distinct advantages when compared to conventional vehicles, including reduced fuel consumption, increased safety, reduced traffic congestion and improved traffic flow, increased speed limits and reduced need for parking spaces.

In 2012, the Legislature passed CS/CS/CS/HB 599,<sup>28</sup> related to autonomous vehicle technology, making Florida one of the first states in the nation to authorize the use of autonomous vehicles.

Specifically, the bill:

- Defined “autonomous technology” and “autonomous vehicle.”
- Provided legislative intent regarding vehicles with autonomous technology.
- Authorized the operation of autonomous vehicles under specified conditions.
- Provided requirements for autonomous vehicles.
- Provided guidelines for testing autonomous vehicles.
- Provided a framework for liability for autonomous vehicles.
- Required the Department of Highway Safety and Motor Vehicles (DHSMV) to submit a report by February 12, 2014.

#### **DHSMV Report**

On February 12, 2014, DHSMV issued its report on autonomous vehicles.<sup>29</sup> DHSMV’s report noted that autonomous technology has potential to significantly improve highway safety by reducing crashes and saving lives. Similarly, the report found that autonomous technology offers business and economic opportunities for Florida, including technology and policy research, and testing, monitoring, and evaluating the technology. While Florida law allows the testing of autonomous vehicles on public roadways, there is limited regulatory oversight.

The report continued that technology is rapidly advancing and multiple industries are involved with many different approaches to autonomous vehicle technology development. Presently, national safety standards do not exist and there are many unknowns relating to the deployment of autonomous vehicles. The report noted that policy-making at this juncture would be very challenging. In its report, DHSMV proposed no changes to existing Florida law and rules in order to encourage innovation and foster a positive business environment.

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<sup>28</sup> Ch. 2012-174, Laws of Fla.

<sup>29</sup> A copy of DHSMV’s report on autonomous vehicles is available at:

<http://flhsmv.gov/html/HSMVAutonomousVehicleReport2014.pdf> (last visited Dec. 12, 2015).

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## **2014 Legislation**

In 2014, the Legislature passed CS/CS/HB 7005,<sup>30</sup> which expanded the entities authorized to conduct autonomous vehicle testing to include research organizations associated with accredited educational institutions.

Additionally, the bill provided that the Office of Insurance Regulation may approve a premium discount to any rates, rating schedules, or rating manuals for a liability, personal injury protection, and collision coverage of a motor vehicle insurance policy if the insured vehicle is equipped with autonomous driving technology or electronic vehicle collision avoidance technology that is factory installed or a retrofitted system that complies with federal standards.

## **Testing of Autonomous Vehicles**

In January 2014, the Tampa-Hillsborough Expressway Authority designated the Lee Roy Selmon Expressway as a testing site for autonomous vehicles. The Volkswagen Group contacted DHMSV regarding limited testing on an Audi-brand autonomous vehicle on a closed course in Hillsborough County. The one day event took place on the Selmon Expressway on July 28, 2014.<sup>31</sup>

## **Department of Transportation Work on Autonomous Vehicles**

DOT has also been working on numerous initiatives related to autonomous vehicles.<sup>32</sup> DOT has created several autonomous vehicle stakeholder working groups, and hosts an annual autonomous vehicle summit, the first of which was held in 2013.

DOT has collaborated with state universities and engineering consulting firms to gain a better understanding of some of the implications associated with planning for and integrating automated and connected vehicle technologies into the state's infrastructure. These research projects:

- Address policy implications related to federal, state, and local transportation plans;
- Explore how these technologies could assist the transportation disadvantaged to remain mobile, even as they age; and
- Assess the viability of various transit applications, particularly Bus Rapid Transit solutions.

## **Use of Television Receivers in Vehicles**

Current law prohibits motor vehicles from being equipped with television-type receivers located where the viewer or screen can be seen from the driver's seat. The statute provides exceptions for safety or law enforcement purposes, and does not prohibit electronic displays used in conjunction with a vehicle navigation system. A violation is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in Ch. 318, F.S.<sup>33</sup>

## **Proposed Changes**

The bill amends s. 316.003, F.S., removing the definition of the term "autonomous technology" from the definition for the term "autonomous vehicle," where it is embedded. The bill amends s. 316.003, F.S., providing a stand-alone definition for the term "autonomous technology". The language used to define each term remains the same.

The bill amends s. 316.303(1), F.S., providing that television-type receiving equipment may be located so that the viewer or screen is visible from the driver's seat if the vehicle is equipped with autonomous technology and is being operated in autonomous mode.<sup>34</sup> The bill amends s. 316.303(3), F.S., providing that s. 316.303, F.S., does not prohibit the use of electronic display by the operator of a

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<sup>30</sup> Ch. 2014-216, Laws of Fla.

<sup>31</sup> Email from the Department of Highway Safety and Motor Vehicles (November 6, 2014). Copy on file with Transportation & Ports Subcommittee Staff.

<sup>32</sup> Information on DOT's work on autonomous vehicles is available at: <http://www.automatedfl.com/> (last visited Dec. 12, 2015).

<sup>33</sup> s. 316.303, F.S.

<sup>34</sup> The operation of a vehicle in autonomous mode is provided for in s. 318.85(2), F.S.

vehicle that is equipped with autonomous technology while the vehicle is being operated in autonomous mode.

## **Port District Roads (Section 4)**

### **Current Situation**

Current law provides that port vehicles and equipment<sup>35</sup> are exempt from requirements related to motor vehicle registration, the payment of license taxes, and the display of license plates when operated or used within the port facility of any deepwater port listed in s. 403.021(9)(b), F.S.,<sup>36</sup> for the purpose of transporting cargo, containers, or other equipment:

- between wharves and storage areas or terminals within the port;
- on designated port district roads connecting the port facilities of a single deepwater port.<sup>37</sup>

### **Proposed Changes**

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

## **Aviation Development (Sections 5 and 6)**

### **Current Situation**

All publicly owned Florida airports that are open for public use and included in the Florida Aviation System Plan<sup>38</sup> are eligible for state funding.

The Florida Airport Development and Assistance Act<sup>39</sup> (Act) requires DOT to provide coordination and assistance for the development of a viable aviation system and to develop and update a statewide aviation system plan that summarizes the state’s aviation needs.

Section 332.007, F.S., requires DOT to prepare and continuously update an aviation and airport work program that separately identifies development projects<sup>40</sup> and discretionary capacity improvement projects.<sup>41</sup> Subject to the availability of appropriated funds, DOT is authorized to participate in the capital cost of eligible public airport and aviation development projects and discretionary capacity improvement projects.

State funding for commercial service and general aviation airports is available from a variety of sources. The Florida Aviation Grant Program was established to fund projects relating to airport planning, capital improvement, land acquisition, and economic development. The Strategic Intermodal System (SIS) was established to enhance Florida’s mobility and economic competitiveness. Other

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<sup>35</sup> section 320.525(1), F.S., defines “port vehicles and equipment” as “trucks, tractors, trailers, truck cranes, top loaders, fork lifts, hosting tractors, chassis, or other vehicles or equipment used for transporting cargo, containers, or other equipment.”

<sup>36</sup> The deepwater ports listed in s. 403.021(9)(b), F.S., are Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, Pensacola, Fernandina, and Key West.

<sup>37</sup> s. 320.525 (2), F.S.,

<sup>38</sup> The Florida Aviation System Plan (FASP) is DOT’s strategic 20-year plan for developing the state’s 129 public airports. Using traditional aviation planning techniques, it identifies future air traffic demands and the facilities that will be required to support the increase in demand. The plan also includes a strategic planning element that allows DOT to respond to changing aviation and economic trends, including emerging technologies, projected funding shortfalls, and shifting priorities. DEPARTMENT OF TRANSPORTATION, *Florida Aviation System Plan 2025* (updated February 2012)

[http://www.cfaspp.com/FASP/Documents/634763253312886250-Florida\\_2025\\_Revised\\_2012.pdf](http://www.cfaspp.com/FASP/Documents/634763253312886250-Florida_2025_Revised_2012.pdf)

<sup>39</sup> ss 332.003 to 332.007, F.S.

<sup>40</sup> section 332.004(4), F.S., defines “Development project” as “...any activity associated with the design, construction, purchase, improvement, or repair of a public-use airport or portion thereof...”

<sup>41</sup> section 332.004(5), F.S. defines “Discretionary capacity improvement projects” as “capacity improvements ... which enhance intercontinental capacity at [specified] airports....”

funding mechanisms include the State Infrastructure Bank and the Transportation Regional Incentive Program.

The Aviation Grant Program provides financial assistance to Florida’s airports in the areas of safety, security, preservation, capacity improvement, land acquisition, planning, and economic development. Program funds assist local governments and airport authorities in planning, designing, constructing, and maintaining public-use aviation facilities. The Aviation Grant Program is funded from the State Transportation Trust Fund, of which Florida’s aviation industry is a major contributor via the state’s aviation fuel tax.<sup>42</sup>

The amount of funding an airport can receive varies depending on the type of project and the type of airport.<sup>43</sup> The following table provides a breakdown of the amount of funding that can be provided by various sources, depending on the type of airport.

<b>Type of development</b>	<b>If Federal funding is available</b>	<b>If Federal funding is not available</b>
Commercial Service Airport	Department provides up to 50% of nonfederal share	Department provides up to 50% of total project costs
General Aviation Airport	Department provides up to 80% of nonfederal share	Department provides up to 80% of total project costs
Economic Development	Not applicable	Department provides up to 50% of total project costs

Section 332.007(10), F.S., authorizes DOT to fund up to 100 percent of strategic airport investment projects<sup>44</sup> that meet the following criteria:

- Provide important access and on-airport capacity improvements;
- Provide capital improvements to strategically position the state to maximize opportunities in international trade logistics, and the aviation industry;
- Achieve state goals of an integrated intermodal transportation system; and
- Demonstrate feasibility and availability of matching funds through federal, local, or private partners.

The Strategic Intermodal System (SIS) was developed in 2003 by the State of Florida to efficiently serve the mobility needs of Florida’s citizens, businesses, and visitors as well as help Florida become a worldwide economic leader, enhance economic prosperity and competitiveness, enrich quality of life, and reflect responsible environmental stewardship. SIS facilities consist of transportation facilities that move people and freight throughout Florida, the United States, and internationally.<sup>45</sup>

SIS facilities include airports, spaceports, deepwater seaports, freight rail terminals, passenger rail and intercity bus terminals, rail corridors, waterways, and highways that are considered high-priority transportation facilities. SIS facilities carry more than 99 percent of all commercial air passengers and cargo, virtually all waterborne freight and cruise passengers, almost all rail freight, 89 percent of all interregional rail and bus passengers, 55 percent of total traffic, and more than 70 percent of all truck traffic on the State Highway System.

SIS facilities are designated through the use of objective criteria and thresholds based on quantitative measures of transportation and economic activity. SIS facilities are considered to move large numbers of people and goods, and contribute significantly to interstate, regional, and international transportation

<sup>42</sup> section 206.9825, FS, authorizes the application of an excise tax to aviation fuels. The current rate is 6.9 cents per gallon, and the tax is not tied to the inflation index

<sup>43</sup> FDOT “The Florida Aviation Project Handbook: A Handbook of State Funding Information for Florida Airports” July 2014 <http://www.florida-aviation-database.com/library/filedownload.aspx?guid=ef798054-8bdc-45a3-84ea-358359a2e89d> (last accessed November 9, 2015).

<sup>44</sup> Like other projects in the aviation and airport work program, these projects are subject to the availability of appropriated funds.

<sup>45</sup> *Id.*

and economic activity. Facilities that do not meet the established criteria and thresholds for SIS designation, but are expected to meet them in the future, are referred to as Emerging SIS. Emerging SIS facilities have lower current service levels, but show potential for future growth and development.

There are currently 19 airports that are designated as SIS or Emerging SIS facilities. Of these 19 airports, seven are SIS Airports and two are SIS General Aviation Reliever Airports. The remaining 10 are Emerging SIS airports.

For airport projects, SIS funds can be used for facilities that are in need of preservation, maintenance, or safety enhancements. Remaining funds are used for capacity projects. There are four categories of capacity projects that are eligible to receive SIS funding, these are: ground transportation, landside connections, airside connections, and terminal connections.

Determining the priority projects to receive SIS funding considers the need for the preservation, safety, and maintenance of transportation facilities. These priorities and their accompanying funding strategies lay the framework for transportation throughout the state.

The DOT provides SIS funding matches for eligible capacity projects on SIS airports. SIS funding for airports requires a 50/50 match between the state and the airport or local government. Airport funding through the SIS program utilizes the following disbursement, according to the current SIS Funding Strategy.

### Proposed Changes

The bill creates s. 332.0012, F.S., establishing the Florida Aviation Transportation and Economic Development Program to finance airport transportation and facilities projects. The bill provides for a minimum of \$15 million per year to be made available from the State Transportation Trust Fund to fund the program.

The bill provides that the airport facilities and airport transportation projects eligible for program funding are as follows:

- Transportation facilities within the jurisdiction of the airport.
- The construction, acquisition, improvement, enlargement, extension, or rehabilitation of airport facilities, storage facilities, terminals, or automated people mover systems or any related facilities that are necessary or useful.
- The acquisition of mechanized equipment used in the movement of cargo or passengers in international commerce.
- The acquisition of land to be used for airport purposes.
- Environmental protection projects that result from the funding of eligible projects or that are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval or for environmental mitigation required as a condition of a state, federal, or local environmental permit.
- Transportation facilities as defined in s. 334.03(30) which are not otherwise part of the Department of Transportation's adopted work program.
- Intermodal access projects.

The bill creates s. 332.0014, establishing the Florida Aviation Transportation and Economic Development Council within the Department of Transportation. The bill provides that the council be composed of the DOT Secretary or designee, the Department of Economic Opportunity Executive Director or designee, and the airport director or designee of the following airports:

- Fort Lauderdale International
- Jacksonville International
- Miami International
- Orlando International

- Palm Beach International
- Southwest Florida International
- Tampa International
- Miami Executive
- Kissimmee Gateway
- Daytona Beach International
- Gainesville Regional
- Melbourne International
- Northwest Florida Beaches International
- Destin-Fort Walton Beach
- Orlando Sanford International
- Pensacola International
- Sarasota-Bradenton International
- Saint Petersburg-Clearwater International
- Tallahassee International

The bill provides for the Council to review projects and allocate funds in a manner that would allow DOT to include approved projects in the tentative work program developed pursuant to s. 339.135, F.S.

The bill directs the Council to prepare a 5-year Florida Aviation Mission Plan outlining the Council's goals and objectives, including specific recommendations for construction projects that are consistent with the program and the Florida Transportation Plan, and to develop a prioritized list of projects based on these recommendations. The bill requires the Council to develop criteria for the evaluation of projects and to prioritize projects that are statewide in scope or qualify as strategic airport investment projects. The bill provides for the Council update the plan each year, and to submit the plan by a certain date.

### **Airport Zoning (Sections 7 through 19)**

In 2012, DOT created a stakeholder working group to address problems with the state's airport zoning law and to update it to reflect current federal requirements and industry standards. The group consisted of representatives from airports, local planning/zoning departments, the Florida Defense Alliance, the Florida League of Cities, the Florida Airports Council, the real estate development community, and DOT. The group met three times between June and September 2012.

The working group determined that the law, which originally passed in 1945,<sup>46</sup> contains provisions that are outdated and inconsistent with federal regulations, has internal inconsistencies, and requires a local government airport protection zoning process that can be cumbersome and confusing.

### **Definitions (s. 333.01, F.S.)**

#### Current Situation

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

#### Proposed Changes

The bill implements numerous changes to definitions related to airport zoning to reflect improved consistency with federal regulations and guidance. Specifically, the bill adds the following definitions to s. 333.01, F.S.:

- Aeronautical study - a Federal Aviation Administration (FAA) review conducted pursuant to 14 C.F.R. Part 77, concerning the effect of proposed construction or alteration on the use of air navigation facilities or navigable airspace by aircraft.

- Airport master plan - a comprehensive plan of an airport that describes the immediate and long-term development plans to meet future aviation demand.
- Airport protection zoning - airport zoning regulations governing airport hazards.
- Department - Department of Transportation as created under s. 20.23, F.S.
- Educational facility - any structure, land, or use thereof that includes a public or private kindergarten through twelfth grade school, charter school, magnet school, college campus, or university campus. For the purposes of Ch. 333, F.S. the term "educational facility" does not include space utilized for educational purposes within a multitenant building.
- Landfill - has the same meaning as in s. 403.703, F.S.<sup>47</sup>
- Public-use airport - an airport,<sup>48</sup> publicly or privately owned, licensed by the state, which is open for use by the public.
- Substantial modification - any repair, reconstruction, rehabilitation, or improvement of a structure when the actual cost of repair, reconstruction, rehabilitation, or improvement of the structure equals or exceeds 50 percent of the market value of the structure.

The bill also amends the following definitions:

- Airport hazard
- Airport hazard area
- Airport land use compatibility zoning
- Airport layout plan
- Obstruction
- Political subdivision
- Runway protection zone
- Structure

The bill also deletes the definition of "aeronautics" since the term is not being used. It also deletes the definition of "tree" and replaces the term with "obstruction" throughout Ch. 333, F.S., as applicable.

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

#### Current Situation

Current law provides that in order to prevent structures<sup>49</sup> dangerous to air navigation from being erected, each person<sup>50</sup> must secure permit from DOT to erect, alter, or modify a structure exceeding the federal obstruction standards.<sup>51</sup> However, permits are only required within an airport hazard area<sup>52</sup> where federal standards are exceeded and if the proposed construction is within a 10-nautical-mile radius of the geographical center of the airport.

<sup>47</sup> section 403.703(17), F.S., defines "landfill" as "any solid waste land disposal area for which a permit, other than a general permit, is required by s. 403.707 and which receives solid waste for disposal in or upon land. The term does not include a land-spreading site, an injection well, a surface impoundment, or a facility for the disposal of construction and demolition debris."

<sup>48</sup> The bill defines "airport" as "any area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purpose."

<sup>49</sup> The bill defines "structure" as "any object, constructed, erected, altered, or installed, including, but without limitation thereof, buildings, towers, smokestacks, utility poles, power generation equipment and overhead transmission lines."

<sup>50</sup> The bill defines "person" as "any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof."

<sup>51</sup> The federal obstruction standards are contained in 14 C.F.R. §§ 77.15, 77.17, 77.19, 77.21, and 77.23.

<sup>52</sup> The bill defines "airport hazard area" as "any area of land or water upon which an airport hazard might be established."

Current law provides that affected airports are considered having those facilities which are shown on the airport master plan, or an airport layout plan,<sup>53</sup> or in comparable military documents, and those facilities will be protected. Planned or proposed public-use airports which are the subject of a notice or proposal submitted to the FAA or to DOT will also be protected.

Current law provides that permit requirements do not apply if the project received construction permits from the Federal Communications Commission (FCC) prior to May 20, 1975;<sup>54</sup> nor do permit requirements apply to previously approved structures now existing, or any necessary replacement or repairs to existing structures, provided that there is no change to the height and location of the structure.

Current law provides that when political subdivisions<sup>55</sup> have adopted adequate airspace protections, which are on file with DOT, a DOT permit for the structure is not required.

Current law gives DOT 30 days from when it receives an application for a permit, to issue or deny a permit to erect, alter, or modify of any structure which would exceed federal obstruction standards.

Current law provides that in determining whether to issue or deny a permit, DOT considers the following:

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

Current law provides that when issuing a permit, DOT shall require the obstruction<sup>56</sup> marking and lighting of the permitted obstruction.

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

### Proposed Changes

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<sup>53</sup> The bill defines "airport layout plan" as "a scaled drawing, or set of drawings, in either paper or electronic form, of existing and planned airport facilities that provide a graphic representation of the existing and long-term development plan for the airport and demonstrates the preservation and continuity of safety, utility, and efficiency of the airport."

<sup>54</sup> This is provided that these structures now exist.

<sup>55</sup> The bill defines "political subdivision" as "the local government any county, city, town, village, or other subdivision or agency thereof, or any district or special district, port commission, port authority, or other such agency authorized to establish or operate airports in the state."

<sup>56</sup> The bill defines "obstruction" as any object of natural growth or terrain or permanent or temporary construction or alteration, including equipment or materials used and any permanent or temporary apparatus, or alteration of any permanent or temporary existing structure by a change in its height, including appurtenances, or lateral dimensions, including equipment or material used therein, existing or proposed, which exceeds the standards contained in 14 C.F.R. §§ 77.15, 77.17, 11.19, 77.21, and 77.23.

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

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

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

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

The bill provides that DOT has 30 days after receiving an application to issue or deny a permit for the construction or alteration of an obstruction. The bill requires DOT to review permit applications in conformity with s. 120.60, F.S.<sup>57</sup>

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

- The effect of the construction or alteration of an obstruction on the state licensing standards for a public-use airport.<sup>58</sup>

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

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

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

- Technological advances
- Land use density.

The bill provides that when issuing a permit, DOT must require the owner of the obstruction to install, operate, and maintain, at his or her own expense, marking and lighting in conformance with FAA standards.

The bill provides that DOT shall not approve the construction or alteration of an obstruction unless documentation is submitted that it is in compliance with certain standards. The bill changes the term “aeronautical evaluation” to “aeronautical study,” which the bill defines.

The bill creates s. 333.025(9), F.S., providing that the denial of a permit is subject to the administrative review under the Florida Administrative Procedures Act.<sup>59</sup>

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<sup>57</sup> section 120.60, F.S., relates to licensing.

<sup>58</sup> The state licensing standards for a public-use airport are contained in Ch. 330, F.S., and Rule 14-60, F.A.C.

<sup>59</sup> Ch. 120, F.S.

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

### Current Situation

Current law provides that every political subdivision with an airport hazard<sup>60</sup> area has until October 1, 1977, to adopt, administer, and enforce airport zoning regulations for the airport hazard area.

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

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

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

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

Current law requires DOT to issue copies, at no cost to authorized recipients, of the federal obstruction to each political subdivision with an airport hazard area. Additionally, DOT must, in cooperation with political subdivisions, issue appropriate airport zoning maps depicting within each county the maximum allowable height of any structure or tree.

Current law provides that interim airport land use compatibility zoning<sup>61</sup> regulations shall be adopted. When political subdivisions have land development regulations addressing land use consistent with Ch. 333, F.S, the political subdivision is not required to adopt airport land use compatibility regulations. Interim land use compatibility regulations are required to consider the following:

- Whether sanitary landfills are located within the following areas:
  - Within 10,000 feet from the nearest point of any runway used or planned to be used by turbojet or turboprop aircraft.
  - Within 5,000 feet from the nearest point of any runway used only by piston-type aircraft.
  - Outside the perimeters defined above, but still within the lateral limits of the civil airport imaginary surfaces. Current law advises a case-by-case review of such landfills.
- Whether any landfill is located and constructed so that it attracts or sustains hazardous bird movements. The political subdivision shall request a report from the airport on such bird feeding or roosting areas that are known to the airport. In preparing its report, the airport, considers whether the landfill will incorporate bird management techniques or other practices to minimize bird hazards to airborne aircraft. The airport has 30 days to respond to the request.
- Where an airport authority or other governing body has conducted a noise study<sup>62</sup> neither residential construction nor any educational facility<sup>63</sup> with the exception of aviation school

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<sup>60</sup> The bill defines "airport hazard" as "any obstruction to air navigation that affects the safe and efficient use of navigable airspace or the operation of planned or existing air navigation and communication facilities."

<sup>61</sup> The bill defines "airport land use compatibility zoning" as "airport zoning regulations governing the use of land on, adjacent to, or in the immediate vicinity of airports."

<sup>62</sup> A noise study is conducted in accordance with 14 C.F.R. § 150.

facilities, shall be permitted within the area contiguous to the airport defined by an outer noise contour that is considered incompatible with that type of construction.

- Where an airport authority or other governing body operating an airport has not conducted a noise study, neither residential construction nor any educational facility except for of aviation school facilities, shall be permitted within an area contiguous to the airport measuring one-half the length of the longest runway on either side of and at the end of each runway centerline.

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

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

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

#### Proposed Changes

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

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

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

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

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

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

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

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

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<sup>63</sup> section 1013.01(6), F.S., defines "educational facilities" as "the buildings and equipment, structures, and special educational use areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community and which may lawfully be used as authorized by the Florida Statutes and approved by boards."

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

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

The bill redesignates the previous s. 333.03(3), F.S., as s. 333.03(2)(e), F.S., and amends this provision to reflect revised statutory intent, removing redundancy and antiquated aviation terminology and reflecting the purpose of runway protection zones<sup>64</sup> as defined and described in FAA AC 15-5300-13A.<sup>65</sup>

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

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

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

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

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

#### Current Situation

##### *Incorporation*

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

##### *Conflict*

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

#### Proposed Changes

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

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

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<sup>64</sup> The bill defines “runway protection zone” as an area at ground level beyond the runway end to enhance the safety and protection of people and property on the ground.

<sup>65</sup> FAA AC 15-5300-13A is available at:

[http://www.faa.gov/airports/resources/advisory\\_circulars/index.cfm/go.document.current.documentNumber/150\\_5300-13](http://www.faa.gov/airports/resources/advisory_circulars/index.cfm/go.document.current.documentNumber/150_5300-13) (last visited January 7, 2016).

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

### Current Situation

#### *Notice and Hearing*

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

#### *Airport Zoning Commission*

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

### Proposed Changes

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

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

### Current Situation

#### *Reasonableness*

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

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

#### *Independent Justification*

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

#### *Nonconforming Uses*

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

#### *Adoption of Airport Master Plan and Notice to Affected Local Governments*

Current law requires that an each public airport licensed by DOT prepare an airport master plan.

### Proposed Changes

The bill amends s. 333.06, F.S. deleting the term “runway clear zone” and replacing it with “runway protection zone.”<sup>66</sup> The bill also modifies the statute for internal consistency with definitions.

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

#### Current Situation

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

#### Proposed Changes

The bill repeals s. 333.065, F.S. According to DOT, this is due to the completion of its Airport Compatibility Land Use Guidebook.<sup>67</sup>

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

#### Current Situation

##### *Permits*

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

Current law provides that whenever the administrative agency determines that a nonconforming use or nonconforming structure or tree has been abandoned or is more than 80 percent torn down, destroyed, deteriorated, or decayed, it may not grant a permit that would allow the structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations. Whether application is made for a permit or not, the agency may by appropriate action, compel the owner of the nonconforming structure or tree, at his or her own expense, to lower, remove, reconstruct, or equip such object as may be necessary to conform to the regulations. If the owner of the nonconforming structure or tree does not comply with the order within 10 days, the agency may report the violation to the political subdivision involved, who, through its appropriate agency, may proceed to have the object lowered, removed, reconstructed, or equipped, and assess its cost and expense thereof upon the object or the land where it is or was located, and, unless such an assessment is paid within 90 days from the service of notice on the owner or the owner's agent, of such object or land, the sum shall be a lien on said land, and shall bear interest at an annual rate of six percent, and shall be collected in the same manner as the political subdivision collects property taxes, or, the political subdivision may enforce the lien in the manner provided for enforcement of liens.<sup>68</sup>

Current law provides that except as provided, applications for permits shall be granted, provided the matter applied for meets the provisions Ch. 333, F.S., and the regulations adopted and in force.

##### *Variances*

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<sup>66</sup> According to DOT, this is consistent with FAA AC 150/5300-13A.

<sup>67</sup> A copy of DOT's Airport Compatibility Land Use Guidebook is available at: <http://www.dot.state.fl.us/aviation/compland.shtm> (last visited January 6, 2016).

<sup>68</sup> The enforcement of statutory liens is provided for in Ch. 85, F.S.

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

Current law allows DOT to appeal any variance granted and apply for judicial relief.

Current law provides that in granting any permit or variance the administrative agency or board of adjustment shall require the owner of the structure or tree to install, operate, and maintain, at his or her own expense, marking and lighting as may be necessary to indicate to aircraft pilots the presence of an obstruction.

#### *Obstruction marking and lighting*

Current law provides that marking and lighting shall conform to the specific standards established in DOT rule.

Current law provides that existing structures not in compliance on October 1, 1988, shall be required to comply the earliest of whenever the existing lighting requires replacement, or within 5 years of October 1, 1988.

#### Proposed Changes

The bill amends the title of s. 333.07, F.S., to "Local government permitting of airspace obstructions".

#### *Permits*

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

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

#### *Variances*

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

#### *Considerations when issuing or denying permits*

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

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

- Effect of the construction or alteration of the proposed structure on the minimum descent altitude or the decision height at the affected airport.
- The cumulative effect on navigable airspace of all existing structures, and all other known proposed structures in the area.
- Additional requirements adopted by the political subdivision pertinent to evaluation and protection of airspace and airport operations.

#### *Obstruction marking and lighting*

The bill amends ss. 333.07(3)(a) and (b), F.S., for internal consistency with definitions and with FAA AC 70/7460-1K.<sup>69</sup> The bill removes s. 333.07(3)(b), F.S., requiring such marking and lighting to conform to DOT standards established by rule. The bill also removes s. 333.07(3)(c), F.S., which contains an obsolete date.

### **Appeals (s. 333.08, F.S.)**

#### Current Situation

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

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

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

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

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

#### Proposed Changes

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

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

#### Current Situation

Current law requires that all airport zoning regulations provide for their administration and enforcement by an administrative agency. The administrative agency may be an agency created by such regulations or any official, board, or other existing agency of the political subdivision adopting the regulations or of one of the political subdivisions which participated in the creation of the joint airport zoning board. Such

<sup>69</sup> A copy of FAA AC 70/7460-1K is available at:

[http://www.faa.gov/regulations\\_policies/advisory\\_circulars/index.cfm/go/document.current%2FdocumentNumber/70\\_7460-1](http://www.faa.gov/regulations_policies/advisory_circulars/index.cfm/go/document.current%2FdocumentNumber/70_7460-1) (last visited January 6, 2016).

administrative agency may not be or include any member of the board of adjustment. The duties of any administrative agency include hearing and deciding all permits, deciding all matters under s. 333.07(3), F.S., as they pertain to the agency, and all other matters under the state's airport zoning law, which applies to the agency, but the agency shall not have or exercise any of the powers delegated to the board of adjustment.

### Proposed Changes

#### *Administration*

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

#### *Local Government Process*

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

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

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

#### *Appeals*

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

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

#### Current Situation

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

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

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

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

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

### Proposed Changes

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

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

### Current Situation

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

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

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

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

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

### Proposed Changes

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

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

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

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

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

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

### Current Situation

Current law provides that when it is desired to remove, lower, or otherwise terminate a nonconforming structure or use; or the approach protection necessary cannot, due to constitutional limitations, be provided by airport regulations; or it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations, the political subdivision within which the property or nonconforming use is located, or the political subdivision owning or operating the airport or being served by it, may acquire, by purchase, grant, or condemnation such air right, navigation easement, or other estate, portion or interest in the property or nonconforming structure or use or such interest in the air above such property, tree, structure, or use, in question, as may be necessary to effectuate the purposes of Ch. 333, F.S., and in so doing, if by condemnation, to have the right to take immediate possession of the property, interest in property, air right, or other right sought to be condemned. In the case of the purchase of any property or any easement or estate or interest therein or the acquisition by the power of eminent domain the political subdivision making such purchase or exercising such power shall in addition to the damages for the taking, injury or destruction of property also pay the cost of the removal and relocation of any structure or any public utility which is required to be moved to a new location.

#### Proposed Changes

The bill amends s. 333.12, F.S. for clarity, specificity, and internal consistency with definitions, including the replacement of “navigation easement” with the more accurate term “avigation easement.”<sup>70</sup>

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

##### Current Situation

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

##### Proposed Changes

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

#### **Transition Provisions (s. 333.135, F.S)**

##### Current Situation

Currently Ch. 333, F.S., does not contain any transition provisions.

##### Proposed Changes

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

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

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

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

##### Current Situation

Current law provides the short title “Airport Zoning Law of 1945.”

##### Proposed Changes

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<sup>70</sup> An avigation easement is the conveyance of airspace over another property for use by the airport.

The bill repeals s. 333.14, F.S., eliminating a short title for Ch. 333., F.S.

### **Statute Reenactment / Florida Transportation Code (Section 20)**

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

### **Surety Bonds (Section 21)**

#### **Current Situation**

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

#### **Proposed Changes**

The bill amends s. 337.18(1), F.S., authorizing DOT to waive the surety bond requirements for a prime contractor that is a qualified nonprofit agency for the blind or other severely handicapped under s. 413.036(2), F.S.,<sup>71</sup> or for a prime contractor using a qualified subcontractor, up to the value of that subcontract.

### **Broward County Expressway Authority (Section 22)**

#### **Current Situation**

Florida expressway authorities are formed either under the Florida Expressway Authority Act<sup>72</sup> or by special act of the Legislature. Most expressway authorities were created before the Florida Expressway Authority Act of 1990 and are not, therefore, subject to most of its provisions. The Miami-Dade Expressway Authority is the only authority created and governed by the Florida Expressway Authority Act in existence.

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

The Broward County Expressway Authority was created in 1983.<sup>73</sup> The authority built the Sawgrass Expressway, which opened in 1986. In December 1990, the Sawgrass Expressway was acquired by DOT and became part of Florida's Turnpike System.<sup>74</sup> The Broward County Expressway Authority was repealed in 2011.<sup>75</sup>

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

#### **Proposed Changes**

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

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<sup>71</sup> section 413.036(2), F.S. provides that the provisions of Part I of Ch. 287, F.S. (relating to the procurement of commodities, insurance, and contractual services.

<sup>72</sup> Part I of Ch. 348, F.S.

<sup>73</sup> Ch. 83-289, Laws of Fla.

<sup>74</sup> FLORIDA TURNPIKE ENTERPRISE, *System Description*, [http://www.floridasturnpike.com/about\\_system.cfm](http://www.floridasturnpike.com/about_system.cfm) (last visited January 6, 2016).

<sup>75</sup> Ch. 2011-64, Laws of Fla.

## **Small County Outreach Program (Section 23)**

### **Current Situation**

The Small County Outreach Program (SCOP) is authorized in s. 339.2818, F.S. The purpose of the program is to assist small county governments in repairing or rehabilitating county bridges, paving unpaved roads, addressing road related drainage improvements, resurfacing or reconstructing of county roads, or constructing capacity or safety improvements to county roads. A small county is defined as any county that has a population of 150,000 or less as determined by the most recent official population estimate as determined by the Office of Economic and Demographic Research. The 150,000 population threshold has been in effect since SCOP was created in 2000.<sup>76</sup>

Small counties are eligible to compete for funds designated for projects on county roads. DOT provides 75 percent of the cost of the projects funded under this program. Funds paid into the State Transportation Trust Fund pursuant to s. 201.15, F.S., for the purposes of the SCOP are annually appropriated for expenditure to support the program.<sup>77</sup>

In 2014, the SCOP statute was amended to allow municipalities within a Rural Area of Opportunity or Rural Area of Opportunity community<sup>78</sup> to compete for project funding using the SCOP criteria at up to 100 percent of project costs, excluding capacity projects. The funding for municipalities would be subject to an additional appropriation in excess of those appropriated for SCOP.

### **Proposed Changes**

The bill amends s. 339.2818(2), F.S., increasing the maximum population of counties eligible for SCOP from 150,000 to 165,000. With this change, Santa Rosa and Charlotte counties would again be eligible for SCOP funding.

## **Statewide Transportation Corridors (Section 24)**

### **Current Situation**

In 2003, the Legislature created s. 341.0532, F.S., relating to statewide transportation corridors.<sup>79</sup> Section 341.0532, F.S., designates a number of "statewide transportation corridors" that include railways, highways connecting to transportation terminals, and intermodal service centers. The specified corridors are:

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

With very limited exception, these corridors are also in the Strategic Intermodal System (SIS) which is a statewide network of high-priority transportation facilities, including the state's largest and most

<sup>76</sup> Ch. 2000-257, Laws of Fla.

<sup>77</sup> section 201.15(1)(c)1., F.S., provides for the distribution of 38.2 percent or \$541.75 million (whichever is less) of documentary stamp tax revenues to the State Transportation Trust Fund in FDOT, and allocates the revenues among various programs.

<sup>78</sup> Rural Areas of Opportunity are designated pursuant to s. 288.0656(7)(a), F.S.

<sup>79</sup> Ch. 2003-286, Laws of Fla.

significant commercial service airports, spaceports, deepwater seaports, freight rail terminals, passenger rail and intercity bus terminals, rail corridors, waterways and highways. The facilities on SIS are designated by the DOT based on criteria provided in ss. 339.61 through 339.64, F.S.

Section 341.0532, F.S., is not linked to any other section of statute nor is it linked to any transportation funding and is not being used for any purpose. DOT also now has a Future Corridors Program<sup>80</sup> and there may be confusion between the Statewide Transportation Corridors and Future Corridors.

### Proposed Changes

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

## **Central Florida Expressway (Sections 25)**

### Current Situation

The Orlando Orange County Expressway Authority (OOCEA), was created in part III of Ch. 348, F.S.,<sup>81</sup> and served Orange County. It was authorized to construct, operate, and maintain roads, bridges, avenues of access, thoroughfares, and boulevards in the county, as well as outside the jurisdictional boundaries of Orange County with the consent of the county within whose jurisdiction the activities occur.<sup>82</sup>

In 2014, CS/CS/SB 230 changed OOCEA to the Central Florida Expressway Authority (CFX).<sup>83</sup> In summary, the bill:

- Created CFX and provides for the transfer of governance and control, legal rights and powers, responsibilities, terms and obligations of OOCEA to CFX.
- Provided for the composition of the governing body of CFX and the appointment of its officers.
- Provided ethics and accountability requirements of CFX board members and employees.
- Provided that the area served by CFX is within the geographical boundaries of Orange, Seminole, Lake, and Osceola Counties.
- Removed the existing OOCEA requirement that the route of a project be approved by a municipality before the right-of-way can be acquired.
- Required that CFX encourage the inclusion of local-, small-, minority-, and women-owned businesses in its procurement and contracting opportunities.
- Removed the existing OOCEA authority to waive payment and performance bonds for certain public works projects awarded pursuant to an economic development program.
- Provided that upon termination of the lease-purchase agreement of the Central Florida Expressway System, title will be retained by the state, and extends the terms of lease-purchase agreements from 40 to 99 years.
- Provided for the transfer of the Osceola County Expressway System to CFX and provides for the repeal of the Osceola County Expressway Authority Act<sup>84</sup> when the Osceola County Expressway System is transferred to CFX.

CFX currently owns and operates 105 centerline miles of roadway in Orange County, which includes:

- 22 miles of the Spessard L. Holland East-West Expressway (SR 408);
- 23 miles of the Martin Andersen Beachline Expressway (SR 528);
- 33 miles of the Central Florida GreeneWay (SR 417);
- 22 miles of the Daniel Webster Western Beltway (SR 429); and
- 5 miles of the John Land Apopka Expressway (SR 414).

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<sup>80</sup> Information about the Future Corridors Program is available at: <http://www.dot.state.fl.us/planning/policy/corridors/about.shtm> (last visited January 5, 2016).

<sup>81</sup> Part III of Ch. 348, F.S., consists of ss. 348.751 through 348.765, F.S.

<sup>82</sup> s. 348.754(2)(n), F.S.

<sup>83</sup> Ch. 2014-171, Laws of Fla.

<sup>84</sup> Part V of Ch. 348, F.S.

## Proposed Changes

The bill addresses several issues relating to the make-up of the CFX governing body. The bill amends s. 348.753(3), F.S., providing that the chairs of the boards of county commission from Seminole, Lake, and Osceola Counties appoint one member of the board from their respective counties, who must be a county commission member, chair, or county mayor. The bill also provides that members appointed by the Governor have their terms end on December 31 of his or her last year of service. The bill also removes an obsolete provisions regarding the terms of standing board members from when the make-up of the board changed in the 2014 law.

The bill amends s. 348.753(4)(a), F.S., removing the requirement that one of the members of the board serve as the authority's secretary.

## **Return on Investment (Section 26)**

### Current Situation

Current law provides that DOT must adopt goals and principles supporting economic competitiveness and ensure that the state has a clear understanding of the economic consequences of transportation investments. Additionally, DOT is directed to develop a macroeconomic analysis of the linkages between transportation investment and economic performance, as well as a method to quantifiably measure the economic benefit of the Work Program investments.<sup>85</sup>

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

### **Macroeconomic Analysis**

DOT has developed a macroeconomic analysis methodology to evaluate the long-term economic benefits of its Work Program.<sup>86</sup> These benefits are based on an understanding of how transportation investments save time, reduce costs, and enhance economic competitiveness and opportunity. For purposes of the model, the economic benefits of the Work Program consist of:

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

In 2014 DOT completed a report entitled *A Macroeconomic Analysis of Florida's Transportation Investment*,<sup>87</sup> and evaluated the impacts of the Fiscal Year 2013-2014 through 2017-2018 Work Program. The study determined that "[t]he ratio of total benefits to costs is 4.4. This means, on average, every dollar invested in the Work Program will yield about \$4.40 in economic benefits for Florida from the beginning of the Work Program to FY 2043."<sup>88</sup>

### Proposed Changes

The bill requires the Office of Economic and Demographic Research (EDR) to evaluate and determine the economic benefits<sup>89</sup> of the state's investment in DOT's adopted work program for Fiscal Year 2015-

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<sup>85</sup> s. 334.046, F.S.

<sup>86</sup> This is pursuant to s. 333.046, F.S.

<sup>87</sup> DOT, *A Macroeconomic Analysis of Florida's Transportation Investment*, January 2015, available at <http://www.dot.state.fl.us/planning/weeklybriefs/2015/011915.shtm>

<sup>88</sup> *Id.* at 1

<sup>89</sup> section 288.005(1), F.S., defines "economic benefits" as "the direct, indirect, and induced gains in state revenues as a percentage of the state's investment. The state's investment includes state grants, tax exemptions, tax refunds, tax credits, and other state incentives."

2016, including the following four fiscal years. At a minimum, a separate return in investment shall be projected for each of the following areas:

- Roads and highways.
- Rails.
- Public transit.
- Aviation.
- Seaports.

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

The bill requires DOT and each of its district offices to provide EDR full access to all data necessary to complete the analysis, including confidential data.

EDR is required to submit the analysis to the President of the Senate and the Speaker of the House of Representatives by January 1, 2016.

#### B. SECTION DIRECTORY:

- Section 1 Amends s. 311.12, F.S., relating to seaport security.
- Section 2 Amends s. 316.003, F.S., relating to definitions.
- Section 3 Amends s. 316.303, F.S., relating to television receivers.
- Section 4 Amends s. 320.525, F.S., relating to port vehicles and equipment; definition; exemption.
- Section 5 Creates s. 332.0012, F.S., relating to the Florida aviation transportation and economic development funding.
- Section 6 Creates s. 332.0014, F.S., relating to the Florida Aviation Transportation and Economic Development Council.
- Section 7 Amends s. 333.01, F.S., relating to definitions.
- Section 8 Amends s. 333.025, F.S., relating to permit required for structures exceeding federal obstruction standards.
- Section 9 Amends s. 333.03, F.S., relating to power to adopt airport zoning regulations.
- Section 10 Amends s. 333.04, F.S., relating to comprehensive zoning regulations; most stringent to prevail where conflicts occurs.
- Section 11 Amends s. 333.05, F.S., relating to procedure for adoption of zoning regulations.
- Section 12 Amends s. 333.06, F.S., relating to airport zoning requirements.
- Section 13 Amends s. 333.07, F.S., relating to permits and variances.
- Section 14 Amends s. 333.09, F.S., relating to administration of airport zoning regulations.
- Section 15 Amends s. 333.11, F.S., relating to judicial review.

- Section 16 Amends s. 333.12, F.S., relating to acquisition of air rights.
- Section 17 Amends s. 333.13, F.S., relating to enforcement and remedies.
- Section 18 Creates s. 333.135, F.S., relating to transition provisions.
- Section 19 Repeals s. 333.065, F.S., relating to guidelines regarding land use near airports; repeals s. 333.08, F.S., relating to appeals; repeals s. 333.10, F.S., relating to board of adjustment; and repeals s. 333.14, F.S., providing a short title.
- Section 20 Reenacts s. 350.81, F.S., relating to communications services offered by governmental entities.
- Section 21 Amends s. 337.18, F.S., relating to surety bonds for construction or maintenance contracts; requirement with respect to contract award; bond requirements; defaults; damage assessments.
- Section 22 Amends s. 338.231, F.S., relating to turnpike tolls, fixing; pledge of tolls and other revenues.
- Section 23 Amends s. 339.2818, F.S., relating to Small County Outreach Program.
- Section 24 Repeals s. 341.0532, F.S., relating to statewide transportation corridors.
- Section 25 Amends s. 348.753, F.S., relating to the Central Florida Expressway Authority.
- Section 26 Requires the Office of Economic and Demographic Research to evaluate and determine the economic benefits of DOT's work program.
- Section 27 Amends s. 212.05, F.S., relating to sales, storage, use tax.
- Section 28 Amends s. 316.1303, F.S., relating to traffic regulations to assist mobility-impaired persons.
- Section 29 Amends s. 316.235, F.S., relating to additional lighting equipment.
- Section 30 Amends s. 316.545, F.S., relating to weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.
- Section 31 Amends s. 316.605, F.S., relating to licensing of vehicles.
- Section 32 Amends s. 316.6105, F.S., relating to violations involving operation of motor vehicle in unsafe condition or without required equipment; procedure for disposition.
- Section 33 Amends s. 316.613, F.S., relating to child restraint requirements.
- Section 34 Amends s. 316.622, F.S., relating to farm labor vehicles.
- Section 35 Amends s. 316.650, F.S., relating to traffic citations.
- Section 36 Amends s. 316.70, F.S., relating to nonpublic sector buses; safety rules.
- Section 37 Amends s. 320.01, F.S., relating to definitions.

- Section 38 Amends s. 320.08, F.S., relating to license taxes.
- Section 39 Amends s. 320.0801, F.S., relating to additional license tax on certain vehicles.
- Section 40 Amends s. 320.38, F.S., relating to when nonresident exemption not allowed.
- Section 41 Amends s. 322.031, F.S., relating to nonresident; when license required.
- Section 42 Amends s. 450.181, F.S., relating to definitions.
- Section 43 Amends s. 559.903, F.S., relating to definitions.
- Section 44 Amends s. 655.960, F.S., relating to definitions; ss. 655.960 - 655.965.
- Section 45 Amends s. 732.402, F.S., relating to exempt property.
- Section 46 Amends s. 860.065, F.S., relating to commercial transportation; penalty for use in commission of a felony.
- Section 47 Provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None.

#### 2. Expenditures:

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

Florida Airport Transportation and Economic Development Funding - The bill provides for \$15 million per year for program funding. This funding will come from the State Transportation Trust Fund and is a reallocation of funding from within the confines of the work program, meaning \$15 million less available for other projects in the work program. Existing resources within DOT and DEO are sufficient to meet the workload increase associated with reviewing applicants that apply for program funding. Existing resources within DOT are sufficient to meet the workload increase associated with reviewing structural permits.

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

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None.

2. Expenditures:

Florida Aviation Transportation and Economic Development Program – Political subdivisions that receive funds from the Florida Aviation Transportation and Development Program must fund a portion of the Florida Aviation Transportation and Economic Development Council's administrative staffing costs. The cost allocated to each political subdivision will be pro-rated based on each recipient's share of funds compared to the total funds distributed to all program participants during the fiscal year.

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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

D. FISCAL COMMENTS:

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

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities of counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Seaport Security – The bill directs the Florida Seaport Transportation and Economic Development Council to adopt, by rule, criteria to implement the Seaport Security Grant Program.

Florida aviation transportation and economic development funding - The bill authorizes DOT to audit funding recipients, and to adopt rules to ensure that final audits are conducted and that any findings are resolved.

Florida Aviation Transportation and Economic Development Council - The bill requires the Council to adopt rules for evaluating projects that may be funded through the Florida Aviation Transportation and Economic Development Program. The rules must provide criteria for evaluating a potential project, including, but not limited to, consistency with appropriate plans, economic benefit, readiness for construction, noncompetition with other airports in this state, and capacity within the airport system.

Airport Zoning - Chapter 14-60, F.A.C., implements portions of Ch. 333, F.S., relating to airport zoning as well as other statutes relating to aviation. DOT advises that it is in the process of reviewing and

revising its aviation related rules; however, DOT will defer its final revisions, pending the revisions to Ch. 333, F.S., contained in the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

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

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

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

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

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

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

140 |

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

142 |

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

145 | 311.12 Seaport security.—

146 | (5) ADVISORY COMMITTEE.—

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

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

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

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

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

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

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

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

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

178 (6) GRANT PROGRAM.—

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

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

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

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

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

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

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

213        (3)~~(99)~~ AUTONOMOUS VEHICLE.—Any vehicle equipped with  
 214 autonomous technology. ~~The term "autonomous technology" means~~  
 215 ~~technology installed on a motor vehicle that has the capability~~  
 216 ~~to drive the vehicle on which the technology is installed~~  
 217 ~~without the active control or monitoring by a human operator.~~  
 218 The term does not include ~~excludes~~ a motor vehicle enabled with  
 219 active safety systems or driver assistance systems, including,  
 220 without limitation, a system to provide electronic blind spot  
 221 assistance, crash avoidance, emergency braking, parking  
 222 assistance, adaptive cruise control, lane keep assistance, lane  
 223 departure warning, or traffic jam and queuing assistant, unless  
 224 any such system alone or in combination with other systems has  
 225 the capability to drive the vehicle ~~enables the vehicle~~ on which  
 226 the technology is installed ~~to drive~~ without ~~the~~ active control  
 227 or monitoring by a human operator.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

275

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

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

287 offenses.

288 ~~(14)(6)~~ CROSSWALK.—

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

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

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

299 ~~(16)(8)~~ DEPARTMENT.—The Department of Highway Safety and  
 300 Motor Vehicles as defined in s. 20.24. Any reference herein to  
 301 the Department of Transportation shall be construed as referring  
 302 to the Department of Transportation as defined in s. 20.23~~7~~ or  
 303 the appropriate division thereof.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

363 (28)~~(15)~~ HOUSE TRAILER.—

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

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

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

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

381 |       (30)~~(17)~~ INTERSECTION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

573 as a safety zone.

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

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

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

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

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

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

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

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

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

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

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

625 form a single, rigid unit.

626 (75)~~(53)~~ STREET OR HIGHWAY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

724 (f) Is equipped with:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

775 316.303 Television receivers.—

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

781 assistive truck platooning technology.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

850        7. Intermodal access projects.

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

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

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

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

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

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

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

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

871 a. Fort Lauderdale-Hollywood International Airport.

872 b. Jacksonville International Airport.

873 c. Miami International Airport.

874 d. Orlando International Airport.

875 e. Palm Beach International Airport.

876 f. Southwest Florida International Airport.

877 g. Tampa International Airport.

878 h. Miami Executive Airport.

879 i. Kissimmee Gateway Airport.

880 j. Daytona Beach International Airport.

881 k. Destin-Fort Walton Beach Airport.

882 l. Gainesville Regional Airport.

883 m. Melbourne International Airport.

884 n. Northwest Florida Beaches International Airport.

- 885 | o. Orlando Sanford International Airport.
- 886 | p. Pensacola International Airport.
- 887 | q. Sarasota-Bradenton International Airport.
- 888 | r. Saint Petersburg-Clearwater International Airport.
- 889 | s. Tallahassee International Airport.
- 890 | 2. The Secretary of Transportation or his or her designee.
- 891 | 3. The executive director of the Department of Economic
- 892 | Opportunity or his or her designee.

893 | (b) The council shall meet at the call of its chair, at  
 894 | the request of a majority of its membership, or at such times as  
 895 | may be prescribed in its bylaws. However, the council must meet  
 896 | at least semiannually. A majority of voting members of the  
 897 | council constitutes a quorum for the purpose of transacting the  
 898 | business of the council. All members of the council are voting  
 899 | members. A vote of the majority of the members present is  
 900 | sufficient for any action of the council, except that a member  
 901 | representing the Department of Transportation or the Department  
 902 | of Economic Opportunity may vote to overrule any action of the  
 903 | council approving a project pursuant to subsection (4). The  
 904 | bylaws of the council may require a greater vote for a  
 905 | particular action.

906 | (c) Members of the council shall serve without  
 907 | compensation but are entitled to reimbursement for per diem and  
 908 | travel expenses as provided in s. 112.061.

909 | (d) The council may employ an administrative staff to  
 910 | provide services to the council on matters relating to the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1041 287.055.

1042 Section 7. Section 333.01, Florida Statutes, is amended to  
1043 read:

1044 333.01 Definitions.—As used in ~~For the purpose of~~ this  
1045 chapter, the term following words, terms, and phrases shall have  
1046 ~~the meanings herein given, unless otherwise specifically~~  
1047 ~~defined, or unless another intention clearly appears, or the~~  
1048 ~~context otherwise requires:~~

1049 (1) "Aeronautical study" means a Federal Aviation  
1050 Administration study, conducted in accordance with the standards  
1051 of 14 C.F.R. part 77, subpart C, and Federal Aviation  
1052 Administration policy and guidance, on the effect of proposed  
1053 construction or alteration on the operation of air navigation  
1054 facilities and the safe and efficient use of navigable airspace.

1055 ~~(1) "Aeronautics" means transportation by aircraft; the~~  
1056 ~~operation, construction, repair, or maintenance of aircraft,~~  
1057 ~~aircraft power plants and accessories, including the repair,~~  
1058 ~~packing, and maintenance of parachutes; the design,~~  
1059 ~~establishment, construction, extension, operation, improvement,~~  
1060 ~~repair, or maintenance of airports, restricted landing areas, or~~  
1061 ~~other air navigation facilities, and air instruction.~~

1062 (2) "Airport" means any area of land or water designed and  
1063 set aside for the landing and taking off of aircraft and used  
1064 ~~utilized~~ or to be used ~~utilized~~ in the interest of the public  
1065 for such purpose.

1066 (3) "Airport hazard" means an obstruction to air

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1224 ~~(f)(d)~~ Federal airways, visual flight rules, flyways and

1225 corridors, and instrument approaches as designated by the Federal

1226 Aviation Administration.

1227 ~~(g)(e)~~ The effect of ~~whether~~ the construction or

1228 alteration of an obstruction on ~~of the proposed structure would~~

1229 ~~cause an increase in~~ the minimum descent altitude or the

1230 decision height at the affected airport.

1231 ~~(f)~~ Technological advances.

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

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

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

1235 ~~(h)(j)~~ The cumulative effects on navigable airspace of all

1236 existing obstructions structures, proposed structures identified

1237 in the applicable jurisdictions' comprehensive plans, and all

1238 other known proposed obstructions structures in the area.

1239 (7) When issuing a permit under this section, the

1240 department ~~of Transportation shall,~~ ~~as a specific condition of~~

1241 ~~such permit,~~ require the owner of the obstruction to install,

1242 operate, and maintain thereon, at the owner's expense, marking

1243 and lighting in conformance with the specific standards

1244 established by the Federal Aviation Administration ~~of the~~

1245 ~~permitted structure as provided in s. 333.07(3)(b).~~

1246 (8) The department ~~may~~ ~~of Transportation shall~~ not approve

1247 a permit for the construction or alteration of an obstruction

1248 ~~erection of a structure~~ unless the applicant submits ~~both~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1467 333.05 Procedure for adoption of zoning regulations.-

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

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

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

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

1502 333.06 Airport zoning regulation requirements.—

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

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

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

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

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

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

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

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

1554 (1) PERMITS.-

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

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

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

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

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

1613 ~~force hereunder.~~

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

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

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

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

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

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

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

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

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

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

1639           ~~(2) VARIANCES.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1675 (3) OBSTRUCTION MARKING AND LIGHTING.—

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

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

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

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

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

1695 333.09 Administration of airport zoning regulations.—

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

1714 (2) LOCAL GOVERNMENT PROCESS.—

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

1717        1. Issue or deny permits consistent with s. 333.07.  
 1718        2. Provide the department with a copy of a complete  
 1719 application consistent with s. 333.025(4).  
 1720        3. Enforce the issuance or denial of a permit or other  
 1721 determination made by the administrative agency with respect to  
 1722 airport zoning regulations.  
 1723        (b) If a zoning board or permitting body already exists  
 1724 within a political subdivision, the zoning board or permitting  
 1725 body may implement the airport zoning regulation permitting and  
 1726 appeals processes.  
 1727        (3) APPEALS.—  
 1728        (a) A person, a political subdivision or its administrative  
 1729 agency, or a joint airport zoning board that contends that a  
 1730 decision made by a political subdivision or its administrative  
 1731 agency is an improper application of airport zoning regulations  
 1732 may use the process established for an appeal.  
 1733        (b) All appeals taken under this section must be taken  
 1734 within a reasonable time, as provided by the political  
 1735 subdivision or its administrative agency, by filing with the  
 1736 entity from which the appeal is taken a notice of appeal  
 1737 specifying the grounds for appeal.  
 1738        (c) An appeal shall stay all proceedings in the underlying  
 1739 action appealed from, unless the entity from which the appeal is  
 1740 taken certifies, pursuant to the rules for appeal, that by reason  
 1741 of the facts stated in the certificate a stay would, in its  
 1742 opinion, cause imminent peril to life or property. In such cases,

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

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

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

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

1757 333.11 Judicial review.—

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

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

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

1783 ~~(2)(4)~~ The court has ~~shall~~ have exclusive jurisdiction to  
 1784 affirm, reverse, or modify, ~~or set aside~~ the decision on the  
 1785 permit or other determination from which the appeal is taken  
 1786 brought up for review, in whole or in part, and, if appropriate  
 1787 need be, to order further proceedings by the political  
 1788 subdivision or its administrative agency ~~board of adjustment.~~  
 1789 The findings of fact by the political subdivision or its  
 1790 administrative agency ~~board,~~ if supported by substantial  
 1791 evidence, shall be accepted by the court as conclusive, and an  
 1792 ~~no~~ objection to a decision of the political subdivision or its  
 1793 administrative agency may not ~~board shall~~ be considered by the  
 1794 court unless such objection was raised in the underlying

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

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

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

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

1821 to read:

1822 333.12 Acquisition of air rights. ~~If in any case which: it~~

1823 ~~is desired to remove, lower or otherwise terminate a~~

1824 nonconforming obstruction is determined to be an airport hazard

1825 and the owner will not remove, lower, or otherwise eliminate it

1826 ~~structure or use; if~~ or the approach protection necessary

1827 cannot, because of constitutional limitations, be provided by

1828 airport regulations under this chapter; or if it appears

1829 advisable that the necessary approach protection be provided by

1830 acquisition of property rights rather than by airport zoning

1831 regulations, the political subdivision within which the property

1832 or nonconforming obstruction ~~use~~ is located, or the political

1833 subdivision owning or operating the airport or being served by

1834 it, may acquire, ~~by purchase, grant, or condemnation in the~~

1835 manner provided by chapter 73, such property, air right,

1836 avigation ~~navigation~~ easement, or other estate, portion, or

1837 interest in the property or nonconforming obstruction ~~structure~~

1838 ~~or use~~ or such interest in the air above such property, ~~tree,~~

1839 ~~structure, or use, in question,~~ as may be necessary to

1840 effectuate the purposes of this chapter, and ~~in so doing,~~ if by

1841 condemnation, may to have the right to take immediate possession

1842 of the property, interest in property, air right, or other right

1843 sought to be condemned, at the time, ~~and~~ in the manner and form,

1844 and as authorized by chapter 74. If the political subdivision

1845 acquires any ~~In the case of the purchase of any property, or any~~

1846 easement, or estate or interest therein by purchase or ~~the~~

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

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

1855 333.13 Enforcement and remedies.—

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

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

1873 orders and rulings made pursuant thereto.

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

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

1879 333.135 Transition provisions.—

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

1884 (2) By July 1, 2017:

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

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

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

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

1898 350.81 Communications services offered by governmental

1899 entities.-

1900 (6) To ensure the safe and secure transportation of

1901 passengers and freight through an airport facility, as defined

1902 in s. 159.27(17), an airport authority or other governmental

1903 entity that provides or is proposing to provide communications

1904 services only within the boundaries of its airport layout plan,

1905 as defined in s. 333.01(6), to subscribers which are integral

1906 and essential to the safe and secure transportation of

1907 passengers and freight through the airport facility, is exempt

1908 from this section. An airport authority or other governmental

1909 entity that provides or is proposing to provide shared-tenant

1910 service under s. 364.339, but not dial tone enabling subscribers

1911 to complete calls outside the airport layout plan, to one or

1912 more subscribers within its airport layout plan which are not

1913 integral and essential to the safe and secure transportation of

1914 passengers and freight through the airport facility is exempt

1915 from this section. An airport authority or other governmental

1916 entity that provides or is proposing to provide communications

1917 services to one or more subscribers within its airport layout

1918 plan which are not integral and essential to the safe and secure

1919 transportation of passengers and freight through the airport

1920 facility, or to one or more subscribers outside its airport

1921 layout plan, is not exempt from this section. By way of example

1922 and not limitation, the integral, essential subscribers may

1923 include airlines and emergency service entities, and the

1924 nonintegral, nonessential subscribers may include retail shops,

1925 | restaurants, hotels, or rental car companies.

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

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

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

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

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

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

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

1951 subcontract.

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

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

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

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

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

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

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

2022 339.2818 Small County Outreach Program.—

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

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

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

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

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

2036 348.753 Central Florida Expressway Authority.-

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

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

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

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

2081 projected for each of the following areas:

2082 1. Roads and highways.

2083 2. Rails.

2084 3. Public transit.

2085 4. Aviation.

2086 5. Seaports.

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

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

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

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

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

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

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

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

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

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

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

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

2133 rental payments in another state.

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

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

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

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

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

2161 316.235 Additional lighting equipment.-

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

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

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

2181 (2)

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

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

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

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

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

2228 |       316.605 Licensing of vehicles.-

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

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

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

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

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

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

2250 316.613 Child restraint requirements.—

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

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

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

2258 316.622 Farm labor vehicles.—

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

2263 ~~fiscal year.~~

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

2266 316.650 Traffic citations.—

2267 (1)

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

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

2280 316.70 Nonpublic sector buses; safety rules.—

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

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

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

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

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

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

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

2303 (1) "Motor vehicle" means:

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

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

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

2315 there are hereby levied and imposed annual license taxes for the  
 2316 operation of motor vehicles, mopeds, motorized bicycles as  
 2317 defined in s. 316.003(4) ~~316.003(2)~~, tri-vehicles as defined in  
 2318 s. 316.003, and mobile homes~~7~~ as defined in s. 320.01, which  
 2319 shall be paid to and collected by the department or its agent  
 2320 upon the registration or renewal of registration of the  
 2321 following:

2322 (1) MOTORCYCLES AND MOPEDS.—

2323 (a) Any motorcycle: \$10 flat.

2324 (b) Any moped: \$5 flat.

2325 (c) Upon registration of a motorcycle, motor-driven cycle,  
 2326 or moped, in addition to the license taxes specified in this  
 2327 subsection, a nonrefundable motorcycle safety education fee in  
 2328 the amount of \$2.50 shall be paid. The proceeds of such  
 2329 additional fee shall be deposited in the Highway Safety  
 2330 Operating Trust Fund to fund a motorcycle driver improvement  
 2331 program implemented pursuant to s. 322.025, the Florida  
 2332 Motorcycle Safety Education Program established in s. 322.0255,  
 2333 or the general operations of the department.

2334 (d) An ancient or antique motorcycle: \$7.50 flat, of which  
 2335 \$2.50 shall be deposited into the General Revenue Fund.

2336 (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—

2337 (a) An ancient or antique automobile, as defined in s.  
 2338 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.

2339 (b) Net weight of less than 2,500 pounds: \$14.50 flat.

2340 (c) Net weight of 2,500 pounds or more, but less than

2341 3,500 pounds: \$22.50 flat.

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

2343 (3) TRUCKS.—

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

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

2346 3,000 pounds: \$22.50 flat.

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

2348 5,000 pounds: \$32.50 flat.

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

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

2351 harvesting a crop, including naval stores, during such

2352 harvesting operations, and which is not principally operated

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

2354 motor vehicle designed, constructed, and used principally for

2355 the transportation of citrus fruit within citrus groves or for

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

2357 for hauling associated equipment or supplies, including required

2358 sanitary equipment, and the towing of farm trailers.

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

2360 \$7.50 flat.

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

2362 VEHICLE WEIGHT.—

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

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

2365 deposited into the General Revenue Fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2425

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2494 (6) MOTOR VEHICLES FOR HIRE.—

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

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

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

2503 (7) TRAILERS FOR PRIVATE USE.—

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

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

2511 (8) TRAILERS FOR HIRE.—

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

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

2520 (9) RECREATIONAL VEHICLE-TYPE UNITS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2583 320.0801 Additional license tax on certain vehicles.—

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

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

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

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

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

2627 Statutes, is amended to read:

2628 322.031 Nonresident; when license required.—

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

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

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

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

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

2650 559.903 Definitions.—As used in this act:

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

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

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

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

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

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

2670 | 732.402 Exempt property.—

2671 | (2) Exempt property shall consist of:

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

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

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2016

2679 Statutes, is amended to read:

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

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

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

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

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1 Committee/Subcommittee hearing bill: Transportation & Economic  
2 Development Appropriations Subcommittee  
3 Representative Ingram offered the following:

**Amendment**

Remove lines 179-188 and insert:

7 (a) The Florida Seaport Transportation and Economic  
8 Development Council shall establish a Seaport Security Grant  
9 Program for the purpose of assisting in the implementation of  
10 security plans and security measures at the seaports listed in  
11 s. 311.09(1). Funds may be used for the purchase of equipment,  
12 infrastructure needs, cybersecurity programs, and other security  
13 measures identified in a seaport's approved federal security  
14 plan. Such grants may not exceed 75 percent of the total cost of  
15 the request and are subject to legislative appropriation.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 7063      PCB HWSS 16-02      Department of Highway Safety and Motor Vehicles  
**SPONSOR(S):** Highway & Waterway Safety Subcommittee, Steube  
**TIED BILLS:**            **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Highway & Waterway Safety Subcommittee	13 Y, 0 N	Whittaker	Smith
1) Transportation & Economic Development Appropriations Subcommittee		Cobb <i>PC</i>	Davis <i>GD</i>
2) Economic Affairs Committee			

### SUMMARY ANALYSIS

The proposed committee bill covers various issues related to the Department of Highway Safety and Motor Vehicles (DHSMV). Specific issues the bill addresses are:

- Clarifying that the child restraint law for children ages 4 through 5 does not apply to day care facilities or child care providers when a seat belt is used.
- Increasing the fee from \$5 to \$7 that may be required, by ordinance, to be collected with each civil penalty to be used to fund driver education programs.
- Making the number of days required to change an address for driver licenses and vehicle registrations or to obtain a replacement license or identification card due to a legal name change uniform at 30 days.
- Providing a no-cost identification card to a juvenile offender who is in the custody or under the supervision of the Department of Juvenile Justice and is receiving services.
- Providing that the standard \$25 fee for an identification card be waived when issued to an individual who has had their driving privilege suspended or revoked by DHSMV due to a physical or mental impairment review.

The bill has an indeterminate, but likely significant fiscal impact on state revenues. Additionally, the bill will have an indeterminate, but likely insignificant cost to DHSMV. There will also be an indeterminate fiscal impact on local government revenues. The Revenue Estimating Conference has yet to meet to estimate the impact of this bill. See fiscal section for additional detail.

The bill has an effective date of October 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Child Restraint Requirements (Section 1):

###### **Present Situation**

Per the child restraint requirements of s. 316.613, F.S., every operator of a motor vehicle while transporting a child 5 years of age or younger must provide for the protection of the child by properly using a crash-tested, federally approved child restraint device.

- For children ages 3 and younger, the restraint device must be a separate carrier or a vehicle manufacturer's integrated seat.
- For children ages 4 through 5, a separate carrier, an integrated child seat, or a child booster seat may be used. However, the requirement to use a child restraint device does not apply when a safety belt is used and the child:
  - Is being transported gratuitously by an operator who is not a member of the child's immediate family;
  - Is being transported in a medical emergency situation involving the child; or
  - Has a medical condition that necessitates an exception as evidenced by appropriate documentation from a health care professional.

For the purposes of child restraint requirements, a "motor vehicle" means a motor vehicle that is operated on the roadways, streets, or highways of the state. The term does not include:

- A school bus as defined in s. 316.003(45), F.S.
- A bus used for the transportation of persons for compensation, other than a bus regularly used to transport children to or from school, as defined in s. 316.615(1)(b), F.S., or in conjunction with school activities.
- A farm tractor or implement of husbandry.
- A truck having a gross vehicle weight rating of more than 26,000 pounds.
- A motorcycle, moped, or bicycle.

Any person who violates child restraint requirements commits a moving violation and shall pay \$60 and be assessed 3 points against his or her driver license. In lieu of the \$60 penalty and the assessment of 3 points, a person may elect, with the court's approval, to participate in a child restraint safety program approved by the chief judge of the circuit in which the violation occurs, and, upon completing such program, the penalty and associated costs may be waived at the court's discretion and the assessment of points shall be waived.<sup>1</sup>

The child restraint requirements do not apply to a chauffeur-driven taxi, limousine, sedan, van, bus, motor coach, or other passenger vehicle if the operator and the motor vehicle are hired and used for the transportation of persons for compensation.<sup>2</sup>

###### **Proposed Change**

The bill amends s. 316.613(1)(a), F.S., clarifying that the child restraint law for children ages 4 through 5 does not apply when a seat belt is used and the child is being transported by a:

- Child care facility,<sup>3</sup>

<sup>1</sup> s. 316.613(5), F.S.

<sup>2</sup> s. 316.613(6), F.S.

<sup>3</sup> "Child Care Facility" is defined in s. 402.302(2), F.S., and includes any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit.

- Family day care home,<sup>4</sup>
- Large family child care home,<sup>5</sup>
- After school program not requiring licensure,<sup>6</sup>
- Exempted child care facility,<sup>7</sup> or
- Entity excluded from the definition of “child care facility”<sup>8</sup>

The bill revises the definition of the term “motor vehicle”, for child restraint purposes, to no longer include a bus regularly used to transport children to or from school, or in conjunction with school activities.

### **The Dori Slosberg Driver Education Safety Act (Section 2):**

#### **Present Situation**

The Dori Slosberg Driver Education Safety Act provides that a board of county commissioners may require, by ordinance, that the clerk of the court collect an additional \$5 with each civil traffic penalty, which shall be used to fund driver education programs in public and nonpublic schools. The ordinance shall provide for the board of county commissioners to administer the funds, which shall be used for enhancement, and not replacement, of driver education program funds. The funds shall be used for direct educational expenses and shall not be used for administration. Each driver education program receiving funds pursuant to this section shall require that a minimum of 30 percent of a student’s time in the program be behind-the-wheel training.<sup>9</sup>

#### **Proposed Change**

The bill amends s. 318.1215, F.S., providing that a board of county commissioners may require, by ordinance, that the clerk of the court collect an additional \$7 with each civil traffic penalty, which shall be used to fund driver education programs in public and nonpublic schools.

### **Updating a Driver License or Motor Vehicle Registration (Section 3 and 5):**

#### **Present Situation**

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

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<sup>4</sup> “Family day care home” is defined in s. 402.302(8), F.S., as an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit.

<sup>5</sup> “Large family child care home” is defined in s. 402.302(11), F.S. as an occupied residence in which child care is regularly provided for children from at least two unrelated families, which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation.

<sup>6</sup> Per Rule 65C-22.008, Florida Administrative Code, a definition is provided for child care which distinguishes between child care programs that require child care licensure and after-school programs that do not require licensure.

<sup>7</sup> Section 402.316, F.S., provides for an exempted child care facility which is an integral part of church or parochial schools conducting regularly scheduled classes, courses of study, or educational programs accredited by, or by a member of, an organization which publishes and requires compliance with its standards for health, safety, and sanitation.

<sup>8</sup> The following are excluded from the definition of “child care facility” per s. 402.302(2)(a)-(e), F.S.: Public schools and nonpublic schools and their integral programs, except as provided in s. 402.3025; Summer camps having children in full-time residence; Summer day camps; Bible schools normally conducted during vacation periods; and Operators of transient establishments, as defined in chapter 509, which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of chapter 435.

<sup>9</sup> s. 318.1215, F.S.

A new resident to the state is required to obtain a Florida driver license within 30 days before operating a motor vehicle on the highways of this state.<sup>10</sup> A resident of the state who possesses a valid driver license must report to DHSMV the legal address or name change within 10 calendar days of the change.<sup>11</sup>

For motor vehicle registration, the owner of the vehicle must notify DHSMV of any change of address within 20 days after such change.<sup>12</sup>

### **Proposed Change**

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

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

### **No Cost ID to Certain Juvenile Offenders (Section 4 and 6):**

#### **Present Situation**

The law currently provides for a fee waiver for a replacement identification card to Florida born inmates being released from prison and to a person who presents evidence that he or she is homeless.<sup>13</sup>

#### **Proposed Change**

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

### **No Cost ID due to Medical Sanction of a Driver License by DHSMV (Section 7):**

#### **Present Situation**

DHSMV, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed, may, at any time upon written notice of at least 5 days to the licensee, require him or her to submit to an examination or reexamination. Upon the conclusion of the exam or reexam, DHSMV may suspend or revoke the driver license of the person or restrict the license. Anyone who refuses to submit to the required exam or reexam will have his or her driver license suspended or revoked.<sup>14</sup>

#### **Proposed Change**

The bill amends s. 322.221, F.S., to provide a no cost identification card to those who have had their driving privilege suspended or revoked by DHSMV, whom having good cause to believe that a licensed driver was incompetent or otherwise not qualified to be licensed after written notice of at least 5 days to the licensee, required him or her to submit to an examination or reexamination, and upon conclusion of the exam or reexam, suspended or revoked the driver license of the person, or restricted the license.

Anyone who refuses to submit to the required exam or reexam will have his or her driver license suspended or revoked and can also be provided an identification card without payment of the standard \$25 fee.

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<sup>10</sup> s. 322.031(1), F.S.

<sup>11</sup> s. 322.19(1) and (2), F.S.

<sup>12</sup> s. 320.02(4), F.S.

<sup>13</sup> s. 322.051(9), F.S.

<sup>14</sup> s. 322.221, F.S.

**B. SECTION DIRECTORY:**

- Section 1** Amends s. 316.613, F.S., revising exemptions from using a certain child restraint device; revising the definition of the term “motor vehicle.”
- Section 2** Amends s. 318.1215, F.S., increasing the additional fee that the clerk of court may be required to collect with each civil traffic penalty.
- Section 3** Amends s. 320.02, F.S., providing exceptions to a requirement that the owner of a motor vehicle notify the department of a change of address within a certain time period; revising such time period.
- Section 4** Amends s. 322.051, F.S., providing for the issuance of identification cards at no charge to certain persons in the custody or under the supervision of the Department of Juvenile Justice; requiring certain identification cards to be processed by the Department of Highway Safety and Motor Vehicles’ mobile issuing units.
- Section 5** Amends s. 322.19, F.S., providing exceptions to a requirement that a person obtain a replacement driver license reflecting a change of name within a certain time period; revising the time period for obtaining a replacement license reflecting certain changes of information; requiring certain persons to obtain a replacement identification card reflecting a change of name within a certain time period.
- Section 6** Amends s. 322.21, F.S., providing for the issuance of identification cards at no charge to certain persons in the custody or under the supervision of the Department of Juvenile Justice; requiring certain identification cards to be processed by the Department of Highway Safety and Motor Vehicles’ mobile issuing units.
- Section 7** Amends s. 322.221, F.S., directing the department to issue an identification card at no cost to a person whose driver license is suspended or revoked due to certain circumstances.
- Section 8** Provides an effective date of October 1, 2016.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

**1. Revenues:**

The bill will have an indeterminate, but significant negative impact to the General Revenue (GR) Fund and the Highway Safety Operating Trust Fund (HSOTF). The Revenue Estimating Conference has not yet estimated the impacts of the bill.

However, the DHSMV has provided the following estimates:

There will be approximately 2,500 juvenile offenders annually who could be issued a no-cost identification card, and, at \$25 per card, the total revenue impact is estimated at \$62,500. Depending on the type of transaction (original, renewal, or replacement), the amount to which GR or the HSOTF will be impacted could vary; however, because the population is comprised of juveniles, it is assumed that most of the transactions will be for original identification cards, in which case the impact would be solely to General Revenue.

The impact of waiving the standard \$25 fee when issuing identification cards to individuals who have their driver license suspended or revoked due to a medical sanction is estimated by DHSMV to be \$459,625 to General Revenue in the first year (approximately 18,385 individuals at \$25 per card = \$459,625). The impact in subsequent fiscal years could be potentially greater as Florida's population increases.<sup>15</sup>

2. Expenditures:

Per DHSMV, the cardstock used to print an identification card costs \$1.97. The estimated cost to the department for issuing approximately 2,500 cards to juvenile offenders and 18,385 cards for those driver licenses medically suspended is \$41,143 annually. This cost will be absorbed within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Additionally, the revision to s. 318.1215, F.S., which increases the additional fee that counties may collect for civil traffic penalties from \$5 to \$7, will have an indeterminate, but positive fiscal impact to local governments. These additional revenues must be used for driver education programs in public and nonpublic schools.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

To the extent a juvenile offender or medically sanctioned individual would have purchased an identification card, under the bill, that individual will receive an identification card without payment of the standard \$25 fee.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expand funds or to take action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

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<sup>15</sup> Email from the DHSMV (Nov. 23, 2015)(on file with the House Transportation and Economic Development Appropriations Subcommittee  
STORAGE NAME: h7063.TEDAS.DOCX  
DATE: 1/14/2016

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On January 13, 2016, the Highway & Waterway Safety Subcommittee adopted one amendment to PCB HWSS 16-02 and reported the proposed committee bill favorably. The amendment:

- Increases the fee from \$5 to \$7 that may be required, by ordinance, to be collected with each civil penalty to be used to fund driver education programs.

This analysis is drafted to the proposed committee bill as amended and reported favorably by the Highway & Waterway Safety Subcommittee.

1                                   A bill to be entitled  
 2           An act relating to the Department of Highway Safety  
 3           and Motor Vehicles; amending s. 316.613, F.S.;  
 4           revising exemptions from using a certain child  
 5           restraint device; revising the definition of the term  
 6           "motor vehicle" for purposes of child restraint  
 7           requirements; amending s. 318.1215, F.S.; revising the  
 8           amount of a fee that a clerk of court may be required  
 9           to collect with each civil traffic penalty; amending  
 10          s. 320.02, F.S.; providing exceptions to a requirement  
 11          that the owner of a motor vehicle notify the  
 12          department of a change of address within a specified  
 13          time period; revising such time period; amending ss.  
 14          322.051 and 322.21, F.S.; providing for the issuance  
 15          of identification cards at no charge to certain  
 16          persons in the custody or under the supervision of the  
 17          Department of Juvenile Justice; requiring certain  
 18          identification cards to be processed by the Department  
 19          of Highway Safety and Motor Vehicles' mobile issuing  
 20          units; amending s. 322.19, F.S.; providing exceptions  
 21          to a requirement that a person obtain a replacement  
 22          driver license reflecting a change of name within a  
 23          specified time period; revising the time period for  
 24          obtaining a replacement license reflecting certain  
 25          changes of information; requiring certain persons to  
 26          obtain a replacement identification card reflecting a

27 | change of name within a specified time period;  
 28 | amending s. 322.221, F.S.; directing the department to  
 29 | issue an identification card at no cost to a person  
 30 | whose driver license is suspended or revoked due to a  
 31 | physical or mental condition; providing an effective  
 32 | date.

33 |

34 | Be It Enacted by the Legislature of the State of Florida:

35 |

36 | Section 1. Paragraph (a) of subsection (1) and paragraph  
 37 | (b) of subsection (2) of section 316.613, Florida Statutes, are  
 38 | amended to read:

39 | 316.613 Child restraint requirements.—

40 | (1)(a) Every operator of a motor vehicle as defined in  
 41 | this section, while transporting a child in a motor vehicle  
 42 | operated on the roadways, streets, or highways of this state,  
 43 | shall, if the child is 5 years of age or younger, provide for  
 44 | protection of the child by properly using a crash-tested,  
 45 | federally approved child restraint device.

46 | 1. For children aged through 3 years, such restraint  
 47 | device must be a separate carrier or a vehicle manufacturer's  
 48 | integrated child seat.

49 | 2. For children aged 4 through 5 years, a separate  
 50 | carrier, an integrated child seat, or a child booster seat may  
 51 | be used. However, the requirement to use a child restraint  
 52 | device under this subparagraph does not apply when a safety belt

53 is used as required in s. 316.614(4)(a) and the child:

54 a. Is being transported gratuitously by an operator who is  
55 not a member of the child's immediate family;

56 b. Is being transported in a medical emergency situation  
57 involving the child; ~~or~~

58 c. Is being transported by a child care facility, family  
59 day care home, or large family child care home as those terms  
60 are defined in s. 402.302; an after-school program not requiring  
61 licensure pursuant to chapter 402; a child care facility exempt  
62 from licensure pursuant to s. 402.316; or an entity excluded  
63 from the definition of child care facility pursuant to s.  
64 402.302(2); or

65 d. Has a medical condition that necessitates an exception  
66 as evidenced by appropriate documentation from a health care  
67 professional.

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

72 (b) A bus used for the transportation of persons for  
73 compensation, ~~other than a bus regularly used to transport~~  
74 ~~children to or from school, as defined in s. 316.615(1)(b), or~~  
75 ~~in conjunction with school activities.~~

76 Section 2. Section 318.1215, Florida Statutes, is amended  
77 to read:

78 |           318.1215 Dori Slosberg Driver Education Safety Act.—  
 79 | Notwithstanding ~~the provisions of~~ s. 318.121, a board of county  
 80 | commissioners may require, by ordinance, that the clerk of the  
 81 | court collect an additional \$7 ~~\$5~~ with each civil traffic  
 82 | penalty, which shall be used to fund driver education programs  
 83 | in public and nonpublic schools. The ordinance shall provide for  
 84 | the board of county commissioners to administer the funds, which  
 85 | shall be used for enhancement, and not replacement, of driver  
 86 | education program funds. The funds shall be used for direct  
 87 | educational expenses and shall not be used for administration.  
 88 | Each driver education program receiving funds pursuant to this  
 89 | section shall require that a minimum of 30 percent of a  
 90 | student's time in the program be behind-the-wheel training. This  
 91 | section may be cited as the "Dori Slosberg Driver Education  
 92 | Safety Act."

93 |           Section 3. Subsection (4) of section 320.02, Florida  
 94 | Statutes, is amended to read:

95 |           320.02 Registration required; application for  
 96 | registration; forms.—

97 |           (4) Except for a person subject to s. 775.21, s. 775.261,  
 98 | s. 943.0435, s. 944.607, or s. 985.4815, the owner of any motor  
 99 | vehicle registered in the state shall notify the department in  
 100 | writing of any change of address within 30 ~~20~~ days after ~~of~~ such  
 101 | change. The notification shall include the registration license  
 102 | plate number, the vehicle identification number (VIN) or title  
 103 | certificate number, year of vehicle make, and the owner's full

104 name.

105 Section 4. Subsection (9) of section 322.051, Florida  
 106 Statutes, is amended to read:

107 322.051 Identification cards.—

108 (9) Notwithstanding any other provision of this section or  
 109 s. 322.21 to the contrary, the department shall issue or renew a  
 110 card at no charge to a person who presents evidence satisfactory  
 111 to the department that he or she is homeless as defined in s.  
 112 414.0252(7), to a juvenile offender who is in the custody or  
 113 under the supervision of the Department of Juvenile Justice and  
 114 receiving services pursuant to s. 985.461, to an inmate  
 115 receiving a card issued pursuant to s. 944.605(7), or, if  
 116 necessary, to an inmate receiving a replacement card if the  
 117 department determines that he or she has a valid state  
 118 identification card. If the replacement state identification  
 119 card is scheduled to expire within 6 months, the department may  
 120 also issue a temporary permit valid for at least 6 months after  
 121 the release date. The department's mobile issuing units shall  
 122 process the identification cards for juvenile offenders and  
 123 inmates at no charge, as provided by s. 944.605(7)(a) and (b).

124 Section 5. Subsections (1) and (2) of section 322.19,  
 125 Florida Statutes, are amended to read:

126 322.19 Change of address or name.—

127 (1) Except as provided in s. 775.21, s. 775.261, s.  
 128 943.0435, s. 944.607, or s. 985.4815, whenever any person, after  
 129 applying for or receiving a driver license or identification

130 card, changes his or her legal name, that person must within 30  
 131 ~~40~~ days thereafter obtain a replacement license or card that  
 132 reflects the change.

133 (2) If a ~~Whenever any~~ person, after applying for or  
 134 receiving a driver license or identification card, changes the  
 135 legal residence or mailing address in the application, ~~or~~  
 136 license, or card, the person must, within 30 ~~40~~ calendar days  
 137 after making the change, obtain a replacement license or card  
 138 that reflects the change. A written request to the department  
 139 must include the old and new addresses and the driver license or  
 140 identification card number. Any person who has a valid, current  
 141 student identification card issued by an educational institution  
 142 in this state is presumed not to have changed his or her legal  
 143 residence or mailing address. This subsection does not affect  
 144 any person required to register a permanent or temporary address  
 145 change pursuant to s. 775.13, s. 775.21, s. 775.25, or s.  
 146 943.0435.

147 Section 6. Paragraph (f) of subsection (1) of section  
 148 322.21, Florida Statutes, is amended to read:

149 322.21 License fees; procedure for handling and collecting  
 150 fees.—

151 (1) Except as otherwise provided herein, the fee for:

152 (f) An original, renewal, or replacement identification  
 153 card issued pursuant to s. 322.051 is \$25, except that an  
 154 applicant who presents evidence satisfactory to the department  
 155 that he or she is homeless as defined in s. 414.0252(7); ~~or~~ his

156 | or her annual income is at or below 100 percent of the federal  
 157 | poverty level; or he or she is a juvenile offender who is in the  
 158 | custody or under the supervision of the Department of Juvenile  
 159 | Justice, is receiving services pursuant to s. 985.461, and whose  
 160 | identification card is issued by any of the department's mobile  
 161 | issuing units is exempt from such fee. Funds collected from fees  
 162 | for original, renewal, or replacement identification cards shall  
 163 | be distributed as follows:

164 |         1. For an original identification card issued pursuant to  
 165 | s. 322.051, the fee shall be deposited into the General Revenue  
 166 | Fund.

167 |         2. For a renewal identification card issued pursuant to s.  
 168 | 322.051, \$6 shall be deposited into the Highway Safety Operating  
 169 | Trust Fund, and \$19 shall be deposited into the General Revenue  
 170 | Fund.

171 |         3. For a replacement identification card issued pursuant  
 172 | to s. 322.051, \$9 shall be deposited into the Highway Safety  
 173 | Operating Trust Fund, and \$16 shall be deposited into the  
 174 | General Revenue Fund. Beginning July 1, 2015, or upon completion  
 175 | of the transition of the driver license issuance services, if  
 176 | the replacement identification card is issued by the tax  
 177 | collector, the tax collector shall retain the \$9 that would  
 178 | otherwise be deposited into the Highway Safety Operating Trust  
 179 | Fund and the remaining revenues shall be deposited into the  
 180 | General Revenue Fund.

181 |         Section 7. Subsection (3) of section 322.221, Florida

182 Statutes, is amended to read:

183 322.221 Department may require reexamination.—

184 (3) (a) Upon the conclusion of such examination or  
 185 reexamination the department shall take action as may be  
 186 appropriate and may suspend or revoke the license of such person  
 187 or permit him or her to retain such license, or may issue a  
 188 license subject to restrictions as permitted under s. 322.16.  
 189 Refusal or neglect of the licensee to submit to such examination  
 190 or reexamination shall be ground for suspension or revocation of  
 191 his or her license.

192 (b) If the department suspends or revokes the license of a  
 193 person due to his or her physical or mental condition, the  
 194 department shall issue an identification card to the person at  
 195 the time of the license suspension or revocation. The department  
 196 may not charge fees for the issuance of the identification card.

197 Section 8. This act shall take effect October 1, 2016.