

Transportation & Economic Development Appropriations Subcommittee

**Tuesday, April 1, 2014
8:30 AM - 10:30 AM
Reed Hall (102 HOB)**

MEETING PACKET

**Will Weatherford
Speaker**

**Ed Hooper
Chair**



The Florida House of Representatives

Appropriations Committee

Transportation & Economic Development Appropriations Subcommittee

Will Weatherford
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Chair

April 1, 2014

AGENDA
8:30 AM – 10:30 AM
Reed Hall

I. Call to Order/Roll Call

II. Consideration of Bills

HB 65 Specialty License Plates/Fallen Law Enforcement Officers
by Rep Hooper

CS/HB 225 Child Safety Devices in Motor Vehicles by Rep. Perry

CS/HB 353 Expressway Authorities by Rep. Nuñez

CS/HB 883 License Plates by Rep. Broxson

CS/HB 1161 Department of Transportation by Rep. Goodson

CS/HB 1181 Driver Licenses by Rep. Young

CS/HB 1193 Off-Highway Vehicles by Rep. Hill

CS/HB 1325 Parking Permits for Persons with Mobility Impairment
by Rep. Zimmermann

HB 7149 Transportation Facility Designations by Rep. Raschein

III. Closing Remarks/Adjourn

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 65 Specialty License Plates/Fallen Law Enforcement Officers
SPONSOR(S): Hooper and others
TIED BILLS: IDEN./SIM. BILLS: CS/SB 132

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|---|-----------|-------------------|--|
| 1) Transportation & Highway Safety Subcommittee | 14 Y, 0 N | Dugan | Miller - |
| 2) Transportation & Economic Development Appropriations Subcommittee | | Perkins <i>rl</i> | Davis <i>GD</i> |
| 3) Economic Affairs Committee | | | |

SUMMARY ANALYSIS

The bill creates the Fallen Law Enforcement Officers specialty license plate, establishes the annual use fee for the plate, and provides for the distribution of the annual use fees received from the sale of the plate.

The bill requires the Department of Highway Safety & Motor Vehicles (DHSMV) to develop the plate, notwithstanding the statutory moratorium on the creation of new specialty license plates, provided the sponsoring organization (Police and Kids Foundation, Inc.) meets the requirements established in s. 320.08053, F.S. Specifically, the Police and Kids Foundation, Inc., (Foundation) must submit the proposed art design of the specialty license plate to the DHSMV no later than 60 days after the bill becomes law and record a minimum of 1,000 pre-sale vouchers within 24 months after the pre-sale specialty license plate voucher is established.

The annual use fee for the Fallen Law Enforcement Officers specialty license plate is \$25, and will be distributed to the Foundation. A maximum of 10 percent of the use fee proceeds may be used to promote and market the specialty license plate. The remainder of the use fee proceeds received by the Foundation must be invested and reinvested, and the interest earnings are designated for operational purposes of the Foundation.

The bill requires that the word "Florida" appear at the top of the specialty license plate, and the words "A Hero Remembered Never Dies" appear at the bottom.

The bill has an insignificant negative fiscal impact on the DHSMV workload as a result of the programming hours needed to implement the provision of the bill.

The bill has an effective date of October 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Specialty License Plates

Currently, specialty license plates are available to any owner or lessee of a motor vehicle who is willing to pay an annual use fee for the privilege. Annual use fees ranging from \$15 to \$25, paid in addition to required license taxes and service fees, are distributed to an organization in support of a particular cause or charity signified in the plate's design and designated in statute. Sales of specialty license plates generated more than \$31 million in total gross revenues during the Fiscal Year 2013.¹

The Legislature may create a specialty license plate under its own initiative or it can do so at the request of an organization. As of 2013, the Legislature has authorized 122 specialty license plates. A sponsoring organization wishing to receive a specialty license plate is required to comply with the requirements of s. 320.08053, F.S., which include the following processes:

- Section 320.08053(1), F.S., requires the sponsoring organization to:
 - submit a description of the proposed specialty license plate to the DHSMV;
 - pay an application fee, not to exceed \$60,000; and
 - submit a marketing strategy outlining short-term and long-term marketing plans and a financial analysis outlining anticipated revenues and expenditures;
- Section 320.08053(2), F.S. requires the sponsoring organization, if the proposed specialty license plate is approved by law, to submit the proposed art design for the specialty license plate to the DHSMV; and
- Section 320.08053(3), F.S. requires the sponsoring organization, prior to the manufacture of the proposed specialty license plate, to record with the DHSMV a minimum of 1,000 voucher sales within 24 months after the pre-sale specialty license plate voucher is established.²

In 2009, the constitutionality of s. 320.08053, F.S., was challenged in the U.S. District Court for the Middle District of Florida. The court declared the 2009 version of s. 320.08053, F.S., invalid,³ however, in 2010 the Legislature made changes to that section of the statute.

Moratorium

Currently, there is a moratorium on the issuance of new specialty license plates. Section 45, Ch. 2008-176, L.O.F., as amended by s. 21, Ch. 2010-223, L.O.F., provides that, except for a specialty license plate proposal which has submitted a letter of intent to the DHSMV prior to May 2, 2008, and which has submitted a valid survey, marketing strategy, and application fee as required by s. 320.08053, F.S., prior to October 1, 2008, or which was included in a bill filed during the 2008 Legislative Session, the DHSMV may not issue any new specialty license plates pursuant to ss. 320.08056 and 320.08058, F.S., between July 1, 2008, and July 1, 2014.”

Fallen Law Enforcement Officers

According to the Federal Bureau of Investigation (FBI), 95 law enforcement officers died from injuries incurred in the line of duty in 2012.⁴ On average, one law enforcement officer is killed in the line of duty

¹ DHSMV website, Monthly Revenue Collections Report, available at: <http://services.flhsmv.gov/specialtyplates/> (last viewed March 24, 2014).

² Section 320.08053(3), F.S., provides that if the minimum sales requirement has not been met at the end of the 24-month pre-sale period, the DHSMV will de-authorize the specialty license plate, discontinue development, and discontinue issuance of the pre-sale voucher

³ Case No. 6:09-cv-134-orl-28krs.

somewhere in the United States every 57 hours.⁵ Since the first known line-of-duty death in 1791, more than 19,000 U.S. law enforcement officers have made the ultimate sacrifice.⁶

Police and Kids Foundation, Inc.

The Foundation is a non-profit 501(c)(3) charity, set up with two objectives: helping children in need and creating a yearly scholarship for at least one senior student at Pinellas Park High School Criminal Justice Academy.⁷

The Foundation generates funding to assist children in and around the Tampa Bay community. Local police officers provide assistance of food, infant supplies, clothing, and any other measures necessary to stabilize a situation and improve a child's life.

Effect of Proposed Changes

The bill amends ss. 320.08056, F.S. and 320.08058, F.S., to develop the Fallen Law Enforcement Officers specialty license plate, establish the annual use fee for the plate, and provide for the distribution of the annual use fees received from the sale of the plate.

The bill requires the DHSMV to develop the plate, notwithstanding the statutory moratorium on the creation of new specialty license plates, provided the Foundation meets the requirements in s. 320.08053(2) and (3), F.S. Specifically, the Foundation must submit the proposed art design to the DHSMV no later than 60 days after the bill becomes law and record a minimum of 1,000 pre-sale vouchers by the conclusion of the 24-month pre-sale period.

The bill requires that the word "Florida" appear at the top of the specialty license plate, and the words "A Hero Remembered Never Dies" at the bottom.

Drivers can purchase the specialty plate upon payment of the appropriate license taxes and fees and the \$25 annual use fee. The annual use fee proceeds will be distributed to the Foundation. A maximum of 10 percent of the use fee proceeds may be used to promote and market the specialty license plate. The remainder of the use fee proceeds received by the Foundation must be invested and reinvested, and the interest earnings are designated for operational purposes of the Foundation.

Effective Date

The bill has an effective date of October 1, 2014.

B. SECTION DIRECTORY:

Section 1: Amends s. 320.08056(4), F.S., to provide for the collection of an annual use fee for the Fallen Law Enforcement Officers specialty license plate.

Section 2: Amends s. 320.08058, F.S., to create the Fallen Law Enforcement Officers specialty license plate.

Section 3: Provides and effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

⁴ U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, Law Enforcement Officers Killed & Assaulted, 2012 Report, available at: <http://www.fbi.gov/about-us/cjis/ucr/leoka/2012> (last viewed March 24, 2014).

⁵ National Law Enforcement Officers Memorial Fund, Facts & Figures, available at: <http://www.nleomf.org/facts/> (last viewed March 24, 2014).

⁶ Id.

⁷ Police and Kids Foundation, Inc., available at: <http://www.policeandkids.com/about/> (last viewed March 24, 2014)

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The DHSMV's Information Systems Administration Office will require approximately 88 hours of programming in order to implement the provisions of this bill. This workload is nonrecurring and the department is not anticipating any additional appropriation to implement the specialty license plate.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Persons who purchase the Fallen Law Enforcement Officers specialty license plate will pay the \$25 annual use fee, in addition to the appropriate license taxes and fees.

D. FISCAL COMMENTS:

None.

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:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The moratorium period prohibiting the DHSMV from establishing new specialty license plates is effective "between July 1, 2008, and July 1, 2014". As such, new specialty license plates will be permissible beginning July 1, 2014. The effective date of the bill is October 1, 2014.

According to the bill's language, and as reflected in this analysis, the DHSMV will be required to create the Fallen Law Enforcement Officers specialty license plate if the Foundation meets the requirements of s. 320.08053(2) and (3), F.S. However, the DHSMV's analysis of the bill indicates that s. 320.08053(1) and (2), F.S., were invalidated. As such, it is unclear whether the Foundation will be required to meet the requirements of s. 320.08053(2), F.S., which would require the Foundation to submit the proposed art design for the specialty license plate to the DHSMV.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

27 must appear at the top of the plate, and the words "A Hero
 28 Remembered Never Dies" must appear at the bottom of the plate.

29 (b) The annual use fees shall be distributed to the Police
 30 and Kids Foundation, Inc., which may use a maximum of 10 percent
 31 of the proceeds to promote and market the plate. The remainder
 32 of the proceeds shall be used by the Police and Kids Foundation,
 33 Inc., to invest and reinvest, and the interest earnings shall be
 34 used for the operation of the Police and Kids Foundation, Inc.

35 Section 3. This act shall take effect October 1, 2014.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 225 Transportation & Highway Safety Subcommittee; Child Safety Devices in Motor Vehicles
SPONSOR(S): Perry and others
TIED BILLS: IDEN./SIM. **BILLS:** SB 518

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|------------------|-------------------|---------------------------------------|
| 1) Transportation & Highway Safety Subcommittee | 14 Y, 0 N, As CS | Thompson | Miller |
| 2) Transportation & Economic Development Appropriations Subcommittee | | Perkins <i>RP</i> | Davis <i>[Signature]</i> |
| 3) Economic Affairs Committee | | | |

SUMMARY ANALYSIS

Current law governing the use of child restraint devices (CRDs) requires every motor vehicle operator to properly use a crash-tested, federally approved CRD when transporting a child 5 years of age or younger. However, for children aged 4 through 5 years, a separate carrier, an integrated child seat, or a seat belt may be used. A driver who violates this requirement is subject to a \$60 fine, court costs and add-ons, and having three points assessed against his or her driver's license. However, the driver may elect, with the court's approval, to participate in a child restraint safety program, completion of which, authorizes the court to waive the penalties and assessment of points.

The bill revises child restraint requirements for children passengers in motor vehicles. The bill revises the provision allowing a seat belt to be used in lieu of a specialized device for children between 4 and 5 years of age. The bill specifies the device used for a child aged 4 through 5 must be a separate carrier, an integrated child seat, or a booster seat. A seat belt may be used for children between 4 and 5 years of age when the motor vehicle operator is not a member of the child's immediate family and the child is being transported either gratuitously, in the case of an emergency, or when a medical condition necessitates an exception as evidenced by appropriate documentation from a health professional.

The bill has an indeterminate positive fiscal impact for state and local governments. Additional fine revenues may be generated through citations issued for violating the new CRD requirements.

The bill provides an effective date of January 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

According to the National Center for Disease Control and Prevention (CDC), motor vehicle injuries are the leading cause of death among children in the United States (U.S.). A major risk factor includes the incorrect use of child restraint systems. CDC provides that:

- Use of a Car seat reduces the risk for death to infants (aged less than 1 year) by 71 percent; and to toddlers (aged 1-4 years) by 54 percent in passenger vehicles.
- Use of a Booster seat reduces the risk for serious injury by 45 percent for children aged 4-8 years when compared with seat belt use alone)
- For older children and adults, use of a seat belt reduces the risk for death and serious injury by approximately one-half.¹

A recent study of five states that increased the age requirement to 7 or 8 years for car seat/booster seat use found that the rate of children using car seats and booster seats increased nearly three times and the rate of children who sustained fatal or incapacitating injuries decreased by 17 percent.²

National Guidelines

The CDC recommends making sure children are properly buckled in a seat belt, booster seat, or car seat, whichever is appropriate for their age, height and weight. The following chart depicts the National Highway Traffic Safety Administration's (NHTSAs) latest car seat recommendations for children³:

- Birth up to age 2—Rear-facing car seat.
- Age 2 up to at least age 5—Forward-facing car seat. When a child outgrows a rear-facing seat, he or she should be buckled in a forward-facing car seat, in the back seat, until at least age 5 or when they reach the upper weight or height limit of seat.
- Age 5 up until seat belts fit properly—booster seat. Once a child outgrows a forward-facing seat, (by reaching the upper height or weight limit of their seat) he or she should be buckled in a belt positioning booster seat until seat belts fit properly.
- Once seat belts fit properly without a booster seat—Child no longer needs to use a booster seat once seat belts fit them properly. The seat belt fits properly when the lap belt lays across the upper thighs (not the stomach) and the shoulder belt lays across the chest (not the neck). The recommended height for proper seat belt fit is 57 inches tall.⁴

Other States' Child Passenger Safety Laws

Child passenger restraint requirements vary based on age, weight and height. Often, this happens in three stages: infants use rear-facing infant seats; toddlers use forward-facing child safety seats; and older children use booster seats.

- All 50 states, the District of Columbia, Guam, the Northern Mariana Islands and the Virgin Islands require child safety seats for infants and children fitting specific criteria.

¹ See the CDC Child Passenger Safety: Fact Sheet at: http://www.cdc.gov/Motorvehiclesafety/Child_Passenger_Safety/CPS-Factsheet.html, (Last viewed Dec. 13, 2013).

² Id.

³ Additional information and resources regarding car seats and keeping kids safe is available at the National Highway Traffic Safety Administration Parents Central website, at <http://www.safercar.gov/parents/index.htm>, (Last viewed 2/18/14).

⁴ The CDC car seat recommendations for children are adapted from the National Highway Traffic Safety Administration recommendations. The CDC Guidelines for Parents and Caregivers can be viewed at: http://www.cdc.gov/motorvehiclesafety/images/child_passenger_safety/VS_cps_image_fullsize.jpg, (Last viewed 3/19/14).

- 48 states, the District of Columbia, and Puerto Rico require booster seats or other appropriate devices for children who have outgrown their child safety seats but are still too small to use an adult seat belt safely. Only Florida and South Dakota allow the use of seatbelts (only) for children under the age of 5.
- Five states (California, Florida, Louisiana, New Jersey and New York) have seat belt requirements for school buses. Texas requires them on buses purchased after September 2010.⁵

Present Situation

Currently, s. 316.613, F.S., governing the use of child restraint devices (CRDs)⁶ requires every motor vehicle operator to properly use a crash-tested, federally approved CRD when transporting a child 5 years of age or younger. For children 3 years of age or younger, the CRD must be a separate carrier or a vehicle manufacturer's integrated child seat. For children aged 4 through 5 years, a separate carrier, an integrated child seat, or a seat belt may be used.⁷ These requirements apply to motor vehicles operated on the roadways, streets, and highways of this state.⁸

The requirements do not apply to a:

- school bus;
- bus used to transport persons for compensation;
- farm tractor;
- truck of net weight of more than 26,000 pounds;
- motorcycle, moped, or bicycle;⁹ or
- chauffeur-driven taxi, limousine, sedan, van, bus, motor coach, or passenger vehicle if the operator and the motor vehicle are hired and used for the transportation of persons for compensation.¹⁰

A driver who violates this requirement is subject to a \$60 fine,¹¹ court costs and add-ons, and having three points assessed against his or her driver's license.¹² However, a driver who violates this requirement may elect, with the court's approval, to participate in a child restraint safety program.¹³ Upon completing such program the above penalties may be waived at the court's discretion and the assessment of points waived.¹⁴ The child restraint safety program must use a course approved by the Department of Highway Safety and Motor Vehicles (DHSMV), and the fee for the course must bear a reasonable relationship to the cost of providing the course.¹⁵

⁵ The Governor's Highway Safety Association website at: http://www.ghsa.org/html/stateinfo/laws/childsafety_laws.html (Last viewed 3/19/14).

⁶ The United States Department of Transportation Federal Motor Carrier Safety Standards, Standard No. 213; "Child restraint systems" provides definitions and specifies requirements for various child restraint systems used in motor vehicles and aircraft. The standard defines a "child restraint system" as any device, except Type I or Type II seat belts, designed for use in a motor vehicle or aircraft to restrain, seat, or position children who weigh 30 kilograms (kg) or less. The standard provides various types of child restraint systems, including, but not limited to, "booster seats," "add-on child restraint systems" (portable child restraint system), "rear-facing child restraint systems," and "factory-installed built-in child restraints." The standard also provides requirements, including, but not limited to, system integrity, injury criteria, impact protection, installation, performance, belt restraint, labeling, and test condition and procedures.

⁷ s. 316.613(1)(a), F.S.

⁸ s. 316.613(2), F.S., provides that the term "motor vehicle" means a motor vehicle as defined in s. 316.003, F.S., that is operated on the roadways, streets, and highways of the state.

⁹ s. 316.613(2), F.S.

¹⁰ s. 316.613(6), F.S.

¹¹ s. 318.18(3)(a), F.S.

¹² See s. 316.613(5), F.S.

¹³ Id.

¹⁴ Id.

¹⁵ Id.

Proposed Changes

The bill amends s. 316.613, F.S., to revise both the child restraint device requirements, and the safety belt authorization, for children 4 through 5 years of age.

Specifically, the bill adds child booster seats to the types of child restraint devices in which children aged 4 through 5 years must be transported while in a motor vehicle. The bill also removes the authorization to transport children aged 4 through 5 years with only a safety belt, and instead specifies that a safety belt may only be used for this age group when 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 which necessitates an exception as evidenced by appropriate documentation from a health professional.

B. SECTION DIRECTORY:

Section 1. amends s. 316.613, F.S., relating to child restraint requirements.

Section 2. provides an effective date of January 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Indeterminate. See fiscal comments.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Indeterminate. See fiscal comments.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Motor vehicle operators will be required to use either a child booster seat, a separate carrier, or an integrated child seat to transport children within the ages of 4 through 5 years. Seat belts alone will no longer be legal restraints for children ages 4 through 5, unless 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 which necessitates an exception as evidenced by appropriate documentation from a health professional..

There may be an increase in child restraint device sales due to the expanded age requirement specified in the bill.

Individuals who fail to use child restraint devices will be subject to a fine of at least \$60 and a three point assessment on the operator's driver's license. However, it is unknown how many additional violations will occur. As a result, the fiscal impact is indeterminate.

D. FISCAL COMMENTS:

While indeterminate, the bill may generate additional fine revenues for state and local governments¹⁶, the amount of which cannot be quantified as it is unknown how many citations will be issued for violating these new requirements for this specific age group.

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:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 24, 2014, the Transportation and Highway Safety Subcommittee adopted one amendment to HB 225 before reporting it favorable as a committee substitute. The amendment:

- Changed the upper age requirement from 7 to 5 years;
- Removed the height requirement;
- Added booster seats; and
- Allowed seat belts for ages 4 through 5 only for free by a non-family member or in medical situations.

This analysis is drafted to the committee substitute as reported favorably by the Transportation & Highway Safety Subcommittee.

¹⁶ s. 318.21, F.S., provides for the general distribution of traffic fine revenues.
STORAGE NAME: h0225b.TEDAS.DOCX
DATE: 3/28/2014

1 A bill to be entitled
 2 An act relating to child safety devices in motor
 3 vehicles; amending s. 316.613, F.S.; revising child
 4 restraint requirements for children who are younger
 5 than a specified age; requiring the use of a separate
 6 carrier, integrated child seat, or child booster seat
 7 for such children; providing exceptions; providing
 8 penalties; providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Paragraph (a) of subsection (1) of section
 13 316.613, Florida Statutes, is amended to read:

14 316.613 Child restraint requirements.—

15 (1)(a) Every operator of a motor vehicle as defined in
 16 this section, while transporting a child in a motor vehicle
 17 operated on the roadways, streets, or highways of this state,
 18 shall, if the child is 5 years of age or younger, provide for
 19 protection of the child by properly using a crash-tested,
 20 federally approved child restraint device.

21 1. For children aged through 3 years, such restraint
 22 device must be a separate carrier or a vehicle manufacturer's
 23 integrated child seat.

24 2. For children aged 4 through 5 years, a separate
 25 carrier, an integrated child seat, or a child booster seat ~~belt~~
 26 may be used. However, the requirement to use a child restraint

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

27 device under this subparagraph does not apply when a safety belt
 28 is used as required in s. 316.614(4)(a) and the child:

29 a. Is being transported gratuitously by an operator who is
 30 not a member of the child's immediate family;

31 b. Is being transported in a medical emergency situation
 32 involving the child; or

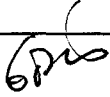
33 c. Has a medical condition that necessitates an exception
 34 as evidenced by appropriate documentation from a health care
 35 professional.

36 (5) Any person who violates this section commits a moving
 37 violation, punishable as provided in chapter 318 and shall have
 38 3 points assessed against his or her driver license as set forth
 39 in s. 322.27. In lieu of the penalty specified in s. 318.18 and
 40 the assessment of points, a person who violates this section may
 41 elect, with the court's approval, to participate in a child
 42 restraint safety program approved by the chief judge of the
 43 circuit in which the violation occurs, and, upon completing such
 44 program, the penalty specified in chapter 318 and associated
 45 costs may be waived at the court's discretion and the assessment
 46 of points shall be waived. The child restraint safety program
 47 must use a course approved by the Department of Highway Safety
 48 and Motor Vehicles, and the fee for the course must bear a
 49 reasonable relationship to the cost of providing the course.

50 Section 2. This act shall take effect January 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 353 Expressway Authorities
SPONSOR(S): Transportation & Highway Safety Subcommittee, Nuñez and others
TIED BILLS: IDEN./SIM. BILLS: SB 772

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|---|---------------------|---------|---|
| 1) Transportation & Highway Safety Subcommittee | 11 Y, 3 N, As CS | Johnson | Miller |
| 2) Transportation & Economic Development Appropriations Subcommittee | | Davis |  Davis |
| 3) Economic Affairs Committee | | | |

SUMMARY ANALYSIS

The bill revises several provisions of ch. 348, F.S., relating to expressway authorities.

The bill changes the number of members of the Miami-Dade County Expressway Authority (MDX) from 13 to nine. The bill also provides that subject to certain exceptions, MDX's toll cannot be increased without a supermajority vote of the Miami-Dade County Board of County Commissioners.

The bill makes the following changes to provisions governing MDX, Tampa-Hillsborough County Expressway Authority (THEA), Orlando-Orange County Expressway Authority (OOCEA) and Osceola County Expressway Authority (OCX):

- Prohibits members from serving on another transportation related organization.
- Prohibits lobbyists from serving as members of the authority.
- Provides post-employment restrictions for members of the authority or the executive director.
- Provides that the authority's general counsel serves as the authority's ethics officer.
- Requires for certain conflict of interest disclosures and a review of the disclosure forms.
- Requires the authority's Code of Ethics to outline the conflict of interest policy.
- Prohibits authority employees and consultants from serving on the governing board.
- Requires the code of ethics policy to be reviewed and updated and presented to the board at least once every two years.
- Requires employees to be adequately informed and trained in the code of ethics and continually participate in ongoing ethics education.

Adjustments are also made to some of the expressway authorities related to the removal of members from office and not being eligible for compensation.

There is no fiscal impact on state government revenues or expenditures. There is an indeterminate, likely minimal impact on the Miami-Dade County Board related to convening meetings to approve potential MDX toll increases.

The bill is effective July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Miami-Dade County Expressway Authority

The Florida Expressway Authority Act (Act), codified in part I of Ch. 348, F.S.,¹ authorizes any county or two or more contiguous counties within a single Department of Transportation (DOT) district to by resolution adopted by the board of county commissioners, form an expressway authority which shall be an agency of the state.² The Miami-Dade County Expressway Authority (MDX) is the only expressway authority created under the Act.³

MDX is an agency of the state created pursuant to the Act. It was created by the Miami-Dade County Commission, in 1994, pursuant to Chapter 2 Article XVIII of the Miami-Dade County Code of Ordinances.⁴

MDX's system consists of the following roadways in Miami-Dade County:

- Airport Expressway (SR 112);
- Dolphin Expressway (SR 836);
- Don Shula Expressway (SR 874);
- Snapper Creek Expressway (SR 878); and
- Gratigny Parkway (SR 924).

MDX's board consists of 13 members, seven of whom are appointed by the Miami-Dade County Commission and five of whom are appointed by the Governor. The 13th member is DOT's district six secretary, who is an ex-officio voting member.⁵

Tampa-Hillsborough County Expressway Authority

The Tampa Hillsborough County Expressway Authority (THEA) is created in part II of ch. 348, F.S.,⁶ and has the purposes of and has the power to construct, reconstruct, improve, extend, repair, maintain, and operate an expressway system in Hillsborough County.⁷ THEA owns and operates the Lee-Rõy Selmon Expressway, a 15-mile, four-lane limited-access road in Hillsborough County.

Orlando Orange County Expressway Authority

The Orlando Orange County Expressway Authority (OOCEA), created in part III of ch. 348, F.S.,⁸ currently serves Orange County and is 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.⁹

¹ Part I of ch. 348, F.S., consists of ss. 348.0001 through 348.0012, F.S.

² S. 348.0003(1), F.S.

³ While MDX is the only authority created pursuant to the Act, Part V of ch. 348, F.S., creating the Osceola County Expressway Authority contains numerous references to the Act.

⁴ A copy of the ordinance is available at <http://mdxway.com/about/history> (Last visited December 2, 2013).

⁵ S. 348.0003(2)(d), F.S.

⁶ Part II of ch. 348, F.S., consists of ss. 348.50 through 348.70, F.S.

⁷ S. 348.53, F.S.

⁸ Part III of ch. 348, F.S., consists of ss. 348.751 through 348.765, F.S.

⁹ S. 348.754(2)(n), F.S.

The OOCEA 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).

Osceola County Expressway Authority

Created in 2010, as part V of ch. 348, F.S.,¹⁰ the Osceola County Expressway Authority (OCX) currently serves Osceola County and has the purposes and powers identified in the Florida Expressway Authority Act,¹¹ including the power to acquire, hold, construct, improve, maintain, operate, and own an expressway system.¹² OCX is not currently operating any facility and has no funding or staffing. However, it has recently begun construction of the Poinciana Parkway.

Proposed Changes

Miami-Dade County Expressway Authority (Sections 1 and 2)

The bill amends s. 348.0003(d), F.S., revising the membership of MDX. The number of board members is reduced from 13 to nine. Four members are appointed by the governing body of the county. Four members are appointed by the Governor. The ninth member is DOT's district six secretary.

The bill amends s. 348.0004(2)(e), F.S., providing that notwithstanding any other provision of law, but subject to any contractual requirements contained in documents securing any indebtedness outstanding on July 1, 2014, that is payable from tolls, in Miami-Dade County, any authority toll increase must first be approved by resolution adopted by a supermajority vote, consisting of one vote greater than the majority, of the governing board of the county.

Expressway Authorities (Sections 1, 3, 4, and 5)

The bill amends the following sections to make changes related to membership and to ethics and accountability requirements for expressway authorities:

- s. 348.0003, F.S., relating to expressway authority; formation; membership;
- s. 348.52, F.S., relating to THEA;
- s. 348.753, F.S., relating to OOCEA; and
- s. 348.9952, F.S. relating to OCX.

Membership

The bill provides that members of the authorities appointed by the governing board of the county or appointed by the Governor may not serve as a member of any other transportation-related board, commission, or organization while serving as a member of an authority.

The bill provides that a lobbyist¹³ may not be appointed or serve as a member of the authority.

¹⁰ Part V of ch. 348, F.S., consists of ss. 348.9950 through 348.9961, F.S.

¹¹ Part I of ch. 348, F.S.

¹² S. 348.0004, F.S.

¹³ Section 112.3215(1)(h), F.S., defines "lobbyist" as "a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. "Lobbyist" does not include a person who is:

1. An attorney, or any person, who represents a client in a judicial proceeding or in a formal administrative proceeding conducted pursuant to chapter 120 or any other formal hearing before an agency, board, commission, or authority of this state.

2. An employee of an agency or of a legislative or judicial branch entity acting in the normal course of his or her duties.

The bill also updates provisions in these sections of statute regarding removal of members from office and that members of the authority do not receive compensation, but are entitled to the reimbursement of necessary expenses.¹⁴

Ethics and Accountability

The bill prohibits a member or executive director of an authority from doing the following:

- Personally representing another person or entity for compensation for two years following vacation of his or her position.
- Within two years of vacation of his or her position, having an employment or contractual relationship with a business entity other than an agency¹⁵ that was doing business with the authority at any time during the person's membership or employment by the authority.
- After vacating his or her position, have an employment or contractual relationship with a business entity other than an agency in connection with a contract in which the member or executive director personally and substantially participated through decision, approval, disapproval, recommendation, rendering of advice, or investigation while he or she was a member of the authority.
- A violation of the subsection is punishable in accordance with s. 112.317, F.S.¹⁶

Each authority's general council serves as its ethics officer.

Each authority's board members, employees, and consultants who hold positions that may influence authority decisions are required to refrain from engaging in any relationship that may adversely affect their judgment in carrying out authority business. The bill requires the following disclosures to be made annually on a disclosure form to prevent conflicts of interest and to preserve the integrity and transparency of the authority to the public:

- Any relationship a board member, employee, or consultant has which affords a current or future financial benefit to such board member, employee, or consultant, or to a relative or business associate of such board member, employee, or consultant, and which a reasonable person would conclude has the potential to create a prohibited conflict of interest.
- Whether a relative of such board member, employee, or consultant is a registered lobbyist, and if so, the names of such lobbyist's clients. Such names shall be provided in writing to the ethics officer.
- Any and all interests in real property that such board member, employee, or consultant has, or that a relative, principal, client, or business associate of such board member, employee, or consultant has whenever such real property is located within or within a one-half mile radius of, any actual or prospective authority roadway project. The executive director is required to provide a corridor map and a property ownership list reflecting the ownership of all real property within the disclosure area, or an alignment map with a list of associated owners to all board members, employees, and consultants.

3. A confidential informant who is providing, or wishes to provide, confidential information to be used for law enforcement purposes.

4. A person who lobbies to procure a contract pursuant to chapter 287 which contract is less than the threshold for CATEGORY ONE as provided in s. 287.017."

¹⁴ The reimbursement of expenses is provided in s. 112.061, F.S.

¹⁵ Section 112.312(2), F.S., defines "agency" as "any state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; or any public school, community college, or state university."

¹⁶ Section 112.317, F.S., contains penalties for violations of part III of ch. 112, F.S., relating to the code of ethics for public officers and employees. The possible penalties range from impeachment or removal from office, suspension or dismissal from employment, and loss of some portion of salary, to public censure and reprimand, a \$10,000 civil penalty, and restitution of any benefits received because of a violation.

The required disclosure forms must be reviewed by the ethics officer, or if a form is filed by the general counsel, by the executive director.

The bill requires each authority's code of ethics to outline the conflict of interest policy.

The bill prohibits authority employees and consultants from serving on the governing body of the authority while employed by or under contract with the authority.

The bill requires the code of ethics policy to be reviewed and updated by the ethics officer and presented for board approval at a minimum once every two years.

The bill requires that employees be adequately informed and trained on the code of ethics and continually participate in ongoing ethics education.

Effective Date (Section 6)

The bill is effective July 1, 2014.

B. SECTION DIRECTORY:

- Section 1 Amends s. 348.0003, F.S., relating to expressway authority; formation; membership.
- Section 2 Amends s. 348.0004, F.S., relating to purposes and powers.
- Section 3 Amends s. 348.52, F.S., relating to the Tampa-Hillsborough County Expressway Authority.
- Section 4 Amends s. 348.753, F.S., relating to the Orlando-Orange County Expressway Authority.
- Section 5 Amends s. 348.9952, F.S., relating to the Osceola County Expressway Authority.
- Section 6 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

- 1. Revenues:
None.
- 2. Expenditures:
None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

- 1. Revenues:
None.
- 2. Expenditures:

Indeterminate. To the extent MDX seeks to increase its toll rates, Miami-Dade County may incur some expenditures for county meetings and passing resolutions authorizing such increases. These costs should be minimal, however, because of the limited number of times that there are proposals to increase MDX tolls, and the approval process may likely be included as part of the normal commission meeting process of the county.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, section 18, of the Florida Constitution may apply because this bill requires Miami-Dade County to approve toll increases for MDX by a supermajority vote of the Board of County Commissioners. However, an exemption may apply because an insignificant fiscal impact is expected for the cost of the approval process.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
2 An act relating to expressway authorities; amending s.
3 348.0003, F.S.; revising provisions for membership of
4 an expressway authority in specified counties;
5 requiring members of each expressway authority,
6 transportation authority, bridge authority, or toll
7 authority to comply with specified financial
8 disclosure requirements; prohibiting certain
9 activities by authority board members and executive
10 directors during and after membership or employment;
11 providing for violations; providing for an ethics
12 officer; requiring disclosure of certain relationships
13 and interest; prohibiting employees and consultants
14 from membership on a board; providing for a code of
15 ethics policy; amending s. 348.0004, F.S.; requiring
16 approval by the governing board of the county for a
17 toll increase by an expressway authority in specified
18 counties; amending ss. 348.52, 348.753, and 348.9952,
19 F.S., relating to the Tampa-Hillsborough County
20 Expressway Authority, the Orlando-Orange County
21 Expressway Authority and the Osceola County Expressway
22 Authority, respectively; prohibiting certain
23 activities by authority board members and executive
24 directors during and after membership or employment;
25 providing for violations; providing for an ethics
26 officer; requiring disclosure of certain relationships

27 and interest; prohibiting employees and consultants
 28 from membership on a board; providing for a code of
 29 ethics policy; providing an effective date.

30
 31 Be It Enacted by the Legislature of the State of Florida:

32
 33 Section 1. Section 348.0003, Florida Statutes, is amended
 34 to read:

35 348.0003 Expressway authority; formation; membership.—

36 (1) Any county, or two or more contiguous counties located
 37 within a single district of the department, may, by resolution
 38 adopted by the board of county commissioners, form an expressway
 39 authority, which shall be an agency of the state, pursuant to
 40 the Florida Expressway Authority Act.

41 (2) The governing body of an authority shall consist of
 42 not fewer than five nor more than nine voting members. The
 43 district secretary of the affected department district shall
 44 serve as a nonvoting member of the governing body of each
 45 authority located within the district. Each member of the
 46 governing body must at all times during his or her term of
 47 office be a permanent resident of the county which he or she is
 48 appointed to represent.

49 (a) Two members of the authority shall be appointed for
 50 terms of 4 years by the Governor, subject to confirmation by the
 51 Senate. Such persons may not hold elective office during their
 52 terms of office.

53 (b) For a single-county authority, the remaining members
 54 shall be appointed by the board of county commissioners for
 55 terms of 3 years.

56 (c) For a multicounty authority, the remaining members
 57 shall be apportioned, based on the population of such counties,
 58 among the counties within the authority. Each such member shall
 59 be appointed by the applicable board of county commissioners for
 60 a term of 3 years.

61 (d) Notwithstanding any provision of ~~to the contrary in~~
 62 this subsection, in any county as defined in s. 125.011(1), the
 63 governing body of an authority shall consist of nine ~~up to 13~~
 64 members, and the ~~following~~ provisions of this paragraph shall
 65 apply specifically to such authority. Except for the district
 66 secretary of the department, the members must be residents of
 67 the county. Four ~~Seven~~ voting members shall be appointed by the
 68 governing body of the county. At the discretion of the governing
 69 body of the county, up to two of the members appointed by the
 70 governing body of the county may be elected officials residing
 71 in the county. Four ~~Five~~ voting members of the authority shall
 72 be appointed by the Governor. One member shall be the district
 73 secretary of the department serving in the district that
 74 contains such county. This member shall be an ex officio voting
 75 member of the authority. If the governing board of an authority
 76 includes any member originally appointed by the governing body
 77 of the county as a nonvoting member, when the term of such
 78 member expires, that member shall be replaced by a member

79 appointed by the Governor until the governing body of the
 80 authority is composed of four ~~seven~~ members appointed by the
 81 governing body of the county and four ~~five~~ members appointed by
 82 the Governor. The qualifications, terms of office, and
 83 obligations and rights of members of the authority shall be
 84 determined by resolution or ordinance of the governing body of
 85 the county in a manner that is consistent with this paragraph,
 86 paragraphs (e)-(i), and subsections (3)-(12) ~~(3) and (4)~~.

87 (e) A member of an authority appointed by the governing
 88 board of the county or appointed by the Governor may not serve
 89 as a member of any other transportation-related board,
 90 commission, or organization while serving as a member of the
 91 authority.

92 (f) A lobbyist, as defined in s. 112.3215, may not be
 93 appointed or serve as a member of an authority.

94 (g) A member of an authority may be removed from office by
 95 the Governor for misconduct, malfeasance, misfeasance, or
 96 nonfeasance in office.

97 (h) Members of an authority may receive reimbursement from
 98 the authority for travel and other necessary expenses incurred
 99 in connection with the business of the authority as provided in
 100 s. 112.061, but may not draw salaries or other compensation.

101 (i) Members of each expressway authority, transportation
 102 authority, bridge authority, or toll authority created pursuant
 103 to this chapter, chapter 343, or any other general law shall
 104 comply with the applicable financial disclosure requirements of

105 s. 8, Art. II of the State Constitution. This paragraph does not
 106 subject any statutorily created authority, other than an
 107 expressway authority created under this part, to any requirement
 108 of this part except this paragraph.

109 (3) (a) The governing body of each authority shall elect
 110 one of its members as its chair and shall elect a secretary and
 111 a treasurer who need not be members of the authority. The chair,
 112 secretary, and treasurer shall hold their offices at the will of
 113 the authority. A simple majority of the governing body of the
 114 authority constitutes a quorum, and the vote of a majority of
 115 those members present is necessary for the governing body to
 116 take any action. A vacancy on an authority shall not impair the
 117 right of a quorum of the authority to exercise all of the rights
 118 and perform all of the duties of the authority.

119 (b) Upon the effective date of his or her appointment, or
 120 as soon thereafter as practicable, each appointed member of an
 121 authority shall enter upon his or her duties.

122 (4) ~~(a)~~ An authority may employ an executive secretary, an
 123 executive director, its own counsel and legal staff, technical
 124 experts, and such engineers and employees, permanent or
 125 temporary, as it may require and shall determine the
 126 qualifications and fix the compensation of such persons, firms,
 127 or corporations. An authority may employ a fiscal agent or
 128 agents; however, the authority must solicit sealed proposals
 129 from at least three persons, firms, or corporations for the
 130 performance of any services as fiscal agents. An authority may

131 delegate to one or more of its agents or employees such of its
 132 power as it deems necessary to carry out the purposes of the
 133 Florida Expressway Authority Act, subject always to the
 134 supervision and control of the authority. ~~Members of an~~
 135 ~~authority may be removed from office by the Governor for~~
 136 ~~misconduct, malfeasance, misfeasance, or nonfeasance in office.~~

137 ~~(b) Members of an authority are entitled to receive from~~
 138 ~~the authority their travel and other necessary expenses incurred~~
 139 ~~in connection with the business of the authority as provided in~~
 140 ~~s. 112.061, but they may not draw salaries or other~~
 141 ~~compensation.~~

142 ~~(c) Members of each expressway authority, transportation~~
 143 ~~authority, bridge authority, or toll authority, created pursuant~~
 144 ~~to this chapter, chapter 343, or any other general law, shall~~
 145 ~~comply with the applicable financial disclosure requirements of~~
 146 ~~s. 8, Art. II of the State Constitution. This paragraph does not~~
 147 ~~subject any statutorily created authority, other than an~~
 148 ~~expressway authority created under this part, to any other~~
 149 ~~requirement of this part except the requirement of this~~
 150 ~~paragraph.~~

151 (5) (a) A member or the executive director of an authority
 152 may not:

153 1. Within 2 years after vacating his or her position as a
 154 board member or the executive director, personally represent
 155 another person or entity for compensation before the authority;

156 2. Within 2 years after vacating his or her position as a
 157 board member or the executive director, have an employment or
 158 contractual relationship with a business entity other than an
 159 agency, as defined in s. 112.312, that was doing business with
 160 the authority at any time during the person's membership on or
 161 employment by the authority; or

162 3. After vacating his or her position as a board member or
 163 the executive director, have an employment or contractual
 164 relationship with a business entity other than an agency, as
 165 defined in s. 112.312, in connection with a contract in which
 166 the member or executive director personally and substantially
 167 participated through decision, approval, disapproval,
 168 recommendation, rendering of advice, or investigation while he
 169 or she was a member or employee of the authority.

170 (b) A violation of this subsection is punishable in
 171 accordance with s. 112.317.

172 (6) An authority's general counsel shall serve as the
 173 authority's ethics officer.

174 (7) An authority board member, employee, or consultant who
 175 holds a position that may influence authority decisions may not
 176 engage in any relationship that may adversely affect his or her
 177 judgment in carrying out authority business. The following
 178 disclosures must be made annually on a disclosure form to
 179 prevent such conflicts of interest and preserve the integrity
 180 and transparency of the authority to the public:

181 (a) Any relationship that a board member, employee, or
182 consultant has which affords a current or future financial
183 benefit to such board member, employee, or consultant, or to a
184 relative or business associate of such board member, employee,
185 or consultant, and which a reasonable person would conclude has
186 the potential to create a prohibited conflict of interest.

187 (b) Whether a relative of such board member, employee, or
188 consultant is a registered lobbyist and, if so, the names of
189 such lobbyist's clients. Such names shall be provided in writing
190 to the ethics officer.

191 (c) All interests in real property that such board member,
192 employee, or consultant has, or that a relative, principal,
193 client, or business associate of such board member, employee, or
194 consultant has whenever such real property is located within, or
195 within a 1/2-mile radius of, any actual or prospective authority
196 roadway project. The executive director shall provide a corridor
197 map and a property ownership list reflecting the ownership of
198 all real property within the disclosure area, or an alignment
199 map with a list of associated owners, to all board members,
200 employees, and consultants.

201 (8) The disclosure forms filed as required under
202 subsection (7) must be reviewed by the ethics officer or, if a
203 form is filed by the general counsel, by the executive director.

204 (9) The conflict of interest process shall be outlined in
205 the authority's code of ethics.

206 (10) Authority employees and consultants may not serve on
 207 the governing body of the authority while employed by or under
 208 contract with the authority.

209 (11) The code of ethics policy shall be reviewed and
 210 updated by the ethics officer and presented for board approval
 211 at least once every 2 years.

212 (12) Employees shall be adequately informed and trained on
 213 the code of ethics and shall continually participate in ongoing
 214 ethics education.

215 Section 2. Paragraph (e) of subsection (2) of section
 216 348.0004, Florida Statutes, is amended to read:

217 348.0004 Purposes and powers.—

218 (2) Each authority may exercise all powers necessary,
 219 appurtenant, convenient, or incidental to the carrying out of
 220 its purposes, including, but not limited to, the following
 221 rights and powers:

222 (e) To fix, alter, charge, establish, and collect tolls,
 223 rates, fees, rentals, and other charges for the services and
 224 facilities system, which tolls, rates, fees, rentals, and other
 225 charges must always be sufficient to comply with any covenants
 226 made with the holders of any bonds issued pursuant to the
 227 Florida Expressway Authority Act. However, such right and power
 228 may be assigned or delegated by the authority to the department.
 229 Notwithstanding any other provision of law, but subject to any
 230 contractual requirements contained in documents securing any
 231 indebtedness outstanding on July 1, 2014, that is payable from

232 tolls, in any county as defined in s. 125.011(1), any authority
 233 toll increase must first be approved by resolution adopted by a
 234 supermajority vote, consisting of one vote greater than a
 235 majority, of the governing board of the county. Notwithstanding
 236 s. 338.165 or any other provision of law to the contrary, in any
 237 county as defined in s. 125.011(1), to the extent surplus
 238 revenues exist, they may be used for purposes enumerated in
 239 subsection (7), provided the expenditures are consistent with
 240 the metropolitan planning organization's adopted long-range
 241 plan. Notwithstanding any other provision of law to the
 242 contrary, but subject to any contractual requirements contained
 243 in documents securing any outstanding indebtedness payable from
 244 tolls, in any county as defined in s. 125.011(1), the board of
 245 county commissioners may, by ordinance adopted on or before
 246 September 30, 1999, alter or abolish existing tolls and
 247 currently approved increases thereto if the board provides a
 248 local source of funding to the county expressway system for
 249 transportation in an amount sufficient to replace revenues
 250 necessary to meet bond obligations secured by such tolls and
 251 increases.

252 Section 3. Section 348.52, Florida Statutes, is amended to
 253 read:

254 348.52 Tampa-Hillsborough County Expressway Authority.—

255 (1) There is hereby created and established a body politic
 256 and corporate, an agency of the state, to be known as the
 257 "Tampa-Hillsborough County Expressway Authority."

258 (2) The governing body of the authority shall consist of a
 259 board of seven members.

260 (a) Four of the members shall be appointed by the Governor
 261 subject to confirmation by the Senate at the next regular
 262 session of the Legislature. Refusal or failure of the Senate to
 263 confirm an appointment shall create a vacancy.

264 1. Each such member's term of office shall be for 4 years
 265 or until his or her successor shall have been appointed and
 266 qualified.

267 2. Vacancies occurring in the governing body for any such
 268 members prior to the expiration of the affected term shall be
 269 filled for the unexpired term.

270 ~~3. The Governor shall have the authority to remove from~~
 271 ~~office any such member of the governing body in the manner and~~
 272 ~~for cause defined by the laws of this state.~~

273 3.4. Each such member, before entering upon his or her
 274 official duties, shall take and subscribe to an oath before some
 275 official authorized by law to administer oaths that he or she
 276 will honestly, faithfully, and impartially perform the duties
 277 devolving upon him or her in office as a member of the governing
 278 body of the authority and that he or she will not neglect any
 279 duties imposed upon him or her by this part.

280 (b) One member shall be the mayor, or the mayor's
 281 designate, who shall be the chair of the city council of the
 282 city in Hillsborough County having the largest population,
 283 according to the latest decennial census, who shall serve as a

284 member ex officio.

285 (c) One member shall be a member of the Board of County
 286 Commissioners of Hillsborough County, selected by such board,
 287 who shall serve as a member ex officio.

288 (d) One member shall be the district secretary of the
 289 Department of Transportation serving in the district that
 290 contains Hillsborough County, who shall serve ex officio.

291 (e) A member of the authority appointed by the governing
 292 board of the county or appointed by the Governor may not serve
 293 as a member of any other transportation-related board,
 294 commission, or organization while serving as a member of the
 295 authority.

296 (f) A lobbyist, as defined in s. 112.3215, may not be
 297 appointed or serve as a member of the authority.

298 (g) A member of the authority may be removed from office
 299 by the Governor for misconduct, malfeasance, misfeasance, or
 300 nonfeasance in office.

301 (h) Members of the authority may receive reimbursement
 302 from the authority for travel and other necessary expenses
 303 incurred in connection with the business of the authority as
 304 provided in s. 112.061, but may not draw salaries or other
 305 compensation.

306 (3) The authority shall designate one of its members as
 307 chair. ~~The members of the authority shall not be entitled to~~
 308 ~~compensation but shall be entitled to receive their travel and~~
 309 ~~other necessary expenses as provided in s. 112.061.~~ A majority

310 of the members of the authority shall constitute a quorum, and
 311 resolutions enacted or adopted by a vote of a majority of the
 312 members present and voting at any meeting shall become effective
 313 without publication or posting or any further action of the
 314 authority.

315 (4) The authority may employ a secretary and executive
 316 director, its own counsel and legal staff, and such legal,
 317 financial, and other professional consultants, technical
 318 experts, engineers, and employees, permanent or temporary, as it
 319 may require and may determine the qualifications and fix the
 320 compensation of such persons, firms, or corporations. The
 321 authority may contract with the Division of Bond Finance of the
 322 State Board of Administration for any financial services
 323 authorized herein.

324 (5) The authority may delegate to one or more of its
 325 officers or employees such of its powers as it shall deem
 326 necessary to carry out the purposes of this part, subject always
 327 to the supervision and control of the authority. ~~Members of the~~
 328 ~~authority may be removed from their office by the Governor for~~
 329 ~~misconduct, malfeasance, misfeasance, and nonfeasance in office.~~

330 (6) (a) A member or the executive director of the authority
 331 may not:

332 1. Within 2 years after vacating his or her position as a
 333 board member or the executive director, personally represent
 334 another person or entity for compensation before the authority;

335 2. Within 2 years after vacating his or her position as a
 336 board member or the executive director, have an employment or
 337 contractual relationship with a business entity other than an
 338 agency, as defined in s. 112.312, that was doing business with
 339 the authority at any time during the person's membership on or
 340 employment by the authority; or

341 3. After vacating his or her position as a board member or
 342 the executive director, have an employment or contractual
 343 relationship with a business entity other than an agency, as
 344 defined in s. 112.312, in connection with a contract in which
 345 the member or executive director personally and substantially
 346 participated through decision, approval, disapproval,
 347 recommendation, rendering of advice, or investigation while he
 348 or she was a member or employee of the authority.

349 (b) A violation of this subsection is punishable in
 350 accordance with s. 112.317.

351 (7) The authority's general counsel shall serve as the
 352 authority's ethics officer.

353 (8) An authority board member, employee, or consultant who
 354 holds a position that may influence authority decisions may not
 355 engage in any relationship that may adversely affect his or her
 356 judgment in carrying out authority business. The following
 357 disclosures must be made annually on a disclosure form to
 358 prevent such conflicts of interest and preserve the integrity
 359 and transparency of the authority to the public:

360 (a) Any relationship a board member, employee, or
 361 consultant has which affords a current or future financial
 362 benefit to such board member, employee, or consultant, or to a
 363 relative or business associate of such board member, employee,
 364 or consultant, and which a reasonable person would conclude has
 365 the potential to create a prohibited conflict of interest.

366 (b) Whether a relative of such board member, employee, or
 367 consultant is a registered lobbyist and, if so, the names of
 368 such lobbyist's clients. Such names shall be provided in writing
 369 to the ethics officer.

370 (c) All interests in real property that such board member,
 371 employee, or consultant has, or that a relative, principal,
 372 client, or business associate of such board member, employee, or
 373 consultant has whenever such real property is located within, or
 374 within a 1/2-mile radius of, any actual or prospective authority
 375 roadway project. The executive director shall provide a corridor
 376 map and a property ownership list reflecting the ownership of
 377 all real property within the disclosure area, or an alignment
 378 map with a list of associated owners, to all board members,
 379 employees, and consultants.

380 (9) The disclosure forms filed as required under
 381 subsection (8) must be reviewed by the ethics officer or, if a
 382 form is filed by the general counsel, by the executive director.

383 (10) The conflict of interest process shall be outlined in
 384 the authority's code of ethics.

385 (11) Authority employees and consultants may not serve on
 386 the governing body of the authority while employed by or under
 387 contract with the authority.

388 (12) The code of ethics policy shall be reviewed and
 389 updated by the ethics officer and presented for board approval
 390 at least once every 2 years.

391 (13) Employees shall be adequately informed and trained on
 392 the code of ethics and shall continually participate in ongoing
 393 ethics education.

394 Section 4. Section 348.753, Florida Statutes, is amended
 395 to read:

396 348.753 Orlando-Orange County Expressway Authority.-

397 (1) There is hereby created and established a body politic
 398 and corporate, an agency of the state, to be known as the
 399 Orlando-Orange County Expressway Authority, hereinafter referred
 400 to as "authority."

401 (2) (a) The governing body of the authority shall consist
 402 of five members. Three members shall be citizens of Orange
 403 County, who shall be appointed by the Governor. The fourth
 404 member shall be, ex officio, the chair of the County
 405 Commissioners of Orange County, and the fifth member shall be,
 406 ex officio, the district secretary of the Department of
 407 Transportation serving in the district that contains Orange
 408 County. The term of each appointed member shall be for 4 years.
 409 Each appointed member shall hold office until his or her
 410 successor has been appointed and has qualified. A vacancy

411 occurring during a term shall be filled only for the balance of
 412 the unexpired term. Each appointed member of the authority shall
 413 be a person of outstanding reputation for integrity,
 414 responsibility, and business ability, but no person who is an
 415 officer or employee of any city or of Orange County in any other
 416 capacity shall be an appointed member of the authority. Any
 417 member of the authority shall be eligible for reappointment.

418 (b) A member of the authority appointed by the Governor
 419 may not serve as a member of any other transportation-related
 420 board, commission, or organization while serving as a member of
 421 the authority.

422 (c) A lobbyist, as defined in s. 112.3215, may not be
 423 appointed or serve as a member of the authority.

424 (d) A member of the authority may be removed from office
 425 by the Governor for misconduct, malfeasance, misfeasance, or
 426 nonfeasance in office.

427 (e) Members of the authority may receive reimbursement
 428 from the authority for travel and other necessary expenses
 429 incurred in connection with the business of the authority as
 430 provided in s. 112.061, but may not draw salaries or other
 431 compensation.

432 (3) (a) The authority shall elect one of its members as
 433 chair of the authority. The authority shall also elect a
 434 secretary and a treasurer who may or may not be members of the
 435 authority. The chair, secretary, and treasurer shall hold such
 436 offices at the will of the authority. Three members of the

437 authority shall constitute a quorum, and the vote of three
438 members shall be necessary for any action taken by the
439 authority. No vacancy in the authority shall impair the right of
440 a quorum of the authority to exercise all of the rights and
441 perform all of the duties of the authority.

442 (b) Upon the effective date of his or her appointment, or
443 as soon thereafter as practicable, each appointed member of the
444 authority shall enter upon his or her duties.

445 (4)(a) The authority may employ an executive secretary, an
446 executive director, its own counsel and legal staff, technical
447 experts, such engineers, and such employees, permanent or
448 temporary, as it may require and may determine the
449 qualifications and fix the compensation of such persons, firms,
450 or corporations and may employ a fiscal agent or agents,
451 provided, however, that the authority shall solicit sealed
452 proposals from at least three persons, firms, or corporations
453 for the performance of any services as fiscal agents. The
454 authority may delegate to one or more of its agents or employees
455 such of its power as it shall deem necessary to carry out the
456 purposes of this part, subject always to the supervision and
457 control of the authority. ~~Members of the authority may be~~
458 ~~removed from their office by the Governor for misconduct,~~
459 ~~malfeasance, misfeasance, or nonfeasance in office.~~

460 ~~(b) Members of the authority shall be entitled to receive~~
461 ~~from the authority their travel and other necessary expenses~~
462 ~~incurred in connection with the business of the authority as~~

463 ~~provided in s. 112.061, but they shall draw no salaries or other~~
 464 ~~compensation.~~

465 (5) (a) A member or the executive director of the authority
 466 may not:

467 1. Within 2 years after vacating his or her position as a
 468 board member or the executive director, personally represent
 469 another person or entity for compensation before the authority;

470 2. Within 2 years after vacating his or her position as a
 471 board member or the executive director, have an employment or
 472 contractual relationship with a business entity other than an
 473 agency, as defined in s. 112.312, that was doing business with
 474 the authority at any time during the person's membership on or
 475 employment by the authority; or

476 3. After vacating his or her position as a board member or
 477 the executive director, have an employment or contractual
 478 relationship with a business entity other than an agency, as
 479 defined in s. 112.312, in connection with a contract in which
 480 the member or executive director personally and substantially
 481 participated through decision, approval, disapproval,
 482 recommendation, rendering of advice, or investigation while he
 483 or she was a member or employee of the authority.

484 (b) A violation of this subsection is punishable in
 485 accordance with s. 112.317.

486 (6) The authority's general counsel shall serve as the
 487 authority's ethics officer.

488 (7) An authority board member, employee, or consultant who
 489 holds a position that may influence authority decisions may not
 490 engage in any relationship that may adversely affect his or her
 491 judgment in carrying out authority business. The following
 492 disclosures must be made annually on a disclosure form to
 493 prevent such conflicts of interest and preserve the integrity
 494 and transparency of the authority to the public:

495 (a) Any relationship a board member, employee, or
 496 consultant has which affords a current or future financial
 497 benefit to such board member, employee, or consultant, or to a
 498 relative or business associate of such board member, employee,
 499 or consultant, and which a reasonable person would conclude has
 500 the potential to create a prohibited conflict of interest.

501 (b) Whether a relative of such board member, employee, or
 502 consultant is a registered lobbyist and, if so, the names of
 503 such lobbyist's clients. Such names shall be provided in writing
 504 to the ethics officer.

505 (c) All interests in real property that such board member,
 506 employee, or consultant has, or that a relative, principal,
 507 client, or business associate of such board member, employee, or
 508 consultant has whenever such real property is located within, or
 509 within a 1/2-mile radius of, any actual or prospective authority
 510 roadway project. The executive director shall provide a corridor
 511 map and a property ownership list reflecting the ownership of
 512 all real property within the disclosure area, or an alignment

513 map with a list of associated owners, to all board member,
 514 employees, and consultants.

515 (8) The disclosure forms filed as required under
 516 subsection (7) must be reviewed by the ethics officer or, if a
 517 form is filed by the general counsel, by the executive director.

518 (9) The conflict of interest process shall be outlined in
 519 the authority's code of ethics.

520 (10) Authority employees and consultants may not serve on
 521 the governing body of the authority while employed by or under
 522 contract with the authority.

523 (11) The code of ethics policy shall be reviewed and
 524 updated by the ethics officer and presented for board approval
 525 at least once every 2 years.

526 (12) Employees shall be adequately informed and trained on
 527 the code of ethics and shall continually participate in ongoing
 528 ethics education.

529 Section 5. Section 348.9952, Florida Statutes, is amended
 530 to read:

531 348.9952 Osceola County Expressway Authority.—

532 (1) There is created a body politic and corporate, an
 533 agency of the state, to be known as the Osceola County
 534 Expressway Authority.

535 (2)(a) The governing body of the authority shall consist
 536 of six members. Five members, at least one of whom must be a
 537 member of a racial or ethnic minority group, must be residents
 538 of Osceola County, three of whom shall be appointed by the

539 governing body of the county and two of whom shall be appointed
 540 by the Governor. The sixth member shall be the district
 541 secretary of the department serving in the district that
 542 includes Osceola County, who shall serve as an ex officio,
 543 nonvoting member. The term of each appointed member shall be for
 544 4 years, except that the first term of the initial members
 545 appointed by the Governor shall be 2 years each. Each appointed
 546 member shall hold office until his or her successor has been
 547 appointed and has qualified. A vacancy occurring during a term
 548 shall be filled only for the balance of the unexpired term. Each
 549 appointed member of the authority shall be a person of
 550 outstanding reputation for integrity, responsibility, and
 551 business ability, but a person who is an officer or employee of
 552 any municipality or of Osceola County in any other capacity may
 553 not be an appointed member of the authority. A member of the
 554 authority is eligible for reappointment.

555 (b) A member of the authority appointed by the governing
 556 board of the county or appointed by the Governor may not serve
 557 as a member of any other transportation-related board,
 558 commission, or organization while serving as a member of the
 559 authority.

560 (c) A lobbyist, as defined in s. 112.3215, may not be
 561 appointed or serve as a member of the authority.

562 (d)-(b) Members of the authority may be removed from office
 563 by the Governor for misconduct, malfeasance, misfeasance, or
 564 nonfeasance in office.

565 (e) Members of the authority may receive reimbursement
 566 from the authority for travel and other necessary expenses
 567 incurred in connection with the business of the authority as
 568 provided in s. 112.061, but may not draw salaries or other
 569 compensation.

570 (3) (a) The authority shall elect one of its members as
 571 chair. The authority shall also elect a secretary and a
 572 treasurer, who may be members of the authority. The chair,
 573 secretary, and treasurer shall hold such offices at the will of
 574 the authority.

575 (b) Three members of the authority constitute a quorum,
 576 and the vote of three members is necessary for any action taken
 577 by the authority. A vacancy in the authority does not impair the
 578 right of a quorum of the authority to exercise all of the rights
 579 and perform all of the duties of the authority.

580 (4) (a) The authority may employ an executive secretary, an
 581 executive director, its own counsel and legal staff, technical
 582 experts, engineers, and other employees, permanent or temporary,
 583 as it may require, and may determine the qualifications and fix
 584 the compensation of such persons, firms, or corporations.
 585 Additionally, the authority may employ a fiscal agent or agents.
 586 However, the authority shall solicit sealed proposals from at
 587 least three persons, firms, or corporations for the performance
 588 of any services as fiscal agents. The authority may delegate to
 589 one or more of its agents or employees such of its power as it
 590 deems necessary to carry out the purposes of this part, subject

591 always to the supervision and control of the authority.

592 ~~(b) Members of the authority are entitled to receive from~~
 593 ~~the authority their travel and other necessary expenses incurred~~
 594 ~~in connection with the business of the authority as provided in~~
 595 ~~s. 112.061, but members shall not draw salaries or other~~
 596 ~~compensation.~~

597 (b) ~~(e)~~ The department is not required to grant funds for
 598 startup costs to the authority. However, the governing body of
 599 the county may provide funds for such startup costs.

600 (c) ~~(d)~~ The authority shall cooperate with and participate
 601 in any efforts to establish a regional expressway authority.

602 (d) ~~(e)~~ Notwithstanding any other provision of law,
 603 including s. 339.175(3), the authority is not entitled to voting
 604 membership in a metropolitan planning organization in which
 605 Osceola County, or any of the municipalities therein, are also
 606 voting members.

607 (5) (a) A member or the executive director of the authority
 608 may not:

609 1. Within 2 years after vacating his or her position as a
 610 board member or the executive director, personally represent
 611 another person or entity for compensation before the authority;

612 2. Within 2 years after vacating his or her position as a
 613 board member or the executive director, have an employment or
 614 contractual relationship with a business entity other than an
 615 agency, as defined in s. 112.312, that was doing business with

616 the authority at any time during the person's membership on or
 617 employment by the authority; or

618 3. After vacating his or her position as a board member or
 619 the executive director, have an employment or contractual
 620 relationship with a business entity other than an agency, as
 621 defined in s. 112.312, in connection with a contract in which
 622 the member or executive director personally and substantially
 623 participated through decision, approval, disapproval,
 624 recommendation, rendering of advice, or investigation while he
 625 or she was a member or employee of the authority.

626 (b) A violation of this subsection is punishable in
 627 accordance with s. 112.317.

628 (6) The authority's general counsel shall serve as the
 629 authority's ethics officer.

630 (7) An authority board member, employee, or consultant who
 631 holds a position that may influence authority decisions may not
 632 engage in any relationship that may adversely affect his or her
 633 judgment in carrying out authority business. The following
 634 disclosures must be made annually on a disclosure form to
 635 prevent such conflicts of interest and preserve the integrity
 636 and transparency of the authority to the public:

637 (a) Any relationship a board member, employee, or
 638 consultant has which affords a current or future financial
 639 benefit to such board member, employee, or consultant, or to a
 640 relative or business associate of such board member, employee,

641 or consultant, and which a reasonable person would conclude has
 642 the potential to create a prohibited conflict of interest.

643 (b) Whether a relative of such board member, employee, or
 644 consultant is a registered lobbyist and, if so, the names of
 645 such lobbyist's clients. Such names shall be provided in writing
 646 to the ethics officer.

647 (c) Any and all interests in real property that such board
 648 member, employee, or consultant has, or that a relative,
 649 principal, client, or business associate of such board member,
 650 employee, or consultant has whenever such real property is
 651 located within, or within a 1/2-mile radius of, any actual or
 652 prospective authority roadway project. The executive director
 653 shall provide a corridor map and a property ownership list
 654 reflecting the ownership of all real property within the
 655 disclosure area, or an alignment map with a list of associated
 656 owners, to all board member, employees, and consultants.

657 (8) The disclosure forms filed as required under
 658 subsection (7) must be reviewed by the ethics officer or, if a
 659 form is filed by the general counsel, by the executive director.

660 (9) The conflict of interest process shall be outlined in
 661 the authority's code of ethics.

662 (10) Authority employees and consultants may not serve on
 663 the governing body of the authority while employed by or under
 664 contract with the authority.

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665 (11) The code of ethics policy shall be reviewed and
666 updated by the ethics officer and presented for board approval
667 at least once every 2 years.

668 (12) Employees shall be adequately informed and trained on
669 the code of ethics and shall continually participate in ongoing
670 ethics education.

671 Section 6. This act shall take effect July 1, 2014.

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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 | _____ | |

1 Committee/Subcommittee hearing bill: Transportation & Economic
2 Development Appropriations Subcommittee
3 Representative Nuñez offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
7 Section 1. Section 348.0003, Florida Statutes, is amended
8 to read:

9 348.0003 Expressway authority; formation; membership.—

10 (1) Any county, or two or more contiguous counties located
11 within a single district of the department, may, by resolution
12 adopted by the board of county commissioners, form an expressway
13 authority, which shall be an agency of the state, pursuant to
14 the Florida Expressway Authority Act.

15 (2) The governing body of an authority shall consist of
16 not fewer than five nor more than nine voting members. The
17 district secretary of the affected department district shall

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18 serve as a nonvoting member of the governing body of each
19 authority located within the district. Each member of the
20 governing body must at all times during his or her term of
21 office be a permanent resident of the county which he or she is
22 appointed to represent.

23 (a) Two members of the authority shall be appointed for
24 terms of 4 years by the Governor, subject to confirmation by the
25 Senate. Such persons may not hold elective office during their
26 terms of office.

27 (b) For a single-county authority, the remaining members
28 shall be appointed by the board of county commissioners for
29 terms of 3 years.

30 (c) For a multicounty authority, the remaining members
31 shall be apportioned, based on the population of such counties,
32 among the counties within the authority. Each such member shall
33 be appointed by the applicable board of county commissioners for
34 a term of 3 years.

35 (d) Notwithstanding any provision of ~~to the contrary in~~
36 this subsection, in any county as defined in s. 125.011(1), the
37 governing body of an authority shall consist of nine ~~up to 13~~
38 members, and the following provisions of this paragraph shall
39 apply specifically to such authority. Except for the district
40 secretary of the department, the members must be residents of
41 the county. Four ~~Seven~~ voting members shall be appointed by the
42 governing body of the county. At the discretion of the governing
43 body of the county, up to two of the members appointed by the

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44 governing body of the county may be elected officials residing
45 in the county. Four ~~Five~~ voting members of the authority shall
46 be appointed by the Governor. One member shall be the district
47 secretary of the department serving in the district that
48 contains such county. This member shall be an ex officio voting
49 member of the authority. If the governing board of an authority
50 includes any member originally appointed by the governing body
51 of the county as a nonvoting member, when the term of such
52 member expires, that member shall be replaced by a member
53 appointed by the Governor until the governing body of the
54 authority is composed of four ~~seven~~ members appointed by the
55 governing body of the county and four ~~five~~ members appointed by
56 the Governor. The qualifications, terms of office, and
57 obligations and rights of members of the authority shall be
58 determined by resolution or ordinance of the governing body of
59 the county in a manner that is consistent with this paragraph,
60 paragraphs (e) - (i), and subsections (3) - (12) ~~(3) and (4)~~.

61 (e) A member of the authority appointed by the governing
62 board of the county or appointed by the Governor may not serve
63 as a member of any other transportation-related board,
64 commission, or organization while serving as a member of the
65 authority.

66 (f) A lobbyist, as defined in s. 112.3215, may not be
67 appointed or serve as a member of an authority.

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68 (g) A member of an authority may be removed from office by
69 the Governor for misconduct, malfeasance, misfeasance, or
70 nonfeasance in office.

71 (h) Members of an authority are entitled to receive from
72 the authority their travel and other necessary expenses incurred
73 in connection with the business of the authority as provided in
74 s. 112.061, but they may not draw salaries or other
75 compensation.

76 (i) Members of each expressway authority, transportation
77 authority, bridge authority, or toll authority, created pursuant
78 to this chapter, chapter 343, or any other general law, shall
79 comply with the applicable financial disclosure requirements of
80 s. 8, Art. II of the State Constitution. This paragraph does not
81 subject any statutorily created authority, other than an
82 expressway authority created under this part, to any other
83 requirement of this part except the requirement of this
84 paragraph.

85 (3) (a) The governing body of each authority shall elect
86 one of its members as its chair and shall elect a secretary and
87 a treasurer who need not be members of the authority. The chair,
88 secretary, and treasurer shall hold their offices at the will of
89 the authority. A simple majority of the governing body of the
90 authority constitutes a quorum, and the vote of a majority of
91 those members present is necessary for the governing body to
92 take any action. A vacancy on an authority shall not impair the

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93 right of a quorum of the authority to exercise all of the rights
94 and perform all of the duties of the authority.

95 (b) Upon the effective date of his or her appointment, or
96 as soon thereafter as practicable, each appointed member of an
97 authority shall enter upon his or her duties.

98 (4) ~~(a)~~ An authority may employ an executive secretary, an
99 executive director, its own counsel and legal staff, technical
100 experts, and such engineers and employees, permanent or
101 temporary, as it may require and shall determine the
102 qualifications and fix the compensation of such persons, firms,
103 or corporations. An authority may employ a fiscal agent or
104 agents; however, the authority must solicit sealed proposals
105 from at least three persons, firms, or corporations for the
106 performance of any services as fiscal agents. An authority may
107 delegate to one or more of its agents or employees such of its
108 power as it deems necessary to carry out the purposes of the
109 Florida Expressway Authority Act, subject always to the
110 supervision and control of the authority. ~~Members of an~~
111 ~~authority may be removed from office by the Governor for~~
112 ~~misconduct, malfeasance, misfeasance, or nonfeasance in office.~~

113 ~~(b) Members of an authority are entitled to receive from~~
114 ~~the authority their travel and other necessary expenses incurred~~
115 ~~in connection with the business of the authority as provided in~~
116 ~~s. 112.061, but they may not draw salaries or other~~
117 ~~compensation.~~

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118 ~~(c) Members of each expressway authority, transportation~~
119 ~~authority, bridge authority, or toll authority, created pursuant~~
120 ~~to this chapter, chapter 343, or any other general law, shall~~
121 ~~comply with the applicable financial disclosure requirements of~~
122 ~~s. 8, Art. II of the State Constitution. This paragraph does not~~
123 ~~subject any statutorily created authority, other than an~~
124 ~~expressway authority created under this part, to any other~~
125 ~~requirement of this part except the requirement of this~~
126 ~~paragraph.~~

127 (5) A member or the executive director of an authority may
128 not:

129 (a) Personally represent another person or entity for
130 compensation before the authority for a period of 2 years
131 following vacation of his or her position.

132 (b) After retirement or termination, have an employment or
133 contractual relationship with a business entity other than an
134 agency, as defined in s. 112.312, in connection with a contract
135 in which the member or executive director personally and
136 substantially participated through decision, approval,
137 disapproval, recommendation, rendering of advice, or
138 investigation while he or she was a member or employee of the
139 authority.

140 (6) The authority's general counsel shall serve as the
141 authority's ethics officer.

142 (7) Authority board members, employees, and consultants
143 who hold positions that may influence authority decisions shall

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144 refrain from engaging in any relationship that may adversely
145 affect their judgment in carrying out authority business. To
146 prevent such conflicts of interest and preserve the integrity
147 and transparency of the authority to the public, the following
148 disclosures must be made annually on a disclosure form:

149 (a) Any relationship that a board member, employee, or
150 consultant has which affords a current or future financial
151 benefit to such board member, employee, or consultant, or to a
152 relative or business associate of such board member, employee,
153 or consultant, and which a reasonable person would conclude has
154 the potential to create a prohibited conflict of interest. As
155 used in this subsection, the term "relative" has the same
156 meaning as provided in s. 112.312.

157 (b) Whether a relative of such board member, employee, or
158 consultant is a registered lobbyist, and, if so, the names of
159 such lobbyist's clients. Such names shall be provided in writing
160 to the ethics officer.

161 (c) Any and all interests in real property that such board
162 member, employee, or consultant has, or that a relative,
163 principal, client, or business associate of such board member,
164 employee, or consultant has, if such real property is located
165 within, or within a 1/2-mile radius of, any actual or
166 prospective authority roadway project. The executive director
167 shall provide a corridor map and a property ownership list
168 reflecting the ownership of all real property within the

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169 disclosure area, or an alignment map with a list of associated
170 owners, to all board members, employees, and consultants.

171 (8) The disclosure forms required under subsection (7)
172 must be reviewed by the ethics officer or, if a form is filed by
173 the general counsel, by the executive director.

174 (9) The conflict of interest process shall be outlined in
175 the authority's code of ethics.

176 (10) Authority employees and consultants are prohibited
177 from serving on the governing body of the authority while
178 employed by or under contract with the authority.

179 (11) The code of ethics policy shall be reviewed and
180 updated by the ethics officer and presented for board approval
181 at least once every 2 years.

182 (12) Employees shall be adequately informed and trained on
183 the code of ethics and shall continually participate in ongoing
184 ethics education.

185 (13) The requirements of subsections (5)-(12) are in
186 addition to the requirements that the members and the executive
187 director of the authority are required to follow under chapter
188 112.

189 (14) Violations of subsections (5), (7), and (10) are
190 punishable in accordance with s. 112.317.

191 Section 2. Paragraph (e) of subsection (2) of section
192 348.0004, Florida Statutes, is amended to read:

193 348.0004 Purposes and powers.-

194 (2) Each authority may exercise all powers necessary,

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195 appurtenant, convenient, or incidental to the carrying out of
196 its purposes, including, but not limited to, the following
197 rights and powers:

198 (e) To fix, alter, charge, establish, and collect tolls,
199 rates, fees, rentals, and other charges for the services and
200 facilities system, which tolls, rates, fees, rentals, and other
201 charges must always be sufficient to comply with any covenants
202 made with the holders of any bonds issued pursuant to the
203 Florida Expressway Authority Act. However, such right and power
204 may be assigned or delegated by the authority to the department.
205 Notwithstanding any other provision of law, but subject to any
206 contractual requirements contained in documents securing any
207 indebtedness outstanding on July 1, 2014, that is payable from
208 tolls, in any county as defined in s. 125.011(1), any authority
209 toll increase must first be approved by resolution adopted by a
210 supermajority vote, consisting of one vote greater than a
211 majority, of the governing board of the county. Notwithstanding
212 s. 338.165 or any other provision of law to the contrary, in any
213 county as defined in s. 125.011(1), to the extent surplus
214 revenues exist, they may be used for purposes enumerated in
215 subsection (7), provided the expenditures are consistent with
216 the metropolitan planning organization's adopted long-range
217 plan. Notwithstanding any other provision of law to the
218 contrary, but subject to any contractual requirements contained
219 in documents securing any outstanding indebtedness payable from
220 tolls, in any county as defined in s. 125.011(1), the board of

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221 county commissioners may, by ordinance adopted on or before
222 September 30, 1999, alter or abolish existing tolls and
223 currently approved increases thereto if the board provides a
224 local source of funding to the county expressway system for
225 transportation in an amount sufficient to replace revenues
226 necessary to meet bond obligations secured by such tolls and
227 increases.

228 Section 3. Section 348.52, Florida Statutes, is amended to
229 read:

230 348.52 Tampa-Hillsborough County Expressway Authority.—

231 (1) There is hereby created and established a body politic
232 and corporate, an agency of the state, to be known as the
233 "Tampa-Hillsborough County Expressway Authority."

234 (2) The governing body of the authority shall consist of a
235 board of seven members.

236 (a) Four of the members shall be appointed by the Governor
237 subject to confirmation by the Senate at the next regular
238 session of the Legislature. Refusal or failure of the Senate to
239 confirm an appointment shall create a vacancy.

240 1. Each such member's term of office shall be for 4 years
241 or until his or her successor shall have been appointed and
242 qualified.

243 2. Vacancies occurring in the governing body for any such
244 members prior to the expiration of the affected term shall be
245 filled for the unexpired term.

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246 ~~3. The Governor shall have the authority to remove from~~
247 ~~office any such member of the governing body in the manner and~~
248 ~~for cause defined by the laws of this state.~~

249 3.4. Each such member, before entering upon his or her
250 official duties, shall take and subscribe to an oath before some
251 official authorized by law to administer oaths that he or she
252 will honestly, faithfully, and impartially perform the duties
253 devolving upon him or her in office as a member of the governing
254 body of the authority and that he or she will not neglect any
255 duties imposed upon him or her by this part.

256 (b) One member shall be the mayor, or the mayor's
257 designate, who shall be the chair of the city council of the
258 city in Hillsborough County having the largest population,
259 according to the latest decennial census, who shall serve as a
260 member ex officio.

261 (c) One member shall be a member of the Board of County
262 Commissioners of Hillsborough County, selected by such board,
263 who shall serve as a member ex officio.

264 (d) One member shall be the district secretary of the
265 Department of Transportation serving in the district that
266 contains Hillsborough County, who shall serve ex officio.

267 (e) A member of the authority appointed by the governing
268 board of the county or appointed by the Governor may not serve
269 as a member of any other transportation-related board,
270 commission, or organization while serving as a member of the
271 authority.

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272 (f) A lobbyist, as defined in s. 112.3215, may not be
273 appointed or serve as a member of the authority.

274 (g) A member of the authority may be removed from office
275 by the Governor for misconduct, malfeasance, misfeasance, or
276 nonfeasance in office.

277 (h) Members of the authority are entitled to receive
278 reimbursement from the authority for travel and other necessary
279 expenses incurred in connection with the business of the
280 authority as provided in s. 112.061 but may not draw salaries or
281 other compensation.

282 (3) The authority shall designate one of its members as
283 chair. ~~The members of the authority shall not be entitled to~~
284 ~~compensation but shall be entitled to receive their travel and~~
285 ~~other necessary expenses as provided in s. 112.061.~~ A majority
286 of the members of the authority shall constitute a quorum, and
287 resolutions enacted or adopted by a vote of a majority of the
288 members present and voting at any meeting shall become effective
289 without publication or posting or any further action of the
290 authority.

291 (4) The authority may employ a secretary and executive
292 director, its own counsel and legal staff, and such legal,
293 financial, and other professional consultants, technical
294 experts, engineers, and employees, permanent or temporary, as it
295 may require and may determine the qualifications and fix the
296 compensation of such persons, firms, or corporations. The
297 authority may contract with the Division of Bond Finance of the

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298 State Board of Administration for any financial services
299 authorized herein.

300 (5) The authority may delegate to one or more of its
301 officers or employees such of its powers as it shall deem
302 necessary to carry out the purposes of this part, subject always
303 to the supervision and control of the authority. ~~Members of the~~
304 ~~authority may be removed from their office by the Governor for~~
305 ~~misconduct, malfeasance, misfeasance, and nonfeasance in office.~~

306 (6) A member or the executive director of the authority
307 may not:

308 (a) Personally represent another person or entity for
309 compensation before the authority for a period of 2 years
310 following vacation of his or her position.

311 (b) After retirement or termination, have an employment or
312 contractual relationship with a business entity other than an
313 agency, as defined in s. 112.312, in connection with a contract
314 in which the member or executive director personally and
315 substantially participated through decision, approval,
316 disapproval, recommendation, rendering of advice, or
317 investigation while he or she was a member or employee of the
318 authority.

319 (7) The authority's general counsel shall serve as the
320 authority's ethics officer.

321 (8) Authority board members, employees, and consultants
322 who hold positions that may influence authority decisions shall
323 refrain from engaging in any relationship that may adversely

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324 affect their judgment in carrying out authority business. To
325 prevent such conflicts of interest and preserve the integrity
326 and transparency of the authority to the public, the following
327 disclosures must be made annually on a disclosure form:

328 (a) Any relationship a board member, employee, or
329 consultant has which affords a current or future financial
330 benefit to such board member, employee, or consultant, or to a
331 relative or business associate of such board member, employee,
332 or consultant, and which a reasonable person would conclude has
333 the potential to create a prohibited conflict of interest. As
334 used in this subsection, the term "relative" has the same
335 meaning as provided in s. 112.312.

336 (b) Whether a relative of such board member, employee, or
337 consultant is a registered lobbyist, and, if so, the names of
338 such lobbyist's clients. Such names shall be provided in writing
339 to the ethics officer.

340 (c) Any and all interests in real property that such board
341 member, employee, or consultant has, or that a relative,
342 principal, client, or business associate of such board member,
343 employee, or consultant has, if such real property is located
344 within, or within a 1/2-mile radius of, any actual or
345 prospective authority roadway project. The executive director
346 shall provide a corridor map and a property ownership list
347 reflecting the ownership of all real property within the
348 disclosure area, or an alignment map with a list of associated
349 owners, to all board member, employees, and consultants.

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350 (9) The disclosure forms required under subsection (8)
351 must be reviewed by the ethics officer or, if a form is filed by
352 the general counsel, by the executive director.

353 (10) The conflict of interest process shall be outlined in
354 the authority's code of ethics.

355 (11) Authority employees and consultants are prohibited
356 from serving on the governing body of the authority while
357 employed by or under contract with the authority.

358 (12) The code of ethics policy shall be reviewed and
359 updated by the ethics officer and presented for board approval
360 at least once every 2 years.

361 (13) Employees shall be adequately informed and trained on
362 the code of ethics and shall continually participate in ongoing
363 ethics education.

364 (14) The requirements of subsections (6)-(13) are in
365 addition to the requirements that the members and the executive
366 director of the authority are required to follow under chapter
367 112.

368 (15) Violations of subsections (6), (8), and (11) are
369 punishable in accordance with s. 112.317.

370 Section 4. Section 348.753, Florida Statutes, is amended
371 to read:

372 348.753 Orlando-Orange County Expressway Authority.—

373 (1) There is hereby created and established a body politic
374 and corporate, an agency of the state, to be known as the

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375 Orlando-Orange County Expressway Authority, hereinafter referred
376 to as "authority."

377 (2) (a) The governing body of the authority shall consist
378 of five members. Three members shall be citizens of Orange
379 County, who shall be appointed by the Governor. The fourth
380 member shall be, ex officio, the chair of the County
381 Commissioners of Orange County, and the fifth member shall be,
382 ex officio, the district secretary of the Department of
383 Transportation serving in the district that contains Orange
384 County. The term of each appointed member shall be for 4 years.
385 Each appointed member shall hold office until his or her
386 successor has been appointed and has qualified. A vacancy
387 occurring during a term shall be filled only for the balance of
388 the unexpired term. Each appointed member of the authority shall
389 be a person of outstanding reputation for integrity,
390 responsibility, and business ability, but no person who is an
391 officer or employee of any city or of Orange County in any other
392 capacity shall be an appointed member of the authority. Any
393 member of the authority shall be eligible for reappointment.

394 (b) A member of the authority appointed by the Governor
395 may not serve as a member of any other transportation-related
396 board, commission, or organization while serving as a member of
397 the authority.

398 (c) A lobbyist, as defined in s. 112.3215, may not be
399 appointed or serve as a member of the authority.

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400 (d) A member of the authority may be removed from office
401 by the Governor for misconduct, malfeasance, misfeasance, or
402 nonfeasance in office.

403 (e) Members of the authority are entitled to receive
404 reimbursement from the authority for travel and other necessary
405 expenses incurred in connection with the business of the
406 authority as provided in s. 112.061, but may not draw salaries
407 or other compensation.

408 (3) (a) The authority shall elect one of its members as
409 chair of the authority. The authority shall also elect a
410 secretary and a treasurer who may or may not be members of the
411 authority. The chair, secretary, and treasurer shall hold such
412 offices at the will of the authority. Three members of the
413 authority shall constitute a quorum, and the vote of three
414 members shall be necessary for any action taken by the
415 authority. No vacancy in the authority shall impair the right of
416 a quorum of the authority to exercise all of the rights and
417 perform all of the duties of the authority.

418 (b) Upon the effective date of his or her appointment, or
419 as soon thereafter as practicable, each appointed member of the
420 authority shall enter upon his or her duties.

421 (4) ~~(a)~~ The authority may employ an executive secretary, an
422 executive director, its own counsel and legal staff, technical
423 experts, such engineers, and such employees, permanent or
424 temporary, as it may require and may determine the
425 qualifications and fix the compensation of such persons, firms,

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426 or corporations and may employ a fiscal agent or agents,
427 provided, however, that the authority shall solicit sealed
428 proposals from at least three persons, firms, or corporations
429 for the performance of any services as fiscal agents. The
430 authority may delegate to one or more of its agents or employees
431 such of its power as it shall deem necessary to carry out the
432 purposes of this part, subject always to the supervision and
433 control of the authority. ~~Members of the authority may be~~
434 ~~removed from their office by the Governor for misconduct,~~
435 ~~malfeasance, misfeasance, or nonfeasance in office.~~

436 ~~(b) Members of the authority shall be entitled to receive~~
437 ~~from the authority their travel and other necessary expenses~~
438 ~~incurred in connection with the business of the authority as~~
439 ~~provided in s. 112.061, but they shall draw no salaries or other~~
440 ~~compensation.~~

441 (5) A member or the executive director of the authority
442 may not:

443 (a) Personally represent another person or entity for
444 compensation before the authority for a period of 2 years
445 following vacation of his or her position.

446 (b) After retirement or termination, have an employment or
447 contractual relationship with a business entity other than an
448 agency, as defined in s. 112.312, in connection with a contract
449 in which the member or executive director personally and
450 substantially participated through decision, approval,
451 disapproval, recommendation, rendering of advice, or

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452 investigation while he or she was a member or employee of the
453 authority.

454 (6) The authority's general counsel shall serve as the
455 authority's ethics officer.

456 (7) Authority board members, employees, and consultants
457 who hold positions that may influence authority decisions shall
458 refrain from engaging in any relationship that may adversely
459 affect their judgment in carrying out authority business. To
460 prevent such conflicts of interest and preserve the integrity
461 and transparency of the authority to the public, the following
462 disclosures must be made annually on a disclosure form:

463 (a) Any relationship a board member, employee, or
464 consultant has which affords a current or future financial
465 benefit to such board member, employee, or consultant, or to a
466 relative or business associate of such board member, employee,
467 or consultant, and which a reasonable person would conclude has
468 the potential to create a prohibited conflict of interest. As
469 used in this subsection, the term "relative" has the same
470 meaning as provided in s. 112.312.

471 (b) Whether a relative of such board member, employee, or
472 consultant is a registered lobbyist, and if so, the names of
473 such lobbyist's clients. Such names shall be provided in writing
474 to the ethics officer.

475 (c) Any and all interests in real property that such board
476 member, employee, on consultant has, or that a relative,
477 principal, client, or business associate of such board member,

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478 employee, or consultant has, if such real property is located
479 within, or within a 1/2-mile radius of, any actual or
480 prospective authority roadway project. The executive director
481 shall provide a corridor map and a property ownership list
482 reflecting the ownership of all real property within the
483 disclosure area, or an alignment map with a list of associated
484 owners, to all board member, employees, and consultants.

485 (8) The disclosure forms required under subsection (7)
486 must be reviewed by the ethics officer or, if a form is filed by
487 the general counsel, by the executive director.

488 (9) The conflict of interest process shall be outlined in
489 the authority's code of ethics.

490 (10) Authority employees and consultants are prohibited
491 from serving on the governing body of the authority while
492 employed by or under contract with the authority.

493 (11) The code of ethics policy shall be reviewed and
494 updated by the ethics officer and presented for board approval
495 at least once every 2 years.

496 (12) Employees shall be adequately informed and trained on
497 the code of ethics and shall continually participate in ongoing
498 ethics education.

499 (13) The requirements of subsections (5)-(12) are in
500 addition to the requirements that the members and the executive
501 director of the authority are required to follow under chapter
502 112.

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503 (14) Violations of subsections (5), (7), and (10) are
504 punishable in accordance with s. 112.317.

505 Section 5. Section 348.9952, Florida Statutes, is amended
506 to read:

507 348.9952 Osceola County Expressway Authority.—

508 (1) There is created a body politic and corporate, an
509 agency of the state, to be known as the Osceola County
510 Expressway Authority.

511 (2) (a) The governing body of the authority shall consist
512 of six members. Five members, at least one of whom must be a
513 member of a racial or ethnic minority group, must be residents
514 of Osceola County, three of whom shall be appointed by the
515 governing body of the county and two of whom shall be appointed
516 by the Governor. The sixth member shall be the district
517 secretary of the department serving in the district that
518 includes Osceola County, who shall serve as an ex officio,
519 nonvoting member. The term of each appointed member shall be for
520 4 years, except that the first term of the initial members
521 appointed by the Governor shall be 2 years each. Each appointed
522 member shall hold office until his or her successor has been
523 appointed and has qualified. A vacancy occurring during a term
524 shall be filled only for the balance of the unexpired term. Each
525 appointed member of the authority shall be a person of
526 outstanding reputation for integrity, responsibility, and
527 business ability, but a person who is an officer or employee of
528 any municipality or of Osceola County in any other capacity may

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529 not be an appointed member of the authority. A member of the
530 authority is eligible for reappointment.

531 (b) A member of the authority appointed by the governing
532 board of the county or appointed by the Governor may not serve
533 as a member of any other transportation-related board,
534 commission, or organization while serving as a member of the
535 authority.

536 (c) A lobbyist, as defined in s. 112.3215, may not be
537 appointed or serve as a member of the authority.

538 (d) ~~(b)~~ Members of the authority may be removed from office
539 by the Governor for misconduct, malfeasance, ~~misfeasance~~, or
540 nonfeasance in office.

541 (e) Members of the authority are entitled to receive
542 reimbursement from the authority for travel and other necessary
543 expenses incurred in connection with the business of the
544 authority as provided in s. 112.061, but may not draw salaries
545 or other compensation.

546 (3) (a) The authority shall elect one of its members as
547 chair. The authority shall also elect a secretary and a
548 treasurer, who may be members of the authority. The chair,
549 secretary, and treasurer shall hold such offices at the will of
550 the authority.

551 (b) Three members of the authority constitute a quorum,
552 and the vote of three members is necessary for any action taken
553 by the authority. A vacancy in the authority does not impair the

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554 right of a quorum of the authority to exercise all of the rights
555 and perform all of the duties of the authority.

556 (4) (a) The authority may employ an executive secretary, an
557 executive director, its own counsel and legal staff, technical
558 experts, engineers, and other employees, permanent or temporary,
559 as it may require, and may determine the qualifications and fix
560 the compensation of such persons, firms, or corporations.

561 Additionally, the authority may employ a fiscal agent or agents.
562 However, the authority shall solicit sealed proposals from at
563 least three persons, firms, or corporations for the performance
564 of any services as fiscal agents. The authority may delegate to
565 one or more of its agents or employees such of its power as it
566 deems necessary to carry out the purposes of this part, subject
567 always to the supervision and control of the authority.

568 ~~(b) Members of the authority are entitled to receive from~~
569 ~~the authority their travel and other necessary expenses incurred~~
570 ~~in connection with the business of the authority as provided in~~
571 ~~s. 112.061, but members shall not draw salaries or other~~
572 ~~compensation.~~

573 (b) ~~(e)~~ The department is not required to grant funds for
574 startup costs to the authority. However, the governing body of
575 the county may provide funds for such startup costs.

576 (c) ~~(d)~~ The authority shall cooperate with and participate
577 in any efforts to establish a regional expressway authority.

578 (d) ~~(e)~~ Notwithstanding any other provision of law,
579 including s. 339.175(3), the authority is not entitled to voting

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580 membership in a metropolitan planning organization in which
581 Osceola County, or any of the municipalities therein, are also
582 voting members.

583 (5) A member or the executive director of the authority
584 may not:

585 (a) Personally represent another person or entity for
586 compensation before the authority for a period of 2 years
587 following vacation of his or her position.

588 (b) After retirement or termination, have an employment or
589 contractual relationship with a business entity other than an
590 agency, as defined in s. 112.312, in connection with a contract
591 in which the member or executive director personally and
592 substantially participated through decision, approval,
593 disapproval, recommendation, rendering of advice, or
594 investigation while he or she was a member or employee of the
595 authority.

596 (6) The authority's general counsel shall serve as the
597 authority's ethics officer.

598 (7) Authority board members, employees, and consultants
599 who hold positions that may influence authority decisions shall
600 refrain from engaging in any relationship that may adversely
601 affect their judgment in carrying out authority business. To
602 prevent such conflicts of interest and preserve the integrity
603 and transparency of the authority to the public, the following
604 disclosures must be made annually on a disclosure form:

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605 (a) Any relationship a board member, employee, or
606 consultant has which affords a current or future financial
607 benefit to such board member, employee, or consultant, or to a
608 relative or business associate of such board member, employee,
609 or consultant, and which a reasonable person would conclude has
610 the potential to create a prohibited conflict of interest. As
611 used in this subsection, the term "relative" has the same
612 meaning as provided in s. 112.312.

613 (b) Whether a relative of such board member, employee, or
614 consultant is a registered lobbyist, and, if so, the names of
615 such lobbyist's clients. Such names shall be provided in writing
616 to the ethics officer.

617 (c) Any and all interests in real property that such board
618 member, employee, or consultant has, or that a relative,
619 principal, client, or business associate of such board member,
620 employee, or consultant has, if such real property is located
621 within, or within a 1/2-mile radius of, any actual or
622 prospective authority roadway project. The executive director
623 shall provide a corridor map and a property ownership list
624 reflecting the ownership of all real property within the
625 disclosure area, or an alignment map with a list of associated
626 owners, to all board member, employees, and consultants.

627 (8) The disclosure forms required under subsection (7)
628 must be reviewed by the ethics officer or, if a form is filed by
629 the general counsel, by the executive director.

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630 (9) The conflict of interest process shall be outlined in
631 the authority's code of ethics.

632 (10) Authority employees and consultants are prohibited
633 from serving on the governing body of the authority while
634 employed by or under contract with the authority.

635 (11) The code of ethics policy shall be reviewed and
636 updated by the ethics officer and presented for board approval
637 at least once every 2 years.

638 (12) Employees shall be adequately informed and trained on
639 the code of ethics and shall continually participate in ongoing
640 ethics education.

641 (13) The requirements of subsections (5)-(12) are in
642 addition to the requirements that the members and the executive
643 director of the authority are required to follow under chapter
644 112.

645 (14) Violations of subsections (5), (7), and (10) are
646 punishable in accordance with s. 112.317

647 Section 6. This act shall take effect July 1, 2014.

648

649

650

T I T L E A M E N D M E N T

651 Remove everything before the enacting clause and insert:

652 A bill to be entitled

653 An act relating to expressway authorities; amending s.

654 348.0003, F.S.; revising provisions for membership of

655

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656 an expressway authority in specified counties;
657 prohibiting certain activities by authority board
658 members and executive directors during and after
659 membership or employment; providing for an ethics
660 officer; requiring disclosure of certain relationships
661 and interest; prohibiting employees and consultants
662 from membership on a board; providing for a code of
663 ethics policy; providing for violations; amending s.
664 348.0004, F.S.; requiring approval by the governing
665 board of the county for a toll increase by an
666 expressway authority in specified counties; amending
667 ss. 348.52, 348.753, and 348.9952, F.S., relating to
668 the Tampa-Hillsborough County Expressway Authority,
669 the Orlando-Orange County Expressway Authority and the
670 Osceola County Expressway Authority, respectively;
671 prohibiting certain activities by authority board
672 members and executive directors during and after
673 membership or employment; providing for an ethics
674 officer; requiring disclosure of certain relationships
675 and interest; prohibiting employees and consultants
676 from membership on a board; providing for a code of
677 ethics policy; providing for violations; providing an
678 effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 883 License Plates
SPONSOR(S): Transportation & Highway Safety Subcommittee, Broxson
TIED BILLS: IDEN./SIM. BILLS:

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|---|---------------------|-------------------|--|
| 1) Transportation & Highway Safety Subcommittee | 13 Y, 0 N, As CS | Johnson | Miller |
| 2) Transportation & Economic Development Appropriations Subcommittee | | Perkins <i>RP</i> | Davis <i>GD</i> |
| 3) Economic Affairs Committee | | | |

SUMMARY ANALYSIS

Under current law, when a lienholder notifies the Department of Highway Safety and Motor Vehicles (DHSMV) that the registered owner of a vehicle refuses to comply with a demand for surrender, the drivers name is placed on the "surrender stop" list. Drivers on the surrender stop list are not allowed to be issued license plates or registration stickers until either the vehicle is recovered or the lienholder has the person's name removed from the list. Due to legal concerns, DHSMV is currently not enforcing this provision.

The bill requires DHSMV to withhold the registration, re-registration, or replacement registration after the lienor submits a written notice to surrender to DHSMV. The bill provides that only the vehicle identified by the lienor would be prevented from registering.

The bill provides that upon DHSMV's receipt from a lienor who claims a lien on a vehicle, of written notice to surrender a vehicle or vessel that has been disposed of, concealed, removed, or destroyed by a lienee, DHSMV shall place the name of the vehicle's registered owner on the list of persons who may not be issued a license plate, revalidation sticker, or replacement license plate for the vehicle or vessel owned by the lienee which is identified in the claim by the lienor.

The bill provides that a registered owner of a vehicle may dispute a notice to surrender the vehicle or his or her inclusion on the list of those persons who may not be issued a license plate, revalidation sticker, or replacement license plate by bringing a civil action in the county which he or she resides. The bill provides for procedures for that civil action.

There is an indeterminate fiscal impact on state revenues and expenditures, and DHSMV will incur minimal, nonrecurring programming costs to implement provisions of the bill. See Fiscal Comments for additional detail.

The bill has an effective date of October 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Section 320.02(17), F.S. , provides that DHSMV “may” withhold the registration or registration or replacement registration after a written notice to surrender a vehicle is submitted to DHSMV by a lienor.¹ DHSMV currently places a “customer stop” when notified by a lienor, which prevents the registration renewal for all vehicles associated with a customer.²

In 2008, the Legislature passed SB 1992,³ creating the Automobile Lenders Industry Task Force within DHSMV. In 2009, based upon a task force recommendation, s. 320.1316, F.S., relating to failure to surrender a vehicle or vessel was created.⁴

Section 320.1316(1), F.S., provides that upon the receipt from a lienor who claims a lien on a vehicle, of written notice to surrender a vehicle or vessel that has been disposed of, concealed, removed, or destroyed by the lienee, DHSMV shall place the name of the registered owner on the list of persons who may not be issued a license plate, revalidation sticker, or replacement license plate for any motor vehicle owned by the lienee at the time notice was given by the lienor. Currently, DHSMV places a “customer stop” when notified by a lienor, preventing the registration or renewal for “all” vehicles associated with a customer.⁵

Since September 2012, DHSMV has suspended the enforcement of s. 320.1316, based on an internal legal opinion “[d]ue to concerns about the opportunity for citizens to appeal DHSMV decisions to levy these ‘registration stops. . .’”⁶

Proposed Changes

The bill amends s. 320.02(17), F.S., providing that DHSMV shall withhold the registration or re-registration or replacement registration after written notice to surrender a vehicle is submitted to DHSMV by a lienor.⁷ The bill also requires DHSMV to only prevent the registration of the one vehicle identified in the lienor’s notice, not all vehicles owned by the customer.

The changes to s. 320.02(17), F.S., require DHSMV to no longer place a “customer stop;” but place a newly created stop that works identical to a registration stop on a person’s record. According to DHSMV, a new type of stop would be created rather than using the existing registration stop because registration stops are placed using a license plate number and both mobile homes and vessels do not have license plates. This would no longer prevent “all vehicles” owned by the person from being renewed; but, only the specific vehicle, vessel, or mobile home associated with the lien. According to DHSMV, this would require programming and process changes.⁸

The bill amends s. 320.1316(1),F.S., providing that upon DHSMV’s receipt from a lienor who claims a lien on a vehicle, of written notice to surrender a vehicle or vessel that has been disposed of,

¹ This is pursuant to s. 316.1316, F.S.

² DHSMV bill analysis of HB 883. On file with the Transportation & Highway Safety Subcommittee.

³ Ch. 2008-176, L.O.F.

⁴ Ch. 2009-206, L.O.F.

⁵ DHSMV bill analysis of HB 883. On file with the Transportation & Highway Safety Subcommittee.

⁶ DHSMV Office of General Council legal opinion. Docket No. 2012-6505. On file with Transportation & Highway Safety Subcommittee staff.

⁷ This is pursuant to s. 320.1316, F.S.

⁸ DHSMV bill analysis of HB 883. On file with the Transportation & Highway Safety Subcommittee.

concealed, removed, or destroyed by a lienee, DHSMV shall place the name of the vehicle's registered owner on the list of persons who may not be issued a license plate, revalidation sticker, or replacement license plate for the vehicle or vessel owned by the lienee which is identified in the claim by the lienor.

The bill also removes a provision from current law which allows a registered owner to dispute a notice to surrender the vehicle by notifying DHSMV in writing on forms provided by DHSMV and presenting proof that the vehicle was sold to a licensed motor vehicle dealer, a licensed mobile home dealer, or a licensed recreational vehicle dealer. This does not affect s. 320.02, F.S., which continues to authorize DHMSV to withhold registration or re-registration of any motor vehicle if an owner has a driver's license suspended for failure to pay any fine levied under chs. 318 or 322, F.S.

The bill provides that a registered owner of a vehicle may dispute a notice to surrender the vehicle or his or her inclusion on the list of those persons who may not be issued a license plate, revalidation sticker, or replacement license plate⁹ by bringing a civil action in the county which he or she resides. In an action, the petitioner is entitled to summary procedure,¹⁰ and the court shall advance the cause in its calendar if requested by the petitioner.

At a hearing challenging the refusal to issue a license plate, revalidation sticker, or replacement license plate, the court must first determine whether the lienor has a recorded lien on the vehicle or vessel and whether the lienor properly made a demand for the surrender of the vehicle or vessel. If the court determines that the lien was recorded and that such a demand was properly made, the court should also determine whether a good cause exists for the person's failure to surrender the vehicle or vessel. The term "good cause" is limited to proof that:

- The vehicle that was the subject of the demand for surrender was traded in to a licensed motor vehicle dealer before the date of the surrender demand;
- The lienholder's lien giving rise to the inclusion on the list has been paid in full or otherwise satisfied;
- There is ongoing litigation relating to the validity or enforceability of the lien;
- The petitioner was in compliance with all of his or her contractual obligations with the lienholder at the time of the demand for surrender;
- The vehicle or vessel was reported to law enforcement as stolen by the owner of the vehicle or vessel before the demand to surrender; or
- The petitioner no longer has possession of the vehicle or vessel and the loss of possession occurred pursuant to operation of law. If the petitioner's loss of possession did not occur pursuant to the operation of law, the fact that a third party has physical possession of the vehicle or vessel does not constitute good cause for the failure to surrender the vehicle or vessel.

If the petitioner establishes good cause for failure to surrender the vehicle or vessel, the court shall enter an order removing the petitioner's name from the list of those persons who may not be issued a license plate, revalidation sticker, or replacement license plate and award the petitioner reasonable attorney fees and costs actually incurred for the proceeding.

If the court finds that the demand for surrender was properly made by the lienor and the petitioner fails to establish good cause for the failure to surrender the vehicle or vessel, the court shall award the lienor reasonable attorney fees and costs actually incurred for the proceeding.

Effective Date (Section 3)

The bill has an effective date of October 1, 2014.

B. SECTION DIRECTORY:

⁹ This is under s. 320.03(8), F.S.

¹⁰ Summary procedure is specified in s. 51.011, F.S.

- Section 1 Amends s. 320.02, F.S., relating to registration required; application for registration; forms.
- Section 2 Amends s. 320.1316, F.S., relating to failure to surrender vehicle or vessel.
- Section 3 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
Indeterminate. See Fiscal Comments.
2. Expenditures:
Indeterminate. See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
None.
2. Expenditures:
None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Motorists could potentially have registration holds on fewer vehicles since the bill only allows a registration hold on the vehicle involved subject to a lien, not all vehicles owned by the same registered owner.

D. FISCAL COMMENTS:

The provisions of the bill will allow DHSMV to create a new "stop" that will generate a registration hold on only the specific vehicle that was submitted to DHSMV with a notice to surrender a vehicle by a lienor. A new stop will also be created when a lienor submits a claim to surrender a vehicle or vessel that has been disposed of, concealed, removed, or destroyed by the lienee. This hold will prevent the lienee from obtaining a license plate, revalidation sticker, or replacement license plate for the vehicle or vessel specified in the notice. Because DHSMV is currently not enforcing existing holds due to legal concerns,¹¹ the implementation of a new hold by this bill could reduce or simply delay the number of registrations and license plates issued in a given year, at least until the lien is satisfied. This impact cannot be quantified, therefore the fiscal impact is negative indeterminate on general revenue and state trust funds. However, satisfying the lien and providing the opportunity for the lienee to dispute the notice to surrender the vehicle or his or her inclusion on the list of those persons who may not be issued a license plate, revalidation sticker, or replacement license plate, could mitigate this impact.

To the extent a motorist brings a civil action to dispute a notice to surrender their vehicle or their inclusion on the list who may be issued a license plate or validation sticker, may create a workload increase for the court system. Such impact is indeterminate, however, and cannot be quantified.

¹¹ DHSMV bill analysis of HB 883. On file with the Transportation & Economic Development Appropriations Subcommittee.
STORAGE NAME: h0883b.TEDAS.DOCX
DATE: 3/28/2014

DMSMV advises that it will incur minimal, nonrecurring programming costs of \$8,400 to implement this bill.

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:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 18, 2014, the Transportation & Highway Safety Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The committee substitute removed provisions regarding registration stops for uniform traffic citations related to toll violations, parking tickets, traffic infraction detector violations and wrecker liens. The amendment also changed the effective date of the bill to October 1, 2014. This analysis is drafted to the committee substitute as reported by the Transportation & Highway Safety Subcommittee.

1 A bill to be entitled
 2 An act relating to license plates; amending s. 320.02,
 3 F.S.; revising provisions for the Department of
 4 Highway Safety and Motor Vehicles to withhold the
 5 renewal of registration or replacement registration of
 6 a motor vehicle; revising the conditions under which a
 7 revalidation sticker or replacement license plate may
 8 be issued; amending s. 320.1316, F.S.; prohibiting the
 9 department from issuing a license plate, revalidation
 10 sticker, or replacement license plate for a vehicle or
 11 vessel identified in a notice from a lienor; revising
 12 procedures for dispute of a notice to surrender a
 13 vehicle or vessel; authorizing civil actions and the
 14 award of attorney fees and costs; providing an
 15 effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Subsection (17) of section 320.02, Florida
 20 Statutes, is amended to read:

21 320.02 Registration required; application for
 22 registration; forms.—

23 (17) If an ~~any~~ applicant's name appears on a list of
 24 persons who may not be issued a license plate, revalidation
 25 sticker, or replacement license plate after a written notice to
 26 surrender a vehicle was submitted to the department by a lienor

27 | as provided in s. 320.1316, the department shall ~~may~~ withhold
 28 | renewal of registration or replacement registration of the ~~any~~
 29 | motor vehicle identified in ~~owned by the applicant at the time~~
 30 | the notice ~~was~~ submitted by the lienor. The lienor must maintain
 31 | proof that written notice to surrender the vehicle was sent to
 32 | each registered owner pursuant to s. 320.1316(1). A revalidation
 33 | sticker or replacement license plate may not be issued for the
 34 | identified vehicle until the ~~that~~ person's name no longer
 35 | appears on the list, ~~or until~~ the person presents documentation
 36 | from the lienor that the vehicle has been surrendered to the
 37 | lienor, or a court orders the person's name removed from the
 38 | list as provided in s. 320.1316. The department may ~~shall~~ not
 39 | withhold an initial registration in connection with an
 40 | applicant's purchase or lease of a motor vehicle solely because
 41 | the applicant's name is on the list created by s. 320.1316.

42 | Section 2. Section 320.1316, Florida Statutes, is amended
 43 | to read:

44 | 320.1316 Failure to surrender vehicle or vessel.—

45 | (1) Upon receipt from a lienor who claims a lien on a
 46 | vehicle pursuant to s. 319.27 by the Department of Highway
 47 | Safety and Motor Vehicles of written notice to surrender a
 48 | vehicle or vessel that has been disposed of, concealed, removed,
 49 | or destroyed by the lienee, the department shall place the name
 50 | of the registered owner of that vehicle on the list of those
 51 | persons who may not be issued a license plate, revalidation
 52 | sticker, or replacement license plate ~~for any motor vehicle~~

53 ~~under s. 320.03(8) owned by the licensee at the time the notice~~
 54 ~~was given by the lienor.~~ Pursuant to s. 320.03(8), the
 55 department may not issue a license plate or revalidation sticker
 56 for the vehicle or vessel owned by the licensee which is
 57 identified in the claim by the lienor. If the vehicle is owned
 58 jointly ~~by more than one person~~, the name of each registered
 59 owner shall be placed on the list.

60 (2) The notice to surrender the vehicle shall be signed
 61 under oath by the lienor and submitted on forms developed by the
 62 department, which must include:

63 (a) The name, address, and telephone number of the lienor.

64 (b) The name of the registered owner of the vehicle and
 65 the address to which the lienor provided notice to surrender the
 66 vehicle to the registered owner.

67 (c) A general description of the vehicle, including its
 68 color, make, model, body style, and year.

69 (d) The vehicle identification number, registration
 70 license plate number, if known, or other identification number,
 71 as applicable.

72 (3) The registered owner of the vehicle may dispute a
 73 notice to surrender the vehicle or his or her inclusion on the
 74 list of those persons who may not be issued a license plate,
 75 revalidation sticker, or replacement license plate under s.
 76 320.03(8) by bringing a civil action in the county in which he
 77 or she resides ~~by notifying the department of the dispute in~~
 78 ~~writing on forms provided by the department and presenting proof~~

79 | ~~that the vehicle was sold to a motor vehicle dealer licensed~~
 80 | ~~under s. 320.27, a mobile home dealer licensed under s. 320.77,~~
 81 | ~~or a recreational vehicle dealer licensed under s. 320.771.~~

82 | (4) In an action brought pursuant to subsection (3), the
 83 | petitioner is entitled to the summary procedure specified in s.
 84 | 51.011, and the court shall advance the cause on its calendar if
 85 | requested by the petitioner.

86 | (5) At a hearing challenging the refusal to issue a
 87 | license plate, revalidation sticker, or replacement license
 88 | plate under s. 320.03(8), the court shall first determine
 89 | whether the lienor has a recorded lien on the vehicle or vessel
 90 | and whether the lienor properly made a demand for the surrender
 91 | of the vehicle or vessel in accordance with this section. If the
 92 | court determines that the lien was recorded and that such a
 93 | demand was properly made, the court shall determine whether good
 94 | cause exists for the lienee's failure to surrender the vehicle
 95 | or vessel. As used in this section, the term "good cause" is
 96 | limited to proof that:

97 | (a) The vehicle that was the subject of the demand for
 98 | surrender was traded in to a licensed motor vehicle dealer
 99 | before the date of the surrender demand;

100 | (b) The lien giving rise to the inclusion on the list has
 101 | been paid in full or otherwise satisfied;

102 | (c) There is ongoing litigation relating to the validity
 103 | or enforceability of the lien;

104 (d) The petitioner was in compliance with all of his or
 105 her contractual obligations with the lienholder at the time of
 106 the demand for surrender;

107 (e) The vehicle or vessel was reported to law enforcement
 108 as stolen by the registered owner of the vehicle or vessel
 109 before the demand for surrender; or

110 (f) The petitioner no longer has possession of the vehicle
 111 or vessel, and the loss of possession occurred pursuant to
 112 operation of law. If the petitioner's loss of possession did not
 113 occur pursuant to operation of law, the fact that a third party
 114 has physical possession of the vehicle or vessel does not
 115 constitute good cause for the failure to surrender the vehicle
 116 or vessel.

117 (6) If the petitioner establishes good cause for his or
 118 her failure to surrender the vehicle or vessel, the court shall
 119 enter an order removing the petitioner's name from the list of
 120 those persons who may not be issued a license plate,
 121 revalidation sticker, or replacement license plate under s.
 122 320.03(8) and shall award the petitioner reasonable attorney
 123 fees and costs actually incurred for the proceeding.

124 (7) If the court finds that the demand for surrender was
 125 properly made by the lienor and the petitioner fails to
 126 establish good cause for the failure to surrender the vehicle or
 127 vessel, the court shall award the lienor reasonable attorney
 128 fees and costs actually incurred for the proceeding.

129 Section 3. This act shall take effect October 1, 2014.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1161 The Department of Transportation
SPONSOR(S): Transportation & Highway Safety Subcommittee, Goodson
TIED BILLS: IDEN./SIM. **BILLS:** SB 1048

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|---|---------------------|-------------------|--|
| 1) Transportation & Highway Safety Subcommittee | 13 Y, 0 N, As CS | Johnson | Miller |
| 2) Transportation & Economic Development Appropriations Subcommittee | | Proctor <i>JP</i> | Davis <i>GD</i> |
| 3) Economic Affairs Committee | | | |

SUMMARY ANALYSIS

The bill amends several provisions relating to the Department of Transportation (DOT). The bill authorizes DOT to enter into agreements with investors to purchase the revenue stream from wireless communications leases. The bill revises provisions related to public service warning signs on water management district property. The bill also updates the state's outdoor advertising statutes. Specifically, the bill:

- Revises various definitions.
- Clarifies DOT's duties relating to outdoor advertising.
- Clarifies that outdoor advertising signs may only be permitted on parcels of land that are in commercial or industrial zones; and creates a process for resolving compliance issues.
- Revises DOT's authority to enter private land to remove illegal signs.
- Clarifies that a license is not required of a business that solely constructs signs.
- Clarifies disciplinary action for delinquent accounts, and effects of an outdoor advertising license suspension.
- Clarifies permit requirements to insure compliance with federal regulation.
- Clarifies that DOT may deny or revoke any permit requested or granted if the application contains false or misleading information.
- Clarifies DOT's authority to remove signs with cancelled permits in addition to those with revoked permits.
- Clarifies the notification and permitting processes for signs currently in violation of permit requirements.
- Clarifies the vegetation management permit process.
- Removes the fine of \$75 against an owner who has been assessed the costs of removing a sign.
- Allows permitted signs to be relocated rather than acquired when the relocation results from a transportation project.
- Allows for the clarification and expansion of commerce and local control exemptions unless DOT is notified by the federal government that the exemptions will adversely affect federal funds, and provides for the removal of the signs if the signs are not allowed.
- Clarifies that compensation for signs acquired by DOT includes both conforming and nonconforming signs.
- Clarifies the process for allowing sign heights to be increased when constructing sound walls.
- Allows the logo sign program on all limited access roads.
- Ensures DOT's authority to remove cancelled signs.
- Repeals a 2012 provision allowing DOT to request permission from the Federal Government for a tourist-oriented sign program.

The bill may have an indeterminate positive fiscal impact on state revenues related to various outdoor advertising permits and the potential for leasing the revenue stream for wireless communications facilities.

Failure of the state to maintain outdoor advertising control may result in reduced amounts of state highway funds from the Federal government of 10 percent, which correlates to approximately \$160 million annually.

The bill has an effective date of July 1, 2014.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1161b.TEDAS.DOCX

DATE: 3/28/2014

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Leases for Wireless Communications Facilities (Section 1)

Current Situation

Section 365.172(12)(f), F.S., authorizes the leasing of state property for wireless communication facilities. Throughout the state, many wireless communications facilities are located on DOT right-of-way. DOT currently does not have statutory authority to allow for the factoring of revenues from leases for wireless communications facilities.

Proposed Changes

The bill creates s. 339.041, F.S., relating to factoring of revenues from leases for wireless communication facilities. The bill provides Legislative findings that efforts to increase funds for capital expenditure for the transportation system are necessary to protect the public safety and general welfare and to preserve transportation facilities. The Legislature's intent is to:

- Create a mechanism for factoring future revenues received by DOT from leases of wireless communication facilities on DOT property on a nonrecourse basis;
- Fund fixed capital expenditures for the statewide transportation system from proceeds generated through this mechanism; and
- Maximize revenues from factoring by ensuring that such revenues are exempt from income taxation under federal law in order to increase funds available for capital expenditures.

For the purpose of factoring future revenues, DOT property includes:

- Real property located within DOT's limited access rights-of-way,
- Real property located outside the current operating right-of-way limits which is not needed to support transportation facilities,
- Other property owned by the Board of Trustees Internal Improvement Trust Fund and leased by DOT,
- Space on DOT telecommunications facilities, and
- Space on DOT structures.

DOT may seek investors willing to enter into agreements to purchase the revenue stream from one or more existing DOT leases for wireless communication facilities on property owned or controlled by DOT.

DOT may not pledge the credit, general revenues, or the taxing power of the state or any political subdivision. The obligations of DOT and investors under the agreement do not constitute a general obligation of the state or a pledge of the state's full faith and credit or taxing power. The agreement is payable from and secured solely by payments received from DOT leases for wireless communication facilities on property owned or controlled by DOT, and neither the state nor any of its agencies has any liability beyond such payment.

DOT may make any covenant or representation necessary or desirable in connection with the agreement, including a commitment by DOT to take whatever actions are necessary on behalf of investors to enforce DOT's rights to payments on property leased for wireless communications facilities. DOT may agree to use its best efforts to ensure that anticipated future-year revenues are protected. Any risk that actual revenues received from DOT leases for wireless communications facilities are lower than anticipated shall be borne exclusively by investors.

Subject to annual appropriation, investors will collect the lease payments on a schedule and in a manner established in the agreements entered into by DOT and investors. The agreements may provide for lease payments to be made directly to investors by lessees if the lease agreement and the lessees pursuant to s. 365.172(12)(f), F.S.,¹ allow direct payment.

Proceeds received by DOT from leases for wireless communications facilities shall be deposited in the State Transportation Trust Fund² and used for fixed capital expenditures for the statewide transportation system.

According to DOT, it currently has two wireless contracts. One of these contracts is the Florida Turnpike Enterprise's with payment received through in-kind services; therefore, it is unlikely that factoring would be applicable. However, the other contract would be eligible for consideration.³

Public Service Warning Signs (Section 2)

Current Situation

SB 1986,⁴ passed in 2012, authorizes public information systems located on property owned by water management districts (WMDs), upon terms and conditions approved by the WMD, which must display messages to the general public concerning water management services, activities, events, and sponsors, as well as other public service announcements, including watering restrictions, severe weather reports, amber alerts, and other essential information needed by the public. The law expressly prohibits use of WMD funds to pay the cost to acquire, develop, construct, operate, or manage a public information system and requires that any necessary funds for a public information system be paid for and collected from private sponsors who may display commercial messages.⁵

Section 479.02, F.S., charges DOT with the duty to "administer and enforce provisions of this chapter and the agreement between the state and the United States Department of Transportation (USDOT) relating to the size, lighting, and spacing of signs in accordance with Title 1 of the Highway Beautification Act of 1965 and Title 23 United States Code, and federal regulations in effect as of the effective date of this act." The federal-state agreement and s. 479.07, with limited exception, prohibit a person from erecting, operating, using, or maintaining any sign on the State Highway System outside an urban area or *on any portion of the interstate or federal-aid primary highway system*⁶ without first obtaining a permit for the sign and paying an annual fee.

The italicized phrase above is further defined in that section to mean "a sign located within the **controlled area**⁷ which is visible from any portion of the main-traveled way⁸ of such system."

Certain signs, commonly referred to as "on-premise" signs, are expressly exempted by s. 479.16, F.S., from the requirement to obtain a permit, if the signs comply with the provisions of ss. 479.11(4)-(8), F.S. However, that section expressly specifies that the following types of messages shall not be considered information regarding government services, activities, events, or entertainment:

¹ Section 365.172(12)(f), F.S., relates to leases for telecommunications facilities on state property.

² The State Transportation Trust Fund is created under s. 206.46, F.S.

³ March 17, 2014, e-mail from DOT to Transportation & Highway Safety Subcommittee Staff. Copy on file with the Transportation & Highway Safety Subcommittee.

⁴ Ch. 2012-126, L.O.F.

⁵ S. 373.618, F.S.

⁶ Also includes the national highway system pursuant to 23 U.S.C. 131(t) and s. 479.01(9), F.S.

⁷ Section 479.01(6), F.S., defines "controlled area" as "660 feet or less from the nearest edge of the right-of-way of any portion of the State Highway System, interstate, or federal-aid primary system and beyond 660 feet of the nearest edge of the right-of-way of any portion of the State Highway System, interstate, or federal-aid primary highway system outside of an urban area."

⁸ Section 479.01(13), F.S., defines "main traveled way" as "the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separate roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways which specifically include on-ramps or off-ramps to the interstate highway system, or parking area."

- Messages which specifically reference any commercial enterprise;
- Messages which reference a commercial sponsor of any event;
- Personal messages; and
- Political campaign messages.

DOT may potentially be subject to an annual loss of 10 percent of federal highway funding if these signs are located within a "controlled area."

Proposed Changes

The bill amends s. 373.618, F.S., providing that public service warning signs are subject to the Highway Beautification Act of 1965 and all applicable federal laws and agreements.

Outdoor Advertising (Sections 3 through 23)

Current Situation

Since the passage of the Highway Beautification Act (HBA) in 1965,⁹ the Federal Highway Administration (FHWA) has established controls for outdoor advertising along Federal-Aid Primary, Interstate and National Highway System (NHS) roads. The HBA allows the location of billboards in commercial and industrial areas, mandates a state compliance program, requires the development of state standards, promotes the expeditious removal of illegal signs, and requires just compensation for takings.

The primary features of the HBA include:

- Billboards are allowed, by statute, in commercial and industrial areas consistent with size, lighting and spacing provisions as agreed to by the state and federal governments. Billboard controls apply to all Interstates, Federal-Aid Primaries, and other highways that are part of the National Highway System.
- States have the discretion to remove legal nonconforming signs¹⁰ along highways. However, the payment of just (monetary) compensation is required for the removal of any lawfully erected billboard along the Federal-Aid Primary, Interstate and National Highway System roads.
- States and localities may enact stricter laws than stipulated in the HBA.
- No new signs can be erected along the scenic portions of state designated scenic byways of the Interstate and Federal-Aid Primary highways, but billboards are allowed in segmented areas deemed un-scenic on those routes.

The HBA mandates state compliance and the development of standards for certain signs as well as the removal of nonconforming signs. While the states are not directly forced to control signs, failure to impose the required controls can result in a substantial penalty. The penalty for noncompliance with the HBA is a 10 percent reduction of the state's annual federal-aid highway apportionment.¹¹

Under the provisions of a 1972 agreement¹² between the State of Florida and USDOT incorporating the HBA's required controls, DOT requires commercial signs to meet certain requirements when they are within 660 feet of Interstate and Federal-Aid Primary highways in urban areas, or visible at any distance from the same roadways when outside of urban areas. The agreement embodies the federally-required "effective control of the erection and maintenance of outdoor advertising signs, displays, and devices."

⁹ 23 U.S.C. 131

¹⁰ A "legal nonconforming sign" is a sign that was legally erected according to the applicable laws or regulations of the time, but which does not meet current laws or regulations.

¹¹ 23 U.S.C. 131(b)

¹² A copy of the 1972 agreement is available at <http://www.dot.state.fl.us/rightofway/Documents.shtm> (Last visited September 26, 2013).

DOT reviewed ch. 479, F.S., the primary statute for the Outdoor Advertising Regulatory Program, and has proposed comprehensive revisions to the chapter. This chapter has undergone a number of "minor fixes" over the years. This rewrite allows for better continuity and clearer understanding of the provisions of law, which is critical to DOT because the 1972 Agreement provides that failure by the State to maintain control shall result in reduced amounts equal to 10 percent of federal funds apportioned to the State until the State provides for effective control. The 10 percent correlates today to approximately \$160 million annually.

Commercial and Industrial Areas

Outdoor advertising signs may legally be located in commercial or industrial areas. In conformance with the 1972 agreement, s. 479.01(4), F.S., currently defines "commercial or industrial zone" as a parcel of land designated for commercial or industrial use under both the Future Land Use Map (FLUM) of the local comprehensive plan and the land development regulations adopted pursuant to ch. 163, F.S.¹³ This allows DOT to consider both land development regulations and future land use maps in determining commercial and industrial land use areas and issuing permits for sign locations in such areas.

Unzoned Commercial and Industrial Areas

If a parcel is located in an area designated for multiple uses on the FLUM, and the land development regulations do not clearly designate the parcel for a specific use, the area will be considered an unzoned commercial or industrial area and outdoor advertising signs may be permitted there provided three or more separate commercial or industrial activities take place.¹⁴ However, the following criteria must be met:

- One of the commercial or industrial activities must be located within 800 feet of the sign and on the same side of the highway;
- The commercial or industrial activity must be within 660 feet of the right-of-way; and
- The commercial or industrial activities must be within 1,600 feet of each other.

Regardless of whether the criteria above are met, the following activities are specifically excluded from being recognized as commercial or industrial activities and therefore cannot be considered when determining whether a parcel is an unzoned commercial or industrial area:

- Signs.
- Agricultural, forestry, ranching, grazing, farming, and related activities.
- Transient or temporary activities.
- Activities not visible from the main-traveled way.
- Activities conducted more than 660 feet from the right-of-way.
- Activities conducted in a building principally used as a residence.
- Railroad tracks and minor siding,
- Communications towers.¹⁵

With the exception of communication towers, the exclusion of these activities is specifically required by the 1972 agreement between the state and USDOT.

Entry Upon Privately Owned Lands

For the purposes of ch. 479, F.S., all of the state is deemed as territory under DOT's jurisdiction.¹⁶ DOT's employees, agents, or independent contractors may enter upon any land upon which a sign is displayed, is proposed to be erected, or is being erected to make sign inspections, surveys, and removals. After receiving consent by the landowner, operator, or person in charge, or appropriate

¹³ Chapter 163, F.S., related to intergovernmental programs.

¹⁴ S. 479.01(26), F.S.

¹⁵ S. 479.01(26), F.S.

¹⁶ S. 479.03, F.S.

inspection warrant issued by a judge that the removal of an illegal outdoor advertising sign is necessary, DOT may enter upon any intervening privately-owned lands in order to remove illegal signs, provided that DOT has determined that no other legal or economically feasible means of entering the sign site are reasonably available. DOT must repair or replace in like manner any physical damage or destruction of the private property.

License to Engage in the Business of Outdoor Advertising

A person is prohibited from engaging in the business of outdoor advertising without first obtaining a license from DOT. A person is not required to obtain the license to erect outdoor advertising signs or structures as an incidental part of a building construction contract.¹⁷

Denial or Revocation of License

DOT may deny or revoke any outdoor advertising license requested or granted when DOT determines that the license application contains knowingly false or misleading information, or that the licensee has violated any of the provisions of ch. 479, F.S., unless such licensee corrects such false or misleading information or complies with the provisions of ch. 479, F.S., within 30 days after receiving notice from DOT. Any person aggrieved by any DOT action in denying or revoking a license may apply to DOT for an administrative hearing within 30 days from receipt of the notice.¹⁸

Section 479.07(1), F.S., except as otherwise specified, provides that a person may not erect, operate, use, or maintain, or cause to be erected, operated, used, or maintained, any sign on the State Highway System (SHS) outside an urban area,¹⁹ or on any portion on the interstate or federal-aid primary highway system without first obtaining a permit for the sign from DOT and paying the required annual fee. Section 479.07(2), F.S., prohibits a person from applying for a permit unless a person has first obtained the written permission of the owner or other person in lawful possession or control of the site designated as the location of the sign in the application for the permit. As part of the application, the applicant or authorized representative must certify in a notarized statement that he or she has obtained the written permission of the owner or other person in lawful possession of the site designated as the location of the sign in the permit application.

Outdoor Advertising Annual Permit Fee/Multiple Transfer Fee/Permit Reinstatement Fee

DOT must establish by rule an annual permit fee for each sign facing²⁰ in an amount sufficient to offset DOT's total program costs, but shall not exceed \$100.²¹ The current fee is \$71 for each sign facing of more than 200 square feet, and \$51 for sign facings of 200 square feet or less.²²

The transfer of valid permits from one sign owner to another is currently authorized upon written acknowledgement from the current permittee and submittal of a transfer fee of \$5 for each permit to be transferred. The maximum transfer fee for any multiple transfers between two outdoor advertisers in a single transaction is \$100.²³

Current law provides a process for sign removal if a permittee has not submitted all license and permit renewal fees by the expiration date of the license or permit.²⁴ With respect to sign permits, if at any time before removal of the sign, the permittee demonstrates that a good faith error on the part of the

¹⁷ S. 479.04, F.S.

¹⁸ S. 479.05, F.S.

¹⁹ Section 334.03(31), F.S., defines "urban area" as "a geographic region comprising as a minimum the area inside the United States Bureau of the Census boundary of an urban place with a population of 5,000 or more persons, expanded to include adjacent developed areas as provided for by Federal Highway Administration regulations."

²⁰ A "sign facing" includes all sign faces and automatic changeable faces displayed in the same location or facing the same direction. A "sign face" means the part of the sign, including trim and background, which contains the message or informative contents. (s. 479.01(22) and (23), F.S.).

²¹ S. 479.07(3)(c), F.S.

²² Rule 14-10.0043(2), F.A.C.

²³ S. 479.07(6), F.S.

²⁴ S. 479.07(8), F.S.

permittee resulted in the cancellation or nonrenewal of the permit, DOT may reinstate the permit if the permit reinstatement fee of up to \$300 based on the size of the sign is paid;²⁵ all other permit renewal and delinquent permit fees due as of the reinstatement date are paid; and the permittee reimburses DOT for all actual costs resulting from the permit cancellation or nonrenewal.

Permit Tags/Replacement Tags

DOT must furnish a permittee a serially numbered permanent metal permit tag, which the permittee is required to securely attach to the sign facing or, if there is no facing, on the pole nearest the highway. Further, effective, July 1, 2012, the tag must be securely attached to the upper 50 percent of the pole nearest the highway and must be attached in such a manner as to be plainly visible from the main traveled way. In addition, the permit becomes void unless the permit tag is properly and permanently displayed at the permitted site within 30 days after the date of permit issuance.²⁶

Current law provides for DOT to issue a replacement tag in the event of a permit tag is lost, stolen, or destroyed and, alternatively, authorizes a permittee to provide its own replacement tag pursuant to DOT specifications that DOT shall adopt by rule at the time it establishes the service fees for replacement tags.²⁷

Signs Visible from More than One Highway

If a sign is visible from the controlled area of more than one highway subject to DOT jurisdiction, the sign must meet the permitting requirements of, and be permitted to, the highway having the more stringent requirements.²⁸

Pilot Program/Reduction of Distance Between Permitted Signs

Current law establishes a pilot program in Orange, Hillsborough, and Osceola Counties, and within the boundaries of the City of Miami, under which the distance between permitted signs on the same side of an interstate highway may be reduced to 1,000 feet under the specified conditions and directs DOT to maintain statistics tracking the use of the provisions of the pilot program based on notifications received by DOT from local governments.²⁹

Sign Removal Following Permit Revocation

A sign permittee is currently required to remove a sign within 30 days after the date of revocation of the permit for the sign and, if the permittee fails to do so, DOT must remove the sign without further notice and without incurring any liability.³⁰ Further, all costs incurred by DOT in connection with the removal of a sign located within a controlled area adjacent to the SHS, interstate highway system, or federal-aid primary highway system following the revocation of the sign permit is assessed to and collected from the permittee.³¹

Notices of Violation/Signs Erected or Maintained Without Required Permit

Any sign located adjacent to the right-of-way on any highway on the SHS outside an incorporated area or adjacent to the right-of-way on any portion of the interstate or federal-aid primary highway system without the required DOT permit must be removed. Prior to removal, DOT is required to prominently post on the sign face a notice that the sign is illegal and must be removed within 30 days after the date on which the notice was posted. If the sign bears the name of the licensee or the name and address of the non-licenses sign owner, concurrently with and in addition to posting the notice, DOT must provide a written notice to the owner stating that the sign is illegal and must be permanently removed within the 30-day period; and that the sign owner has a right to request a hearing, which request must be filed

²⁵ The actual fee is \$200 for a sign facing of 200 square feet or less and \$300 for a sign facing of greater than 200 square feet. (Rule 14-10.004(9)(d), F.A.C.).

²⁶ S. 479.07(5), F.S.

²⁷ Rule 14-10.004(5), F.A.C. The current service fee is \$12.

²⁸ S. 479.07(9)(a), F.S.

²⁹ S. 479.07(9)(c), F.S.

³⁰ S. 479.10, F.S.

³¹ S. 479.313, F.S.

with DOT within 30 days after the date of the written notice. If after notice the sign owner does not remove the sign, DOT is required to do so.³²

Issuance of Permits for Conforming or Nonconforming Signs

If a sign owner demonstrates to DOT that:

- A given sign has been unpermitted, structurally unchanged, and continuously maintained at the same location for seven years or more;
- The sign would have met the criteria established in ch. 479, F.S., for issuance of a permit at any time during the period in which the sign has been erected;
- DOT has not initiated a notice of violation or taken other action to remove the sign during the initial seven-year period; and
- DOT determines that the sign is not located on state right-of-way and is not a safety hazard.

DOT may consider the sign a conforming or nonconforming sign and to issue a permit for the sign upon application any payment of a penalty fee of \$300 and all pertinent fees required by ch. 479, F.S., including annual permit renewal fees payable since the date of the erection of the sign.³³

Vegetation Management and View Zones for Outdoor Advertising

Section 479.106, F.S., addresses vegetation management and establishes "view zones" for lawfully permitted outdoor advertising signs on interstates, expressways, federal-aid primary highways, and the State Highway System, excluding privately or other publicly owned property. This section's intent is to create partnering relationships, which will improve the appearance of Florida's highways and creating a net increase in the vegetative habitat along the roads.³⁴

The section requires anyone desiring to remove, cut, or trim trees or vegetation on public right-of-way to improve the visibility of a sign or future sign to obtain written permission from DOT. To receive a permit to remove vegetation, the applicant must provide a plan for the removal and for the management of any vegetation planted as the result of a mitigation plan. Rule 14-10.057, F.A.C., requires mitigation where:

- Cutting, trimming, or damaging vegetation permanently detracts from the appearance or health of trees, shrubs, or herbaceous plants, or where such activity is not done in accordance with published standard practices. This does not apply to invasive exotic and other noxious plants;
- Trees taller than the surrounding shrubs and herbaceous plants are permanently damaged or destroyed;
- Species of trees or shrubs not likely to grow to interfere with visibility are damaged or removed;
- Trees or shrubs that are likely to interfere with visibility are trimmed improperly, permanently damaged, or removed; or
- Herbaceous plants are permanently damaged.

When installing a new sign requires the removal, cutting, or trimming of existing trees or vegetation on public right-of-way, DOT may only grant a permit for the new sign when the sign owner has removed at least two non-conforming signs of comparable size and surrendered those signs' permits for cancellation. For signs originally permitted after July 1, 1996,³⁵ DOT may not grant any permit where such trees or vegetation are part of a beautification project implemented before the date of the original sign permit application, as specified.

Vegetation Management Application Fee/Multiple Site Fee/Administrative Penalty

³² SS. 479.105(1)(a) and (b), F.S.

³³ S. 479.105(1)(e), F.S.

³⁴ S. 479.106(8), F.S.

³⁵ The date of enactment of s. 479.106, F.S.

DOT may establish an application fee for vegetation management not to exceed \$25 for each individual application to defer the costs of processing such application, and a fee not to exceed \$200 to defer the costs of processing an application for multiple sites.³⁶ Further, any person who violates or benefits from a violation of ch. 479, F.S., is subject to an administrative penalty of up to \$1,000 and is required to mitigate for the unauthorized removal, cutting, or trimming of trees or vegetation.³⁷

Cost of Sign Removal/Additional Fine for Violations

Section 479.107(5), F.S., requires that the cost of removing a specified sign, whether by the DOT or an independent contractor, shall be assessed against the sign's owner. In addition, DOT is directed to assess a fine of \$75 against the sign owner for any sign which violates the requirements of that section.

Relocation or Reconstruction of a Publicly Acquired Sign

When DOT acquires land with a lawful nonconforming sign, the sign may, at the its owners and DOT's election and subject to FHWA approval, be relocated or reconstructed adjacent to the new right-of-way along the roadway within 100 feet of the current location, provided the nonconforming sign is not relocated on a parcel zoned residential, and provided further that such relocation is subject to applicable setback requirements.³⁸ The relocation must be adjacent to the current site, and the sign's face may not increase in size or height or be structurally modified at the point of relocation in conflict with the building codes of the jurisdiction in which the sign is located.³⁹

Permits Not Required for Certain Signs

Section 479.16, F.S., currently identifies a number of signs for which permits are not required, including without limitation:

- On-premise signs (signs on property stating only the name of the owner, lessee, or occupant of the premises) not exceeding 8 square feet in area;
- Signs that are not in excess of 8 square feet that are owned by and relate to the facilities or activities of churches, civic organizations, fraternal organizations, charitable organizations, or units or agencies of government;
- Signs placed on benches, transit shelters, and waste receptacles; and
- Signs not in excess of 16 square feet placed at a road junction with the State Highway System denoting only the distance or direction of a residence or farm operation, or, in a rural area where a hardship is created because a small business is not visible from the road junction, one sign not in excess of 16 square feet, denoting only the name of, and the distance and direction to, the business. This provision does not apply to charter counties and may not be implemented if the federal government notifies DOT that implementation will adversely affect the allocation of federal funds to DOT.

Compensation for Removal of Signs

DOT must pay just compensation upon its removal of a lawful nonconforming sign along any portion of the interstate or federal-aid primary highway system.⁴⁰

Noise-Attenuation Barriers Blocking View of Signs

The owner of a lawfully erected sign may increase the height above ground level of such sign at its permitted location if any governmental entity permits or erects a noise-attenuation barrier in such a way as to block visibility of the sign. If construction of a proposed noise-attenuation barrier will screen a lawfully permitted sign, DOT must provide notice to the local government or jurisdiction in which the sign is located before erection of the noise attenuation barrier. If it is determined that the increase in

³⁶ S. 479.106(4), F.S.

³⁷ S. 479.106(7), F.S.

³⁸ S. 479.15(13), F.S.

³⁹ S. 479.15(4), F.S.

⁴⁰ S. 479.24, F. S.

height will violate a local ordinance or land development regulation, the local government or jurisdiction must notify DOT.

When notice has been received from the local government or jurisdiction prior to erection of the noise-attenuation barrier, DOT must conduct a written survey of all property owners identified as impacted by highway noise and who may benefit from the proposed barrier. The written survey must, in addition to stating the date, time, and location of a required public hearing, specifically advise the impacted property owners that:

- Erection of the noise-attenuation barrier may block the visibility of an existing outdoor advertising sign;
- The local government or local jurisdiction may restrict or prohibit increasing the height of the existing outdoor advertising sign to make it visible over the barrier; and
- If a majority of the impacted property owners vote for construction of the noise-attenuation barrier, the local government or local jurisdiction is required to:
 - Allow an increase in the height of the sign in violation of a local ordinance or land development regulation;
 - Allow the sign to be relocated or reconstructed at another location if the sign owner agrees; or
 - Pay the fair market value of the sign and its associated interest in the real property.

DOT must hold the public hearing and receive input on the proposed noise-attenuation barrier and its conflict with the local ordinance or land development regulations, and suggest or consider alternatives or modification to the proposed barrier to alleviate or minimize the conflict with the local ordinance or regulation or minimize any costs associated with relocating, reconstructing, or paying for the affected sign. Notice of the hearing, in addition to general provisions, must specifically state the same items specified for inclusion in the written survey above.

DOT may not permit the erection of the noise-attenuation barrier to the extent that the barrier screens or blocks visibility of the sign until after the public hearing and until such time as the survey has been conducted and a majority of the impacted property owners have indicated approval. When approved, DOT must notify the local governments or local jurisdictions, and the local government or jurisdiction must, notwithstanding any conflicting ordinance or regulation:

- Issue a permit by variance or otherwise for the reconstruction of a sign;
- Allow the relocation of a sign, or construction of another sign, at an alternative location that is permissible, if the sign owner agrees to relocate the sign or construct another sign; or
- Refuse to issue the required permits for reconstruction of a sign and pay fair market value of the sign and its associated interest in the real property to the sign owner.⁴¹

Logo Sign Program

DOT must establish a logo sign program for the rights-of-way of the interstate highway system to provide information to motorists about available gas, food, lodging, camping, attractions, and other services, as approved by the FHWA, at interchanges through the use of business logos and may - include additional interchanges under the program.⁴² As indicated, the program is limited to the interstate highway system, but under the Manual on Uniform Traffic Control Devices (MUTCD),⁴³ the program may be extended to other limited-access facilities, thereby expanding opportunities for business participation in the program.

Tourist-Oriented Directional Sign Program

⁴¹ S. 479.25, F.S.

⁴² S. 479.261, F.S.

⁴³ Adopted by DOT pursuant to s. 316.0745, F.S.

Section 479.262, F.S., establishes a tourist-oriented directional (TOD) sign program for intersections on rural and conventional state, county, or municipal roads. The program is intended to provide directions to rural tourist-oriented businesses, services, and activities in counties identified by criteria and population in s. 288.0656, F.S, when approved and permitted by county or local government entities.

Section 288.0656, F.S., defines a "rural area of critical economic concern" as a rural community, or region composed of rural communities, designated by the Governor, that has been adversely impacted by an extraordinary economic event, severe or chronic distress, or a natural disaster or that presents a unique economic development opportunity of regional impact. "Rural community" is defined to mean a county with a population of 75,000 or fewer, and a county with a population of 125,000 or fewer that is contiguous to a county with a population of 75,000 or fewer.

A county or local government that issues permits for a TOD sign program⁴⁴ is responsible for sign construction, maintenance, and program operation for roads on the State Highway System and may establish permit fees sufficient to offset associated costs.⁴⁵ TOD signs installed on the State Highway System must comply with the requirements of the MUTCD and rules established by DOT.

TOD signs may be installed on the SHS only after being permitted by DOT and placement of TOD signs is limited to rural conventional roads, as required by the MUTCD. TOD signs may not be placed within the right-of-way of limited access facilities; within the right-of-way of a limited access facility interchange, regardless of jurisdiction or local road classification; on conventional roads in urban areas; or at interchanges on freeways or expressways.⁴⁶

Proposed Changes

Definitions (Section 3)

The bill amends the definition of "allowable uses" providing that it means those uses that are authorized within a zoning category as a primary use by right, without the requirement to obtain a variance or waiver. The term includes conditional uses and those allowed by special exception if such uses are a present and actual use, but does not include uses that are accessory, incidental to allowable uses, or allowed only on a temporary basis.

The bill amends the definition of "business of outdoor advertising" removing the terms constructing, erecting, and using.

The bill revises the definition of "federal-aid primary highway system" to mean the federal-aid primary highway system in existence on June 1, 1991, and any highway that was not a part of such system as of that date but that is or becomes after June 1, 1991, a part of the National Highway System but are unbuilt or unopened. This is similar to a definition for "federal-aid primary highway system" currently in s. 479.15, F.S., which is being deleted.

The bill revises the definition of "remove" to mean to disassemble all sign materials above ground level and transport them from the site.

The bill amends the definition of "sign face" to include an automatic changeable face.⁴⁷

The bill revises the definition of "state highway system" to provide that it has the same meaning as defined in s. 334.03, F.S.⁴⁸

⁴⁴ Prior to requesting a permit to install a TOD sign on the State Highway System, a local government must first have established by ordinance the criteria provided in part VI of ch. 14-51, F.A.C.

⁴⁵ S. 479.262(2), F.S.

⁴⁶ Rule 15-51.063, F.A.C. and s. 2K.01 of Chapter 2K of the MUTCD (2009).

⁴⁷ Section 479.01(2), F.S., defines "automatic changeable facing" as "a facing that is capable of delivering two or more advertising messages through an automated or remotely controlled process."

The bill deletes the definitions of "commercial or industrial zone" and "unzoned commercial or industrial area" due to the creation of s. 479.024, F.S., relating to commercial and industrial parcels.

Duties of the Department (Section 4)

The bill amends s. 479.02, F.S., clarifying DOT's duties relating to outdoor advertising are as follows:

- In the duty to administer and enforce ch. 479 F.S., clarifies that it is a 1972 agreement between DOT and USDOT and expressly incorporates provisions of the referenced chapter, agreement, law, and regulations pertaining to the maintenance, continuance, and removal of nonconforming signs.
- In the duty to regulate size, height, lighting, and spacing of permitted signs, revises language to distinguish between commercial and industrial *parcels* and unzoned commercial and industrial *areas*.
- Directs DOT to determine commercial and industrial parcels and unzoned commercial or industrial areas in the manner provided in the newly created s. 479.024, F.S.
- In the duty to adopt rules necessary for proper administration of ch. 479.F.S., including rules that identify activities that may not be recognized as industrial or commercial activities, revises language to distinguish between commercial and industrial *parcels* and unzoned commercial or industrial *areas* and requires the rules to provide for determination of such parcels and areas in the manner provided in the newly created s. 479.024, F.S.
- In the duty to inventory and determine the location of all signs, makes "plain language" revisions and repeals DOT's direction to adopt rules regarding what information is to be collected and preserved in the sign inventory.

Commercial and Industrial Parcels (Section 5)

The bill creates s. 479.024, F.S., relating to commercial and industrial parcels. It provides that signs shall only be permitted by DOT in commercial or industrial zones, as determined by the local government,⁴⁹ unless otherwise provided by ch. 479, F.S. Commercial and industrial zones are those areas appropriate for commerce, industry, or trade, regardless of how those areas are labeled. The term "parcel" means the property where the sign is located or is proposed to be located.

The determination as to zoning by the local government for the parcel must meet the following factors:

- The parcel is comprehensively zoned and includes commercial or industrial use as allowable uses.
- The parcel can reasonably accommodate a commercial or industrial use under the future land use map of the comprehensive plan and land use development regulations as follows:
 - Sufficient utilities are available to support commercial development. For purposes of this section "utilities" includes all privately, publically, or cooperatively owned lines, facilities, and systems for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste and storm water not connected with highway drainage, and other similar commodities.
 - The size and configuration, and public access of the parcel is sufficient to accommodate a commercial or industrial use given requirements in the comprehensive plan and land development regulations for vehicular access, on-site circulation, building setbacks, buffering, parking, and other applicable standards, or the parcel consists of railroad tracks or minor siding abutting commercial or industrial property that meets the factors of this subsection.

⁴⁸ Section 334.03(24), F.S., defines "state highway system" as "the interstate system and all other roads within the state which were under the jurisdiction of the state on June 10, 1995, and roads constructed by an agency of the state for the State Highway System, plus roads transferred to the state's jurisdiction after that date by mutual consent with another governmental entity, but not including roads so transferred from the state's jurisdiction. These facilities shall be facilities to which access is regulated."

⁴⁹ This is in conformance with Ch. 163, F.S., relating to intergovernmental programs.

- The parcel is not being used exclusively for non-commercial or non-industrial uses.

If a local government has not designated zoning through land development regulations,⁵⁰ but has designated the parcel under the future land use map of the comprehensive plan for uses that include commercial or industrial uses, the parcel will be considered an unzoned commercial or industrial area. For a permit to be issued for a sign in an unzoned commercial or industrial area, there must be three or more distinct commercial or industrial activities within 1,600 feet of each other, with at least one of the commercial or industrial activities being located on the same side of the highway as the sign location within 800 feet of the sign location. Multiple commercial or industrial activities enclosed in one building will be considered one use when all uses only have shared building entrances.

For purposes of s. 479.024, F.S., certain uses and activities, including but not limited to the following, may not be independently recognized as commercial or industrial:

- Signs.
- Agricultural, forestry, ranching, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands.
- Transient or temporary activities.
- Activities not visible from the main-traveled way, unless a DOT transportation facility is the only cause for the activity not being visible.
- Activities conducted more than 660 feet from the nearest edge of the right-of-way.
- Activities conducted in a building principally used as a residence.
- Railroad tracks and minor sidings, unless such use is immediately abutted by commercial or industrial property which meets the factors above.
- Communication towers.
- Public parks, public recreation services, and governmental uses and activities that take place in a structure that serves as the permanent public meeting place for local, state, or federal boards, commissions, or courts.

If the local government has indicated the proposed sign location is on a parcel that is a commercial or industrial zone, but DOT finds that it is not, DOT shall notify the sign applicant in writing.

An applicant whose application for a permit is denied may, within 30 days from the receipt of the notification of intent to deny, request an administrative hearing⁵¹ to determine whether the parcel is located in a commercial or industrial zone. Upon receiving the request, DOT must notify the local government that the applicant has requested an administrative hearing.

If DOT determines in a final order that the parcel does not meet the permitting conditions outlined in this section and a sign exists on the parcel, the applicant is responsible for all sign removal costs and the sign must be removed from the sign location within 30 days of the final order.

If FHWA reduces funds which would be apportioned to DOT due to a local government's failure to comply with s. 479.024, F.S., DOT will reduce the state's apportioned transportation funding within the jurisdiction of the local government entity in an equivalent amount.

Jurisdiction of DOT; Entry upon Privately Owned Lands (Section 6)

The bill amends s. 479.03, F.S., revising DOT's authority to enter upon privately owned lands to remove a sign by striking references to receipt of consent, inserting a specified written notice requirement, and expanding those to whom written notice must be alternatively given to a person in charge of an intervening privately owned land.

Business of Outdoor Advertising; License Requirement; Renewal; Fees (Section 7)

⁵⁰ These regulations must be in compliance with ch. 163, F.S.

⁵¹ Administrative hearings are pursuant to ch. 120, F.S.

The bill amends s. 479.04, F.S., relating to the required license to engage in the business of outdoor advertising, clarifying that a person is not required to obtain an outdoor advertising license solely to erect or construct outdoor advertising signs or structures. This conforms the statute to the revised definition of "business of outdoor advertising."

Denial, Suspension, or Revocation of License (Section 8)

The bill amends s. 479.05, F.S., clarifying disciplinary actions for delinquent accounts. The bill authorizes the suspension of any license requested or granted under ch. 479, F.S., in addition to denial or revocation, in any case when DOT determines the application contains false or misleading information of material consequence, that the licensee has failed to pay fees or costs owed to DOT for outdoor advertising purposes, or that the licensee has violated any of the provisions of ch. 479, F.S., unless such licensee, within 30 days after receipt of DOT's notice, corrects such false or misleading information, pays the outstanding amount, or complies with the provisions of ch. 479, F.S. The bill provides that suspensions of a license allows the licensee to maintain existing sign permits, but DOT may not grant a transfer of an existing permit or issue an additional permit to a licensee with a suspended license.

Sign Permits (Section 9)

The bill amends s. 479.07, F.S., clarifying existing language and clarifying permit requirements to ensure compliance with federal regulations on all highways subject to DOT jurisdiction. Specifically the bill:

- Removes the requirement for a notarized permit application, which will allow for future on-line permit processing.
- Removes a prohibition against prorating a fee for a period of less than the remainder of the permit year to accommodate short-term publicity features.
- Clarifies that DOT must act on a permit application within 30 days after receipt of the application by granting, denying, or returning the incomplete application.
- Changes the tag posting placement requirement to the upper 50 percent of the sign structure from the upper 50 percent of the pole nearest the highway to accommodate various sign structure.
- Removes the authorization for a permittee to provide its own replacement tag and related rulemaking authority regarding replacement tags. This will ensure consistency in tags.
- Clarifies that if a sign is visible to more than one highway and within the controlled area of these highways it shall meet the permitting requirements of all highways.
- Clarifies that the height restriction of a sign is based on the main-traveled way to which the sign is permitted.
- Removes the establishment of a pilot program where signs where the distance between signs in certain areas⁵² may be reduced to 1,000 feet if certain requirements are met and makes it statewide.
- Removes pilot program sign placement requirements, which are redundant to the newly created s. 479.024, F.S.
- Removes requirements for maintaining pilot program statistics.
- Deletes obsolete language and makes grammatical and editorial changes.

Denial or Revocation of Permit (Section 10)

The bill amends s. 479.08, F.S., revising DOT's authority to deny or revoke any permit when it determines that the application contains false or misleading information of material consequence, eliminating that the information is knowingly false or misleading.

Sign Removal following Permit Revocation or Cancellation (Section 11)

⁵² The pilot program is in Orange, Hillsborough, and Osceola Counties and within the boundaries of the City of Miami.
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The bill amends s. 479.10, F.S., regarding sign removal, to require a permittee to remove a sign within 30 days of the date of cancellation (in addition to revocation) of the permit for a sign and specifies removal of the sign at the permittee's expense if DOT removes the sign because of the permittee's failure to do so.

Signs Erected or Maintained Without Permit – Removal (Section 12)

The bill amends s. 479.105, F.S., regarding signs erected or maintained without a required permit, to:

- Revise provisions for placement of DOT's notice of violation on a sign;
- Require DOT to concurrently with and in addition to posting the notice, provide a written notice to the owner of the sign, the advertiser displayed on the sign, or the owner of the property; -
- Provides that a notice of violation includes notification that a sign is illegal and that it must be removed within 30 days;
- Provide that written notice state that a hearing may be requested as specified;
- Provides that if a sign is not removed within the 30 day period, DOT is required to immediately remove the sign; and
- Relocate and clarify existing provisions for DOT issuance of permits for conforming and nonconforming signs erected or maintained without the required permit

Vegetation Management (Section 13)

The bill amends s. 479.106, F.S., relating to vegetation management and sign visibility to:

- Require signs originally permitted after July 1, 1996, the first application or application for change of view zone, for the removal, cutting, or trimming of trees or vegetation must require, in addition to mitigation or contribution to a plan of mitigation, the removal of two nonconforming signs; and
- Provide that the administrative penalty for engaging in removal, cutting, or trimming in violation of s.479.106, F.S. or benefitting from such action is up to \$1,000 per sign facing. DOT currently assesses a fee of \$1,000 per incident, per sign facing.⁵³

Signs on Highway Rights-of-Way; Removal (Section 14)

The bill amends s. 479.107(5), F.S., removing the fine of \$75 against a sign owner who has been assessed the cost of removal for a sign which is in violation of the law. DOT advises that it often costs more than \$75 to collect the fine, if it can be collected at all. Therefore, DOT does not even pursue the fine.⁵⁴

Specified Signs Allowed within Controlled Portions of the Interstate and Federal-Aid Primary Highway System (Section 15)

The bill amends s. 479.111(2), F.S., clarifying that this section refers to the 1972 agreement between the state and USDOT.

Harmony of Regulations (Section 16)

The bill amends s. 479.15, F.S., providing for harmony of state and local regulations, to:

- Strike the definition of "federal-aid primary highway system," which is now defined in s 479.01, F.S.
- Provide that subject to FHWA approval and whenever public acquisition of land which as a lawful permitted (rather than nonconforming) sign occurs, the sign may, at the election of its owner and DOT, be relocated or reconstructed adjacent to the new ROW and in close proximity to the current site (rather than along the roadway within 100 feet to the current location), provided that the sign is not relocated in an area inconsistent with s. 479.024, F.S., (rather than

⁵³S. 14-10.057(4), F.A.C.

⁵⁴ October 21, 2013, e-mail from DOT to staff of the Transportation & Highway Safety Subcommittee. Copy on file with subcommittee staff.

on a parcel zoned residential) and provided further that such relocation shall be subject to the requirements (rather than applicable setback requirements) in the 1972 agreement between the state and the USDOT.

- Provides the face of a nonconforming sign may not be increased in size or height or structurally modified at the point of relocation as specified; and
- Provide a neighboring sign that is already permitted and that is within the spacing requirements of ch. 479.07(9)(a), F.S., is not cause to become nonconforming.

Wall Murals⁵⁵ (Section 17)

The bill amends s. 479.156, F.S., relating to wall murals, to replace references to the "Highway Beautification Act" with references to its statutory placement in federal law, 23 U.S.C. s. 131, and to correct cross-references.

Signs for Which Permits Are Not Required (Section 18)

The bill amends s. 479.16, F.S., relating to signs where permits are not required. The bill also provides that signs on modular news racks, street light poles, and public pay telephones within the right-of-way are exempt from ch. 479, F.S.

The bill clarifies an already existing exemption of signs for rural business directional signs to make the provision applicable to signs located outside an incorporated area. The bill also removes the rural business exemption exception for charter counties.

The bill provides the following new exemptions with the caveat that they may not be implemented or continued if the Federal Government notifies DOT that the implementation or continuation will adversely affect the allocation of federal funds to DOT:

- Signs placed by a local tourist oriented business located within a Rural Area of Critical Economic Concern which signs meet the following criteria:
 - Not more than eight square feet in size or more than four feet in height;
 - Located only in rural areas along non-limited access highways;
 - Located within two miles of the business location and not less than 500 feet apart;
 - Located only in two directions leading to the business;
 - Not located within the road right-of-way.Businesses placing such signs must be at least four miles from any other business utilizing this exemption and such business may not participate in any other DOT directional signage program.
- Signs not in excess of 32 square feet placed temporarily during harvest season of a farm operation for a period of no more than four months at a road jurisdiction with the SHS denoting only the distance or direction of the farm operation.
- Acknowledgement signs erected upon publicly funded school premises relating to a specific public school club, team or event placed no closer than 1,000 feet from another acknowledgement sign on the same side of the roadway. All sponsors on an acknowledgement sign may constitute no more than 100 square feet of the sign.⁵⁶
- Displays erected upon a sports facility that displays content directly related to the facility's activities or where a presence of the products or services offered on the property exists.

⁵⁵ Section 479.01(30), F.S., defines "wall mural" as "a sign that is a painting or an artistic work composed of photographs or arrangements of color that displays a commercial or noncommercial message, relies solely on the side of the building for rigid structural support, and is painted on the building or depicted in vinyl, fabric, or other similarly flexible material that is held in place flush or flat against the surface of the building. The term excludes a painting or work placed on a structure that is erected for the sole or primary purpose of signage."

⁵⁶ The bill defines "acknowledgement sign" as signs that are intended to inform the traveling public that a public school club, team, or event has been sponsored by a person, firm, or entity.

Displays are to be mounted flush or flat to the surface of the sports facility and rely upon the building façade for structural support.⁵⁷

The bill provides that if certain exemptions are not implemented or continued due to Federal Government notification that the allocation of federal funds to DOT will be adversely affected, DOT must notify the sign owner that the sign must be removed within 30 days. If the sign is not removed within 30 days, DOT may remove the sign and all costs associated with sign removal are to be assessed against and collected from the sign owner.

Compensation for signs; Eminent Domain, Exceptions (Section 19)

The bill amends s. 479.24, F.S., requiring DOT pay just compensation for its acquisition (rather than removal) of a lawful *conforming or nonconforming* signs.

Erection of Noise-attenuation Barrier Blocking View of Sign (Section 20)

The bill amends s. 479.25, F.S., relating to the erection of noise-attenuation barriers blocking the view of a sign, to:

- Make “plain language” and conforming changes;
- Require, upon determination that an increase in height as allowed will violate a provision contained in an ordinance or land development regulation, *prior to construction*, the local government or jurisdiction shall provide a variance or waiver to allow an increase in the height of the sign; and
- Remove a DOT requirement to conduct a written survey of all property owners impacted by noise and who may benefit from the barrier.

Logo Sign Program (Section 21)

The bill amends s. 479.261, F.S., expanding the logo sign program to the entire limited-access highway system, rather than just to the interstate highway system, as is already authorized by the MUTCD, thereby increasing opportunities for business participation.

Tourist Oriented Directional Sign Program (Section 22)

The bill amends s. 479.262(1), F.S., continuing the authorization of the tourist-oriented directional sign program at intersections on rural and conventional state, county, or municipal roads, but removing the restriction for participation in the program to such roads in rural counties,⁵⁸ and to expressly state, consistent with rule 14-51.063, F.A.C., and the MUTCD, and that a tourist-oriented directional sign may not be used on roads in urban areas or at interchanges of freeways or expressways.

Permit Revocation and Cancellation; Cost of Removal (Section 23)

The bill amends s. 479.313, F.S., relating to sign removal, to include *cancellation*, along with revocation, in the direction that all costs incurred by DOT in connection with the removal of a sign be assessed and collected from the permittee.

Tourist-Oriented Commerce Sign/Permit Exemption (Section 24)

Current Situation

In an effort to increase visibility and facilitate economic development for small businesses in rural areas of critical economic concern HB 599⁵⁹ was passed in 2012, authorizing DOT to seek approval from FHWA for a tourist-oriented commerce sign pilot program and to submit the pilot program for legislative approval in the next regular legislative session.

⁵⁷The bill defines, “sports facility” as an athletic complex, athletic arena, or athletic stadium, including physically connected parking facilities, which is open to the public and has a permanent installed seating capacity of 15,000 or more.

⁵⁸ Rural counties are identified by criteria and population in s. 288.0656, F.S.

⁵⁹ s. 76, ch. 2012-174, L.O.F.

In continued discussions with the FHWA, DOT has been advised that approval of the pilot program is not expected. According to DOT, it was advised by FHWA to proceed by obtaining permission to replace authorization to seek pilot program approval with an exemption from permitting requirements, as well as language identical to that under current s. 479.16(15), F.S., relating to an exemption for permitting rural hardship signs, that would protect against any adverse impact upon the allocation of federal funds to DOT.

Proposed Changes

The bill repeals s. 76 of ch. 2012-174, L.O.F., which was a pilot program for tourist-oriented commerce outdoor advertising signs in rural areas of critical economic concern, which is replaced by authority to erect such signs without a permit under certain conditions.

Effective Date (Section 25)

The bill has an effective date of July 1, 2014.

B. SECTION DIRECTORY:

- Section 1 Creates s. 339.041, F.S., relating to factoring of revenues from leases for wireless communication facilities.
- Section 2 Amends s. 373.618, F.S., relating to public service warnings, alerts, and announcements.
- Section 3 Amends s. 479.01, F.S., relating to definitions relating to outdoor advertising.
- Section 4 Amends s. 479.02, F.S., relating to duties of the Department of Transportation.
- Section 5 Creates s. 479.024, F.S., relating to commercial and industrial parcels.
- Section 6 Amends s. 479.03, F.S., relating to the jurisdiction of the department; entry upon privately owned lands.
- Section 7 Amends s. 479.04, F.S., relating to the business of outdoor advertising; license requirement; renewal; fees.
- Section 8 Amends s. 479.05, F.S., relating to the denial, suspension, or revocation of license.
- Section 9 Amends s. 479.07, F.S., relating to sign permits.
- Section 10 Amends s. 479.08, F.S., relating to denial or revocation of permit.
- Section 11 Amend s. 479.10, F.S., relating to sign removal following permit revocation or cancellation.
- Section 12 Amends s. 479.105, F.S., relating to signs erected or maintained without required permit; removal.
- Section 13 Amends s. 479.106, F.S., relating to vegetation management.
- Section 14 Amends s. 479.107, F.S., relating to signs on highway rights-of-way; removal.
- Section 15 Amends s. 479.111, F.S., relating to specified signs allowed within controlled portions of the interstate and federal-aid primary highway system.
- Section 16 Amends s. 479.15, F.S., relating to harmony of regulation.

- Section 17 Amends s. 479.156, F.S., relating to wall murals.
- Section 18 Amends s. 479.16, F.S., relating to signs for which permits are not required.
- Section 19 Amends s. 479.24, F.S., relating to compensation for signs, eminent domain; exceptions.
- Section 20 Amends s. 479.25, F.S., relating to erection of noise-attenuation barrier blocking view of sign; procedures; application.
- Section 21 Amends s. 479.261, F.S., relating to the logo sign program.
- Section 22 Amends s. 479.262, F.S., relating to the tourist oriented directional sign program.
- Section 23 Amends s. 479.313, F.S., relating to permit revocation and cancellation; cost of removal.
- Section 24 Repeals s. 76 of ch. 2012-174, L.O.F., relating to a permit exemption for tourist oriented commerce signs.
- Section 25 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

DOT may see some additional up-front revenues from agreements with investors willing to purchase the revenue stream from one or more existing DOT leases of wireless communication facilities under section 1 of the bill. To the extent that such agreements are executed, there would be a reduction in future revenues to DOT from the lease payments purchased by the investors. The amount of these revenue impacts would be dependent on the terms of various agreements and cannot be determined at this time. DOT advises that it has one contract that would be eligible for consideration, and further estimates that firms would purchase the revenue stream discounted by 25 to 45 percent of the lease's net present value.

Allowing logo signs on all limited access highways under section 21 of the bill has the potential to increase the state's revenue from the logo sign program, but this cannot be quantified and has an indeterminate positive impact on the State Transportation Trust Fund.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Section 20 of the bill may require local governments to provide a variance or waiver of local ordinances and land development regulations under certain circumstances. The cost to the local

governments to provide the variances or waivers is indeterminate, but is expected to be insignificant due to limited number of signs that would be impacted. These costs would be absorbed as part of the normal land use administrative responsibilities of a local government.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill expands the list of exemptions from permitting requirements for certain signs. To the extent a sign owner had been paying for permits for these signs in the past, this change will have a positive impact on the private sector. Such signs are also required to be removed at the owner's expense should DOT find the sign must be removed due to federal notification. The net effect of these provisions on a sign owner is indeterminate.

Placing logo signs on additional limited access facilities could potentially increase revenue at those establishments that advertise on the logo signs. Any possible impact to the private sector is indeterminate.

D. FISCAL COMMENTS:

Failure of the state to maintain control of its outdoor advertising could result in a 10 percent reduction in federal highway funds, which correlates to approximately \$160 million annually.

If FHWA reduces funds which would be apportioned to DOT due to a local government's failure to comply with land use determination requirements, DOT will reduce the state's apportioned transportation funding within the jurisdiction of the local government entity in an equivalent amount. To the extent this situation arises, there would be an impact on a local government, but such impact is indeterminate at this time.

The bill removes the existing \$75 fine against a sign owner who has been assessed the cost of sign removal for a sign found in violation of the law. According to DOT, it has not been pursuing the fine since it costs more than \$75 to collect.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, section 18 of the Florida Constitution may apply because this bill may require local governments to spend money granting variances or waivers of local ordinances and land development regulations under certain circumstances. However, an exemption may apply because there is expected to be an insignificant fiscal impact.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

DOT will have to revise its rules relating to outdoor advertising to conform to the changes made in the bill.⁶⁰

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 24, 2014, the Transportation & Highway Safety Subcommittee adopted three amendments and reported the bill favorably as a committee substitute. The amendments:

- Provided that public service warning signs on water management district property are subject to the Highway Beautification Act and all applicable federal laws and agreements.
- Removed the increase in maximum fees for the transfer of sign permits from one sign owner to another.
- Reinstated current law regarding the maximum permit reinstatement fee.
- Removed a reference regarding local governments having rules regarding wall murals, and changes it back to existing law regarding local government regulations.

This analysis is drafted to the committee substitute.

1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 creating s. 339.041, F.S.; providing legislative
4 findings and intent; authorizing the department to
5 seek certain investors for certain leases; prohibiting
6 the department from pledging the credit, general
7 revenues, or taxing power of the state or any
8 political subdivision of the state; specifying the
9 collection and deposit of lease payments by agreement
10 with the department; amending s. 373.618, F.S.;
11 revising provisions relating to public service warning
12 signs; amending s. 479.01, F.S., relating to outdoor
13 advertising signs; revising and deleting definitions;
14 amending s. 479.02, F.S.; revising duties of the
15 Department of Transportation relating to signs;
16 deleting a requirement that the department adopt
17 certain rules; creating s. 479.024, F.S.; limiting the
18 placement of signs to commercial or industrial zones;
19 defining the terms "parcel" and "utilities"; requiring
20 a local government to use specified criteria to
21 determine zoning for commercial or industrial parcels;
22 providing that certain parcels are considered unzoned
23 commercial or industrial areas; authorizing a permit
24 for a sign in an unzoned commercial or industrial area
25 in certain circumstances; prohibiting specified uses
26 and activities from being independently recognized as

27 commercial or industrial; providing an appeal process
 28 for an applicant whose permit is denied; requiring an
 29 applicant whose application is denied to remove an
 30 existing sign pertaining to the application; requiring
 31 the department to reduce certain transportation
 32 funding in certain circumstances; amending s. 479.03,
 33 F.S.; requiring notice to owners of intervening
 34 privately owned lands before the department enters
 35 upon such lands to remove an illegal sign; amending s.
 36 479.04, F.S.; providing that an outdoor advertising
 37 license is not required solely to erect or construct
 38 outdoor signs or structures; amending s. 479.05, F.S.;
 39 authorizing the department to suspend a license for
 40 certain offenses and specifying activities that the
 41 licensee may engage in during the suspension;
 42 prohibiting the department from granting a transfer of
 43 an existing permit or issuing an additional permit
 44 during the suspension; amending s. 479.07, F.S.;
 45 revising requirements for obtaining sign permits;
 46 conforming and clarifying provisions; revising permit
 47 tag placement requirements for signs; deleting a
 48 provision that allows a permittee to provide its own
 49 replacement tag; revising requirements for permitting
 50 certain signs visible to more than one highway;
 51 deleting provisions limiting a pilot program to
 52 specified locations; deleting redundant provisions

53 relating to certain new or replacement signs; deleting
 54 provisions requiring maintenance of statistics on the
 55 pilot program; amending s. 479.08, F.S.; revising
 56 provisions relating to the denial or revocation of a
 57 permit because of false or misleading information in
 58 the permit application; amending s. 479.10, F.S.;
 59 authorizing the cancellation of a permit; amending s.
 60 479.105, F.S.; revising notice requirements to owners
 61 and advertisers relating to signs erected or
 62 maintained without a permit; revising procedures for
 63 the department to issue a permit as a conforming or
 64 nonconforming sign to the owner of an unpermitted
 65 sign; providing a penalty; amending s. 479.106, F.S.;
 66 revising provisions relating to the removal, cutting,
 67 or trimming of trees or vegetation to increase sign
 68 face visibility; providing that a specified penalty is
 69 applied per sign facing; amending s. 479.107, F.S.;
 70 deleting a fine for specified violations; amending s.
 71 479.11, F.S.; prohibiting signs on specified portions
 72 of the interstate highway system; amending s. 479.111,
 73 F.S.; clarifying a reference to a certain agreement;
 74 amending s. 479.15, F.S.; deleting a definition;
 75 revising provisions relating to relocation of certain
 76 signs on property subject to public acquisition;
 77 amending s. 479.156, F.S.; clarifying provisions
 78 relating to the regulation of wall murals; amending s.

79 479.16, F.S.; exempting certain signs from ch. 479,
 80 F.S.; exempting from permitting certain signs placed
 81 by tourist-oriented businesses, certain farm signs
 82 placed during harvest seasons, certain acknowledgment
 83 signs on publicly funded school premises, and certain
 84 displays on specific sports facilities; prohibiting
 85 certain permit exemptions from being implemented or
 86 continued if the implementations or continuations will
 87 adversely impact the allocation of federal funds to
 88 the Department of Transportation; directing the
 89 department to notify a sign owner that the sign must
 90 be removed if federal funds are adversely impacted;
 91 authorizing the department to remove the sign and
 92 assess costs to the sign owner under certain
 93 circumstances; amending s. 479.24, F.S.; clarifying
 94 provisions relating to compensation paid for the
 95 department's acquisition of lawful signs; amending s.
 96 479.25, F.S.; revising provisions relating to local
 97 government action with respect to erection of noise-
 98 attenuation barriers that block views of lawfully
 99 erected signs; deleting provisions to conform to
 100 changes made by the act; amending s. 479.261, F.S.;
 101 expanding the logo program to the limited access
 102 highway system; conforming provisions related to a
 103 logo sign program on the limited access highway
 104 system; amending s. 479.262, F.S.; clarifying

105 provisions relating to the tourist-oriented
 106 directional sign program; limiting the placement of
 107 such signs to intersections on certain rural roads;
 108 prohibiting such signs in urban areas or at
 109 interchanges on freeways or expressways; amending s.
 110 479.313, F.S.; requiring a permittee to pay the cost
 111 of removing certain signs following the cancellation
 112 of the permit for the sign; repealing s. 76 of chapter
 113 2012-174, Laws of Florida, relating to authorizing the
 114 department to seek Federal Highway Administration
 115 approval of a tourist-oriented commerce sign pilot
 116 program and directing the department to submit the
 117 approved pilot program for legislative approval;
 118 providing an effective date.

119

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

121

122 Section 1. Section 339.041, Florida Statutes, is created
 123 to read:

124 339.041 Factoring of revenues from leases for wireless
 125 communication facilities.-

126 (1) The Legislature finds that efforts to increase funding
 127 for capital expenditures for the transportation system are
 128 necessary for the protection of the public safety and general
 129 welfare and for the preservation of transportation facilities in
 130 this state. Therefore, it is the intent of the Legislature to:

131 (a) Create a mechanism for factoring future revenues
 132 received by the department from leases for wireless
 133 communication facilities on department property on a nonrecourse
 134 basis;

135 (b) Fund fixed capital expenditures for the statewide
 136 transportation system from proceeds generated through this
 137 mechanism; and

138 (c) Maximize revenues from factoring by ensuring that such
 139 revenues are exempt from income taxation under federal law in
 140 order to increase funds available for capital expenditures.

141 (2) For the purposes of factoring future revenues under
 142 this section, department property includes real property located
 143 within the department's limited access rights-of-way, real
 144 property located outside the current operating right-of-way
 145 limits which is not needed to support current transportation
 146 facilities, other property owned by the Board of Trustees of the
 147 Internal Improvement Trust Fund and leased by the department,
 148 space on department telecommunications facilities, and space on
 149 department structures.

150 (3) The department may seek investors willing to enter
 151 into agreements to purchase the revenue stream from one or more
 152 existing department leases for wireless communication facilities
 153 on property owned or controlled by the department.

154 (4) The department may not pledge the credit, the general
 155 revenues, or the taxing power of the state or of any political
 156 subdivision of the state. The obligations of the department and

157 investors under the agreement do not constitute a general
 158 obligation of the state or a pledge of the full faith and credit
 159 or taxing power of the state. The agreement is payable from and
 160 secured solely by payments received from department leases for
 161 wireless communication facilities on property owned or
 162 controlled by the department, and neither the state nor any of
 163 its agencies has any liability beyond such payments.

164 (5) The department may make any covenant or representation
 165 necessary or desirable in connection with the agreement,
 166 including a commitment by the department to take whatever
 167 actions are necessary on behalf of investors to enforce the
 168 department's rights to payments on property leased for wireless
 169 communications facilities. However, the department may not
 170 guarantee that actual revenues received in a future year will be
 171 those anticipated in its leases for wireless communication
 172 facilities. The department may agree to use its best efforts to
 173 ensure that anticipated future-year revenues are protected. Any
 174 risk that actual revenues received from department leases for
 175 wireless communications facilities are lower than anticipated
 176 shall be borne exclusively by investors.

177 (6) Subject to annual appropriation, investors shall
 178 collect the lease payments on a schedule and in a manner
 179 established in the agreements entered into by the department and
 180 investors pursuant to this section. The agreements may provide
 181 for lease payments to be made directly to investors by lessees
 182 if the lease agreements entered into by the department and the

183 lessees pursuant to s. 365.172(12)(f) allow direct payment.

184 (7) Proceeds received by the department from leases for
 185 wireless communication facilities shall be deposited in the
 186 State Transportation Trust Fund created under s. 206.46 and used
 187 for fixed capital expenditures for the statewide transportation
 188 system.

189 Section 2. Section 373.618, Florida Statutes, is amended
 190 to read:

191 373.618 Public service warnings, alerts, and
 192 announcements.—The Legislature believes it is in the public
 193 interest that all water management districts created pursuant to
 194 s. 373.069 own, acquire, develop, construct, operate, and manage
 195 public information systems. Public information systems may be
 196 located on property owned by the water management district, upon
 197 terms and conditions approved by the water management district,
 198 and must display messages to the general public concerning water
 199 management services, activities, events, and sponsors, as well
 200 as other public service announcements, including watering
 201 restrictions, severe weather reports, amber alerts, and other
 202 essential information needed by the public. Local government
 203 review or approval is not required for a public information
 204 system owned or hereafter acquired, developed, or constructed by
 205 the water management district on its own property. A public
 206 information system is subject to ~~exempt from~~ the requirements of
 207 the Highway Beautification Act of 1965 and all federal laws and
 208 agreements, when applicable ~~chapter 479~~. Water management

209 district funds may not be used to pay the cost to acquire,
 210 develop, construct, operate, or manage a public information
 211 system. Any necessary funds for a public information system
 212 shall be paid for and collected from private sponsors who may
 213 display commercial messages.

214 Section 3. Section 479.01, Florida Statutes, is amended to
 215 read:

216 479.01 Definitions.—As used in this chapter, the term:

217 (1) "Allowable uses" means the intended uses identified in
 218 a local government's land development regulations which ~~those~~
 219 ~~uses that~~ are authorized within a zoning category as a use by
 220 right, without the requirement to obtain a variance or waiver.
 221 The term includes conditional uses and those allowed by special
 222 exception if such uses are a present and actual use, but does
 223 not include uses that are accessory, ancillary, incidental to
 224 the allowable uses, or allowed only on a temporary basis.

225 (2) "Automatic changeable facing" means a facing that is
 226 capable of delivering two or more advertising messages through
 227 an automated or remotely controlled process.

228 (3) "Business of outdoor advertising" means the business
 229 of ~~constructing, erecting,~~ operating, ~~using,~~ maintaining,
 230 leasing, or selling outdoor advertising structures, outdoor
 231 advertising signs, or outdoor advertisements.

232 ~~(4) "Commercial or industrial zone" means a parcel of land~~
 233 ~~designated for commercial or industrial uses under both the~~
 234 ~~future land use map of the comprehensive plan and the land use~~

235 ~~development regulations adopted pursuant to chapter 163. If a~~
 236 ~~parcel is located in an area designated for multiple uses on the~~
 237 ~~future land use map of a comprehensive plan and the zoning~~
 238 ~~category of the land development regulations does not clearly~~
 239 ~~designate that parcel for a specific use, the area will be~~
 240 ~~considered an unzoned commercial or industrial area if it meets~~
 241 ~~the criteria of subsection (26).~~

242 (4)~~(5)~~ "Commercial use" means activities associated with
 243 the sale, rental, or distribution of products or the performance
 244 of services. The term includes, but is not limited to ~~without~~
 245 ~~limitation~~, such uses or activities as retail sales; wholesale
 246 sales; rentals of equipment, goods, or products; offices;
 247 restaurants; food service vendors; sports arenas; theaters; and
 248 tourist attractions.

249 (5)~~(6)~~ "Controlled area" means 660 feet or less from the
 250 nearest edge of the right-of-way of any portion of the State
 251 Highway System, interstate, or federal-aid primary highway
 252 system and beyond 660 feet of the nearest edge of the right-of-
 253 way of any portion of the State Highway System, interstate
 254 highway system, or federal-aid primary system outside an urban
 255 area.

256 (6)~~(7)~~ "Department" means the Department of
 257 Transportation.

258 (7)~~(8)~~ "Erect" means to construct, build, raise, assemble,
 259 place, affix, attach, create, paint, draw, or in any other way
 260 bring into being or establish. The term, ~~but it~~ does not include

261 such ~~any of the foregoing~~ activities when performed as an
 262 incident to the change of advertising message or customary
 263 maintenance or repair of a sign.

264 ~~(8)(9)~~ "Federal-aid primary highway system" means the
 265 federal-aid primary highway system in existence on June 1, 1991,
 266 and any highway that was not a part of such system as of that
 267 date but that is, or became after June 1, 1991, a part of the
 268 National Highway System, including portions that have been
 269 accepted as part of the National Highway System but are unbuilt
 270 or unopened ~~existing, unbuilt, or unopened system of highways or~~
 271 ~~portions thereof, which shall include the National Highway~~
 272 ~~System, designated as the federal-aid primary highway system by~~
 273 ~~the department.~~

274 ~~(9)(10)~~ "Highway" means any road, street, or other way
 275 open or intended to be opened to the public for travel by motor
 276 vehicles.

277 ~~(10)(11)~~ "Industrial use" means activities associated with
 278 the manufacture, assembly, processing, or storage of products or
 279 the performance of related services ~~relating thereto~~. The term
 280 includes, but is not limited to ~~without limitation~~, such uses or
 281 activities as automobile manufacturing or repair, boat
 282 manufacturing or repair, junk yards, meat packing facilities,
 283 citrus processing and packing facilities, produce processing and
 284 packing facilities, electrical generating plants, water
 285 treatment plants, sewage treatment plants, and solid waste
 286 disposal sites.

287 (11)~~(12)~~ "Interstate highway system" means the existing,
 288 unbuilt, or unopened system of highways or portions thereof
 289 designated as the national system of interstate and defense
 290 highways by the department.

291 (12)~~(13)~~ "Main-traveled way" means the traveled way of a
 292 highway on which through traffic is carried. In the case of a
 293 divided highway, the traveled way of each of the separate
 294 roadways for traffic in opposite directions is a main-traveled
 295 way. The term ~~It~~ does not include such facilities as frontage
 296 roads, turning roadways which specifically include on-ramps or
 297 off-ramps to the interstate highway system, or parking areas.

298 (13)~~(14)~~ "Maintain" means to allow to exist.

299 (14)~~(15)~~ "Motorist services directional signs" means signs
 300 providing directional information about goods and services in
 301 the interest of the traveling public where such signs were
 302 lawfully erected and in existence on or before May 6, 1976, and
 303 continue to provide directional information to goods and
 304 services in a defined area.

305 (15)~~(16)~~ "New highway" means the construction of any road,
 306 paved or unpaved, where no road previously existed or the act of
 307 paving any previously unpaved road.

308 (16)~~(17)~~ "Nonconforming sign" means a sign which was
 309 lawfully erected but which does not comply with the land use,
 310 setback, size, spacing, and lighting provisions of state or
 311 local law, rule, regulation, or ordinance passed at a later date
 312 or a sign which was lawfully erected but which later fails to

313 | comply with state or local law, rule, regulation, or ordinance
 314 | due to changed conditions.

315 | ~~(17)-(18)~~ "Premises" means all the land areas under
 316 | ownership or lease arrangement to the sign owner which are
 317 | contiguous to the business conducted on the land except for
 318 | instances where such land is a narrow strip contiguous to the
 319 | advertised activity or is connected by such narrow strip, the
 320 | only viable use of such land is to erect or maintain an
 321 | advertising sign. If ~~When~~ the sign owner is a municipality or
 322 | county, the term means ~~"premises" shall mean~~ all lands owned or
 323 | leased by the ~~such~~ municipality or county within its
 324 | jurisdictional boundaries ~~as set forth by law~~.

325 | ~~(18)-(19)~~ "Remove" means to disassemble all sign materials
 326 | above ground level and, transport such materials from the site,
 327 | ~~and dispose of sign materials by sale or destruction.~~

328 | ~~(19)-(20)~~ "Sign" means any combination of structure and
 329 | message in the form of an outdoor sign, display, device, figure,
 330 | painting, drawing, message, placard, poster, billboard,
 331 | advertising structure, advertisement, logo, symbol, or other
 332 | form, whether placed individually or on a V-type, back-to-back,
 333 | side-to-side, stacked, or double-faced display or automatic
 334 | changeable facing, designed, intended, or used to advertise or
 335 | inform, any part of the advertising message or informative
 336 | contents of which is visible from any place on the main-traveled
 337 | way. The term does not include an official traffic control sign,
 338 | official marker, or specific information panel erected, caused

339 to be erected, or approved by the department.

340 (20)~~(21)~~ "Sign direction" means the ~~that~~ direction from
 341 which the message or informative contents are most visible to
 342 oncoming traffic on the main-traveled way.

343 (21)~~(22)~~ "Sign face" means the part of a ~~the~~ sign,
 344 including trim and background, which contains the message or
 345 informative contents, including an automatic changeable face.

346 (22)~~(23)~~ "Sign facing" includes all sign faces and
 347 automatic changeable faces displayed at the same location and
 348 facing the same direction.

349 (23)~~(24)~~ "Sign structure" means all the interrelated parts
 350 and material, such as beams, poles, and stringers, which are
 351 constructed for the purpose of supporting or displaying a
 352 message or informative contents.

353 (24)~~(25)~~ "State Highway System" has the same meaning as in
 354 s. 334.03 ~~means the existing, unbuilt, or unopened system of~~
 355 ~~highways or portions thereof designated as the State Highway~~
 356 ~~System by the department.~~

357 ~~(26) "Unzoned commercial or industrial area" means a~~
 358 ~~parcel of land designated by the future land use map of the~~
 359 ~~comprehensive plan for multiple uses that include commercial or~~
 360 ~~industrial uses but are not specifically designated for~~
 361 ~~commercial or industrial uses under the land development~~
 362 ~~regulations, in which three or more separate and distinct~~
 363 ~~conforming industrial or commercial activities are located.~~

364 ~~(a) These activities must satisfy the following criteria:~~

365 ~~1. At least one of the commercial or industrial activities~~
 366 ~~must be located on the same side of the highway and within 800~~
 367 ~~feet of the sign location;~~

368 ~~2. The commercial or industrial activities must be within~~
 369 ~~660 feet from the nearest edge of the right-of-way; and~~

370 ~~3. The commercial industrial activities must be within~~
 371 ~~1,600 feet of each other.~~

372
 373 ~~Distances specified in this paragraph must be measured from the~~
 374 ~~nearest outer edge of the primary building or primary building~~
 375 ~~complex when the individual units of the complex are connected~~
 376 ~~by covered walkways.~~

377 ~~(b) Certain activities, including, but not limited to, the~~
 378 ~~following, may not be so recognized as commercial or industrial~~
 379 ~~activities:~~

380 ~~1. Signs.~~

381 ~~2. Agricultural, forestry, ranching, grazing, farming, and~~
 382 ~~related activities, including, but not limited to, wayside fresh~~
 383 ~~produce stands.~~

384 ~~3. Transient or temporary activities.~~

385 ~~4. Activities not visible from the main traveled way.~~

386 ~~5. Activities conducted more than 660 feet from the~~
 387 ~~nearest edge of the right-of-way.~~

388 ~~6. Activities conducted in a building principally used as~~
 389 ~~a residence.~~

390 ~~7. Railroad tracks and minor sidings.~~

391 ~~8. Communication towers.~~

392 (25)~~(27)~~ "Urban area" has the same meaning as ~~defined~~ in
 393 s. 334.03~~(31)~~.

394 (26)~~(28)~~ "Visible commercial or industrial activity" means
 395 a commercial or industrial activity that is capable of being
 396 seen without visual aid by a person of normal visual acuity from
 397 the main-traveled way and that is generally recognizable as
 398 commercial or industrial.

399 (27)~~(29)~~ "Visible sign" means that the advertising message
 400 or informative contents of a sign, whether or not legible, can
 401 be ~~is capable of being~~ seen without visual aid by a person of
 402 normal visual acuity.

403 (28)~~(30)~~ "Wall mural" means a sign that is a painting or
 404 an artistic work composed of photographs or arrangements of
 405 color and that displays a commercial or noncommercial message,
 406 relies solely on the side of the building for rigid structural
 407 support, and is painted on the building or depicted on vinyl,
 408 fabric, or other similarly flexible material that is held in
 409 place flush or flat against the surface of the building. The
 410 term excludes a painting or work placed on a structure that is
 411 erected for the sole or primary purpose of signage.

412 (29)~~(31)~~ "Zoning category" means the designation under the
 413 land development regulations or other similar ordinance enacted
 414 to regulate the use of land as provided in s. 163.3202(2)(b),
 415 which designation sets forth the allowable uses, restrictions,
 416 and limitations on use applicable to properties within the

417 category.

418 Section 4. Section 479.02, Florida Statutes, is amended to
 419 read:

420 479.02 Duties of the department. ~~It shall be the duty of~~
 421 The department shall ~~to~~:

422 (1) Administer and enforce ~~the provisions of~~ this chapter,
 423 ~~and~~ the 1972 agreement between the state and the United States
 424 Department of Transportation ~~relating to the size, lighting, and~~
 425 ~~spacing of signs in accordance with Title I of the Highway~~
 426 ~~Beautification Act of 1965 and Title 23 of the,~~ United States
 427 Code, and federal regulations, including, but not limited to,
 428 those pertaining to the maintenance, continuance, and removal of
 429 nonconforming signs in effect as of the effective date of this
 430 act.

431 (2) Regulate size, height, lighting, and spacing of signs
 432 permitted on commercial and industrial parcels and in unzoned
 433 commercial or industrial areas ~~in zoned and unzoned commercial~~
 434 ~~areas and zoned and unzoned industrial areas~~ on the interstate
 435 highway system and the federal-aid primary highway system.

436 (3) Determine ~~unzoned~~ commercial and industrial parcels
 437 and unzoned commercial or areas and unzoned industrial areas in
 438 the manner provided in s. 479.024.

439 (4) Implement a specific information panel program on the
 440 limited access interstate highway system to promote tourist-
 441 oriented businesses by providing directional information safely
 442 and aesthetically.

443 (5) Implement a rest area information panel or devices
 444 program at rest areas along the interstate highway system and
 445 the federal-aid primary highway system to promote tourist-
 446 oriented businesses.

447 (6) Test and, if economically feasible, implement
 448 alternative methods of providing information in the specific
 449 interest of the traveling public which allow the traveling
 450 public freedom of choice, conserve natural beauty, and present
 451 information safely and aesthetically.

452 (7) Adopt such rules as the department ~~it~~ deems necessary
 453 or proper for the administration of this chapter, including
 454 rules that ~~which~~ identify activities that may not be recognized
 455 as industrial or commercial activities for purposes of
 456 determination of a ~~an area as an unzoned~~ commercial or
 457 industrial parcel or an unzoned commercial or industrial area in
 458 the manner provided in s. 479.024.

459 (8) ~~Prior to July 1, 1998,~~ Inventory and determine the
 460 location of all signs on the state highway system, interstate
 461 highway system, and federal-aid primary highway system to be
 462 used as systems. ~~Upon completion of the inventory, it shall~~
 463 ~~become~~ the database and permit information for all permitted
 464 ~~signs permitted at the time of completion, and the previous~~
 465 ~~records of the department shall be amended accordingly.~~ The
 466 inventory shall be updated at least no less than every 2 years.
 467 ~~The department shall adopt rules regarding what information is~~
 468 ~~to be collected and preserved to implement the purposes of this~~

469 ~~chapter.~~ The department may perform the inventory using
 470 department staff, or may contract with a private firm to perform
 471 the work, whichever is more cost efficient. The department shall
 472 maintain a database of sign inventory information such as sign
 473 location, size, height, and structure type, the permittee's
 474 ~~permitholder's~~ name, and any other information the department
 475 finds necessary to administer the program.

476 Section 5. Section 479.024, Florida Statutes, is created
 477 to read:

478 479.024 Commercial and industrial parcels.—Signs shall be
 479 permitted by the department only in commercial or industrial
 480 zones, as determined by the local government, in compliance with
 481 chapter 163, unless otherwise provided in this chapter.

482 Commercial and industrial zones are those areas appropriate for
 483 commerce, industry, or trade, regardless of how those areas are
 484 labeled.

485 (1) As used in this section, the term:

486 (a) "Parcel" means the property where the sign is located
 487 or is proposed to be located.

488 (b) "Utilities" includes all privately, publicly, or
 489 cooperatively owned lines, facilities, and systems for
 490 producing, transmitting, or distributing communications, power,
 491 electricity, light, heat, gas, oil, crude products, water,
 492 steam, waste, and stormwater not connected with the highway
 493 drainage, and other similar commodities.

494 (2) The determination as to zoning by the local government

495 for the parcel must meet all of the following criteria:

496 (a) The parcel is comprehensively zoned and includes
 497 commercial or industrial uses as allowable uses.

498 (b) The parcel can reasonably accommodate a commercial or
 499 industrial use under the future land use map of the
 500 comprehensive plan and land use development regulations, as
 501 follows:

502 1. Sufficient utilities are available to support
 503 commercial or industrial development; and

504 2. The size, configuration, and public access of the
 505 parcel are sufficient to accommodate a commercial or industrial
 506 use, given the requirements in the comprehensive plan and land
 507 development regulations for vehicular access, on-site
 508 circulation, building setbacks, buffering, parking, and other
 509 applicable standards or the parcel consists of railroad tracks
 510 or minor sidings abutting commercial or industrial property that
 511 meets the criteria of this subsection.

512 (c) The parcel is not being used exclusively for
 513 noncommercial or nonindustrial uses.

514 (3) If a local government has not designated zoning
 515 through land development regulations in compliance with chapter
 516 163 but has designated the parcel under the future land use map
 517 of the comprehensive plan for uses that include commercial or
 518 industrial uses, the parcel shall be considered an unzoned
 519 commercial or industrial area. For a permit to be issued for a
 520 sign in an unzoned commercial or industrial area, there must be

521 three or more distinct commercial or industrial activities
 522 within 1,600 feet of each other, with at least one of the
 523 commercial or industrial activities located on the same side of
 524 the highway as, and within 800 feet of, the sign location.
 525 Multiple commercial or industrial activities enclosed in one
 526 building shall be considered one use if all activities have only
 527 shared building entrances.

528 (4) For purposes of this section, certain uses and
 529 activities may not be independently recognized as commercial or
 530 industrial, including, but not limited to:

531 (a) Signs.

532 (b) Agricultural, forestry, ranching, grazing, farming,
 533 and related activities, including, but not limited to, wayside
 534 fresh produce stands.

535 (c) Transient or temporary activities.

536 (d) Activities not visible from the main-traveled way,
 537 unless a department transportation facility is the only cause
 538 for the activity not being visible.

539 (e) Activities conducted more than 660 feet from the
 540 nearest edge of the right-of-way.

541 (f) Activities conducted in a building principally used as
 542 a residence.

543 (g) Railroad tracks and minor sidings, unless the tracks
 544 and sidings are abutted by a commercial or industrial property
 545 that meets the criteria in subsection (2).

546 (h) Communication towers.

547 (i) Public parks, public recreation services, and
 548 governmental uses and activities that take place in a structure
 549 that serves as the permanent public meeting place for local,
 550 state, or federal boards, commissions, or courts.

551 (5) If the local government has indicated that the
 552 proposed sign location is on a parcel that is in a commercial or
 553 industrial zone but the department finds that it is not, the
 554 department shall notify the sign applicant in writing of its
 555 determination.

556 (6) An applicant whose application for a permit is denied
 557 may request, within 30 days after the receipt of the
 558 notification of intent to deny, an administrative hearing
 559 pursuant to chapter 120 for a determination of whether the
 560 parcel is located in a commercial or industrial zone. Upon
 561 receipt of such request, the department shall notify the local
 562 government that the applicant has requested an administrative
 563 hearing pursuant to chapter 120.

564 (7) If the department determines in a final order that the
 565 parcel does not meet the permitting conditions in this section
 566 and a sign exists on the parcel, the applicant shall remove the
 567 sign within 30 days after the date of the order. The applicant
 568 is responsible for all sign removal costs.

569 (8) If the Federal Highway Administration reduces funds
 570 that would otherwise be apportioned to the department due to a
 571 local government's failure to comply with this section, the
 572 department shall reduce transportation funding apportioned to

573 | the local government by an equivalent amount.

574 | Section 6. Section 479.03, Florida Statutes, is amended to
575 | read:

576 | 479.03 Jurisdiction of the Department of Transportation;
577 | entry upon privately owned lands.—The territory under the
578 | jurisdiction of the department for the purpose of this chapter
579 | includes ~~shall include~~ all the state. Employees, agents, or
580 | independent contractors working for the department, in the
581 | performance of their functions and duties under the provisions
582 | of this chapter, may enter into and upon any land upon which a
583 | sign is displayed, is proposed to be erected, or is being
584 | erected and make such inspections, surveys, and removals as may
585 | be relevant. Upon written notice to ~~After receiving consent by~~
586 | the landowner, operator, or person in charge of an intervening
587 | privately owned land that ~~or appropriate inspection warrant~~
588 | ~~issued by a judge of any county court or circuit court of this~~
589 | ~~state which has jurisdiction of the place or thing to be~~
590 | ~~removed, that~~ the removal of an illegal outdoor advertising sign
591 | is necessary and has been authorized by a final order or results
592 | from an uncontested notice to the sign owner, the department may
593 | ~~shall be authorized to~~ enter upon any intervening privately
594 | owned lands for the purposes of effectuating removal of illegal
595 | signs. ~~, provided that~~ The department may enter intervening
596 | privately owned lands ~~shall~~ only ~~do so~~ in circumstances where it
597 | has determined that ~~no~~ other legal or economically feasible
598 | means of entry to the sign site are not reasonably available.

599 Except as otherwise provided by this chapter, the department is
 600 ~~shall be~~ responsible for the repair or replacement in a like
 601 manner for any physical damage or destruction of private
 602 property, other than the sign, incidental to the department's
 603 entry upon such intervening privately owned lands.

604 Section 7. Section 479.04, Florida Statutes, is amended to
 605 read:

606 479.04 Business of outdoor advertising; license
 607 requirement; renewal; fees.—

608 (1) A ~~No~~ person may not ~~shall~~ engage in the business of
 609 outdoor advertising in this state without first obtaining a
 610 license ~~therefor~~ from the department. Such license shall be
 611 renewed annually. The fee for such license, and for each annual
 612 renewal, is \$300. License renewal fees are ~~shall be~~ payable as
 613 provided for in s. 479.07.

614 (2) A ~~No~~ person is not ~~shall be~~ required to obtain the
 615 license provided for in this section solely to erect or
 616 construct outdoor advertising signs or structures ~~as an~~
 617 ~~incidental part of a building construction contract.~~

618 Section 8. Section 479.05, Florida Statutes, is amended to
 619 read:

620 479.05 Denial, suspension, or revocation of license.—The
 621 department may ~~has authority to~~ deny, suspend, or revoke a ~~any~~
 622 license requested or granted under this chapter in any case in
 623 which it determines that the application for the license
 624 contains ~~knowingly~~ false or misleading information of material

625 consequence, that the licensee has failed to pay fees or costs
 626 owed to the department for outdoor advertising purposes, or that
 627 the licensee has violated any of the provisions of this chapter,
 628 unless such licensee, within 30 days after the receipt of notice
 629 by the department, corrects such false or misleading
 630 information, pays the outstanding amounts, or complies with ~~the~~
 631 ~~provisions of~~ this chapter. Suspension of a license allows the
 632 licensee to maintain existing sign permits, but the department
 633 may not grant a transfer of an existing permit or issue an
 634 additional permit to a licensee with a suspended license. A ~~Any~~
 635 person aggrieved by an ~~any~~ action of the department which
 636 denies, suspends, or revokes ~~in denying or revoking~~ a license
 637 under this chapter may, within 30 days after ~~from~~ the receipt of
 638 the notice, apply to the department for an administrative
 639 hearing pursuant to chapter 120.

640 Section 9. Section 479.07, Florida Statutes, is amended to
 641 read:

642 479.07 Sign permits.—

643 (1) Except as provided in ss. 479.105(1)~~(e)~~ and 479.16, a
 644 person may not erect, operate, use, or maintain, or cause to be
 645 erected, operated, used, or maintained, any sign on the State
 646 Highway System outside an urban area, ~~as defined in s.~~
 647 ~~334.03(31),~~ or on any portion of the interstate or federal-aid
 648 primary highway system without first obtaining a permit for the
 649 sign from the department and paying the annual fee as provided
 650 in this section. As used in this section, the term "on any

651 portion of the State Highway System, interstate highway system,
 652 or federal-aid primary system" means a sign located within the
 653 controlled area which is visible from any portion of the main-
 654 traveled way of such system.

655 (2) ~~A person may not apply for a permit unless he or she~~
 656 ~~has first obtained the~~ Written permission of the owner or other
 657 person in lawful possession or control of the site designated as
 658 the location of the sign is required for issuance of a in the
 659 ~~application for the~~ permit.

660 (3) (a) An application for a sign permit must be made on a
 661 form prescribed by the department, and a separate application
 662 must be submitted for each permit requested. A permit is
 663 required for each sign facing.

664 (b) As part of the application, the applicant or his or
 665 her authorized representative must certify ~~in a notarized signed~~
 666 ~~statement~~ that all information provided in the application is
 667 true and correct ~~and that, pursuant to subsection (2), he or she~~
 668 ~~has obtained the written permission of the owner or other person~~
 669 ~~in lawful possession of the site designated as the location of~~
 670 ~~the sign in the permit application.~~ Each ~~Every~~ permit
 671 application must be accompanied by the appropriate permit fee; a
 672 signed statement by the owner or other person in lawful control
 673 of the site on which the sign is located or will be erected,
 674 authorizing the placement of the sign on that site; ~~and, where~~
 675 ~~local governmental regulation of signs exists,~~ a statement from
 676 the appropriate local governmental official indicating that the

677 | sign complies with all local government ~~governmental~~
 678 | requirements; and, if a local government permit is required for
 679 | a sign, a statement that the agency or unit of local government
 680 | will issue a permit to that applicant upon approval of the state
 681 | permit application by the department.

682 | (c) The annual permit fee for each sign facing shall be
 683 | established by the department by rule in an amount sufficient to
 684 | offset the total cost to the department for the program, but may
 685 | ~~shall~~ not be greater than ~~exceed~~ \$100. The A fee may not be
 686 | ~~prorated for a period less than the remainder of the permit year~~
 687 | ~~to accommodate short term publicity features; however, a first-~~
 688 | year fee may be prorated by payment of an amount equal to one-
 689 | fourth of the annual fee for each remaining whole quarter or
 690 | partial quarter of the permit year. Applications received after
 691 | the end of the third quarter of the permit year must include
 692 | fees for the last quarter of the current year and fees for the
 693 | succeeding year.

694 | (4) An application for a permit shall be acted on by
 695 | granting, denying, or returning the incomplete application ~~the~~
 696 | ~~department~~ within 30 days after receipt of the application by
 697 | the department.

698 | (5) (a) For each permit issued, the department shall
 699 | furnish to the applicant a serially numbered permanent metal
 700 | permit tag. The permittee is responsible for maintaining a valid
 701 | permit tag on each permitted sign facing at all times. The tag
 702 | shall be securely attached to the upper 50 percent of the sign

703 | structure, and sign facing or, if there is no facing, on the
 704 | ~~pole nearest the highway, and it shall be~~ attached in such a
 705 | manner as to be plainly visible from the main-traveled way.
 706 | ~~Effective July 1, 2012, the tag must be securely attached to the~~
 707 | ~~upper 50 percent of the pole nearest the highway and must be~~
 708 | ~~attached in such a manner as to be plainly visible from the~~
 709 | ~~main-traveled way.~~ The permit ~~becomes void unless the permit tag~~
 710 | must be ~~is~~ properly and permanently displayed at the permitted
 711 | site within 30 days after the date of permit issuance. If the
 712 | permittee fails to erect a completed sign on the permitted site
 713 | within 270 days after the date on which the permit was issued,
 714 | the permit will be void, and the department may not issue a new
 715 | permit to that permittee for the same location for 270 days
 716 | after the date on which the permit becomes ~~became~~ void.

717 | (b) If a permit tag is lost, stolen, or destroyed, the
 718 | permittee to whom the tag was issued must apply to the
 719 | department for a replacement tag. The department shall adopt a
 720 | rule establishing a service fee for replacement tags in an
 721 | amount that will recover the actual cost of providing the
 722 | replacement tag. Upon receipt of the application accompanied by
 723 | the service fee, the department shall issue a replacement permit
 724 | tag. ~~Alternatively, the permittee may provide its own~~
 725 | ~~replacement tag pursuant to department specifications that the~~
 726 | ~~department shall adopt by rule at the time it establishes the~~
 727 | ~~service fee for replacement tags.~~

728 | (6) A permit is valid only for the location specified in

729 the permit. Valid permits may be transferred from one sign owner
 730 to another upon written acknowledgment from the current
 731 permittee and submittal of a transfer fee of \$5 for each permit
 732 to be transferred. However, the maximum transfer fee for any
 733 multiple transfer between two outdoor advertisers in a single
 734 transaction is \$100.

735 (7) A permittee shall at all times maintain the permission
 736 of the owner or other person in lawful control of the sign site
 737 in order to have and maintain a sign at such site.

738 (8)(a) In order to reduce peak workloads, the department
 739 may adopt rules providing for staggered expiration dates for
 740 licenses and permits. Unless otherwise provided for by rule, all
 741 licenses and permits expire annually on January 15. All license
 742 and permit renewal fees are required to be submitted to the
 743 department by no later than the expiration date. At least 105
 744 days before ~~prior to~~ the expiration date of licenses and
 745 permits, the department shall send to each permittee a notice of
 746 fees due for all licenses and permits that ~~which~~ were issued to
 747 him or her before ~~prior to~~ the date of the notice. Such notice
 748 must ~~shall~~ list the permits and the permit fees due for each
 749 sign facing. The permittee shall, no later than 45 days before
 750 ~~prior to~~ the expiration date, advise the department of any
 751 additions, deletions, or errors contained in the notice. Permit
 752 tags that ~~which~~ are not renewed shall be returned to the
 753 department for cancellation by the expiration date. Permits that
 754 ~~which~~ are not renewed or are canceled shall be certified in

755 writing at that time as canceled or not renewed by the
 756 permittee, and permit tags for such permits shall be returned to
 757 the department or shall be accounted for by the permittee in
 758 writing, which writing shall be submitted with the renewal fee
 759 payment or the cancellation certification. However, failure of a
 760 permittee to submit a permit cancellation does ~~shall~~ not affect
 761 the nonrenewal of a permit. Before ~~Prior to~~ cancellation of a
 762 permit, the permittee shall provide written notice to all
 763 persons or entities having a right to advertise on the sign that
 764 the permittee intends to cancel the permit.

765 (b) If a permittee has not submitted his or her fee
 766 payment by the expiration date of the licenses or permits, the
 767 department shall send a notice of violation to the permittee
 768 within 45 days after the expiration date, requiring the payment
 769 of the permit fee within 30 days after the date of the notice
 770 and payment of a delinquency fee equal to 10 percent of the
 771 original amount due or, in the alternative to these payments,
 772 requiring the filing of a request for an administrative hearing
 773 to show cause why the ~~his or her~~ sign should not be subject to
 774 immediate removal due to expiration of his or her license or
 775 permit. If the permittee submits payment as required by the
 776 violation notice, the ~~his or her~~ license or permit shall ~~will~~ be
 777 automatically reinstated and such reinstatement is ~~will be~~
 778 retroactive to the original expiration date. If the permittee
 779 does not respond to the notice of violation within the 30-day
 780 period, the department shall, within 30 days, issue a final

781 notice of sign removal and may, following 90 days after the date
 782 of the department's final notice of sign removal, remove the
 783 sign without incurring any liability as a result of such
 784 removal. However, if at any time before removal of the sign, the
 785 permittee demonstrates that a good faith error on the part of
 786 the permittee resulted in cancellation or nonrenewal of the
 787 permit, the department may reinstate the permit if:

788 1. The permit reinstatement fee of up to \$300 based on the
 789 size of the sign is paid;

790 2. All other permit renewal and delinquent permit fees due
 791 as of the reinstatement date are paid; and

792 3. The permittee reimburses the department for all actual
 793 costs resulting from the permit cancellation or nonrenewal.

794 (c) Conflicting applications filed by other persons for
 795 the same or competing sites covered by a permit subject to
 796 paragraph (b) may not be approved until after the sign subject
 797 to the expired permit has been removed.

798 (d) The cost for removing a sign, ~~whether~~ by the
 799 department or an independent contractor, shall be assessed by
 800 the department against the permittee.

801 (9) (a) A permit may ~~shall~~ not be granted for any sign for
 802 which a permit had not been granted by the effective date of
 803 this act unless such sign is located at least:

804 1. One thousand five hundred feet from any other permitted
 805 sign on the same side of the highway, if on an interstate
 806 highway.

807 2. One thousand feet from any other permitted sign on the
 808 same side of the highway, if on a federal-aid primary highway.

809

810 The minimum spacing provided in this paragraph does not preclude
 811 the permitting of V-type, back-to-back, side-to-side, stacked,
 812 or double-faced signs at the permitted sign site. If a sign is
 813 visible to more than one highway subject to the jurisdiction of
 814 the department and within the controlled area of the highways
 815 ~~from the controlled area of more than one highway subject to the~~
 816 ~~jurisdiction of the department,~~ the sign must ~~shall~~ meet the
 817 permitting requirements of all highways, and, ~~if the sign meets~~
 818 ~~the applicable permitting requirements,~~ be permitted to, the
 819 highway having the more stringent permitting requirements.

820 (b) A permit may ~~shall~~ not be granted for a sign pursuant
 821 to this chapter to locate such sign on any portion of the
 822 interstate or federal-aid primary highway system, which sign:

823 1. Exceeds 50 feet in sign structure height above the
 824 crown of the main-traveled way to which the sign is permitted,
 825 if outside an incorporated area;

826 2. Exceeds 65 feet in sign structure height above the
 827 crown of the main-traveled way to which the sign is permitted,
 828 if inside an incorporated area; or

829 3. Exceeds 950 square feet of sign facing including all
 830 embellishments.

831 (c) Notwithstanding subparagraph (a)1., ~~there is~~
 832 ~~established a pilot program in Orange, Hillsborough, and Osceola~~

833 ~~Counties, and within the boundaries of the City of Miami, under~~
 834 ~~which~~ the distance between permitted signs on the same side of
 835 an interstate highway may be reduced to 1,000 feet if all other
 836 requirements of this chapter are met and if:

837 1. The local government has adopted a plan, program,
 838 resolution, ordinance, or other policy encouraging the voluntary
 839 removal of signs in a downtown, historic, redevelopment, infill,
 840 or other designated area which also provides for a new or
 841 replacement sign to be erected on an interstate highway within
 842 that jurisdiction if a sign in the designated area is removed;

843 2. The sign owner and the local government mutually agree
 844 to the terms of the removal and replacement; and

845 3. The local government notifies the department of its
 846 intention to allow such removal and replacement as agreed upon
 847 pursuant to subparagraph 2.

848 ~~4. The new or replacement sign to be erected on an~~
 849 ~~interstate highway within that jurisdiction is to be located on~~
 850 ~~a parcel of land specifically designated for commercial or~~
 851 ~~industrial use under both the future land use map of the~~
 852 ~~comprehensive plan and the land use development regulations~~
 853 ~~adopted pursuant to chapter 163, and such parcel shall not be~~
 854 ~~subject to an evaluation in accordance with the criteria set~~
 855 ~~forth in s. 479.01(26) to determine if the parcel can be~~
 856 ~~considered an unzoned commercial or industrial area.~~

857
 858 ~~The department shall maintain statistics tracking the use of the~~

859 ~~provisions of this pilot program based on the notifications~~
 860 ~~received by the department from local governments under this~~
 861 ~~paragraph.~~

862 (d) This subsection does not cause a sign that was
 863 conforming on October 1, 1984, to become nonconforming.

864 (10) Commercial or industrial zoning that ~~which~~ is not
 865 comprehensively enacted or that ~~which~~ is enacted primarily to
 866 permit signs may ~~shall~~ not be recognized as commercial or
 867 industrial zoning for purposes of this provision, and permits
 868 may ~~shall~~ not be issued for signs in such areas. The department
 869 shall adopt rules that ~~within 180 days after this act takes~~
 870 ~~effect which shall~~ provide criteria to determine whether such
 871 zoning is comprehensively enacted or enacted primarily to permit
 872 signs.

873 Section 10. Section 479.08, Florida Statutes, is amended
 874 to read:

875 479.08 Denial or revocation of permit.—The department may
 876 deny or revoke a ~~any~~ permit requested or granted under this
 877 chapter in any case in which it determines that the application
 878 for the permit contains ~~knowingly~~ false or misleading
 879 information of material consequence. The department may revoke a
 880 ~~any~~ permit granted under this chapter in any case in which the
 881 permittee has violated ~~any of the provisions of~~ this chapter,
 882 unless such permittee, within 30 days after the receipt of
 883 notice by the department, complies with ~~the provisions of~~ this
 884 chapter. For the purpose of this section, the notice of

885 violation issued by the department must describe in detail the
 886 alleged violation. A ~~Any~~ person aggrieved by any action of the
 887 department in denying or revoking a permit under this chapter
 888 may, within 30 days after receipt of the notice, apply to the
 889 department for an administrative hearing pursuant to chapter
 890 120. If a timely request for hearing has been filed and the
 891 department issues a final order revoking a permit, such
 892 revocation shall be effective 30 days after the date of
 893 rendition. Except for department action pursuant to s.
 894 479.107(1), the filing of a timely and proper notice of appeal
 895 shall operate to stay the revocation until the department's
 896 action is upheld.

897 Section 11. Section 479.10, Florida Statutes, is amended
 898 to read:

899 479.10 Sign removal following permit revocation or
 900 cancellation.—A sign shall be removed by the permittee within 30
 901 days after the date of revocation or cancellation of the permit
 902 for the sign. If the permittee fails to remove the sign within
 903 the 30-day period, the department shall remove the sign at the
 904 permittee's expense with or without further notice and without
 905 incurring any liability as a result of such removal.

906 Section 12. Section 479.105, Florida Statutes, is amended
 907 to read:

908 479.105 Signs erected or maintained without required
 909 permit; removal.—

910 (1) A ~~Any~~ sign that ~~which~~ is located adjacent to the

911 right-of-way of any highway on the State Highway System outside
 912 an incorporated area or adjacent to the right-of-way on any
 913 portion of the interstate or federal-aid primary highway system,
 914 which sign was erected, operated, or maintained without the
 915 permit required by s. 479.07(1) having been issued by the
 916 department, is declared to be a public nuisance and a private
 917 nuisance and shall be removed as provided in this section.

918 (a) Upon a determination by the department that a sign is
 919 in violation of s. 479.07(1), the department shall prominently
 920 post on the sign, or as close to the sign as possible for a
 921 location in which the sign is not easily accessible, ~~face~~ a
 922 notice stating that the sign is illegal and must be removed
 923 within 30 days after the date on which the notice was posted.
 924 ~~However, if the sign bears the name of the licensee or the name~~
 925 ~~and address of the nonlicensed sign owner,~~ The department shall,
 926 concurrently with and in addition to posting the notice on the
 927 sign, provide a written notice to the owner of the sign, the
 928 advertiser displayed on the sign, or the owner of the property,
 929 stating that the sign is illegal and must be permanently removed
 930 within the 30-day period specified on the posted notice. The
 931 written notice shall further state that ~~the sign owner has a~~
 932 ~~right to request~~ a hearing may be requested and that the, ~~which~~
 933 request must be filed with the department within 30 days after
 934 receipt ~~the date~~ of the written notice. However, the filing of a
 935 request for a hearing will not stay the removal of the sign.

936 (b) If, pursuant to the notice provided, the sign is not

937 | removed by the ~~sign~~ owner of the sign, the advertiser displayed
 938 | on the sign, or the owner of the property within the prescribed
 939 | period, the department shall immediately remove the sign without
 940 | further notice; and, for that purpose, the employees, agents, or
 941 | independent contractors of the department may enter upon private
 942 | property without incurring any liability for so entering.

943 | (c) However, the department may issue a permit for a sign,
 944 | as a conforming or nonconforming sign, if the sign owner
 945 | demonstrates to the department one of the following:

946 | 1. If the sign meets the current requirements of this
 947 | chapter for a sign permit, the sign owner may submit the
 948 | required application package and receive a permit as a
 949 | conforming sign, upon payment of all applicable fees.

950 | 2. If the sign does not meet the current requirements of
 951 | this chapter for a sign permit and has never been exempt from
 952 | the requirement that a permit be obtained, the sign owner may
 953 | receive a permit as a nonconforming sign if the department
 954 | determines that the sign is not located on state right-of-way
 955 | and is not a safety hazard, and if the sign owner pays a penalty
 956 | fee of \$300 and all pertinent fees required by this chapter,
 957 | including annual permit renewal fees payable since the date of
 958 | the erection of the sign, and attaches to the permit application
 959 | package documentation that demonstrates that:

960 | a. The sign has been unpermitted, structurally unchanged,
 961 | and continuously maintained at the same location for 7 years or
 962 | more;

963 b. During the initial 7 years in which the sign has been
 964 subject to the jurisdiction of the department, the sign would
 965 have met the criteria established in this chapter which were in
 966 effect at that time for issuance of a permit; and

967 c. The department has not initiated a notice of violation
 968 or taken other action to remove the sign during the initial 7-
 969 year period in which the sign has been subject to the
 970 jurisdiction of the department.

971 (d) This subsection does not cause a neighboring sign that
 972 is permitted and that is within the spacing requirements under
 973 s. 479.07(9)(a) to become nonconforming.

974 (e)~~(e)~~ For purposes of this subsection, a notice to the
 975 sign owner, when required, constitutes sufficient notice. ~~and~~
 976 Notice is not required to be provided to the lessee, advertiser,
 977 or the owner of the real property on which the sign is located.

978 (f)~~(d)~~ If, after a hearing, it is determined that a sign
 979 has been wrongfully or erroneously removed pursuant to this
 980 subsection, the department, at the sign owner's discretion,
 981 shall either pay just compensation to the owner of the sign or
 982 reerect the sign in kind at the expense of the department.

983 ~~(e) However, if the sign owner demonstrates to the~~
 984 ~~department that:~~

985 ~~1. The sign has been unpermitted, structurally unchanged,~~
 986 ~~and continuously maintained at the same location for a period of~~
 987 ~~7 years or more;~~

988 ~~2. At any time during the period in which the sign has~~

989 ~~been erected, the sign would have met the criteria established~~
 990 ~~in this chapter for issuance of a permit,~~

991 ~~3. The department has not initiated a notice of violation~~
 992 ~~or taken other action to remove the sign during the initial 7-~~
 993 ~~year period described in subparagraph 1., and~~

994 ~~4. The department determines that the sign is not located~~
 995 ~~on state right-of-way and is not a safety hazard,~~

996
 997 ~~the sign may be considered a conforming or nonconforming sign~~
 998 ~~and may be issued a permit by the department upon application in~~
 999 ~~accordance with this chapter and payment of a penalty fee of~~
 1000 ~~\$300 and all pertinent fees required by this chapter, including~~
 1001 ~~annual permit renewal fees payable since the date of the~~
 1002 ~~erection of the sign.~~

1003 (2) (a) If a sign is under construction and the department
 1004 determines that a permit has not been issued for the sign as
 1005 required under ~~the provisions of~~ this chapter, the department
 1006 may ~~is authorized to~~ require that all work on the sign cease
 1007 until the sign owner shows that the sign does not violate ~~the~~
 1008 ~~provisions of~~ this chapter. The order to cease work shall be
 1009 prominently posted on the sign structure, and ~~no~~ further notice
 1010 is not required ~~to be given~~. The failure of a sign owner or her
 1011 or his agents to immediately comply with the order subjects
 1012 ~~shall subject~~ the sign to prompt removal by the department.

1013 (b) For the purposes of this subsection only, a sign is
 1014 under construction when it is in any phase of initial

1015 construction before ~~prior to~~ the attachment and display of the
 1016 advertising message in final position for viewing by the
 1017 traveling public. A sign that is undergoing routine maintenance
 1018 or change of the advertising message only is not considered to
 1019 be under construction for the purposes of this subsection.

1020 (3) The cost of removing a sign, ~~whether~~ by the department
 1021 or an independent contractor, shall be assessed against the
 1022 owner of the sign by the department.

1023 Section 13. Subsections (5) and (7) of section 479.106,
 1024 Florida Statutes, are amended to read:

1025 479.106 Vegetation management.—

1026 (5) The department may only grant a permit pursuant to s.
 1027 479.07 for a new sign that ~~which~~ requires the removal, cutting,
 1028 or trimming of existing trees or vegetation on public right-of-
 1029 way for the sign face to be visible from the highway the sign
 1030 will be permitted to when the sign owner has removed at least
 1031 two nonconforming signs of approximate comparable size and
 1032 surrendered the permits for the nonconforming signs to the
 1033 department for cancellation. For signs originally permitted
 1034 after July 1, 1996, the first application, or application for a
 1035 change of view zone, no permit for the removal, cutting, or
 1036 trimming of trees or vegetation along the highway the sign is
 1037 permitted to shall require the removal of two nonconforming
 1038 signs, in addition to mitigation or contribution to a plan of
 1039 mitigation. The department may not grant a permit for the
 1040 removal, cutting, or trimming of trees for a sign permitted

1041 after July 1, 1996, if the ~~shall be granted where such trees are~~
 1042 or the vegetation is ~~are~~ part of a beautification project
 1043 implemented before ~~prior to~~ the date of the original sign permit
 1044 application and if, ~~when~~ the beautification project is
 1045 specifically identified in the department's construction plans,
 1046 permitted landscape projects, or agreements.

1047 (7) Any person engaging in removal, cutting, or trimming
 1048 of trees or vegetation in violation of this section or
 1049 benefiting from such actions shall be subject to an
 1050 administrative penalty of up to \$1,000 per sign facing and
 1051 required to mitigate for the unauthorized removal, cutting, or
 1052 trimming in such manner and in such amount as may be required
 1053 under the rules of the department.

1054 Section 14. Subsection (5) of section 479.107, Florida
 1055 Statutes, is amended to read:

1056 479.107 Signs on highway rights-of-way; removal.—

1057 (5) The cost of removing a sign, ~~whether~~ by the department
 1058 or an independent contractor, shall be assessed by the
 1059 department against the owner of the sign. ~~Furthermore, the~~
 1060 ~~department shall assess a fine of \$75 against the sign owner for~~
 1061 ~~any sign which violates the requirements of this section.~~

1062 Section 15. Section 479.111, Florida Statutes, is amended
 1063 to read:

1064 479.111 Specified signs allowed within controlled portions
 1065 of the interstate and federal-aid primary highway system.—Only
 1066 the following signs shall be allowed within controlled portions

1067 of the interstate highway system and the federal-aid primary
 1068 highway system as set forth in s. 479.11(1) and (2):

1069 (1) Directional or other official signs and notices that
 1070 ~~which~~ conform to 23 C.F.R. ss. 750.151-750.155.

1071 (2) Signs in commercial-zoned and industrial-zoned areas
 1072 or commercial-unzoned and industrial-unzoned areas and within
 1073 660 feet of the nearest edge of the right-of-way, subject to the
 1074 requirements set forth in the 1972 agreement between the state
 1075 and the United States Department of Transportation.

1076 (3) Signs for which permits are not required under s.
 1077 479.16.

1078 Section 16. Section 479.15, Florida Statutes, is amended
 1079 to read:

1080 479.15 Harmony of regulations.—

1081 (1) A ~~No~~ zoning board or commission or other public
 1082 officer or agency may not ~~shall~~ issue a permit to erect a any
 1083 sign that ~~which~~ is prohibited under ~~the provisions of~~ this
 1084 chapter or the rules of the department, and ~~nor shall~~ the
 1085 department may not issue a permit for a any sign that ~~which~~ is
 1086 prohibited by any other public board, officer, or agency in the
 1087 lawful exercise of its powers.

1088 (2) A municipality, county, local zoning authority, or
 1089 other local governmental entity may not remove, or cause to be
 1090 removed, a any lawfully erected sign along any portion of the
 1091 interstate or federal-aid primary highway system without first
 1092 paying just compensation for such removal. A local governmental

1093 entity may not cause in any way the alteration of a ~~any~~ lawfully
 1094 erected sign located along any portion of the interstate or
 1095 federal-aid primary highway system without payment of just
 1096 compensation if such alteration constitutes a taking under state
 1097 law. The municipality, county, local zoning authority, or other
 1098 local governmental ~~government~~ entity that adopts requirements
 1099 for such alteration shall pay just compensation to the sign
 1100 owner if such alteration constitutes a taking under state law.
 1101 This subsection applies only to a lawfully erected sign the
 1102 subject matter of which relates to premises other than the
 1103 premises on which it is located or to merchandise, services,
 1104 activities, or entertainment not sold, produced, manufactured,
 1105 or furnished on the premises on which the sign is located. ~~As~~
 1106 ~~used in this subsection, the term "federal-aid primary highway~~
 1107 ~~system" means the federal-aid primary highway system in~~
 1108 ~~existence on June 1, 1991, and any highway that was not a part~~
 1109 ~~of such system as of that date but that is or becomes after June~~
 1110 ~~1, 1991, a part of the National Highway System.~~ This subsection
 1111 may ~~shall~~ not be interpreted as explicit or implicit legislative
 1112 recognition that alterations do or do not constitute a taking
 1113 under state law.

1114 (3) It is the express intent of the Legislature to limit
 1115 the state right-of-way acquisition costs on state and federal
 1116 roads in eminent domain proceedings, ~~the provisions of~~ ss.
 1117 479.07 and 479.155 notwithstanding. Subject to approval by the
 1118 Federal Highway Administration, if ~~whenever~~ public acquisition

1119 of land upon which is situated a lawful permitted ~~nonconforming~~
 1120 sign occurs, as provided in this chapter, the sign may, at the
 1121 election of its owner and the department, be relocated or
 1122 reconstructed adjacent to the new right-of-way and in close
 1123 proximity to the current site if along the roadway within 100
 1124 ~~feet of the current location, provided the nonconforming~~ sign is
 1125 not relocated in an area inconsistent with s. 479.024. on a
 1126 ~~parcel zoned residential, and provided further that~~ Such
 1127 relocation is ~~shall be~~ subject to the applicable setback
 1128 requirements in the 1972 agreement between the state and the
 1129 United States Department of Transportation. The sign owner shall
 1130 pay all costs associated with relocating or reconstructing a any
 1131 sign under this subsection, and ~~neither~~ the state or ~~nor~~ any
 1132 local government may not ~~shall~~ reimburse the sign owner for such
 1133 costs, unless part of such relocation costs is ~~are~~ required by
 1134 federal law. If ~~no~~ adjacent property is not available for the
 1135 relocation, the department is ~~shall be~~ responsible for paying
 1136 the owner of the sign just compensation for its removal.

1137 (4) For a nonconforming sign, Such relocation shall be
 1138 ~~adjacent to the current site and~~ the face of the sign may ~~shall~~
 1139 not be increased in size or height or structurally modified at
 1140 the point of relocation in a manner inconsistent with the
 1141 current building codes of the jurisdiction in which the sign is
 1142 located.

1143 (5) If ~~In the event that~~ relocation can be accomplished
 1144 but is inconsistent with the ordinances of the municipality or

1145 county within whose jurisdiction the sign is located, the
 1146 ordinances of the local government shall prevail if, ~~provided~~
 1147 ~~that~~ the local government assumes ~~shall assume~~ the
 1148 responsibility to provide the owner of the sign just
 1149 compensation for its removal., ~~but in no event shall~~
 1150 Compensation paid by the local government may not be greater
 1151 than ~~exceed~~ the compensation required under state or federal
 1152 law. ~~Further, the provisions of~~ This section does ~~shall~~ not
 1153 impair any agreement or future agreements between a municipality
 1154 or county and the owner of a sign or signs within the
 1155 jurisdiction of the municipality or county. ~~Nothing in this~~
 1156 ~~section shall be deemed to cause a nonconforming sign to become~~
 1157 ~~conforming solely as a result of the relocation allowed in this~~
 1158 ~~section.~~

1159 (6) ~~The provisions of~~ Subsections (3), (4), and (5) do ~~of~~
 1160 ~~this section shall~~ not apply within the jurisdiction of a ~~any~~
 1161 municipality that ~~which~~ is engaged in ~~any~~ litigation concerning
 1162 its sign ordinance on April 23, 1999, and the subsections do not
 1163 ~~nor shall such provisions~~ apply to a ~~any~~ municipality whose
 1164 boundaries are identical to the county within which the ~~said~~
 1165 municipality is located.

1166 (7) This section does not cause a neighboring sign that is
 1167 already permitted and that is within the spacing requirements
 1168 established in s. 479.07(9)(a) to become nonconforming.

1169 Section 17. Section 479.156, Florida Statutes, is amended
 1170 to read:

1171 479.156 Wall murals.—Notwithstanding any other provision
 1172 of this chapter, a municipality or county may permit and
 1173 regulate wall murals within areas designated by such government.
 1174 If a municipality or county permits wall murals, a wall mural
 1175 that displays a commercial message and is within 660 feet of the
 1176 nearest edge of the right-of-way within an area adjacent to the
 1177 interstate highway system or the federal-aid primary highway
 1178 system shall be located only in an area that is zoned for
 1179 industrial or commercial use pursuant to s. 479.024. ~~and~~ The
 1180 municipality or county shall establish and enforce regulations
 1181 for such areas which ~~that~~, at a minimum, set forth criteria
 1182 governing the size, lighting, and spacing of wall murals
 1183 consistent with the intent of 23 U.S.C. s. 131 ~~the Highway~~
 1184 ~~Beautification Act of 1965~~ and with customary use. If ~~Whenever~~ a
 1185 municipality or county exercises such control and makes a
 1186 determination of customary use pursuant to 23 U.S.C. s. 131(d),
 1187 such determination shall be accepted in lieu of controls in the
 1188 agreement between the state and the United States Department of
 1189 Transportation, and the department shall notify the Federal
 1190 Highway Administration pursuant to the agreement, 23 U.S.C. s.
 1191 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that is
 1192 subject to municipal or county regulation and 23 U.S.C. s. 131
 1193 ~~the Highway Beautification Act of 1965~~ must be approved by the
 1194 Department of Transportation and the Federal Highway
 1195 Administration when required by federal law and federal
 1196 regulation under the agreement between the state and the United

1197 States Department of Transportation and federal regulations
 1198 enforced by the Department of Transportation under s. 479.02(1).
 1199 The existence of a wall mural as defined in s. 479.01~~(30)~~ must
 1200 ~~shall~~ not be considered in determining whether a sign as defined
 1201 in s. 479.01~~(20)~~, ~~either~~ existing or new, is in compliance with
 1202 s. 479.07(9)(a).

1203 Section 18. Section 479.16, Florida Statutes, is amended
 1204 to read:

1205 479.16 Signs for which permits are not required.—The
 1206 following signs are exempt from the requirement that a permit
 1207 for a sign be obtained under ~~the provisions of~~ this chapter but
 1208 are required to comply with ~~the provisions of~~ s. 479.11(4)-(8),
 1209 and the provisions of subsections (15)-(19) may not be
 1210 implemented or continued if the Federal Government notifies the
 1211 department that implementation or continuation will adversely
 1212 affect the allocation of federal funds to the department:

1213 (1) Signs erected on the premises of an establishment,
 1214 which ~~signs~~ consist primarily of the name of the establishment
 1215 or ~~which~~ identify the principal or accessory merchandise,
 1216 services, activities, or entertainment sold, produced,
 1217 manufactured, or furnished on the premises of the establishment
 1218 and which comply with the lighting restrictions imposed under
 1219 ~~department rule adopted pursuant to~~ s. 479.11(5), or signs owned
 1220 by a municipality or a county located on the premises of such
 1221 municipality or ~~such~~ county which display information regarding
 1222 governmental ~~government~~ services, activities, events, or

1223 entertainment. For purposes of this section, the following types
 1224 of messages are ~~shall~~ ~~be~~ considered information regarding
 1225 governmental ~~government~~ services, activities, events, or
 1226 entertainment:

1227 (a) Messages that ~~which~~ specifically reference any
 1228 commercial enterprise.

1229 (b) Messages that ~~which~~ reference a commercial sponsor of
 1230 any event.

1231 (c) Personal messages.

1232 (d) Political campaign messages.

1233

1234 If a sign located on the premises of an establishment consists
 1235 principally of brand name or trade name advertising and the
 1236 merchandise or service is only incidental to the principal
 1237 activity, or if the owner of the establishment receives rental
 1238 income from the sign, ~~then~~ the sign is not exempt under this
 1239 subsection.

1240 (2) Signs erected, used, or maintained on a farm by the
 1241 owner or lessee of such farm and relating solely to farm
 1242 produce, merchandise, service, or entertainment sold, produced,
 1243 manufactured, or furnished on such farm.

1244 (3) Signs posted or displayed on real property by the
 1245 owner or by the authority of the owner, stating that the real
 1246 property is for sale or rent. However, if the sign contains any
 1247 message not pertaining to the sale or rental of the ~~that~~ real
 1248 property, ~~then~~ it is not exempt under this section.

1249 (4) Official notices or advertisements posted or displayed
 1250 on private property by or under the direction of any public or
 1251 court officer in the performance of her or his official or
 1252 directed duties, or by trustees under deeds of trust or deeds of
 1253 assignment or other similar instruments.

1254 (5) Danger or precautionary signs relating to the premises
 1255 on which they are located; forest fire warning signs erected
 1256 under the authority of the Florida Forest Service of the
 1257 Department of Agriculture and Consumer Services; and signs,
 1258 notices, or symbols erected by the United States Government
 1259 under the direction of the United States Forest Forestry
 1260 Service.

1261 (6) Notices of any railroad, bridge, ferry, or other
 1262 transportation or transmission company necessary for the
 1263 direction or safety of the public.

1264 (7) Signs, notices, or symbols for the information of
 1265 aviators as to location, directions, and landings and conditions
 1266 affecting safety in aviation erected or authorized by the
 1267 department.

1268 (8) Signs or notices measuring up to 8 square feet in area
 1269 which are erected or maintained upon property and which state
 1270 ~~stating~~ only the name of the owner, lessee, or occupant of the
 1271 premises ~~and not exceeding 8 square feet in area.~~

1272 (9) Historical markers erected by ~~duly constituted and~~
 1273 authorized public authorities.

1274 (10) Official traffic control signs and markers erected,

1275 | caused to be erected, or approved by the department.

1276 | (11) Signs erected upon property warning the public
1277 | against hunting and fishing or trespassing ~~thereon~~.

1278 | (12) Signs ~~not in excess~~ of up to 8 square feet which ~~that~~
1279 | are owned by and relate to the facilities and activities of
1280 | churches, civic organizations, fraternal organizations,
1281 | charitable organizations, or units or agencies of government.

1282 | (13) ~~Except that~~ Signs placed on benches, transit
1283 | shelters, modular news racks, street light poles, public pay
1284 | telephones, and waste receptacles, within the right-of-way, as
1285 | provided for in s. 337.408 are exempt from ~~all provisions of~~
1286 | this chapter.

1287 | (14) Signs relating exclusively to political campaigns.

1288 | (15) Signs measuring up to ~~not in excess of~~ 16 square feet
1289 | placed at a road junction with the State Highway System denoting
1290 | only the distance or direction of a residence or farm operation,
1291 | or, outside an incorporated ~~in a rural~~ area where a hardship is
1292 | created because a small business is not visible from the road
1293 | junction with the State Highway System, one sign measuring up to
1294 | ~~not in excess of~~ 16 square feet, denoting only the name of the
1295 | business and the distance and direction to the business. ~~The~~
1296 | ~~small-business sign provision of this subsection does not apply~~
1297 | ~~to charter counties and may not be implemented if the Federal~~
1298 | ~~Government notifies the department that implementation will~~
1299 | ~~adversely affect the allocation of federal funds to the~~
1300 | ~~department.~~

1301 (16) Signs placed by a local tourist-oriented business
 1302 located within a rural area of critical economic concern as
 1303 defined in s. 288.0656(2) which are:

1304 (a) Not more than 8 square feet in size or more than 4
 1305 feet in height;

1306 (b) Located only in rural areas on a facility that does
 1307 not meet the definition of a limited access facility, as defined
 1308 in s. 334.03;

1309 (c) Located within 2 miles of the business location and at
 1310 least 500 feet apart;

1311 (d) Located only in two directions leading to the
 1312 business; and

1313 (e) Not located within the road right-of-way.

1314
 1315 A business placing such signs must be at least 4 miles from any
 1316 other business using this exemption and may not participate in
 1317 any other directional signage program by the department.

1318 (17) Signs measuring up to 32 square feet denoting only
 1319 the distance or direction of a farm operation which are erected
 1320 at a road junction with the State Highway System, but only
 1321 during the harvest season of the farm operation for up to 4
 1322 months.

1323 (18) Acknowledgment signs erected upon publicly funded
 1324 school premises which relate to a specific public school club,
 1325 team, or event and which are placed at least 1,000 feet from any
 1326 other acknowledgment sign on the same side of the roadway. The

1327 sponsor information on an acknowledgment sign may constitute no
 1328 more than 100 square feet of the sign. As used in this
 1329 subsection, the term "acknowledgment sign" means a sign that is
 1330 intended to inform the traveling public that a public school
 1331 club, team, or event has been sponsored by a person, firm, or
 1332 other entity.

1333 (19) Displays erected upon a sports facility, the content
 1334 of which is directly related to the facility's activities or to
 1335 the facility's products or services. Displays must be mounted
 1336 flush to the surface of the sports facility and must rely upon
 1337 the building facade for structural support. As used in this
 1338 subsection, the term "sports facility" means an athletic
 1339 complex, athletic arena, or athletic stadium, including
 1340 physically connected parking facilities, which is open to the
 1341 public and has a seating capacity of 15,000 or more permanently
 1342 installed seats.

1343
 1344 If the exemptions in subsections (15)-(19) are not implemented
 1345 or continued due to notification from the Federal Government
 1346 that the allocation of federal funds to the department will be
 1347 adversely impacted, the department shall provide notice to the
 1348 sign owner that the sign must be removed within 30 days after
 1349 receipt of the notice. If the sign is not removed within 30 days
 1350 after receipt of the notice by the sign owner, the department
 1351 may remove the sign, and the costs incurred in connection with
 1352 the sign removal shall be assessed against and collected from

1353 | the sign owner.

1354 | Section 19. Section 479.24, Florida Statutes, is amended
1355 | to read:

1356 | 479.24 Compensation for ~~removal~~ of signs; eminent domain;
1357 | exceptions.—

1358 | (1) Just compensation shall be paid by the department
1359 | upon the department's acquisition ~~removal~~ of a lawful conforming
1360 | or nonconforming sign along any portion of the interstate or
1361 | federal-aid primary highway system. This section does not apply
1362 | to a sign that ~~which~~ is illegal at the time of its removal. A
1363 | sign loses ~~will lose~~ its nonconforming status and becomes ~~become~~
1364 | illegal at such time as it fails to be permitted or maintained
1365 | in accordance with all applicable laws, rules, ordinances, or
1366 | regulations other than the provision that ~~which~~ makes it
1367 | nonconforming. A legal nonconforming sign under state law or
1368 | rule does ~~will~~ not lose its nonconforming status solely because
1369 | it additionally becomes nonconforming under an ordinance or
1370 | regulation of a local governmental entity passed at a later
1371 | date. The department shall make every reasonable effort to
1372 | negotiate the purchase of the signs to avoid litigation and
1373 | congestion in the courts.

1374 | (2) The department is not required to remove any sign
1375 | under this section if the federal share of the just compensation
1376 | to be paid upon removal of the sign is not available to make
1377 | such payment, unless an appropriation by the Legislature for
1378 | such purpose is made to the department.

1379 (3) (a) The department may ~~is authorized to~~ use the power
 1380 of eminent domain when necessary to carry out ~~the provisions of~~
 1381 this chapter.

1382 (b) If eminent domain procedures are instituted, just
 1383 compensation shall be made pursuant to the state's eminent
 1384 domain procedures, chapters 73 and 74.

1385 Section 20. Section 479.25, Florida Statutes, is amended
 1386 to read:

1387 479.25 Erection of noise-attenuation barrier blocking view
 1388 of sign; procedures; application.-

1389 (1) The owner of a lawfully erected sign that is governed
 1390 by and conforms to state and federal requirements for land use,
 1391 size, height, and spacing may increase the height above ground
 1392 level of such sign at its permitted location if a noise-
 1393 attenuation barrier is permitted by or erected by any
 1394 governmental entity in such a way as to screen or block
 1395 visibility of the sign. Any increase in height permitted under
 1396 this section may only be the increase in height which is
 1397 required to achieve the same degree of visibility from the
 1398 right-of-way which the sign had before ~~prior to~~ the construction
 1399 of the noise-attenuation barrier, notwithstanding the
 1400 restrictions contained in s. 479.07(9)(b). A sign reconstructed
 1401 under this section must ~~shall~~ comply with the building standards
 1402 and wind load requirements provided ~~set forth~~ in the Florida
 1403 Building Code. If construction of a proposed noise-attenuation
 1404 barrier will screen a sign lawfully permitted under this

1405 chapter, the department shall provide notice to the local
 1406 government or local jurisdiction within which the sign is
 1407 located before construction ~~prior to erection of the noise-~~
 1408 ~~attenuation barrier.~~ Upon a determination that an increase in
 1409 the height of a sign as permitted under this section will
 1410 violate ~~a provision contained in~~ an ordinance or a land
 1411 development regulation of the local government or local
 1412 jurisdiction, the local government or local jurisdiction shall,
 1413 before construction ~~so notify the department. When notice has~~
 1414 ~~been received from the local government or local jurisdiction~~
 1415 ~~prior to erection of the noise attenuation barrier, the~~
 1416 ~~department shall:~~

1417 (a) Provide a variance or waiver to the local ordinance or
 1418 land development regulations to ~~Conduct a written survey of all~~
 1419 ~~property owners identified as impacted by highway noise and who~~
 1420 ~~may benefit from the proposed noise attenuation barrier. The~~
 1421 ~~written survey shall inform the property owners of the location,~~
 1422 ~~date, and time of the public hearing described in paragraph (b)~~
 1423 ~~and shall specifically advise the impacted property owners that:~~

1424 1. ~~Erection of the noise attenuation barrier may block the~~
 1425 ~~visibility of an existing outdoor advertising sign;~~

1426 2. ~~The local government or local jurisdiction may restrict~~
 1427 ~~or prohibit increasing the height of the existing outdoor~~
 1428 ~~advertising sign to make it visible over the barrier; and~~

1429 3. ~~If a majority of the impacted property owners vote for~~
 1430 ~~construction of the noise attenuation barrier, the local~~

1431 ~~government or local jurisdiction will be required to:~~
 1432 ~~a.~~ allow an increase in the height of the sign ~~in~~
 1433 ~~violation of a local ordinance or land development regulation;~~
 1434 (b)~~b.~~ Allow the sign to be relocated or reconstructed at
 1435 another location if the sign owner agrees; or
 1436 (c)~~c.~~ Pay the fair market value of the sign and its
 1437 associated interest in the real property.
 1438 (2)~~(b)~~ The department shall hold a public hearing within
 1439 the boundaries of the affected local governments or local
 1440 jurisdictions to receive input on the proposed noise-attenuation
 1441 barrier and its conflict with the local ordinance or land
 1442 development regulation and to suggest or consider alternatives
 1443 or modifications ~~to the proposed noise-attenuation barrier~~ to
 1444 alleviate or minimize the conflict with the local ordinance or
 1445 land development regulation or minimize any costs that may be
 1446 associated with relocating, reconstructing, or paying for the
 1447 affected sign. The public hearing may be held concurrently with
 1448 other public hearings scheduled for the project. The department
 1449 shall provide a written notification to the local government or
 1450 local jurisdiction of the date and time of the public hearing
 1451 and shall provide general notice of the public hearing in
 1452 accordance with the notice provisions of s. 335.02(1). The
 1453 notice may ~~shall~~ not be placed in that portion of a newspaper in
 1454 which legal notices or classified advertisements appear. The
 1455 notice must ~~shall~~ specifically state that:
 1456 (a)~~1.~~ Erection of the proposed noise-attenuation barrier

1457 may block the visibility of an existing outdoor advertising
 1458 sign;

1459 ~~(b)2.~~ The local government or local jurisdiction may
 1460 restrict or prohibit increasing the height of the existing
 1461 outdoor advertising sign ~~to make it visible over the barrier;~~
 1462 and

1463 ~~(c)3.~~ Upon ~~if a majority of the impacted property owners~~
 1464 ~~vote for~~ construction of the noise-attenuation barrier, the
 1465 local government or local jurisdiction shall ~~will be required~~
 1466 ~~to~~:

1467 1.a. Allow an increase in the height of the sign through a
 1468 waiver or variance to ~~in violation of~~ a local ordinance or land
 1469 development regulation;

1470 2.b. Allow the sign to be relocated or reconstructed at
 1471 another location if the sign owner agrees; or

1472 3.e. Pay the fair market value of the sign and its
 1473 associated interest in the real property.

1474 ~~(3)(2)~~ The department may ~~shall~~ not permit erection of the
 1475 noise-attenuation barrier to the extent the barrier screens or
 1476 blocks visibility of the sign until after the public hearing is
 1477 held ~~and until such time as the survey has been conducted and a~~
 1478 ~~majority of the impacted property owners have indicated approval~~
 1479 ~~to erect the noise-attenuation barrier. When the impacted~~
 1480 ~~property owners approve of the noise-attenuation barrier~~
 1481 ~~construction, the department shall notify the local governments~~
 1482 ~~or local jurisdictions. The local government or local~~

1483 ~~jurisdiction shall, notwithstanding the provisions of a~~
 1484 ~~conflicting ordinance or land development regulation.~~

1485 ~~(a) Issue a permit by variance or otherwise for the~~
 1486 ~~reconstruction of a sign under this section;~~

1487 ~~(b) Allow the relocation of a sign, or construction of~~
 1488 ~~another sign, at an alternative location that is permissible~~
 1489 ~~under the provisions of this chapter, if the sign owner agrees~~
 1490 ~~to relocate the sign or construct another sign; or~~

1491 ~~(c) Refuse to issue the required permits for~~
 1492 ~~reconstruction of a sign under this section and pay fair market~~
 1493 ~~value of the sign and its associated interest in the real~~
 1494 ~~property to the owner of the sign.~~

1495 ~~(4)(3)~~ This section does ~~shall~~ not apply to ~~the provisions~~
 1496 ~~of~~ any existing written agreement executed before July 1, 2006,
 1497 between any local government and the owner of an outdoor
 1498 advertising sign.

1499 Section 21. Subsection (1) of section 479.261, Florida
 1500 Statutes, is amended to read:

1501 479.261 Logo sign program.—

1502 (1) The department shall establish a logo sign program
 1503 for the rights-of-way of the limited access ~~interstate~~ highway
 1504 system to provide information to motorists about available gas,
 1505 food, lodging, camping, attractions, and other services, as
 1506 approved by the Federal Highway Administration, at interchanges
 1507 through the use of business logos and may include additional
 1508 interchanges under the program.

1509 (a) As used in this chapter, the term "attraction" means
 1510 an establishment, site, facility, or landmark that is open a
 1511 minimum of 5 days a week for 52 weeks a year; that has as its
 1512 principal focus family-oriented entertainment, cultural,
 1513 educational, recreational, scientific, or historical activities;
 1514 and that is publicly recognized as a bona fide tourist
 1515 attraction.

1516 (b) The department shall incorporate the use of RV-
 1517 friendly markers on specific information logo signs for
 1518 establishments that cater to the needs of persons driving
 1519 recreational vehicles. Establishments that qualify for
 1520 participation in the specific information logo program and that
 1521 also qualify as "RV-friendly" may request the RV-friendly marker
 1522 on their specific information logo sign. An RV-friendly marker
 1523 must consist of a design approved by the Federal Highway
 1524 Administration. The department shall adopt rules ~~in accordance~~
 1525 ~~with chapter 120~~ to administer this paragraph. Such rules must
 1526 establish minimum requirements for parking spaces, entrances and
 1527 exits, and overhead clearance which must be met by, including
 1528 ~~rules setting forth the minimum requirements that establishments~~
 1529 ~~that wish must meet in order to qualify as RV-friendly. These~~
 1530 ~~requirements shall include large parking spaces, entrances, and~~
 1531 ~~exits that can easily accommodate recreational vehicles and~~
 1532 ~~facilities having appropriate overhead clearances, if~~
 1533 ~~applicable.~~

1534 Section 22. Subsection (1) of section 479.262, Florida

1535 Statutes, is amended to read:

1536 479.262 Tourist-oriented directional sign program.—

1537 (1) A tourist-oriented directional sign program to provide
 1538 directions to rural tourist-oriented businesses, services, and
 1539 activities may be established at intersections on rural and
 1540 conventional state, county, or municipal roads only ~~in rural~~
 1541 ~~counties identified by criteria and population in s. 288.0656~~
 1542 when approved and permitted by county or local governmental
 1543 ~~government~~ entities within their respective jurisdictional areas
 1544 ~~at intersections on rural and conventional state, county, or~~
 1545 ~~municipal roads~~. A county or local government that ~~which~~ issues
 1546 permits for a tourist-oriented directional sign program is ~~shall~~
 1547 ~~be~~ responsible for sign construction, maintenance, and program
 1548 operation in compliance with subsection (3) for roads on the
 1549 state highway system and may establish permit fees sufficient to
 1550 offset associated costs. A tourist-oriented directional sign may
 1551 not be used on roads in urban areas or at interchanges on
 1552 freeways or expressways.

1553 Section 23. Section 479.313, Florida Statutes, is amended
 1554 to read:

1555 479.313 Permit revocation and cancellation; cost of
 1556 removal.—All costs incurred by the department in connection with
 1557 the removal of a sign located within a controlled area adjacent
 1558 to the State Highway System, interstate highway system, or
 1559 federal-aid primary highway system following the revocation or
 1560 cancellation of the permit for such sign shall be assessed

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2014

1561 | against and collected from the permittee.

1562 | Section 24. Section 76 of chapter 2012-174, Laws of
1563 | Florida, is repealed.

1564 | Section 25. This act shall take effect July 1, 2014.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1161 (2014)

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 | _____ | |

1 Committee/Subcommittee hearing bill: Transportation & Economic
2 Development Appropriations Subcommittee
3 Representative Goodson offered the following:

Amendment (with title amendment)


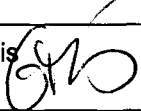
Remove lines 122-188

T I T L E A M E N D M E N T

Remove lines 3-10 and insert:
amending s. 373.618, F.S.;

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1181 Driver Licenses
SPONSOR(S): Transportation & Highway Safety Subcommittee; Young
TIED BILLS: IDEN./SIM. BILLS:

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|---|---------------------|---|---|
| 1) Transportation & Highway Safety Subcommittee | 12 Y, 0 N, As CS | Thompson | Miller |
| 2) Transportation & Economic Development Appropriations Subcommittee | | Perkins  | Davis  |
| 3) Economic Affairs Committee | | | |

SUMMARY ANALYSIS

Currently, an individual's driving privileges may be suspended for numerous "non-driving-related" violations. Many of these violations have no relationship to the operation of a motor vehicle. Drivers whose licenses have been suspended for non-driving-related offenses may lose the ability to legally get to and from work as a result of the suspension, and therefore cannot pay the financial obligation which is the basis of the suspension.

The bill addresses provisions related to driver license suspensions and revocations for non-driving-related reasons. The bill in part:

- Authorizes the court to suspend the driver license of a person who fails to appear in court for a worthless check charge only when the person is a previous offender;
- Authorizes, rather than requiring, the court to suspend the driver license of a person guilty of any offense of misdemeanor theft;
- Reduces the length of driver license revocation for drug related convictions from two years to one year;
- Requires a court that orders a driver license suspension or revocation for a drug related offense to determine whether the issuance of a business purposes only driver license is appropriate in each case;
- Authorizes the issuance of a business purpose only driver license for persons who have had their driver license suspended for violations related to selling, giving, or serving alcohol to minors, or for misdemeanor theft;
- Allows a child support obligor to avoid the suspension of his or her driver license or motor vehicle registration if extenuating circumstances can be proven (circumstances include, receiving reemployment assistance or unemployment compensation; being disabled and incapable of self-support, receiving Supplemental Social Security Income or Social Security Disability; receiving temporary cash assistance; or making payments in accordance with a confirmed ch 11, 12, or 13 bankruptcy plan.);
- Provides that if a child support obligor who seeks to satisfy the extenuating circumstances conditions does not provide applicable documentation or proof to the depository or clerk of court within 20 days after the date the delinquency notice is mailed, the Department of Revenue (DOR) or the clerk of court may file notice with the Department of Highway Safety and Motor Vehicles (DHSMV) to suspend his or her driver license or motor vehicle registration.

The Revenue Estimating Conference met on March 14, 2014, and projected a negative indeterminate impact to the General Revenue Fund and the Highway Safety Operating Trust Fund.

The bill provides an effective date of July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Non-driving Suspensions

Driver license suspensions and revocations take away a person's privilege to drive.¹ Although originally intended as a sanction to address poor driving behavior, driver's license suspensions and revocations are now commonly used as a means to punish individuals engaged in illegal behavior unrelated to the operation of a motor vehicle.² Consequently, a substantial amount of time and resources are expended by state and local entities to deal with and process non-driving-related suspensions and revocations.

A recent United States Government Accountability Office (GAO) report found that license suspensions can be an effective tool for encouraging compliance with various laws. However, the report also found that some policymakers and advocacy groups have raised concerns that suspensions make it difficult for some low-income individuals to maintain or find work, and may make it more challenging for them to pay fines or meet child support obligations. Additionally, they have raised concerns that suspensions for non-driving offenses may clog court systems and divert resources to activities that do not improve traffic safety.³

According to the American Association of Motor Vehicle Administrators (AAMVA), reducing the amount of drivers who are suspended for non-highway safety related violations, "will result in fewer citations for driving while under suspension and partially alleviate clogged court dockets. Individuals whose offense is unrelated to highway safety will retain their driving privileges, their ability to earn a living, and their ability to contribute to the economy."⁴

Highway Safety

National studies have shown that suspending driving privileges for non-highway safety related reasons is not an effective overall solution to improve traffic safety.⁵ Despite the seriousness of failure to comply, individuals do in fact continue to drive while suspended. It is estimated that as many as three-fourths of suspended or revoked drivers continue to drive.⁶ Studies have found that drivers suspended for bad driving are indeed bad drivers. According to the AAMVA, drivers suspended for highway safety related reasons are almost three times more likely to be involved in a crash than drivers suspended for non-highway safety related reasons.⁷

Law Enforcement

Generally, law enforcement actions for individuals caught driving while suspended or revoked do not differ based upon the underlying reason for the suspension. A driver caught driving while suspended, whether suspended for a driving-related or non-driving-related violation, receives the same treatment. If

¹ ss. 322.01(40) and 322.01(36), F.S.

² The National Highway Traffic Safety Administration, *Reasons for Driver License Suspension, Recidivism, and Crash Involvement Among Drivers With Suspended/Revoked Licenses* FINAL REPORT (January 2009), at page 1. This document is on file with the Transportation and Highway Safety Subcommittee.

³ The United States Government Accountability Office License Suspensions for Non-Driving Offenses report can be accessed at <http://www.gao.gov/new.items/d10217.pdf>. (Last viewed on March 5, 2014).

⁴ American Association of Motor Vehicle Administrators, *Best Practices Guide to Reducing Suspended Drivers* (2013). This document is on file with the Transportation and Highway Safety Subcommittee.

⁵ See the California Department of Motor Vehicles (September 2012) *Estimation of Fatal Crash Rates for Suspended/Revoked and Unlicensed Drivers in California*, at http://apps.dmv.ca.gov/about/profile/rd/r_d_report/Section_6/S6-238.pdf. (Last viewed February 3, 2014).

⁶ The National Cooperative Highway Research Program, Report 500, Volume 2, at page I-1. This document is on file with the Transportation and Highway Safety Subcommittee.

⁷ The American Association of Motor Vehicle Administrators, *Best Practices Guide to Reducing Suspended Drivers* (2013). This document is on file with the Transportation and Highway Safety Subcommittee.

a driver is suspended and involved in a collision, whether they are at fault or not, they are usually not inclined to await a police response.⁸

Current law provides penalties for driving with a suspended, revoked, or canceled license. Unknowing infractions are a moving violation, punishable as provided in chapter 318, F.S. Knowing infractions are punishable as a second degree misdemeanor on the first conviction (up to 30 days in jail and a \$500 fine); a first degree misdemeanor on the second conviction (up to 60 days in jail and a \$1,000 fine); and a third degree felony on the third or subsequent conviction (up to five years in prison and a \$5,000 fine). Additionally, the arresting officer is authorized to impound the vehicle of a driver arrested for criminal violations under certain conditions.⁹

Officer safety is also a concern. According to the National Law Enforcement Officers Memorial Fund, a nonprofit that tracks police deaths, since 2003, traffic fatalities have been the second leading cause of officer deaths, with 457 officers killed. Additionally, since 2003, 138 officers were killed by being struck by a vehicle. Each time an officer stops a driver who is suspended; it increases the officer's exposure and increases the possibility of an incident that may lead to injury or death.¹⁰

Law enforcement is also impacted from the increased administrative workload that is required for non-driving related offenses. Law enforcement agencies must choose where to focus sometimes limited resources. Also, technology advances such as automated license plate readers, result in an increase in traffic stops. Consequently, law enforcement agencies throughout the country are facing significant resource challenges as a result of suspended drivers.¹¹

The Courts

Traffic offenses represent the largest number of charges prosecuted in many state and local courts. According to the most recent data from the National Center for State Courts, there were approximately 1.7 million traffic violations reported to Florida county traffic courts in 2010.¹² State and local courts are tasked with the administration of justice involving a wide variety of offenses in both felony and misdemeanor categories. Court cases regarding non-driving related driver license suspensions and revocations can compound the courts' traffic violation workload.

Self-perpetuating Impacts

Suspensions and revocations can be self-perpetuating. Drivers who have been suspended or revoked for non-driving-related offenses are often trapped within the system. Such drivers may not be able to afford to pay the original fine, and may lose their ability to legally get to and from work as a result of the suspension. Many make the decision to drive while suspended or revoked. The suspension results in increased financial obligations through new requirements such as reinstatement fees, court costs and other penalties.¹³

A report, by the New Jersey Motor Vehicles Affordability and Fairness Task Force, which was created by the New Jersey Legislature to study non-driving related suspensions of driving privileges, substantiates these negative economic effects. In New Jersey, 42 percent of drivers lost their job after

⁸ The American Association of Motor Vehicle Administrators, Best Practices Guide to Reducing Suspended Drivers (2013). This document is on file with the Transportation and Highway Safety Subcommittee.

⁹ s. 322.34(8)(b), F.S.

¹⁰ See the Law Enforcement Officers Memorial Fund, Cause of Law Enforcement Deaths over the Past Decade (2003-2012), at <http://www.nleomf.org/facts/officer-fatalities-data/causes.html>, (Last viewed 2/11/14).

¹¹ The American Association of Motor Vehicle Administrators, Best Practices Guide to Reducing Suspended Drivers (2013). This document is on file with the Transportation and Highway Safety Subcommittee.

¹² See the Conference of State Court Administrators, National Center for State Courts, Court Statistics Project, Traffic – Total Traffic–Other Violations Caseloads, at <http://www.courtstatistics.org/Other-Pages/StateCourtCaseloadStatistics.aspx>, (Last viewed 2/4/14).

¹³ The American Association of Motor Vehicle Administrators, Best Practices Guide to Reducing Suspended Drivers (2013). This document is on file with the Transportation and Highway Safety Subcommittee.

their driving privilege was suspended. Of those drivers, 45 percent were unable to find new employment. Of those that were able to find another job, 88 percent reported a decrease in income.¹⁴

OPPAGA Report

According to a February 2014 Office of Program Policy Analysis & Government Accountability (OPPAGA) report entitled "Options Exist to Modify Use of Driver License Suspension for Non-Driving-Related Reasons," in Fiscal Year 2012-13, the Department of Highway Safety and Motor Vehicles (DHSMV) suspended or revoked approximately 1.3 million driver licenses. Of this amount, more than 167,000 were for non-driving-related reasons.¹⁵ These reasons included the failure to pay child support, failure to pay court financial obligations, conviction of drug-related offenses, non-compliance with school attendance (truancy), failure to appear in court for a worthless check offense, and conviction of misdemeanor theft offenses.¹⁶

Effectiveness

Two key measures of effectiveness of suspending or revoking driver licenses for non-driving-related violations are the number of driver license reinstatements and the length of time until reinstatement. In Fiscal Year 2012-13, DHSMV issued approximately 98,000 reinstatements to drivers whose licenses had been suspended or revoked for non-driving-related reasons.¹⁷ Some drivers were eligible to apply for temporary hardship licenses prior to reinstatement.¹⁸ However, the length of time to reinstatement varies with the type of suspension or revocation. For infractions such as failure to pay child support, reinstatement can occur as soon as the driver fulfills his or her obligations. For drug crime and theft convictions, the statutes require waiting periods before reinstatement can occur. In many cases, reinstatement can take several years.¹⁹ In FY 2012-2013, DHSMV received approximately \$5.5 million in revenue from reinstatement fees.²⁰

Findings

The OPPAGA report found that most suspensions for delinquent child support and truancy are reinstated fairly quickly. Many of the licenses suspended for failure to pay child support and truancy were reinstated within one year of the suspension. Department of Revenue (DOR) officials stated that the threat of losing a driver license is one of the best compliance tools it has to enforce child support orders. DOR reports that it collected approximately \$101.8 million in delinquent child support payments in Fiscal Year 2012-13 from parents who received a notice of suspension or whose license was suspended. However, due to a lack of truancy reinstatement data, it cannot be determined whether minors are modifying their behavior and attending school or if they are simply waiting until they turn 18 to reinstate or obtain their licenses.²¹

The OPPAGA report further found that many suspensions remain on record for multiple years before the license is reinstated by DHSMV. In Fiscal Year 2012-13, 44 percent of the suspensions for failure to pay court financial obligations were at least two years old and ten percent were at least five years old. Although clerks of court assert that the ability to suspend a driver license is the most effective tool for

¹⁴ The Motor Vehicles Affordability and Fairness Task Force (2006) at page xii, created by New Jersey statute, N.J.S.A. 39:2A-30 (L.2003,c.13,s.30). This document is on file with the Transportation and Highway Safety Subcommittee.

¹⁵ The OPPAGA report (January 2014), *Options Exist to Modify Use of Driver License Suspension for Non-Driving-Related Reasons*, at page 2. This document is on file with the Transportation and Highway Safety Subcommittee.

¹⁶ *Id.*

¹⁷ *Id.*, at page 6.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*, at page 5 provides that most reinstatement fees are \$45 for suspensions and \$75 for revocations. However, the amount of the fee can vary depending on the underlying offense. The reinstatement fee is \$55 for worthless check suspensions and \$60 for child support suspensions. In addition, the DHSMV charges an administrative fee of \$130 for alcohol-related offenses.

²¹ *Id.*, at page 8.

enforcing payment, many individuals cannot drive legally for several years until their court financial obligations are fulfilled.²²

Similarly, many reinstatements for failure to appear in court on a worthless check charge do not occur until the suspensions have been in place for multiple years. In Fiscal Year 2012-13, most reinstatements for failure to appear on worthless check charges were more than two years old. This included 26 percent that were five to ten years old and 16 percent that were at least ten years old.²³

Statutorily required timeframes can also lengthen the amount of time to license reinstatement. For example, the statutory requirement that driver license reinstatement after conviction for a drug-related offense generally cannot occur in less than two years is why 87 percent of these suspensions were more than two years old when reinstated. However, it is notable that 34 percent of these reinstated licenses had been suspended for five or more years, with nine percent suspended for ten or more years. According to the report, these delays may be partially attributable to offenders being incarcerated and unable to seek reinstatement until they are released.²⁴

Like drug-related offenses, theft offenses carry a minimum suspension time of up to six months for the first suspension and a mandatory one year period for the second suspension. However, the report found that 49 percent of these reinstatements did not occur until after two years.²⁵

Alternatives

As a result of the reported findings, OPPAGA provided the following Legislative alternatives to modify the use of driver license sanctions for non-driving-related reasons:

- Leave driver license suspension for failure to appear in court on a worthless check, and for a conviction of misdemeanor theft offense charge, at the court's discretion.
- Explore modifying or opting out of Florida's implementation of the federal mandate requiring driver license suspension for drug convictions.
- Codify current DOR child support enforcement practices regarding the use of driver license suspensions.
- Evaluate the effectiveness of driver license suspension for school truancy.

Present Situation

Failure to Appear in Court for Worthless Check

Section 832.09, F.S., provides for the suspension of a driver license after a warrant or capias is issued in a worthless check case. Any person who is being prosecuted for passing a worthless check who fails to appear before the court and against whom a warrant or capias for failure to appear is issued by the court must have his or her driver's license suspended or revoked.²⁶

Within five working days after the issuance of a warrant or capias for failure to appear, the clerk of the court in the county where the warrant or capias is issued is required to notify DHSMV by the most efficient method available of the action of the court.²⁷

In Fiscal Year 2012-13, DHSMV suspended 1,829 driver licenses for failure to appear in court to respond to a worthless check charge.²⁸

²² Id.

²³ Id.

²⁴ Id., at pages 8 and 9.

²⁵ Id., at page 9.

²⁶ s. 832.09(1), F.S.

²⁷ s. 832.09(2) F.S.

²⁸ The OPPAGA report (January 2014), *Options Exist to Modify Use of Driver License Suspension for Non-Driving-Related Reasons*, at page 5. This document is on file with the Transportation and Highway Safety Subcommittee.

Misdemeanor Theft

Section 812.0155, F.S., provides for the suspension of a driver license for misdemeanor theft. For a first-time offender, the court is authorized to order the suspension of the driver license of each person adjudicated guilty of any misdemeanor violation of theft pursuant to s. 812.014 or s. 812.015, F.S., regardless of the value of the property stolen.²⁹ For a previous (second or subsequent) offender, the court is required to order the suspension of the driver license of each person adjudicated guilty of the same violation. The first suspension is for up to six months, and subsequent suspensions are one year each.

In Fiscal Year 2012-13, DHSMV suspended or revoked the licenses of 462 persons convicted of such a theft offense.³⁰

Drug Offenses

In 1992, Congress amended the Federal Highway Apportionment Act to encourage states to enact and enforce driver license suspensions or revocations for drug offenders.³¹ The law withholds a portion of federal highway funds from any state that fails to adopt a law that enforces driver license suspensions or revocations for drug offenders.³² The federal law requires participating states to provide a suspension or revocation of at least six months.³³ However, a governor can submit written certification to the Secretary of the United States Department of Transportation that she or he opposes the revocation or suspension and that the state legislature has adopted a resolution expressing opposition to this law and still qualify for full federal funding.³⁴

Florida law exceeds the federal minimum of a six month suspension and requires a two-year revocation. Section 322.055, F.S., provides for the automatic suspension of the driver license of anyone convicted of a drug related offense, whether or not the offense involves the use of a motor vehicle. The clerks of court are required to report to DHSMV all convictions for the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance.³⁵ The law applies to persons who are:

- 18 years of age or older;
- 18 years of age or older and eligible by reason of age for a driver's license or privilege;
- 18 years of age or older who's driver license is already under suspension or revocation for any reason; and
- 18 years of age or older and ineligible by reason of age for a driver's license or driving privilege.³⁶

The length of the revocation period is two years, but not less than six months. To be eligible for a driver license reinstatement, restricted or unrestricted, six months of the revocation period must have expired.³⁷ After the required minimum six months, an offender is eligible to petition DHSMV for a

²⁹ ss. 812.014 or s. 812.015, F.S.

³⁰ The OPPAGA report (January 2014), *Options Exist to Modify Use of Driver License Suspension for Non-Driving-Related Reasons*, at page 6. This document is on file with the Transportation and Highway Safety Subcommittee.

³¹ Title 23 U.S.C. § 159 and 23 CFR Part 192.

³² *Id.*, at Part 192.9.

³³ *Id.*, at Part 192.4(a)(1)(i).

³⁴ *Id.*, at Part 192.4(c)(2).

³⁵ s. 322.055(5), F.S.

³⁶ s. 322.055(4), F.S., currently requires driver license revocations for persons who are "18 years of age or older... and ineligible by reason of age for a driver license or driving privilege." It is unclear how this description would apply practically. DHSMV is also unaware of how this description applies.

³⁷ s. 322.055(1)(2)(3) and (4), F.S., provides that the court may, in its sound discretion, direct DHSMV to issue a license for driving privileges restricted to business or employment purposes only, as defined by s. 322.271, if the person is otherwise qualified for such a license. A driver whose license or driving privilege has been suspended or revoked under this section or s. 322.056 may, upon the

reinstatement. If he or she has been evaluated as needing, and finishes, a drug treatment program, the offender automatically becomes eligible for a full reinstatement.³⁸ DHSMV validates treatment program completion when the offender shows proof of completion of such program to a licensing office or tax collector.³⁹

In Fiscal Year 2012-13, DHSMV suspended or revoked 19,024 driver licenses as a result of convictions for drug-related offenses.⁴⁰

Child Support Enforcement

The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 enacted section 466(a)(16) of the Social Security Act, which requires states to have (and use in appropriate cases) the authority to withhold, suspend or restrict the use of driver licenses of individuals owing past due child support. The United States Department of Health and Human Services Office of Child Support Enforcement (OCSE) is a federal-state program that provides funding to child support agencies in the states to help develop, manage and operate their programs effectively and according to federal law.⁴¹

Florida's Child Support Program is administered by DOR.⁴² DOR provides services under the federally required program in 65 counties and through contracts in two counties.⁴³ Each state is required by the federal government to operate a child support enforcement program as a condition for receiving the Temporary Assistance for Needy Families (TANF) federal block grant.⁴⁴ Florida's block grant was \$562.3 million for FY 2012-13.⁴⁵

OSCE generally matches every dollar Florida spends on child support with two dollars of federal funds. Additionally, the Florida Child Support Program is awarded federal incentive dollars based on the program's performance on certain federal measures.⁴⁶ To remain eligible for the TANF Block Grant, Florida must be federally compliant.⁴⁷ The following services are required:

- Paternity establishment;
- Support order establishment;
- Support order review and modification;
- Location of parents;
- Payment collection and disbursement; and

expiration of 6 months, petition DHSMV for restoration of the driving privilege on a restricted or unrestricted basis depending on the length of suspension or revocation.

³⁸ s., 322.055, F.S.

³⁹ This information was received from DHSMV via email on November 15, 2013. The email is on file with the Transportation and Highway Safety Subcommittee.

⁴⁰ The OPPAGA report (January 2014), *Options Exist to Modify Use of Driver License Suspension for Non-Driving-Related Reasons*, at page 2. This document is on file with the Transportation and Highway Safety Subcommittee.

⁴¹ See additional information on the federal Child Support Enforcement Program, at <http://www.acf.hhs.gov/programs/css/about>. (Last viewed 2/17/14).

⁴² Florida Department of Revenue, http://dor.myflorida.com/dor/childsupport/about_us.html (Last viewed 2/13/14).

⁴³ Florida Department of Revenue, http://dor.myflorida.com/dor/childsupport/about_us.html (Last viewed 2/13/14). Miami-Dade County cases are handled by the state attorney's office, and Manatee County cases are handled by the Manatee County Clerk of Court.

⁴⁴ TANF is a block grant program to help move recipients into work and turn welfare into a program of temporary assistance. Under the welfare reform legislation of 1996, TANF replaced the old welfare programs known as the Aid to Families with Dependent Children (AFDC) program, the Job Opportunities and Basic Skills Training (JOBS) program, and the Emergency Assistance (EA) program. The law ended Federal entitlement to assistance and instead created TANF as a block grant that provides States, Territories, and Tribes Federal funds each year. These funds cover benefits and services targeted to needy families. This document can be accessed at the U.S. Dep't of Health and Human Services website http://www.acf.hhs.gov/opa/fact_sheets/tanf_factsheet.html. (Last viewed 2/13/14).

⁴⁵ This information was received via email from the Florida Department of Revenue 2/14/14. The email is on file with the Transportation and Highway Safety Subcommittee.

⁴⁶ Id.

⁴⁷ Section 61.1826(1)(d), F.S.

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- Order enforcement.⁴⁸

DOR utilizes various statutory resources in its attempt to collect past due child support. For instance, DOR may suspend the obligor's driver's license. Pursuant to s. 322.058, F.S., when DHSMV receives notice from the Title IV-D agency or depository or the clerk of the court that any person licensed to operate a motor vehicle in the State of Florida has a delinquent support obligation or has failed to comply with a subpoena, order to appear, order to show cause, or similar order, DHSMV is required to suspend the driver's license and the registration of all motor vehicles owned by that person.⁴⁹ However, reinstatement and registration are allowed to occur when the Title IV-D agency in IV-D cases or the depository or the clerk of the court in non-IV-D cases provides to DHSMV an affidavit stating that:

- the person has paid the delinquency;
- the person has reached a written agreement for payment with the Title IV-D agency or the obligee in non-IV-D cases;
- a court has entered an order granting relief to the obligor ordering the reinstatement of the license and motor vehicle registration; or
- the person has complied with the subpoena, order to appear, order to show cause, or similar order.⁵⁰

Similarly, s. 61.13016, F.S., provides that a person (the obligor) who is 15 days delinquent in paying child support may have his or her driver's license and registration suspended after notice and an opportunity for a hearing in circuit court.⁵¹ The obligor may avoid suspension by:

- paying the full amount of the delinquency;
- entering into a written agreement with DOR to pay the past due amount; or
- filing a petition in circuit court to contest suspension.⁵²

According to DOR, it will enter into a written agreement if the parent is paying by income withholding and contacts DOR concerning the driver license suspension.⁵³

Although not specifically provided for in either ss. 61.13016 or 322.058, F.S., DOR allows an obligor to reinstate his or her driver license or registration if he or she is:

- receiving reemployment assistance or unemployment compensation;
- disabled and incapable of self-support, or receiving benefits from either the Supplemental Social Security Income or Social Security Disability programs;
- receiving temporary cash assistance; or
- making payment in accordance with a confirmed ch 11, 12, or 13 bankruptcy plan.

In Fiscal Year 2012-13, DHSMV suspended or revoked 68,223 driver licenses as a result of failure to pay child support. In federal Fiscal Year 2012-13, the Child Support Program provided services to about a million children and collected and distributed \$1.6 billion dollars in child support.⁵⁴ The total amount in income withholding payments was \$977,089,629.⁵⁵ According to DOR, it does not collect

⁴⁸ See 42 U.S.C. ss. 654(4), (8), (10), and (29).

⁴⁹ s. 322.058(1), F.S.

⁵⁰ s. 322.058(2), F.S.

⁵¹ s. 61.13016(1), F.S.

⁵² s. 61.13016(1)(c), F.S.

⁵³ This information was received via email from the Florida Department of Revenue 2/18/14. The email is on file with the Transportation and Highway Safety Subcommittee.

⁵⁴ The OPPAGA report (January 2014), *Options Exist to Modify Use of Driver License Suspension for Non-Driving-Related Reasons*, at page 2. This document is on file with the Transportation and Highway Safety Subcommittee.

⁵⁵ This information was received via email from the Florida Department of Revenue 2/14/14. The email is on file with the Transportation and Highway Safety Subcommittee.

data that would quantify fiscal impacts from the department's internal policies. However, driver license reinstatement practices are generally productive since having a driver license assists in the ability to become employed.⁵⁶

Sale to Minors Prohibitions

Section 562.11(1)(a), F.S., provides that it is unlawful to sell, give, serve or permit to be served alcoholic beverages to a person under 21 years of age or to permit a person under 21 years of age to consume alcoholic beverages on the licensed premises. Anyone convicted of a violation of these provisions is guilty of a misdemeanor of the second degree, punishable by a maximum term of 60 days and a maximum fine of \$500.

Section 562.11(1)(a)2., F.S., authorizes courts to order DHSMV to withhold the issuance of, or suspend or revoke, the driver license or driving privilege of any person who violates the sale to minors prohibition in s. 562.11(1), F.S.

Driver's License Suspension or Revocations

Section 322.28, F.S., sets forth the provisions related to suspension or revocation of driver licenses. Section 322.28(1), F.S., prohibits DHSMV from suspending a license for a period of more than one year. The section also provides an exception to this limit for violations related to driving under the influence of alcoholic beverages, chemical substances as set forth in s. 877.111, F.S., or controlled substances. For these violations, DHSMV is prohibited from granting a new license until the expiration of one year after such revocation.

Section 322.271, F.S., provides the court may direct DHSMV to issue a driver's license restricted to business or employment purposes only to a person who is otherwise qualified for a license.

Driver License Reinstatement Fees

Section 322.21(8), F.S., requires a person who applies for reinstatement following suspension or revocation of the person's driver license to pay a service fee of \$45 following a suspension, and \$75 following a revocation, in addition to the fee for a license. Of the \$45 fee, DHSMV is required to deposit \$15 into GR and \$30 into the HSOTF. Of the \$75 fee, DHSMV is required to deposit \$35 into GR and \$40 into the HSOTF. In addition, county tax collectors are required to charge a service fee of \$6.25, when providing services in chapter 322, F.S., including driver license reinstatements.⁵⁷

Section 322.21(1), F.S., authorizes a delinquent fee of \$15 for the late renewal of a driver license, and authorizes an issuance fee for original, renewal, and replacement driver license transactions. These fees are as follows:

- | | | |
|---------------------------|------|--|
| • Original Driver License | \$48 | Deposited into GR |
| • Driver License Renewal | \$48 | Deposited into GR |
| • Replacement DL | \$25 | \$7 deposited into HSOTF; \$18 deposited into GR |
| • Motorcycle | \$48 | Deposited into GR |
| • Original Commercial DL | \$75 | Deposited into GR |
| • Commercial DL Renewal | \$75 | Deposited into GR |

Proposed Changes

The bill revises provisions related to driver license suspensions and revocations for non-driving-related reasons. Specifically, the bill addresses suspension practices that result from criminal violations, and several practices that result from child support enforcement policies.

⁵⁶ This information was received via email from the Florida Department of Revenue 3/5/14. The email is on file with the Transportation and Highway Safety Subcommittee.

⁵⁷ s. 322.135(1)(c), F.S.

Failure to Appear in Court for Worthless Check

The bill amends s. 832.09, F.S., to revise the requirement for the court to suspend or revoke a driver license after any violation of failure to appear before the court and against whom a warrant or capias is issued in a worthless check case. The court is instead, authorized to order the suspension or revocation of a driver license of such an offender if he or she has previously been adjudicated guilty of a violation of s. 832.05, F.S., for giving worthless checks, drafts, and debit card orders.

Misdemeanor Theft

The bill amends s. 812.0155, F.S., to revise the requirement for the court to suspend the driver license for a previously convicted offender following an adjudication of guilt for misdemeanor theft. The court is instead authorized to order the suspension of the driver license of anyone adjudicated guilty of any misdemeanor violation of theft. Suspension lengths of six months for a first suspension and one year for a second or subsequent suspension remain in effect.

The bill also amends s. 812.0155, F.S., to authorize the courts to direct DHSMV to issue a license for driving privileges restricted to business purposes only for persons who have had their driver license suspended for misdemeanor theft.

Drug Offenses

The bill amends s. 322.055, F.S., to reduce the length of revocation for drug related convictions from two years to one year. The bill retains the provision which allows reinstatement of the driver license after six months if a drug treatment and rehabilitation program is completed. Specifically, the length of revocation for the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance drug related convictions is reduced from two years to one year for persons who are:

- 18 years of age or older;
- 18 years of age or older and eligible by reason of age for a driver's license or privilege;
- 18 years of age or older who's driver license is already under suspension or revocation for any reason; and
- 18 years of age or older and ineligible by reason of age for a driver's license or driving privilege.⁵⁸

The bill also requires a court that orders a driver license suspension or revocation for a drug related offense to make in each case, a specific, articulated determination as to whether the issuance of a license for driving privileges restricted to business purposes only, as defined in s. 322.271, F.S., is appropriate.

Sale to Minors Prohibitions

The bill amends s. 562.11(1)(a), F.S., to authorize the courts to issue a license for driving privileges restricted to business purposes only⁵⁹ for persons who have had their driver license suspended for any violation of the sale to minors prohibition in s. 562.11(1), F.S.

Child Support Enforcement

The bill amends s. 61.13016, F.S., to allow a child support obligor to avoid suspension or have his or her driver license and motor vehicle registration reinstated if extenuating circumstances can be proven. Specifically, DOR must submit a notice to DHSMV to suspend the driving privilege and motor vehicle

⁵⁸ s. 322.055(4), F.S., currently requires driver license revocations for persons who are "18 years of age or older... and ineligible by reason of age for a driver license or driving privilege." It is unclear how this description would apply practically. DHSMV is also unaware of how this description applies.

⁵⁹ s. 322.271(1)(c)1., F.S., defines "a driving privilege restricted to business purposes only" as a driving privilege that is limited to any driving necessary to maintain livelihood, including driving to and from work, necessary on-the-job driving, driving for educational purposes, and driving for church and for medical purposes.

registration, unless within 20 days after the date the notice is mailed, the obligor demonstrates that he or she:

- receives reemployment assistance or unemployment compensation pursuant to chapter 443;
- is disabled and incapable of self-support or that he or she receives benefits under the federal Supplemental Security Income or Social Security Disability Insurance programs;
- receives temporary cash assistance pursuant to chapter 414; or
- is making payments in accordance with a confirmed bankruptcy plan under chapter 11, chapter 12, or chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss. 101 et seq.

If an obligor seeks to satisfy the extenuating circumstances requirements before the expiration of the 20-day period, he or she must provide the applicable documentation or proof to the depository or the clerk of the court. If the obligor does not satisfy these requirements within 20 days, DOR, the depository, or the clerk of court is authorized, instead of required, to file notice with DHSMV and request suspension of the driver license and motor vehicle registration.

The bill amends s. 322.058(2), F.S., to require DHSMV to reinstate the driving privilege and allow registration of a motor vehicle when DOR in IV-D cases or the depository or the clerk of the court in non-IV-D cases provides DHSMV with an affidavit stating that the person:

- receives reemployment assistance or unemployment compensation pursuant to chapter 443;
- is disabled and incapable of self-support or that he or she receives benefits under the federal Supplemental Security Income or Social Security Disability Insurance programs;
- receives temporary cash assistance pursuant to chapter 414; or
- is making payments in accordance with a confirmed bankruptcy plan under chapter 11, chapter 12, or chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss. 101 et seq.

B. SECTION DIRECTORY:

- Section 1: amends s. 61.13016, F.S. relating to suspension of driver licenses and motor vehicle registrations.
- Section 2: amends s. 322.055, F.S., relating to revocation or suspension of, or delay of eligibility for, driver's license for persons 18 years of age or older convicted of certain drug offenses.
- Section 3: amends s. 322.058, F.S., relating to suspension of driving privileges due to support delinquency; reinstatement.
- Section 4: amends s. 562.11, F.S., relating to selling, giving, or serving alcoholic beverages to persons under the age of 21.
- Section 5: amends s. 812.0155, F.S., relating to suspension of driver's license following an adjudication of guilt for theft.
- Section 6: amends s. 832.09, F.S., relating to suspension of driver license after warrant or capias is issued in worthless check case.
- Section 7: Provides for an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Indeterminate. See Fiscal Comments.

2. Expenditures:

Indeterminate. See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Indeterminate. See Fiscal Comments.

2. Expenditures:

Indeterminate. See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Provisions authorizing the issuance of a driver license for business purposes only may further an individual's ability to earn a living, pay fines, and contribute to the economy.

D. FISCAL COMMENTS:

The Revenue Estimating Conference met on March 14, 2014, and projected a negative indeterminate impact to the General Revenue Fund and the Highway Safety Operating Trust Fund.⁶⁰ Further detail is outlined below.

According to DHSMV, the bill's fiscal impact to the state will be minimal and indeterminate. A one-time expenditure of \$9,400 will be required for programming costs for implementation.⁶¹

The bill may reduce the amount of suspensions that the court is required to order due to the prevention of the court from suspending the driver license for a first offense for worthless check charges, and authorization of the court to suspend for the second or subsequent offenses. There also may be a reduction in suspensions involving the provision of the bill that removes the requirement for the court to suspend the driver license of previous violators of misdemeanor theft, and instead, allowing the court complete discretion to suspend a license for misdemeanor theft. This could negatively impact the General Revenue Fund, the Highway Safety Operating Trust Fund, and county tax collectors; however, it is impossible to predict how many violations will occur, and because suspensions for second or subsequent offenses are discretionary, it is unknown how many the court will actually suspend. As a result, the fiscal impact to the state and local government is indeterminate.

To the extent that licensed motorists will be convicted of a drug related offense, reducing the length of revocation for such convictions from two years to one year will shorten the length of time offenders are prohibited from driving. Consequently, the number of reinstatements and related revenue will increase from driver licenses being reinstated more quickly. This would positively impact the General Revenue Fund, the Highway Safety Operating Trust Fund, and county tax collectors. The number of violations

⁶⁰ This information is on file with the Transportation and Highway Safety Subcommittee.

⁶¹ See the DHSMV 2014 Agency Legislative Bill Analysis for HB 1181. This document is on file with the Transportation and Highway Safety Subcommittee.

that occur cannot be quantified, therefore, the fiscal impact to the state and local government is indeterminate.

The bill would allow the court to make a determination on the issuance of a business purposes only license following a revocation or suspension in cases of misdemeanor theft, sales to minors, and drug related offenses. A court ordered reinstatement for a business purpose only license would allow a driver to go directly to a driver license issuance office to be issued a restricted license. The DHSMV Bureau of Administrative Review collects a \$12 filing fee for each hardship hearing.⁶² This money is deposited into the Highway Safety Operating Trust Fund. The reinstatement related fees associated with the issuance of additional hardship licenses, could have a positive fiscal impact on the General Revenue Fund, the Highway Safety Operating Trust Fund, and county tax collectors. However, because the court order is discretionary and it is unknown how many violations will occur, the fiscal impacts are indeterminate.

The Office of State Courts Administrator has indicated that this legislation will have an indeterminate impact on judicial workload.

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:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 18, 2014, the Transportation and Highway Safety Subcommittee adopted one amendment to HB 1181 before reporting it favorably as a committee substitute. The amendment corrected a drafting error by removing language that was inadvertently inserted in the bill.

The analysis is drafted to the committee substitute as approved by the Transportation and Highway Safety Subcommittee.

⁶² See the DHSMV 2014 Agency Legislative Bill Analysis for HB 1181. This document is on file with the Transportation and Highway Safety Subcommittee.

27 restricted driver license to certain persons; amending
 28 s. 832.09, F.S.; providing that the suspension of a
 29 driver license of a person being prosecuted for
 30 passing a worthless check is discretionary; providing
 31 an effective date.

32

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

34

35 Section 1. Subsection (1), paragraph (a) of subsection
 36 (2), and subsection (3) of section 61.13016, Florida Statutes,
 37 are amended to read:

38 61.13016 Suspension of driver ~~driver's~~ licenses and motor
 39 vehicle registrations.-

40 (1) The driver ~~driver's~~ license and motor vehicle
 41 registration of a support obligor who is delinquent in payment
 42 or who has failed to comply with subpoenas or a similar order to
 43 appear or show cause relating to paternity or support
 44 proceedings may be suspended. When an obligor is 15 days
 45 delinquent making a payment in support or failure to comply with
 46 a subpoena, order to appear, order to show cause, or similar
 47 order in IV-D cases, the Title IV-D agency may provide notice to
 48 the obligor of the delinquency or failure to comply with a
 49 subpoena, order to appear, order to show cause, or similar order
 50 and the intent to suspend by regular United States mail that is
 51 posted to the obligor's last address of record with the
 52 Department of Highway Safety and Motor Vehicles. When an obligor

53 is 15 days delinquent in making a payment in support in non-IV-D
 54 cases, and upon the request of the obligee, the depository or
 55 the clerk of the court must provide notice to the obligor of the
 56 delinquency and the intent to suspend by regular United States
 57 mail that is posted to the obligor's last address of record with
 58 the Department of Highway Safety and Motor Vehicles. In either
 59 case, the notice must state:

60 (a) The terms of the order creating the support
 61 obligation;

62 (b) The period of the delinquency and the total amount of
 63 the delinquency as of the date of the notice or describe the
 64 subpoena, order to appear, order to show cause, or other similar
 65 order that ~~which~~ has not been complied with;

66 (c) That notification will be given to the Department of
 67 Highway Safety and Motor Vehicles to suspend the obligor's
 68 driver ~~driver's~~ license and motor vehicle registration unless,
 69 within 20 days after the date that the notice is mailed, the
 70 obligor:

71 1.a. Pays the delinquency in full and any other costs and
 72 fees accrued between the date of the notice and the date the
 73 delinquency is paid;

74 b. Enters into a written agreement for payment with the
 75 obligee in non-IV-D cases or with the Title IV-D agency in IV-D
 76 cases; or in IV-D cases, complies with a subpoena or order to
 77 appear, order to show cause, or a similar order; ~~or~~

78 c. Files a petition with the circuit court to contest the

79 delinquency action; ~~and~~

80 d. Demonstrates that he or she receives reemployment
 81 assistance or unemployment compensation pursuant to chapter 443;

82 e. Demonstrates that he or she is disabled and incapable
 83 of self-support or that he or she receives benefits under the
 84 federal Supplemental Security Income or Social Security
 85 Disability Insurance programs;

86 f. Demonstrates that he or she receives temporary cash
 87 assistance pursuant to chapter 414; or

88 g. Demonstrates that he or she is making payments in
 89 accordance with a confirmed bankruptcy plan under chapter 11,
 90 chapter 12, or chapter 13 of the United States Bankruptcy Code,
 91 11 U.S.C. ss. 101 et seq.; and

92 2. Pays any applicable delinquency fees.

93
 94 If an ~~the~~ obligor in a non-IV-D case ~~cases~~ enters into a written
 95 agreement for payment before the expiration of the 20-day
 96 period, the obligor must provide a copy of the signed written
 97 agreement to the depository or the clerk of the court. If an
 98 obligor seeks to satisfy sub-subparagraph 1.d., sub-subparagraph
 99 1.e., sub-subparagraph 1.f., or sub-subparagraph 1.g. before
 100 expiration of the 20-day period, the obligor must provide the
 101 applicable documentation or proof to the depository or the clerk
 102 of the court.

103 (2) (a) Upon petition filed by the obligor in the circuit
 104 court within 20 days after the mailing date of the notice, the

105 court may, in its discretion, direct the department to issue a
 106 license for driving privilege ~~privileges~~ restricted to business
 107 purposes only, as defined by s. 322.271, if the person is
 108 otherwise qualified for such a license. As a condition for the
 109 court to exercise its discretion under this subsection, the
 110 obligor must agree to a schedule of payment on any child support
 111 arrearages and to maintain current child support obligations. If
 112 the obligor fails to comply with the schedule of payment, the
 113 court shall direct the Department of Highway Safety and Motor
 114 Vehicles to suspend the obligor's driver ~~driver's~~ license.

115 (3) If the obligor does not, within 20 days after the
 116 mailing date on the notice, pay the delinquency; ~~or~~ enter into a
 117 written ~~payment~~ agreement; ~~or~~ comply with the subpoena, order to
 118 appear, order to show cause, or other similar order; ~~or~~ file a
 119 motion to contest; or satisfy sub-subparagraph (1)(c)1.d., sub-
 120 subparagraph (1)(c)1.e., sub-subparagraph (1)(c)1.f., or sub-
 121 subparagraph (1)(c)1.g., the Title IV-D agency in IV-D cases, or
 122 the depository or clerk of the court in non-IV-D cases, may
 123 ~~shall~~ file the notice with the Department of Highway Safety and
 124 Motor Vehicles and request the suspension of the obligor's
 125 driver ~~driver's~~ license and motor vehicle registration in
 126 accordance with s. 322.058.

127 Section 2. Section 322.055, Florida Statutes, is amended
 128 to read:

129 322.055 Revocation or suspension of, or delay of
 130 eligibility for, driver ~~driver's~~ license for persons 18 years of

131 age or older convicted of certain drug offenses.—

132 (1) Notwithstanding the provisions of s. 322.28, upon the
 133 conviction of a person 18 years of age or older for possession
 134 or sale of, trafficking in, or conspiracy to possess, sell, or
 135 traffic in a controlled substance, the court shall direct the
 136 department to revoke the driver ~~driver's~~ license or driving
 137 privilege of the person. The period of such revocation shall be
 138 1 year ~~2 years~~ or until the person is evaluated for and, if
 139 deemed necessary by the evaluating agency, completes a drug
 140 treatment and rehabilitation program approved or regulated by
 141 the Department of Children and Family Services. However, the
 142 court may, in its sound discretion, direct the department to
 143 issue a license for driving privilege ~~privileges~~ restricted to
 144 business or employment purposes only, as defined by s. 322.271,
 145 if the person is otherwise qualified for such a license. A
 146 driver whose license or driving privilege has been suspended or
 147 revoked under this section or s. 322.056 may, upon the
 148 expiration of 6 months, petition the department for restoration
 149 of the driving privilege on a restricted or unrestricted basis
 150 depending on length of suspension or revocation. In no case
 151 shall a restricted license be available until 6 months of the
 152 suspension or revocation period has expired.

153 (2) If a person 18 years of age or older is convicted for
 154 the possession or sale of, trafficking in, or conspiracy to
 155 possess, sell, or traffic in a controlled substance and such
 156 person is eligible by reason of age for a driver ~~driver's~~

157 license or privilege, the court shall direct the department to
 158 withhold issuance of such person's driver ~~driver's~~ license or
 159 driving privilege for a period of 1 year ~~2 years~~ after the date
 160 the person was convicted or until the person is evaluated for
 161 and, if deemed necessary by the evaluating agency, completes a
 162 drug treatment and rehabilitation program approved or regulated
 163 by the Department of Children and Family Services. However, the
 164 court may, in its sound discretion, direct the department to
 165 issue a license for driving privilege ~~privileges~~ restricted to
 166 business or employment purposes only, as defined by s. 322.271,
 167 if the person is otherwise qualified for such a license. A
 168 driver whose license or driving privilege has been suspended or
 169 revoked under this section or s. 322.056 may, upon the
 170 expiration of 6 months, petition the department for restoration
 171 of the driving privilege on a restricted or unrestricted basis
 172 depending on the length of suspension or revocation. In no case
 173 shall a restricted license be available until 6 months of the
 174 suspension or revocation period has expired.

175 (3) If a person 18 years of age or older is convicted for
 176 the possession or sale of, trafficking in, or conspiracy to
 177 possess, sell, or traffic in a controlled substance and such
 178 person's driver ~~driver's~~ license or driving privilege is already
 179 under suspension or revocation for any reason, the court shall
 180 direct the department to extend the period of such suspension or
 181 revocation by an additional period of 1 year ~~2 years~~ or until
 182 the person is evaluated for and, if deemed necessary by the

183 evaluating agency, completes a drug treatment and rehabilitation
 184 program approved or regulated by the Department of Children and
 185 Family Services. However, the court may, in its sound
 186 discretion, direct the department to issue a license for driving
 187 privilege ~~privileges~~ restricted to business or employment
 188 purposes only, as defined by s. 322.271, if the person is
 189 otherwise qualified for such a license. A driver whose license
 190 or driving privilege has been suspended or revoked under this
 191 section or s. 322.056 may, upon the expiration of 6 months,
 192 petition the department for restoration of the driving privilege
 193 on a restricted or unrestricted basis depending on the length of
 194 suspension or revocation. In no case shall a restricted license
 195 be available until 6 months of the suspension or revocation
 196 period has expired.

197 (4) If a person 18 years of age or older is convicted for
 198 the possession or sale of, trafficking in, or conspiracy to
 199 possess, sell, or traffic in a controlled substance and such
 200 person is ineligible by reason of age for a driver ~~driver's~~
 201 license or driving privilege, the court shall direct the
 202 department to withhold issuance of such person's driver ~~driver's~~
 203 license or driving privilege for a period of 1 year ~~2 years~~
 204 after the date that he or she would otherwise have become
 205 eligible or until he or she becomes eligible by reason of age
 206 for a driver ~~driver's~~ license and is evaluated for and, if
 207 deemed necessary by the evaluating agency, completes a drug
 208 treatment and rehabilitation program approved or regulated by

209 the Department of Children and Family Services. However, the
 210 court may, in its sound discretion, direct the department to
 211 issue a license for driving privilege ~~privileges~~ restricted to
 212 business or employment purposes only, as defined by s. 322.271,
 213 if the person is otherwise qualified for such a license. A
 214 driver whose license or driving privilege has been suspended or
 215 revoked under this section or s. 322.056 may, upon the
 216 expiration of 6 months, petition the department for restoration
 217 of the driving privilege on a restricted or unrestricted basis
 218 depending on the length of suspension or revocation. In no case
 219 shall a restricted license be available until 6 months of the
 220 suspension or revocation period has expired.

221 (5) A court that orders the revocation or suspension of,
 222 or delay in eligibility for, a driver license pursuant to this
 223 section shall make a specific, articulated determination as to
 224 whether the issuance of a license for driving privilege
 225 restricted to business purposes only, as defined in s. 322.271,
 226 is appropriate in each case.

227 (6)-(5) Each clerk of court shall promptly report to the
 228 department each conviction for the possession or sale of,
 229 trafficking in, or conspiracy to possess, sell, or traffic in a
 230 controlled substance.

231 Section 3. Subsections (1) and (2) of section 322.058,
 232 Florida Statutes, are amended to read:

233 322.058 Suspension of driving privilege ~~privileges~~ due to
 234 support delinquency; reinstatement.-

235 (1) When the department receives notice from the Title IV-
 236 D agency or depository or the clerk of the court that any person
 237 licensed to operate a motor vehicle in the State of Florida
 238 under the provisions of this chapter has a delinquent support
 239 obligation or has failed to comply with a subpoena, order to
 240 appear, order to show cause, or similar order, the department
 241 shall suspend the driver ~~driver's~~ license of the person named in
 242 the notice and the registration of all motor vehicles owned by
 243 that person.

244 (2) The department must reinstate the driving privilege
 245 and allow registration of a motor vehicle when the Title IV-D
 246 agency in IV-D cases or the depository or the clerk of the court
 247 in non-IV-D cases provides to the department an affidavit
 248 stating that:

- 249 (a) The person has paid the delinquency;
- 250 (b) The person has reached a written agreement for payment
 251 with the Title IV-D agency or the obligee in non-IV-D cases;
- 252 (c) A court has entered an order granting relief to the
 253 obligor ordering the reinstatement of the license and motor
 254 vehicle registration; ~~or~~
- 255 (d) The person has complied with the subpoena, order to
 256 appear, order to show cause, or similar order;
- 257 (e) The person receives reemployment assistance or
 258 unemployment compensation pursuant to chapter 443;
- 259 (f) The person is disabled and incapable of self-support
 260 or receives benefits under the federal Supplemental Security

261 | Income or Social Security Disability Insurance programs;
 262 | (g) The person receives temporary cash assistance pursuant
 263 | to chapter 414; or
 264 | (h) The person is making payments in accordance with a
 265 | confirmed bankruptcy plan under chapter 11, chapter 12, or
 266 | chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss.
 267 | 101 et seq.

268 | Section 4. Paragraph (a) of subsection (1) of section
 269 | 562.11, Florida Statutes, is amended to read:

270 | 562.11 Selling, giving, or serving alcoholic beverages to
 271 | person under age 21; providing a proper name; misrepresenting or
 272 | misstating age or age of another to induce licensee to serve
 273 | alcoholic beverages to person under 21; penalties.-

274 | (1)(a)1. A ~~It is unlawful for any person may not~~ ~~to~~ sell,
 275 | give, serve, or permit to be served alcoholic beverages to a
 276 | person under 21 years of age or ~~to~~ permit a person under 21
 277 | years of age to consume such beverages on the licensed premises.
 278 | A person who violates this subparagraph commits a misdemeanor of
 279 | the second degree, punishable as provided in s. 775.082 or s.
 280 | 775.083. A person who violates this subparagraph a second or
 281 | subsequent time within 1 year after a prior conviction commits a
 282 | misdemeanor of the first degree, punishable as provided in s.
 283 | 775.082 or s. 775.083.

284 | 2. In addition to any other penalty imposed for a
 285 | violation of subparagraph 1., the court may order the Department
 286 | of Highway Safety and Motor Vehicles to withhold the issuance

287 of, or suspend or revoke, the driver ~~driver's~~ license or driving
 288 privilege, as provided in s. 322.057, of any person who violates
 289 subparagraph 1. This subparagraph does not apply to a licensee,
 290 as defined in s. 561.01, who violates subparagraph 1. while
 291 acting within the scope of his or her license or an employee or
 292 agent of a licensee, as defined in s. 561.01, who violates
 293 subparagraph 1. while engaged within the scope of his or her
 294 employment or agency.

295 3. A court that withholds the issuance of, or suspends or
 296 revokes, the driver license or driving privilege of a person
 297 pursuant to subparagraph 2., may direct the Department of
 298 Highway Safety and Motor Vehicles to issue the person a license
 299 for driving privilege restricted to business purposes only, as
 300 defined in s. 322.271, if he or she is otherwise qualified.

301 Section 5. Subsection (1) of section 812.0155, Florida
 302 Statutes, is amended, and subsection (5) is added to that
 303 section, to read:

304 812.0155 Suspension of driver ~~driver's~~ license following
 305 an adjudication of guilt for theft.—

306 (1) Except as provided in subsections (2) and (3), the
 307 court may order the suspension of the driver ~~driver's~~ license of
 308 each person adjudicated guilty of any misdemeanor violation of
 309 s. 812.014 or s. 812.015, regardless of the value of the
 310 property stolen. ~~The court shall order the suspension of the~~
 311 ~~driver's license of each person adjudicated guilty of any~~
 312 ~~misdemeanor violation of s. 812.014 or s. 812.015 who has~~

313 ~~previously been convicted of such an offense.~~ Upon ordering the
 314 suspension of the driver ~~driver's~~ license of the person
 315 adjudicated guilty, the court shall forward the driver ~~driver's~~
 316 license of the person adjudicated guilty to the Department of
 317 Highway Safety and Motor Vehicles in accordance with s. 322.25.

318 (a) The first suspension of a driver ~~driver's~~ license
 319 under this subsection shall be for a period of up to 6 months.

320 (b) A second or subsequent suspension of a driver ~~driver's~~
 321 license under this subsection shall be for 1 year.

322 (5) A court that suspends the driver license of a person
 323 pursuant to subsection (1) may direct the Department of Highway
 324 Safety and Motor Vehicles to issue the person a license for
 325 driving privilege restricted to business purposes only, as
 326 defined in s. 322.271, if he or she is otherwise qualified.

327 Section 6. Section 832.09, Florida Statutes, is amended to
 328 read:

329 832.09 Suspension of driver license after warrant or
 330 capias is issued in worthless check case.—

331 (1) The court may order the suspension or revocation of
 332 the driver license of a ~~Any~~ person who is being prosecuted for
 333 passing a worthless check in violation of s. 832.05, who fails
 334 to appear before the court and against whom a warrant or capias
 335 for failure to appear is issued by the court if the person has
 336 previously been adjudicated guilty of a violation of s. 832.05
 337 ~~shall have his or her driver's license suspended or revoked~~
 338 ~~pursuant to s. 322.251.~~

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339 (2) Within 5 working days after the court orders the
340 suspension of a driver license pursuant to subsection (1)
341 ~~issuance of a warrant or capias for failure to appear~~, the clerk
342 of the court in the county where the warrant or capias is issued
343 shall notify the Department of Highway Safety and Motor Vehicles
344 by the most efficient method available of the action of the
345 court.

346 Section 7. This act shall take effect July 1, 2014.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1193 Off-Highway Vehicles
SPONSOR(S): Transportation & Highway Safety Subcommittee; Hill
TIED BILLS: IDEN./SIM. **BILLS:** CS/SB 1024

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|------------------|-------------------|---------------------------------------|
| 1) Transportation & Highway Safety Subcommittee | 13 Y, 0 N, As CS | Thompson | Miller |
| 2) Transportation & Economic Development Appropriations Subcommittee | | Perkins <i>RP</i> | Davis <i>GD</i> |
| 3) Economic Affairs Committee | | | |

SUMMARY ANALYSIS

Current law defines several types of off-highway vehicles (OHVs). Included in this definition are all-terrain vehicles (ATVs), and recreational off-highway vehicles (ROVs). ATVs, and ROVs are not allowed to be operated on public roads in the state, except as permitted by the managing local, state, or federal agency. The law requires all OHVs operated on public lands in this state to be titled and issued a certificate of title for easy determination of ownership.

The bill expands the definitions for ATVs and ROVs to:

- Remove any reference to the type of seating (straddle vs. nonstraddle) and steering control (handle bars vs. steering wheel);
- Remove the limitation that an ATV is designed for use by a single operator with no passenger; and
- Increase the width requirement of ROVs in the definitions from 64 to 65 inches.

The bill also revises an OHV violation provision related to operation on public lands. The bill prohibits carrying more passengers than an OHV is designed by the manufacturer to carry and revises the penalty provision to clarify that the penalty applies to all OHV violations, and not just ATVs.

These revisions may result in an increased number of ROVs being titled as ATVs and qualifying for operation on certain roads and trails on public lands that are currently restricted to ATV operation. In addition, the increased ROV width may result in more ROVs being titled in Florida.

There is an indeterminate positive fiscal impact to state and local government revenues. It is unknown how many additional OHVs will be titled pursuant to the revised definitions, or how many additional violations may occur pursuant to the revised violation.

The bill provides an effective date of July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The use of OHVs for recreational purposes is a growing trend. OHV use in national parks, including ATVs, snowmobiles, personal watercraft, and others, along with recreational activities such as mountain biking, snow biking, heli-skiing, and aircraft tours, have evolved and gained in popularity.¹ As a result, United States (U.S.) consumers spend over \$66 billion annually on offroading activities (on federal and nonfederal lands combined), and businesses serving off-road recreationists support over 680,000 jobs.²

According to the Congressional Research Service:

OHV supporters contend that the vehicles allow greater access to hard-to-reach natural areas, bring economic benefits to communities serving riders, provide outdoor recreation opportunities for the disabled, senior citizens, and others with mobility limitations; and, with snowmobiles, allow increased access to sites during winter. They assert that technological advances will continue to limit noise and pollution. By contrast, opponents of OHVs in the National Park System assert that these vehicles damage the environment and cultural artifacts, pose safety concerns, and conflict with other forms of recreation.³

Not all off-road vehicles are the same. Often, the ATV is confused with the ROV. But there are actually some very significant differences between the two, even if both types of off-roaders may be four-wheeled and used for similar types of recreation.⁴

The most noticeable differences include the fact that ROVs have a steering wheel, acceleration foot pedal and a brake foot pedal, and they are "driven." ATVs have a handlebar for steering, a throttle controlled by pushing a thumb lever next to the handgrip, and hand lever(s) for front and/or rear brake(s) and a foot pedal for the rear brake. And unlike ROVs, ATVs are "ridden."⁵

Use of Off-Highway Vehicles on Federal Lands

In 2005, the United State Department of Agriculture Forest Service announced a new regulation governing OHVs.⁶ An OHV is defined in the rule to mean "any motor vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain." Known as the "Travel Management Rule," its highlights are as follows:

- Each national forest or ranger district must designate those roads, trails, and areas open to motor vehicles.

¹ The Congressional Research Service report on Motorized Recreation on National Park Service Lands, February 8, 2013, p. 1, is available at: <http://www.fas.org/sgp/crs/misc/R42955.pdf>. (Last viewed 3/15/14).

² The Outdoor Recreation Economy, 2012, p. 17, is available at: <http://atfiles.org/files/pdf/Outdoor-Recreation-Economy-OIA2012.pdf>. (Last viewed 3/15/14).

³ The Congressional Research Service report on Motorized Recreation on National Park Service Lands, February 8, 2013, p. 1, is available at: <http://www.fas.org/sgp/crs/misc/R42955.pdf>. (Last viewed 3/15/14).

⁴ The Recreational Off-Highway Vehicle Association website is available at: <http://www.rohva.org/ROVvsATV.aspx>. (Last viewed 3/15/14).

⁵ Id.

⁶ 36 C.F.R. 212, Subpart B, Designation of Roads, Trails and Areas for Motor Vehicle Use, is available at: <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=70f3f185b0287443f1d197a51ebf13ce&rgn=div6&view=text&node=36:2.0.1.1.3.2&idno=36>. (Last viewed 3/15/14).

- The designation must include the class of vehicle and, if appropriate, time of year for motor vehicle use. A given route, for example, could be designated for use by motorcycles, all-terrain vehicles (ATVs), or street-legal vehicles.
- Once designation is complete, the rule prohibits motor vehicle use off the designated system or inconsistent with the designation.
- Designation decisions are to be made locally, with public input and in coordination with state, local, and tribal governments.
- Designations will be shown on a motor vehicle use map.⁷

With respect to vehicle class, the Motor Vehicle Use Maps for 2014 for the Apalachicola National Forest, the Ocala National Forest, and the Osceola National Forest reflect the following categories with respect to off-highway vehicle roads and trails:

- *Roads Open to Highway Legal Vehicles Only*: These roads are open only to motor vehicles licensed under state law for general operation on all public roads within the state.
- *Roads Open to All Vehicles*: These roads are open to all motor vehicles, including smaller off-highway vehicles that may not be licensed for highway use (but not to oversize or overweight vehicles under state traffic law).
- *Trails Open to Wheeled Vehicles 50 inches or Less in Width*: These trails are open only to wheeled, motor vehicles less than 50 inches in width at the widest point on the vehicle.
- *Trails Open to Motorcycles Only*: These trails are open only to motorcycles. Sidecars are not permitted.
- *Special Vehicle Designation*: This symbol indicates the road or trail is open to classes of vehicles other than those listed above.
- *Seasonal Designation*: This symbol, used in conjunction with one of the other road or trail symbols, indicates that the road or trail is open only during certain portions of the year.⁸

Operation of any OHV on National Forest System lands other than in accordance with the designations as reflected on the maps is prohibited.⁹ It is the identified vehicle class for designated roads and trails on given federal lands that determines which OHVs are authorized.

Use of Off-Highway Vehicles on State Lands

The 2002 Legislature enacted the T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act¹⁰ to provide a set of guidelines for the development and maintenance of public lands within the state for OHV use. The act finds that OHVs are becoming increasingly popular in this state and the use of these vehicles should be controlled and managed to minimize negative effects on the environment, wildlife habitats, native wildlife, and native flora and fauna. Also, the act declares that effectively managed areas and adequate facilities for the use of OHVs are compatible with this state's overall recreation plan and the underlying goal of multiple use.¹¹

Section 261.03(5), F.S., defines an OHV as any ATV, two-rider ATV¹², ROV, or off-highway motorcycle (OHM) that is not registered and licensed for highway use under chapter 320, F.S.

⁷ The U.S. Forest Service website is available at: <http://www.fs.fed.us/recreation/programs/ohv/>. The full text of the final rule, an interactive travel map, and additional information may also be accessed at this site. (Last viewed 3/15/14).

⁸ U.S. Forest Service Maps & Publications website: <http://www.fs.usda.gov/main/florida/maps-pubs>. (Last viewed 3/15/14).

⁹ 36 C.F.R. 261.13, Subpart A, General Prohibitions, Parks, Forests, and Public Property is available at: <http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=128231f343e42d49667e99a3452004cd&ty=HTML&h=L&n=36y2.0.1.1.20&r=PART#36:2.0.1.1.20.1.33.16>. (Last viewed 3/15/14).

¹⁰ s. 1, chapter 2002-295, Laws of Florida; codified in chapter 261, F.S.

¹¹ s. 261.02(1) and (2), F.S.

¹² s. 261.03(11), F.S., defines "Two-rider ATV" as any ATV that is specifically designed by the manufacturer for a single operator and one passenger.

Section 261.03(2), F.S., defines ATV to mean any motorized off-highway or all-terrain vehicle that:

- Is 50 inches or less in width,
- Has a dry weight of 1,200 pounds or less,
- Is designed to travel on three or more nonhighway tires,
- Has a seat designed to be straddled by the operator and handlebars for steering control, and
- Intended for use by a single operator with no passenger.

Section 261.03(8), F.S., defines ROV to mean any motorized recreational off-highway vehicle that:

- Is 64 inches or less in width,
- Has a dry weight of 2,000 pounds or less,
- Is designed to travel on four or more nonhighway tires,
- Has nonstraddle seating and a steering wheel, and
- Is manufactured for recreational use by one or more persons.¹³

ATVs, ROVs, (and OHMs) are the only unlicensed motor vehicles allowed in designated OHV areas.¹⁴ No OHV may be operated on public roads in the state, except as permitted by the managing local, state, or federal agency.¹⁵

As is the case on federal lands, use of OHVs on state lands may be restricted given the location. For example, the Croom Motorcycle Area at Withlacoochee State forest permits operation of ATVs and OHMs, but ROVs are not currently authorized.¹⁶ ATVs, ROVs, and OHMs are authorized on the OHV Trail System at Tate's Hell State Forest.¹⁷

Section 261.20, F.S., provides certain requirements for the operation of OHVs on public lands, including the following:

- A person under 16 must be supervised by an adult while operating an OHV and must have proof of completion of a DACS-approved safety course in this state or another jurisdiction.
- The OHV must be equipped with an operating spark arrester and sound emission limiter.
- OHVs operated at night, where allowed, or when visibility is low, must display a taillight and a headlight, with certain exceptions.

Violations of these requirements include:

- Carrying a passenger on an OHV, unless it is specifically designed to carry an operator and a single person;
- Operating an OHV under the influence of alcohol, a controlled substance, or any prescription or over-the-counter drug that impairs vision or motor function;
- Operation of an OHV by a person under 16 without wearing eye protection, over-the-ankle boots, and a safety helmet; and
- Operating an OHV in a careless or reckless manner that endangers or causes injury or damage to another person or property.¹⁸

¹³ Golf carts as defined in ss. 320.01 and 316.003, F.S., or low-speed vehicles as defined in s. 320.01, F.S., are not included in the definition of ROV.

¹⁴ See DACS' website at: <http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/Recreation/Off-Highway-Vehicle-Recreation-on-State-Forests-in-Florida#rules>. (Last viewed 3/15/14).

¹⁵ s. 261.11, F.S.

¹⁶ See DACS' Croom Motorcycle Area at Withlacoochee website at: <http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/Our-Forests/State-Forests/Withlacoochee-State-Forest/Croom-Motorcycle-Area-at-Withlacoochee-State-Forest>. (Last viewed 3/15/14).

¹⁷ See DACS' Off-Highway Vehicle Trail System at Tate's Hell State Forest website: <http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/Our-Forests/State-Forests/Off-Highway-Vehicle-Trail-System-at-Tate-s-Hell-State-Forest#contact>. (Last viewed 3/15/14).

¹⁸ s. 261.20(5), F.S.

A person who violates the requirements commits a noncriminal infraction subject to a fine of at least \$100 and may have the privilege of operating an ATV on public lands revoked. If the person acts with intent to defraud or commits a second or subsequent violation, the fine increases to at least \$500.¹⁹

Authorized Use of ATVs by Police Officers

Section 316.2074, F.S., also prohibits operation of an ATV on public roads in this state, except as permitted by the managing state or federal agency. However, a four-wheeled ATV may be used by police officers to enforce traffic laws on public beaches designated as public roadways and to travel on public roads within public lands while performing their duties.²⁰

For purposes of s. 316.2074, F.S., an ATV is defined almost identically to the definition in s. 261.03(2), F.S., to mean any:

- Motorized OHV 50 inches or less in width,
- Having a dry weight of 1,200 pounds or less,
- Designed to travel on three or more nonhighway tires,
- Having a seat designed to be straddled by the operator and handlebars for steering control, and
- Intended for use by a single operator with no passenger.²¹

A violation of s. 316.2074, F.S., is a nonmoving, noncriminal traffic infraction, punishable by a \$30 penalty.

Authorized Use of ATVs on Certain Roadways

Section 316.2123, F.S., also prohibits operation of an ATV²² on public roads in this state, except that an ATV may be operated during the daytime on an unpaved roadway where the posted speed limit is less than 35 mph. A county may exempt itself from this authorization, after a public hearing, by majority vote of the governing body of the county.²³ Alternatively, by majority vote after a public hearing, the county may designate unpaved roadways where an ATV may be operated during the daytime as long as each such designated roadway has a posted speed limit of less than 35 mph and is appropriately marked to indicate permissible ATV use.²⁴ The ATV operator must be a licensed driver or a minor under the direct supervision of a licensed driver.²⁵

Off-Highway Vehicle Titling

Chapter 317, F.S., requires all OHVs operated on public lands in this state to be titled and issued a certificate of title for easy determination of ownership. An owner of an OHV that is required to be titled must apply to the county tax collector for OHV title transactions.²⁶ An OHV title fee is \$29. DHSMV is required to deposit \$27 into the Incidental Trust Fund (ITF) of the Florida Forest Service of the Department of Agriculture and Consumer Services, and \$2 into the Highway Safety Operating Trust Fund HSOTF). The definitions of ATV and ROV pursuant to ch. 317, F.S., are identical to the respective definitions in s. 261.03(2) and (8), F.S.

¹⁹ s. 261.20(6), F.S.

²⁰ s. 316.2074(6), F.S.

²¹ This section also includes two-rider ATVs specifically designed for a single operator and one passenger.

²² ATV is defined as in s. 317.0003, F.S., which is identical to the definition in s. 261.03(2), F.S.

²³ s. 316.2123(2), F.S.

²⁴ Id.

²⁵ s. 316.2123(3), F.S.

²⁶ s. 317.0006(4)(c), F.S.

Proposed Changes

The bill revises ATV and ROV definitions for purposes of titling, and revises an OHV violation provision related to the operation of OHVs on public lands.

Specifically, the bill amends ss. 261.03(2) and (8), and 317.0003, F.S., to:

- Remove from the definitions of ATV and ROV any reference to the type of seating (straddle vs. nonstraddle) and steering control (handle bars vs. steering wheel);
- Remove from the definition of ATV that the vehicle is intended for use by a single operator with no passenger and replace the phrase with “and manufactured for recreational use by one or more persons”; and
- Increase the width of ROVs in the definitions from 64 to 65 inches.

The bill amends s. 261.20(5), F.S., to revise the violation for carrying a passenger on an OHV, unless it is specifically designed to carry an operator and a single person. The violation is revised to prohibit carrying more passengers than the machine is designed by the manufacturer to carry and is necessitated by the revisions to the definitions of ATV and ROV, some of which are now designed to carry multiple passengers. This also conforms to current ROV industry seating standards of manufacturing such vehicles for use by one or more (multiple) persons.²⁷

The bill also revises the penalty provision in s. 261.20(6), F.S., to clarify that the penalty applies to all OHV violations, not just ATV violations.

These revisions leave the definitions of ATV and ROV distinguished by width, weight, and the number of nonhighway tires. Both definitions include that the vehicle is manufactured for recreational use by one or more persons. The type of seating and the steering mechanism no longer distinguish ATVs and ROVs.

The revisions potentially authorize an OHV currently defined as an ROV to meet the definition of an ATV; that is, if the vehicle is 50 inches or less in width and 1,200 pounds or less in dry weight, designed to travel on three or more nonhighway tires, and manufactured for recreational use by one or more persons, a vehicle previously defined as an ROV because of nonstraddle seating and a steering wheel now meets the definition of an ATV because reference to straddled seating and handle bars is removed, as is the requirement that the vehicle is intended for use by a single operator with no passenger. Such models do exist, such as the Polaris RZR²⁸ and the Arctic Cat Wildcat Trail XT,²⁹ for example. These revisions may result in such models being authorized for titling as an ATV and may result in authorized operation on certain federal and state lands, depending upon the given location's restrictions.

The increase in width from 64 to 65 inches in the definition of ROV may result in more ROVs being titled in Florida. Authorized operation of ROVs will continue to be governed by OHV restrictions at a given location.

B. SECTION DIRECTORY:

Section 1: amends s. 261.03, F.S., revising definitions for ATV and ROV.

Section 2: amends s. 261.20, F.S., revising OHV violations and penalties.

Section 3: amends s. 317.0003, F.S., revising definitions for ATV and ROV.

²⁷ Currently, Polaris manufactures OHVs with seating capacity for up to 6 people. This information is available on the Polaris website at: <http://www.polaris.com/en-us/atv-ranger-rzr/choose-model>. (Last viewed 3/25/14).

²⁸ See the Polaris website at: <http://www.polaris.com/en-us/rzr-side-by-side/rzr-570-eps-trail-le-blue-fire/specs>. (Last viewed 3/15/14).

²⁹ See the Arctic Cat website at: <http://www.arcticcat.com/sidexside/model/wildcattrailxt#lime>. (Last viewed 3/15/14).

Section 4: provides an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Indeterminate. See FISCAL COMMENTS.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Indeterminate. See FISCAL COMMENTS.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

An owner of an OHV that is required to be titled must apply to the county tax collector for OHV title transactions.³⁰ An OHV title fee is \$29. DHSMV is required to deposit \$27 into the Incidental Trust Fund of the Florida Forest Service of the Department of Agriculture and Consumer Services, and \$2 into the Highway Safety Operating Trust Fund. Tax collectors may charge an additional branch fee of \$0.50 for each title or decal that it issues.³¹

Expanding the definitions of ATV and ROV could result in an increase in the number OHVs that would be titled. This would have a positive impact on the Incidental Trust Fund, the Highway Safety Operating Trust Fund, and tax collectors. DHSMV is unable to quantify how many vehicles may become eligible but believes the amount to be nominal.³² Therefore, the fiscal impact to state and local government is indeterminate, but likely insignificant.

Violations of OHV public land operational requirements are noncriminal infractions and punishable by a fine of at least \$100 and revocation of the privilege of operating an ATV on public lands. If the person acts with intent to defraud or for a second or subsequent violation, the fine increases to at least \$500. Clarifying that such penalties apply to all OHV violations, not just ATV violations, may increase violations and payment of civil penalties, and thus, the amount of related funds that would be distributed to state and local governments. Local governments can charge an additional \$78 for first-time or subsequent offenses. The fines are distributed to the following state funds:

- Public Records Modernization Trust Fund;
- Child Welfare Training Trust Fund;
- Juvenile Justice Training Trust Fund;
- General Revenue Fund;

³⁰ s. 317.0006(4)(c), F.S.

³¹ s. 317.0007(1), F.S.

³² Id.

- Emergency Medical Services Trust Fund;
- Brain and Spinal Cord Injury Program Trust Fund;
- Florida Endowment Foundation for Vocational Rehabilitation; and
- Additional Court Cost Clearing Trust Fund.³³

It is unknown how many new violations will occur pursuant to the violation revision. Therefore, the fiscal impact to the state and local governments is positive indeterminate.

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:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 24, 2014, the Transportation and Highway Safety Subcommittee adopted one amendment to HB 1193 before reporting it favorably as a committee substitute. The amendment revised an OHV violation to prohibit carrying more passengers than an OHV is designed by the manufacturer to carry, necessitated by the revisions to the definitions of ATV and ROV made by the bill. The amendment also revised the penalty to this violation to clarify application to all OHV violations, not just ATV violations.

This analysis is drafted to the committee substitute as reported favorably by the Transportation & Highway Safety Subcommittee.

³³ Distribution Schedule of Court-Related Filing Fees, Service Charges, Costs, and Fines, including a Fee Schedule for Recording, Effective July 1, 2013, pg. 28. This document can be viewed at:

https://www.flclerks.com/Pub_info/2013_Pub_Info/2013_Distribution_Schedule_final_with_codes.pdf. (Last viewed 3/25/14).

STORAGE NAME: h1193b.TEDAS.DOCX

DATE: 3/28/2014

1 A bill to be entitled
 2 An act relating to off-highway vehicles; amending ss.
 3 261.03 and 317.0003, F.S.; revising the definitions of
 4 the terms "ATV" and "ROV" for purposes of provisions
 5 relating to registration and use of off-highway
 6 vehicles; amending s. 261.20, F.S.; prohibiting an
 7 off-highway vehicle from carrying more persons than it
 8 is designed to carry; providing penalties; providing
 9 an effective date.

10
 11 Be It Enacted by the Legislature of the State of Florida:

12
 13 Section 1. Subsections (2) and (8) of section 261.03,
 14 Florida Statutes, are amended to read:

15 261.03 Definitions.—As used in this chapter, the term:
 16 (2) "ATV" means any motorized off-highway or all-terrain
 17 vehicle 50 inches or less in width, which has ~~having~~ a dry
 18 weight of 1,200 pounds or less, is designed to travel on three
 19 or more nonhighway tires, and is manufactured for recreational
 20 use by one or more persons ~~having a seat designed to be~~
 21 ~~straddled by the operator and handlebars for steering control,~~
 22 ~~and intended for use by a single operator with no passenger.~~

23 (8) "ROV" means any motorized recreational off-highway
 24 vehicle 65 ~~64~~ inches or less in width, which has ~~having~~ a dry
 25 weight of 2,000 pounds or less, is designed to travel on four or
 26 more nonhighway tires, ~~having nonstraddle seating and a steering~~

27 | ~~wheel,~~ and is manufactured for recreational use by one or more
 28 | persons. The term "ROV" does not include a golf cart as defined
 29 | in ss. 320.01 and 316.003(68) or a low-speed vehicle as defined
 30 | in s. 320.01.

31 | Section 2. Paragraph (a) of subsection (5) and subsection
 32 | (6) of section 261.20, Florida Statutes, are amended to read:

33 | 261.20 Operations of off-highway vehicles on public lands;
 34 | restrictions; safety courses; required equipment; prohibited
 35 | acts; penalties.-

36 | (5) It is a violation of this section:

37 | (a) To carry more passengers ~~a passenger~~ on an off-highway
 38 | vehicle than, ~~unless~~ the machine is specifically designed by the
 39 | manufacturer to carry ~~an operator and a single passenger.~~

40 | (6) Any person who violates this section commits a
 41 | noncriminal infraction and is subject to a fine of not less than
 42 | \$100 and may have his or her privilege to operate an off-highway
 43 | vehicle ~~ATV~~ on public lands revoked. However, a person who
 44 | commits such acts with intent to defraud, or who commits a
 45 | second or subsequent violation, is subject to a fine of not less
 46 | than \$500 and may have his or her privilege to operate an off-
 47 | highway vehicle ~~ATV~~ on public lands revoked.

48 | Section 3. Subsections (1) and (9) of section 317.0003,
 49 | Florida Statutes, are amended to read:

50 | 317.0003 Definitions.-As used in this chapter, the term:

51 | (1) "ATV" means any motorized off-highway or all-terrain
 52 | vehicle 50 inches or less in width, which has ~~having~~ a dry

53 | weight of 1,200 pounds or less, is designed to travel on three
 54 | or more nonhighway tires, and is manufactured for recreational
 55 | use by one or more persons ~~having a seat designed to be~~
 56 | ~~straddled by the operator and handlebars for steering control,~~
 57 | ~~and intended for use by a single operator and with no passenger.~~

58 | (9) "ROV" means any motorized recreational off-highway
 59 | vehicle 65 ~~64~~ inches or less in width, which has ~~having~~ a dry
 60 | weight of 2,000 pounds or less, is designed to travel on four or
 61 | more nonhighway tires, ~~having nonstraddle seating and a steering~~
 62 | ~~wheel,~~ and is manufactured for recreational use by one or more
 63 | persons. The term "ROV" does not include a golf cart as defined
 64 | in ss. 320.01 and 316.003(68) or a low-speed vehicle as defined
 65 | in s. 320.01.

66 | Section 4. This act shall take effect July 1, 2014.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1325 Parking Permits for Persons with Mobility Impairment
SPONSOR(S): Transportation & Highway Safety Subcommittee; Zimmermann and others
TIED BILLS: IDEN./SIM. **BILLS:** SB 1558

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|---|---------------------|-------------------|--|
| 1) Transportation & Highway Safety Subcommittee | 14 Y, 0 N, As CS | Davy | Miller |
| 2) Transportation & Economic Development Appropriations Subcommittee | | Perkins <i>RP</i> | Davis <i>[Signature]</i> |
| 3) Economic Affairs Committee | | | |

SUMMARY ANALYSIS

Currently, individuals who are deemed to have long-term mobility impairment qualify to receive a disabled parking permit for a period of up to four years by the Department of Highway Safety and Motor Vehicles (DHSMV).

Individuals with long-term mobility impairment may have a disabled parking permit placard that can be placed in a motor vehicle so as to be visible from the front and rear of the vehicle. Each side of the placard must have the international symbol of accessibility in a contrasting color in the center so as to be visible. One side of the placard must display the applicant's driver's license number or state identification card number along with a warning that the applicant must have such identification at all times while using the parking permit.

The bill provides that a disabled parking permit may be a sticker, which may be affixed to a registration license plate, including special and specialty license plates, issued under chapter 320, F.S.

The bill further provides that DHSMV must design a sticker displaying the international symbol of accessibility which shall be affixed to the upper left hand corner of a registration license plate issued under this chapter. The sticker may be issued in lieu of the placard currently provided for to persons with long-term mobility problems and shall be valid for the same parking and other privileges as a placard, which is currently provided for by law.

The bill provides that a replacement for a disabled parking decal that has been lost or stolen may be obtained with the same application, proof of disability, and \$1 fee that is currently provided for a disabled parking placard.

The bill is expected to have an insignificant fiscal impact of \$16,200 for programming expenses. This impact will be absorbed within existing DHSMV resources.

The bill has an effective date of October 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Currently, the DHSMV or its authorized agents shall, upon application, issue a disabled parking permit for a period of up to 4 years to any person who has long-term mobility impairment, or a temporary disabled parking permit not to exceed 6 months to any person who has a temporary mobility impairment.¹ A lost or disabled parking permit may be replaced after submission of an application and a \$1 replacement fee to DHSMV. A stolen permit may be replaced without the \$1 replacement fee with submission of a police report documenting the theft.

Current law provides that individuals with long-term mobility impairment may have a disabled parking permit placard that can be placed in a motor vehicle so as to be visible from the front and rear of the vehicle. Each side of the placard must have the international symbol of accessibility (wheelchair - outline) in a contrasting color in the center so as to be visible. One side of the placard must display the applicant's driver's license number or state identification card number along with a warning that the applicant must have such identification at all times while using the parking permit.²

In those cases where the severity of the disability prevents a disabled person from physically visiting or being transported to a driver license or tax collector office to obtain a driver's license or identification card, a certifying physician may sign the exemption section of the department's parking permit application to exempt the disabled person from being issued a driver's license or identification card for the number to be displayed on the parking permit. A validation sticker must also be issued with each disabled parking permit, showing the month and year of expiration on each side of the placard. Validation stickers must be of the size specified by the DHSMV and must be affixed to the disabled parking permits. The disabled parking permits must use the same colors as license plate validations.³

The department may not issue an additional disabled parking permit unless the applicant states that he or she is a frequent traveler or a quadriplegic. Generally, the department may not issue to any one eligible applicant more than two disabled parking permits.⁴

If an applicant who is a disabled veteran, is a resident of this state, has been honorably discharged, and either has been determined by the Department of Defense or the United States Department of Veterans Affairs or its predecessor to have a service-connected disability rating for compensation of 50 percent or greater or has been determined to have a service-connected disability rating of 50 percent or greater and is in receipt of both disability retirement pay from the United States Department of Veterans Affairs. An applicant must still provide a signed physician's statement of qualification for the disabled parking permits.⁵

A person who qualifies for a disabled parking permit under this section may be issued an international wheelchair user symbol license plate under s. 320.0843, F.S., in lieu of the disabled parking permit; or, if the person qualifies for a disabled veteran license plate under s. 320.084, F.S., such a license plate may be issued to him or her in lieu of a disabled parking permit.⁶

¹ Section 320.0848(1)(a), F.S.

² Section 320.0848(2)(a), F.S.

³ *Id.*

⁴ Section 320.0848(2)(c), F.S.

⁵ Section 320.0848(2)(d)

⁶ Section 320.0848(1)(f), F.S.

However, under current law, an individual may not have both an international wheelchair user symbol license plate or a disabled veteran license plate and another specialty license plate such as a Purple Heart medal specialty license plate under s. 320.089, F.S.

Effect of the Proposed Changes

The bill amends s. 320.0848, F.S., to provide that a disabled parking permit may be a sticker, which may be affixed to a registration license plate, including special and specialty license plates, issued under chapter 320, F.S.

The bill provides that DHSMV must design a sticker displaying the international symbol of accessibility which shall be affixed to the upper left hand corner of a registration license plate issued under this chapter. The sticker may be issued in lieu of the placard currently provided for to persons with long-term mobility problems and shall be valid for the same parking and other privileges as a placard, which is currently provided for by law.

The bill further provides that a replacement for a disabled parking permit decal that has been lost or stolen may be obtained after submission of an application on a form prescribed by the department, provision of a certificate of disability issued within the last 12 months pursuant to subsection (1), and pay a replacement fee in the amount of \$1, to be retained by the issuing agency. If the person submits with the application a police report documenting that the permit was stolen, there is no replacement fee.

B. SECTION DIRECTORY:

Section 1: amends s. 320.0848, F.S., to provide that a disabled parking permit may be a sticker placed on the vehicle's license plate; requires DHSMV to design a disabled parking permit sticker.

Section 2: provides that the act will take effect October 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Additional programming would be required to issue a decal in a lieu of a parking permit as well as programming to issue a replacement parking permit decal. DHSMV estimates that such programming will take approximately 330 hours and will cost \$16,200, which will be absorbed within the department's existing resources.⁷

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

⁷ DHSMV Agency Analysis of HB1325. Information received 3/20/14 and on file with the Transportation and Highway Safety Subcommittee.

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill will provide more flexibility for individuals with long-term mobility problems in how they choose to display their disabled parking permit.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 26, 2014, the Transportation & Highway Safety Subcommittee adopted two amendments to HB 1325 and reported the bill favorably as a committee substitute. The first amendment provided that the disabled parking permit decal must be affixed to the upper left hand corner of the license plate, and it changed the bill's effective date to October 1, 2014. The second amendment provided that a replacement for a disabled parking decal that has been lost or stolen may be obtained with the same application, proof of disability, and \$1 fee that is currently provided to replace a lost or stolen disabled parking placard.

This analysis is drafted to the committee substitute as reported by the Transportation & Highway Safety Subcommittee.

27 applicant's driver's license number or state identification card
 28 number along with a warning that the applicant must have such
 29 identification at all times while using the parking permit. In
 30 those cases where the severity of the disability prevents a
 31 disabled person from physically visiting or being transported to
 32 a driver license or tax collector office to obtain a driver's
 33 license or identification card, a certifying physician may sign
 34 the exemption section of the department's parking permit
 35 application to exempt the disabled person from being issued a
 36 driver's license or identification card for the number to be
 37 displayed on the parking permit. A validation sticker must also
 38 be issued with each disabled parking permit, showing the month
 39 and year of expiration on each side of the placard. Validation
 40 stickers must be of the size specified by the Department of
 41 Highway Safety and Motor Vehicles and must be affixed to the
 42 disabled parking permits. The disabled parking permits must use
 43 the same colors as license plate validations.

44 2. The department shall design a sticker displaying the
 45 international symbol of accessibility which shall be affixed to
 46 the upper left corner of a registration license plate issued
 47 under this chapter. The sticker may be issued in lieu of the
 48 placard under subparagraph 1. to persons with long-term mobility
 49 problems and shall be valid for the same parking and other
 50 privileges as a placard issued under this section.

51 (e) To obtain a replacement for a disabled parking permit
 52 or parking permit decal that has been lost or stolen, a person

CS/HB 1325

2014

53 | must submit an application on a form prescribed by the
54 | department, provide a certificate of disability issued within
55 | the last 12 months pursuant to subsection (1), and pay a
56 | replacement fee in the amount of \$1, to be retained by the
57 | issuing agency. If the person submits with the application a
58 | police report documenting that the permit was stolen, there is
59 | no replacement fee.

60 | Section 2. This act shall take effect October 1, 2014.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7149 **PCB THSS 14-05** **Transportation Facility Designations**
SPONSOR(S): Transportation & Highway Safety Subcommittee, Raschein
TIED BILLS: **IDEN./SIM. BILLS:**

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|-----------|---------|--|
| Orig. Comm.: Transportation & Highway Safety Subcommittee | 13 Y, 0 N | Johnson | Miller |
| 1) Transportation & Economic Development Appropriations Subcommittee | | Davis | Davis |
| 2) Economic Affairs Committee | | | |

SUMMARY ANALYSIS

State law provides for legislative designations of transportation facilities for honorary or memorial purposes, or to distinguish a particular facility. The legislative designations do not officially change the current names of the facilities, nor does the law require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

The bill makes the following designations and directs the Department of Transportation (DOT) to erect suitable markers:

- Miami-Dade County-Reverend John A. Ferguson Street, Sergeant Carl Mertes Street, Detective Sergeant Steven E. Bauer Street, Sergeant Lynette Hodge Street, Full Gospel Assembly Street, Ebenezer Christian Academy Street, Bishop Abe Randall Boulevard, Jacob Fleishman Street, Bishop Isaiah S. Williams, Jr., Street, Reverend Wilner Maxi Street, Belen Presidents Way, Arthur & Polly Mays Memorial Highway, Lourdes Guzman-DeJesus Street, Wellness Way, Betty Pino Way, Sabre Way, Pastor Jocelyne Bouchette Street, Gerbuns Augustin Avenue, U.S. Army Sergeant Amaru Aguilar-Borgen Memorial Highway, Ralph Sanchez Way, Miami Springs Boulevard, and Guillermo Zamora Boulevard.
- Volusia County-David G. Ledgerwood Memorial Highway and Fred Karl Memorial Highway.
- Bay County-Lieutenant Colonel Carl John Luksic Memorial Highway.
- Hillsborough County-C. Blythe Andrews Road, Roland Manteiga Road, RADM LeRoy Collins, Jr., Veterans Expressway, Deputy Sheriff David Anthony Abella Memorial Highway, and Sergeant Paul Smith Memorial Highway.
- Broward County-The Honorable Dale G. Bennett Boat Ramp.
- Gadsden County-James Harold Thompson Highway and Julia Munroe Woodward Highway.
- Jefferson County-Trooper James Herbert Fulford, Jr., Memorial Highway.
- Taylor County-SP4 Billy Jacob Hartsfield Bridge.
- Walton County-Dr. Martin Luther King, Jr., Avenue.
- St. Johns County-Ponce de Leon Bridge.
- Okaloosa County-Walter Francis Spence Parkway.
- Lake County-Specialist Alexander Miller Memorial Highway, Sergeant Jess Thomas Memorial Highway, Staff Sergeant Michael A. Bock Memorial Highway, and Specialist Ronald Gaffney Memorial Highway.
- Miami-Dade and Monroe Counties-Purple Heart Trail.
- Lee County-Henry Ford Bridge.
- Orange County-Bessie Coleman Street, Robert Pittman, Jr., Road, and Historic Pine Castle Station.
- Monroe County-Indian Key Irving R. Eyster Bridge.
- Gulf County-Gulf County Veterans Memorial Highway.
- Brevard County-Dr. Martin Luther King, Jr., Memorial Highway.
- Levy County-David W. Moss Memorial Highway.
- Pinellas County-C.W. "Bill" Young Memorial Highway.

The bill also authorizes a private entity to erect a memorial near the Sunshine Skyway Bridge for those who died when a ship collided with the bridge in 1980.

The bill has an estimated negative fiscal impact of approximately \$51,000 on the State Transportation Trust Fund which is the cost to DOT to erect the markers specified in the bill.

The bill has an effective date of July 1, 2014.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h7149.TEDAS.DOCX

DATE: 3/28/2014

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Section 334.071, F.S., provides for legislative designations of transportation facilities for honorary or memorial purposes, or to distinguish a particular facility. The legislative designations do not officially change the current names of the facilities, nor does the statute require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

The statute requires DOT to place a marker at each termini or intersection of an identified road or bridge, and to erect other markers it deems appropriate for the transportation facility. The statute also provides that a city or county must pass a resolution in support of a particular designation before road markers are erected. Additionally, if the designated road segment extends through multiple cities or counties, a resolution must be passed by each affected local government.

Reverend John A. Ferguson was the founder and long-time pastor of Second Baptist Church in Miami-Dade County. He passed away on July 26, 2012.

Lieutenant Colonel Carl John Luksic, USAF, served in World War II, the Korean War, and the Vietnam War. He was a Prisoner of War during World War II. He passed away on May 24, 2009.

C. Blythe Andrews was a newspaperman, businessman, fraternal leader, and civic leader in the Tampa community. He passed away on April 2, 1977.

Roland Manteiga was in charge of the La Gaceta newspaper from 1961 until 1998. He was also active in the Tampa community. He passed away on September 25, 1998.

Sergeant Carl Mertes was a North Miami police officer killed in the line of duty on November 6, 1980.

Detective Sergeant Steven E. Bauer was a North Miami police officer killed while working off duty on January 3, 1992.

Sergeant Lynette Hodge was a North Miami police officer killed in a vehicle accident on November 16, 1993.

Full Gospel Assembly is a church founded in Miami on February 6, 1983.

Ebenezer Christian Academy is a Christian school in Miami founded in 1992.

Bishop Abe Randall is pastor of St. Matthews Free Will Baptist Church in Miami, where he has served for 44 years.

Jacob Fleishman founded Jacob Fleishman Cold Storage in Miami, a fourth-generation family business.

Bishop Isaiah S. Williams, Jr., was the founder and senior pastor of Jesus People Ministries Church International, Inc., in Miami. He passed away on July 2, 2009.

The Honorable Dale G. Bennett was the mayor of Hialeah and an Everglades conservationist. He passed away in 1997.

Reverend Wilner Maxi is pastor of Emmanuel Haitian Baptist Church in Miami-Dade County.

James Harold Thompson was a member of the Florida House of Representatives from Gadsden County and served as Speaker from 1985 to 1986.

Trooper James Herbert Fulford, Jr., was a Florida Highway Patrol trooper killed in the line of duty on February 1, 1992.

SP4 Billy Jacob Hartsfield died in a plane crash in South Vietnam on February 12, 1970.

Belen Presidents Way honors the eight presidents who have served as president of Belen Jesuit Preparatory School.

Dr. Martin Luther King, Jr., was a civil rights leader. He was killed on April 4, 1968.

Juan Ponce de Leon was a Spanish explorer instrumental in the discovery of Florida by Europeans in 1513.

RADM LeRoy Collins, Jr., was a Rear Admiral in the Navy Reserve, a prominent businessman and civic leader, and the former Executive Director of the Florida Department of Veterans Affairs. He passed away on July 29, 2010.

Arthur & Polly Mays founded a school in Miami-Dade County. The Arthur & Polly Mays Conservancy of the Arts is named after them.

Lourdes Guzman-DeJesus was fatally shot and killed on her school bus in Miami Dade County on November 20, 2012.

Fred Karl served in the Florida House of Representatives, Florida Senate and as a justice of the Florida Supreme Court. He also served as the Hillsborough County Attorney and County Manager. He passed away on March 7, 2013.

Julia Munroe Woodward was a life-long resident of Quincy, who contributed her time, talent, and resources for the betterment of her community. She passed away on December 9, 2012.

Walter Francis Spence served as President of the Niceville/Valparaiso Chamber of Commerce, a member of the Mid-Bay Bridge Authority and currently serves as a member of the Okaloosa-Walton Metropolitan Planning Organization and the Okaloosa County's Defense Support Initiative Group.

Specialist Alexander Miller died in Afghanistan on July 31, 2009. He is buried in Arlington National Cemetery.

The proposed designation for Wellness Way is for a street that serves several groups of healthcare facilities.

Sergeant Jess Thomas was killed in Vietnam on February 9, 1968.

Staff Sergeant Michael A. Bock died in Afghanistan in August 2010.

Specialist Ronald Gaffney was killed in Vietnam on February 19, 1965.

Purple Heart Trail honors those who have received purple hearts.

Betty Pino was a well-known personality on Univision Radio who recently passed away.

Sabre Way is in honor of St. Brendan High School whose mascot is the Sabres.

Henry Ford was an American industrialist and the founder of the Ford Motor Company.

Bessie Coleman was the first African American woman with a pilot's license. She died in Jacksonville on April 30, 1926.

Robert Pittman, Jr., was active in Florida's citrus industry. He is a member of the Florida Citrus Hall of Fame.

Pine Castle is a development in Orange County that was originally settled in 1870.

Pastor Jocelyne Bouchette is the pastor of Jeune Jesus Miracle in Miami-Dade County.

Gerbuns Augustin resided in Miami-Dade County and suffered from sickle cell anemia. He passed away on September 26, 2010.

Irving R. Eyster was a resident of Islamorada, widely known for his work to preserve Indian Key and Florida Keys artifacts and shared his knowledge and passion for Florida Keys history.

Gulf County Veterans Memorial Highway honors the military veterans of Gulf County.

Sergeant Paul Smith was killed in Iraq on April 4, 2003. He is a recipient of a Congressional Medal of Honor.

U.S. Army Sergeant Amaru Aguilar-Borgen was killed in Afghanistan on May 13, 2011.

David W. Moss was a police officer in the City of Williston. He was killed in the line of duty in 1988.

Deputy Sheriff David Anthony Abella was a Hillsborough County sheriff's deputy who was killed in the line of duty on April 21, 2004.

Ralph Sanchez brought auto racing to the streets of Miami. He passed away in April 2013.

C.W. "Bill" Young represented Florida in the United States House of Representatives from 1971 to 2013. He passed away on October 19, 2013.

Miami Springs Boulevard honors the City of Miami Springs.

Guillermo Zamora is the former assistant police chief for the City of Miami.

Proposed Changes

The bill makes the following honorary designations:

- That portion of S.R. 992/S.W. 152nd Street/Coral Reef between SR 821/Homestead Extension of the Florida Turnpike and S.W. 99th Court in Miami-Dade County as "Reverend John A. Ferguson Street."
- That portion of U.S. 98/S.R. 30A/Tyndall Parkway between County Road 2327/Transmitter Road and S.R. 22 in Bay County as "Lieutenant Colonel Carl John Luksic, USAF, Memorial Highway."
- That portion of 21st Avenue between 26th Street and S.R. 585/22nd Street in Hillsborough County as "C. Blythe Andrews Road."
- That portion of Palm Avenue between N. 15th Street and S.R. 45/N. Nebraska Avenue in Hillsborough County as "Roland Manteiga Road."
- That portion of S.R. 922/N.E. 125th Street between N.E. 8th Avenue and N.E. 9th Avenue in Miami-Dade County as "Sergeant Carl Mertes Street."

- That portion of N.E. 126th Street between N.E. 8th Avenue and N.E. 9th Avenue in Miami-Dade County as "Detective Sergeant Steven E. Bauer Street."
- That portion of N.E. 127th Street between N.E. 8th Avenue and N.E. 9th Avenue in Miami Dade County as "Sergeant Lynette Hodge Street."
- That portion of N.W. 40th Street between N.W. 2nd Avenue and N.W. 5th Avenue in Miami-Dade County as "Full Gospel Assembly Street."
- That portion of N.W. 39th Street between N.W. 2nd Avenue and N.W. 3rd Avenue in Miami-Dade County as "Ebenezer Christian Academy Street."
- That portion of N.W. 67th Street between N.W. 2nd Avenue and N.W. 4th Avenue in Miami-Dade County as "Bishop Abe Randall Boulevard."
- That portion of S.R. 934/N.W. 81st Street between U.S. 441/S.R. 7/N.W. 7th Avenue and N.W. 12th Avenue in Miami-Dade County as "Jacob Fleishman Street."
- That portion of S.R. 860/Miami Gardens Drive/N.W. 183rd Street between S.R. 817/N.W. 27th Avenue and N.W. 42nd Avenue in Miami-Dade County as "Bishop Isaiah S. Williams, Jr. Street."
- Boat ramp number 8 located at mile marker 40.7 on Interstate 75/State Road 93/Alligator Alley in Broward County as "The Honorable Dale G. Bennett Boat Ramp."
- That portion of N.E. 73rd Street between N.E. 2nd Avenue and N.E. 3rd Court in Miami-Dade County as "Reverend Wilner Maxi Street."
- That portion of U.S. 90/State Road 10 between Gretna and Chattahoochee in Gadsden County as "James Harold Thompson Highway."
- That portion of I-10/S.R. 8 from mile post 232 to mile post 233 in Jefferson County as "Trooper James Herbert Fulford, Jr., Memorial Highway."
- Bridge number No. 380047 on U.S. 98/S.R. 30 over the Aucilla River in Taylor County as "SP4 Billy Jacob Hartsfield Bridge."
- That portion of U.S. 41/S.R. 90/Tamiami Trail/S.W. 8th Street from S.W. 127th Avenue to S.W. 132nd Avenue in Miami-Dade County as "Belen Presidents Way."
- That portion of U.S. 90/S.R. 10 between N. 5th Street and N. Norwood Road in Walton County as "Dr. Martin Luther King, Jr., Avenue."
- Bridge No. 780075 on U.S.1/S.R. 5/Ponce de Leon Boulevard over the San Sebastian River in St. Johns County as "Ponce de Leon Bridge."
- That portion of S.R. 589 and S.R. 568/Veterans Expressway between S.R. 60/Courtney Campbell Causeway and S.R. 597/Dale Mabry Highway as "RADM LeRoy Collins, Jr., Veterans Expressway."
- That portion of U.S. 1/S.R. 5/South Dixie Highway between S.W. 220th Street and S.W. 216th Street in Miami-Dade County as "Arthur & Polly Mays Memorial Highway."
- That portion of U.S. 1/S.R. 5/South Dixie Highway between S.W. 296th Street and S.W. 288th Street in Miami-Dade County as "Lourdes Guzman-DeJesus Street."
- That portion of S.R. 40 between the City of Ormond Beach and the Lake County Line in Volusia County as "Fred Karl Memorial Highway."
- Upon completion of construction, S.R. 269 between U.S. 90/S.R. 10 and S. R. 12 in Gadsden County as "Julia Munroe Woodward Highway."
- That portion of S.R. 293/Mid-Bay Bridge Extension between the Mid-Bay Bridge Toll Plaza and State Road 85 in Okaloosa County as "Walter Francis Spence Parkway."
- That portion of S.R. 50 from U.S. 27 to Hancock Road in Lake County as "Specialist Alexander Miller Memorial Highway."
- That portion of N.W. 77th Avenue between Miami Lakes Drive/N.W. 154th Street and N.W. 146th Street in Miami-Dade County as "Wellness Way."
- That portion of S.R. 50 between the Sumter County Line and Lee Road in Lake County as "Sergeant Jess Thomas Memorial Highway."
- That portion of S.R. 44 between S.R. 44/County Road 44/Main Street and U.S. 27/S.R. 25/14th Street in Lake County as Staff Sergeant Michael A. Bock Memorial Highway.
- That portion of S.R. 50 between S.R. 33 and County Road 565A in Lake County as "Specialist Ronald A. Gaffney Memorial Highway."

- That portion of U.S. 1 between Florida City in Miami-Dade County and Key Largo in Monroe County as "Purple Heart Trail."
- That portion of U.S. 41/S.R. 90/Tamiami Trail/S.W. 8th Street between S.W. 37th Avenue and Ponce de Leon Boulevard in Miami-Dade County as "Betty Pino Way."
- That portion of S.W. 87th Avenue between Coral Way and S.W. 32nd Street in Miami-Dade County as "Sabre Way."
- Bridge No. 120002 over the Caloosahatchee River on U.S. 41/S.R. 45/Cleveland Avenue in Lee County is designated as "Henry Ford Bridge."
- That portion of Washington Street between S.R. 423/North John Young Parkway and S.R. 526/North Crystal Lake Drive in Orange County as "Bessie Coleman Street."
- That portion of S.R. 436 between Sheeler Avenue and the Seminole County Line in Orange County as "Robert Pittman, Jr., Road."
- The Southbound SunRail Stop near Sand Lake Road in Orange County as "Historic Pine Castle Station."¹
- That portion of N.W. 112th Street between N.W. 6th Avenue and N.W. 8th Avenue in Miami-Dade County as "Pastor Jocelyne Bouchette Street."
- That portion of N.E. 8th Avenue between 135th Street and 131st Street in Miami-Dade County as "Gerbuns Augustin Avenue."
- Bridge No. 900095 on U.S.1/S.R. 5 in Monroe County as "Indian Key Irving R. Eyster Bridge."
- That portion of SR. 71 between the northern boundary of 1000 Cecil G. Costin, Sr., Boulevard, at the Gulf County Courthouse, and the Calhoun County Line in Gulf County as "Gulf County Veterans Memorial Highway."
- That portion of S.R. 50/Fiske Boulevard located within the corporate limits of the City of Cocoa in Brevard County as "Dr. Martin Luther King, Jr., Memorial Highway."
- That portion of U.S. 301/S.R. 41 between S.R. 574/Martin Luther King, Jr., Boulevard and S.R. 60/E. Adamo Drive as "Sergeant Paul Smith Memorial Highway."
- That portion of S.R. 973/S.W. 87th Avenue between S.R. 863/Dolphin Expressway and S. W. 24th Street in Miami-Dade County as "U.S. Army Sergeant Amaru Aguilar-Borgen Memorial Highway."
- That portion of U.S. 27A/U.S. 41/S.R. 45/ S.R, 121/S.R. 500/W. Noble Avenue between U.S. 27/S.R.45/S.R. 121/N. Main Street and U.S. 41/S.R.45/S.R. 121/S.W. 7th Street in Levy County as "David W. Moss Memorial Highway."
- That portion of U.S. 41/S.R. 599/S. 50th Street between Palm River Road and S.R. 676/Causeway Boulevard in Hillsborough County as "Deputy Sheriff David Anthony Abella Memorial Highway."
- That portion of U.S. 1/U.S. 41/S.R. 5/Biscayne Boulevard between U.S.1/U.S. 41/S.R. 5/S.E. 2nd Street and N.E. 3rd Street in Miami-Dade County as "Ralph Sanchez Way."
- That portion of S.R. 694/Park Boulevard between U.S. 19 and Gulf Boulevard is designated C.W. "Bill" Young Memorial Highway.
- That portion of N.W. 36th Street between N.W. South River Drive and Curtiss Parkway/N.W. 57th Avenue in Miami-Dade County as "Miami-Springs Boulevard.
- That portion of S.R 698 between S.W. 5th Street to 17th Street in Miami-Dade County as "Guillermo Zamora Boulevard."

The bill directs DOT to erect suitable markers designating each of the above designations.

The bill also allows DOT to permit the erection by a private entity of a suitable marker in the wayside park on the north end of the Sunshine Skyway Bridge in memory of those who died on May 9, 1980, when the MV Summit Venture collided with the bridge. The type of marker and its location is subject to DOT approval. The private entity is responsible for all costs of the marker and its installation. The private entity is also to provide an annual renewable bond, an irrevocable letter of credit, or another

¹ The State Department of Transportation will operate SunRail for the first seven years of operation, after which the local governments will take over operations.

form of security as approved by DOT's comptroller, for the purpose of securing the cost of removal of the monument and any modifications made to the site as part of the placement of the monument should DOT determine it is necessary to remove or relocate the monument.

The bill has an effective date of July 1, 2014.

B. SECTION DIRECTORY:

- Section 1 Designates Reverend John A. Ferguson Street; directs DOT to erect suitable markers.
- Section 2 Designates Lieutenant Colonel Carl John Luksic, USAF, Memorial Highway; directs DOT to erect suitable markers.
- Section 3 Designates C. Blythe Andrews Road; directs DOT to erect suitable markers.
- Section 4 Designates Roland Manteiga Road; directs DOT to erect suitable markers.
- Section 5 Designates Sergeant Carl Mertes Street; directs DOT to erect suitable markers.
- Section 6 Designates Detective Sergeant Steven E. Bauer Street; directs DOT to erect suitable markers.
- Section 7 Designates Sergeant Lynette Hodge Street; directs DOT to erect suitable markers.
- Section 8 Designates Full Gospel Assembly Street; directs DOT to erect suitable markers.
- Section 9 Designates Ebenezer Christian Academy Street; directs DOT to erect suitable markers.
- Section 10 Designates Bishop Abe Randall Boulevard; directs DOT to erect suitable markers.
- Section 11 Designates Jacob Fleishman Street; directs DOT to erect suitable markers.
- Section 12 Designates Isaiah S. Williams, Jr., Street; directs DOT to erect suitable markers.
- Section 13 Designates the Honorable Dale G. Bennett boat ramp; directs DOT to erect suitable markers.
- Section 14 Designates Reverend Wilner Maxi Street; directs DOT to erect suitable markers.
- Section 15 Designates James Harold Thompson Highway; directs DOT to erect suitable markers.
- Section 16 Designates Trooper James Herbert Fulford, Jr., Memorial Highway; directs DOT to erect suitable markers.
- Section 17 Designates SP4 Billy Jacobs Hartsfield Bridge; directs DOT to erect suitable markers.
- Section 18 Designates Belen President's Way; directs DOT to erect suitable markers.
- Section 19 Designates Dr. Martin Luther King, Jr., Avenue; directs DOT to erect suitable markers.
- Section 20 Designates Ponce de Leon Bridge; directs DOT to erect suitable markers.
- Section 21 Designates RADM LeRoy Collins, Jr., Veterans Expressway; directs DOT to erect suitable markers.

- Section 22 Designates Arthur & Polly Mays Memorial Highway; directs DOT to erect suitable markers.
- Section 23 Designates Lourdes Guzman De-Jesus Street; directs DOT to erect suitable markers.
- Section 24 Designates Fred Karl Memorial Highway; directs DOT to erect suitable markers.
- Section 25 Designates Julia Munroe Woodward Highway; directs DOT to erect suitable markers.
- Section 26 Designates Walter Francis Spence Parkway; directs DOT to erect suitable markers.
- Section 27 Designates Specialist Alexander Miller Memorial Highway; directs DOT to erect suitable markers.
- Section 28 Designates Wellness Way; directs DOT to erect suitable markers.
- Section 29 Designates Sergeant Jess Thomas Memorial Highway; directs DOT to erect suitable markers.
- Section 30 Designates Staff Sergeant Michael A. Bock Memorial Highway, directs DOT to erect suitable markers.
- Section 31 Designates Ronald A. Gaffney Memorial Highway; directs DOT to erect suitable markers.
- Section 32 Designates Purple Heart Trail; directs DOT to erect suitable markers.
- Section 33 Designates Betty Pino Way, directs DOT to erect suitable markers.
- Section 34 Designates Sabre Way; directs DOT to erect suitable markers.
- Section 35 Designates Henry Ford Bridge; directs DOT to erect suitable markers.
- Section 36 Designates Bessie Coleman Street; directs DOT to erect suitable markers.
- Section 37 Designates Robert Pittman, Jr., Road; directs DOT to erect suitable markers.
- Section 38 Designates Historic Pine Castle Station; directs DOT to erect suitable markers.
- Section 39 Designates Pastor Jocelyne Bouchette Street; directs DOT to erect suitable markers.
- Section 40 Designates Gerbuns Augustin Avenue, directs DOT to erect suitable markers.
- Section 41 Designates Indian Key Irving R. Eyster Bridge; directs DOT to erect suitable markers.
- Section 42 Designates Gulf County Veterans Memorial Highway; directs DOT to erect suitable markers.
- Section 43 Designates Dr. Martin Luther King, Jr., Memorial Highway; directs DOT to erect suitable markers.

- Section 44 Designates Sergeant Paul Smith Memorial Highway; directs DOT to erect suitable markers.
- Section 45 Designates U.S. Army Sergeant Amaru Aguilar-Borgen Memorial Highway; directs DOT to erect suitable markers.
- Section 46 Designates David W. Moss Memorial Highway; directs DOT to erect suitable markers.
- Section 47 Designates Deputy Sheriff David Anthony Abella Memorial Highway; directs DOT to erect suitable markers.
- Section 48 Designates Ralph Sanchez Way; directs DOT to erect suitable markers.
- Section 49 Designates C.W. "Bill" Young Memorial Highway; directs DOT to erect suitable markers.
- Section 50 Designates Miami Springs Boulevard; directs DOT to erect suitable markers.
- Section 51 Designates Guillermo Zamora Boulevard; directs DOT to erect suitable markers.
- Section 52 Authorizes a private entity to erect a memorial marker in the wayside park on the north end of the Sunshine Skyway Bridge.
- Section 53 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

DOT will incur costs of approximately \$51,000 from the State Transportation Trust Fund for erecting markers for the designations. This is based on the assumption that two markers for each designation will be erected at a cost of \$500 per marker. DOT will also incur the recurring costs of maintaining these signs over time, and for future replacement of the signs as necessary.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

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:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

The designation for Dr Martin Luther King, Jr., in Brevard County should be on S.R. 519 instead of S.R. 50.

Comments

The C. Blythe Andrews Road and Roland Manteiga Road, Detective Sergeant Steven E. Bauer Street, Sergeant Lynette Hodge Street, Full Gospel Assembly Street, Ebenezer Christian Academy Street, Bishop Abe Randall Boulevard, Reverend Wilner Maxi Street, Pastor Jocelyne Bouchette Street, and Gerbuns Augustin Street designations are not on the State Highway System.

Portions of the designation for the Juan Armando Torga, Jr., Intersection is not on the State Highway System.

A Jacob Fleishman Street was previously designated in Miami-Dade County in 2012.² This designation appears to be for the same person.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 18, 2014, the Transportation & Highway Safety Subcommittee adopted two amendments to the PCB. The amendments created the following additional transportation facility designations:

- U.S. Army Sergeant Amaru Aguilar-Borgen Memorial Highway.
- David W. Moss Memorial Highway.
- Deputy Sheriff David Anthony Abella Memorial Highway.
- Ralph Sanchez Way.
- C.W. "Bill" Young Memorial Highway
- Miami Springs Boulevard
- Guillermo Zamora Boulevard.
- Sergeant Paul Smith Memorial Highway.

1 A bill to be entitled
 2 An act relating to transportation facility
 3 designations; providing honorary designations of
 4 various transportation facilities in specified
 5 counties; directing the Department of Transportation
 6 to erect suitable markers; authorizing the department
 7 to permit the erection of a specified marker under
 8 certain conditions; providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Reverend John A. Ferguson Street designated;
 13 Department of Transportation to erect suitable markers.-

14 (1) That portion of S.R. 992/S.W. 152nd Street/Coral Reef
 15 Drive between S.R. 821/Homestead Extension of the Florida
 16 Turnpike and S.W. 99th Court in Miami-Dade County is designated
 17 as "Reverend John A. Ferguson Street."

18 (2) The Department of Transportation is directed to erect
 19 suitable markers designating Reverend John A. Ferguson Street as
 20 described in subsection (1).

21 Section 2. Lieutenant Colonel Carl John Luksic, USAF,
 22 Memorial Highway designated; Department of Transportation to
 23 erect suitable markers.-

24 (1) That portion of U.S. 98/S.R. 30A/Tyndall Parkway
 25 between County Road 2327/Transmitter Road and S.R. 22 in Bay
 26 County is designated as "Lieutenant Colonel Carl John Luksic,

27 USAF, Memorial Highway."

28 (2) The Department of Transportation is directed to erect
 29 suitable markers designating Lieutenant Colonel Carl John
 30 Luksic, USAF, Memorial Highway as described in subsection (1).

31 Section 3. C. Blythe Andrews Road designated; Department
 32 of Transportation to erect suitable markers.-

33 (1) That portion of 21st Avenue between 26th Street and
 34 S.R. 585/22nd Street in Hillsborough County is designated as "C.
 35 Blythe Andrews Road."

36 (2) The Department of Transportation is directed to erect
 37 suitable markers designating C. Blythe Andrews Road as described
 38 in subsection (1).

39 Section 4. Roland Manteiga Road designated; Department of
 40 Transportation to erect suitable markers.-

41 (1) That portion of Palm Avenue between N. 15th Street and
 42 S.R. 45/N. Nebraska Avenue in Hillsborough County is designated
 43 as "Roland Manteiga Road."

44 (2) The Department of Transportation is directed to erect
 45 suitable markers designating Roland Manteiga Road as described
 46 in subsection (1).

47 Section 5. Sergeant Carl Mertes Street designated;
 48 Department of Transportation to erect suitable markers.-

49 (1) That portion of S.R. 922/N.E. 125th Street between
 50 N.E. 8th Avenue and N.E. 9th Avenue in Miami-Dade County is
 51 designated as "Sergeant Carl Mertes Street."

52 (2) The Department of Transportation is directed to erect

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53 suitable markers designating Sergeant Carl Mertes Street as
 54 described in subsection (1).

55 Section 6. Detective Sergeant Steven E. Bauer Street
 56 designated; Department of Transportation to erect suitable
 57 markers.-

58 (1) That portion of N.E. 126th Street between N.E. 8th
 59 Avenue and N.E. 9th Avenue in Miami-Dade County is designated as
 60 "Detective Sergeant Steven E. Bauer Street."

61 (2) The Department of Transportation is directed to erect
 62 suitable markers designating Detective Sergeant Steven E. Bauer
 63 Street as described in subsection (1).

64 Section 7. Sergeant Lynette Hodge Street designated;
 65 Department of Transportation to erect suitable markers.-

66 (1) That portion of N.E. 127th Street between N.E. 8th
 67 Avenue and N.E. 9th Avenue in Miami-Dade County is designated as
 68 "Sergeant Lynette Hodge Street."

69 (2) The Department of Transportation is directed to erect
 70 suitable markers designating Sergeant Lynette Hodge Street as
 71 described in subsection (1).

72 Section 8. Full Gospel Assembly Street designated;
 73 Department of Transportation to erect suitable markers.-

74 (1) That portion of N.W. 40th Street between N.W. 2nd
 75 Avenue and N.W. 5th Avenue in Miami-Dade County is designated as
 76 "Full Gospel Assembly Street."

77 (2) The Department of Transportation is directed to erect
 78 suitable markers designating Full Gospel Assembly Street as

79 described in subsection (1).

80 Section 9. Ebenezer Christian Academy Street designated;
 81 Department of Transportation to erect suitable markers.-

82 (1) That portion of N.W. 39th Street between N.W. 2nd
 83 Avenue and N.W. 3rd Avenue in Miami-Dade County is designated as
 84 "Ebenezer Christian Academy Street."

85 (2) The Department of Transportation is directed to erect
 86 suitable markers designating Ebenezer Christian Academy Street
 87 as described in subsection (1).

88 Section 10. Bishop Abe Randall Boulevard designated;
 89 Department of Transportation to erect suitable markers.-

90 (1) That portion of N.W. 67th Street between N.W. 2nd
 91 Avenue and N.W. 4th Avenue in Miami-Dade County is designated as
 92 "Bishop Abe Randall Boulevard."

93 (2) The Department of Transportation is directed to erect
 94 suitable markers designating Bishop Abe Randall Boulevard as
 95 described in subsection (1).

96 Section 11. Jacob Fleishman Street designated; Department
 97 of Transportation to erect suitable markers.-

98 (1) That portion of S.R. 934/N.W. 81st Street between U.S.
 99 441/S.R. 7/N.W. 7th Avenue and N.W. 12th Avenue in Miami-Dade
 100 County is designated as "Jacob Fleishman Street."

101 (2) The Department of Transportation is directed to erect
 102 suitable markers designating Jacob Fleishman Street as described
 103 in subsection (1).

104 Section 12. Bishop Isaiah S. Williams, Jr., Street

105 designated; Department of Transportation to erect suitable
 106 markers.-

107 (1) That portion of S.R. 860/Miami Gardens Drive/N.W.
 108 183rd Street between S.R. 817/N.W. 27th Avenue and N.W. 42nd
 109 Avenue in Miami-Dade County is designated as "Bishop Isaiah S.
 110 Williams, Jr., Street."

111 (2) The Department of Transportation is directed to erect
 112 suitable markers designating Bishop Isaiah S. Williams, Jr.,
 113 Street as described in subsection (1).

114 Section 13. The Honorable Dale G. Bennett Boat Ramp
 115 designated; Department of Transportation to erect suitable
 116 markers.-

117 (1) Boat ramp number 8 located at mile marker 40.7 on I-
 118 75/S.R. 93/Alligator Alley in Broward County is designated as
 119 "The Honorable Dale G. Bennett Boat Ramp."

120 (2) The Department of Transportation is directed to erect
 121 suitable markers designating The Honorable Dale G. Bennett Boat
 122 Ramp as described in subsection (1).

123 Section 14. Reverend Wilner Maxi Street designated;
 124 Department of Transportation to erect suitable markers.-

125 (1) That portion of N.E. 73rd Street between N.E. 2nd
 126 Avenue and N.E. 3rd Court in Miami-Dade County is designated as
 127 "Reverend Wilner Maxi Street."

128 (2) The Department of Transportation is directed to erect
 129 suitable markers designating Reverend Wilner Maxi Street as
 130 described in subsection (1).

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131 Section 15. James Harold Thompson Highway designated;
 132 Department of Transportation to erect suitable markers.-
 133 (1) That portion of U.S. 90/S.R. 10 between Gretna and
 134 Chattahoochee in Gadsden County is designated as "James Harold
 135 Thompson Highway."
 136 (2) The Department of Transportation is directed to erect
 137 suitable markers designating James Harold Thompson Highway as
 138 described in subsection (1).
 139 Section 16. Trooper James Herbert Fulford, Jr., Memorial
 140 Highway designated; Department of Transportation to erect
 141 suitable markers.-
 142 (1) That portion of I-10/S.R. 8 between mile post 232 and
 143 mile post 233 in Jefferson County is designated as "Trooper
 144 James Herbert Fulford, Jr., Memorial Highway."
 145 (2) The Department of Transportation is directed to erect
 146 suitable markers designating Trooper James Herbert Fulford, Jr.,
 147 Memorial Highway as described in subsection (1).
 148 Section 17. SP4 Billy Jacob Hartsfield Bridge designated;
 149 Department of Transportation to erect suitable markers.-
 150 (1) Bridge number 380047 on U.S. 98/S.R. 30 over the
 151 Aucilla River in Taylor County is designated as "SP4 Billy Jacob
 152 Hartsfield Bridge."
 153 (2) The Department of Transportation is directed to erect
 154 suitable markers designating SP4 Billy Jacob Hartsfield Bridge
 155 as described in subsection (1).
 156 Section 18. Belen Presidents Way designated; Department of

157 Transportation to erect suitable markers.-

158 (1) That portion of U.S. 41/S.R. 90/Tamiami Trail/S.W. 8th
 159 Street between S.W. 127th Avenue and S.W. 132nd Avenue in Miami-
 160 Dade County is designated as "Belen Presidents Way."

161 (2) The Department of Transportation is directed to erect
 162 suitable markers designating Belen Presidents Way as described
 163 in subsection (1).

164 Section 19. Dr. Martin Luther King, Jr., Avenue
 165 designated; Department of Transportation to erect suitable
 166 markers.-

167 (1) That portion of U.S. 90/S.R. 10 between N. 5th Street
 168 and N. Norwood Road in Walton County is designated as "Dr.
 169 Martin Luther King, Jr., Avenue."

170 (2) The Department of Transportation is directed to erect
 171 suitable markers designating Dr. Martin Luther King, Jr., Avenue
 172 as described in subsection (1).

173 Section 20. Ponce de Leon Bridge designated; Department of
 174 Transportation to erect suitable markers.-

175 (1) Bridge number 780075 on U.S. 1/S.R. 5/Ponce de Leon
 176 Boulevard over the San Sebastian River in St. Johns County is
 177 designated as "Ponce de Leon Bridge."

178 (2) The Department of Transportation is directed to erect
 179 suitable markers designating Ponce de Leon Bridge as described
 180 in subsection (1).

181 Section 21. RADM LeRoy Collins, Jr., Veterans Expressway
 182 designated; Department of Transportation to erect suitable
 183 markers.—

184 (1) That portion of S.R. 589 and S.R. 568/Veterans
 185 Expressway between S.R. 60/Courtney Campbell Causeway and S.R.
 186 597/Dale Mabry Highway in Hillsborough County is designated as
 187 "RADM LeRoy Collins, Jr., Veterans Expressway."

188 (2) The Department of Transportation is directed to erect
 189 suitable markers designating RADM LeRoy Collins, Jr., Veterans
 190 Expressway as described in subsection (1).

191 Section 22. Arthur & Polly Mays Memorial Highway
 192 designated; Department of Transportation to erect suitable
 193 markers.—

194 (1) That portion of U.S. 1/S.R. 5/S. Dixie Highway between
 195 S.W. 220th Street and S.W. 216th Street in Miami-Dade County is
 196 designated as "Arthur & Polly Mays Memorial Highway."

197 (2) The Department of Transportation is directed to erect
 198 suitable markers designating Arthur & Polly Mays Memorial
 199 Highway as described in subsection (1).

200 Section 23. Lourdes Guzman-DeJesus Street designated;
 201 Department of Transportation to erect suitable markers.—

202 (1) That portion of U.S. 1/S.R. 5/S. Dixie Highway between
 203 S.W. 296th Street and S.W. 288th Street in Miami-Dade County is
 204 designated as "Lourdes Guzman-DeJesus Street."

205 (2) The Department of Transportation is directed to erect
 206 suitable markers designating Lourdes Guzman-DeJesus Street as

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207 described in subsection (1).

208 Section 24. Fred Karl Memorial Highway designated;
 209 Department of Transportation to erect suitable markers.-

210 (1) That portion of S.R. 40 between the City of Ormond
 211 Beach and the Lake County line in Volusia County is designated
 212 as "Fred Karl Memorial Highway."

213 (2) The Department of Transportation is directed to erect
 214 suitable markers designating Fred Karl Memorial Highway as
 215 described in subsection (1).

216 Section 25. Julia Munroe Woodward Highway designated;
 217 Department of Transportation to erect suitable markers.-

218 (1) Upon completion of construction, that portion of S.R.
 219 269 between U.S. 90/S.R. 10 and S.R. 12 in Gadsden County is
 220 designated as "Julia Munroe Woodward Highway."

221 (2) The Department of Transportation is directed to erect
 222 suitable markers designating Julia Munroe Woodward Highway as
 223 described in subsection (1).

224 Section 26. Walter Francis Spence Parkway designated;
 225 Department of Transportation to erect suitable markers.-

226 (1) That portion of S.R. 293/Mid-Bay Bridge Extension
 227 between the Mid-Bay Bridge Toll Plaza and S.R. 85 in Okaloosa
 228 County is designated as "Walter Francis Spence Parkway."

229 (2) The Department of Transportation is directed to erect
 230 suitable markers designating Walter Francis Spence Parkway as
 231 described in subsection (1).

232 Section 27. Specialist Alexander Miller Memorial Highway

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233 designated; Department of Transportation to erect suitable
 234 markers.-

235 (1) That portion of S.R. 50 between U.S. 27 and Hancock
 236 Road in Lake County is designated as "Specialist Alexander
 237 Miller Memorial Highway."

238 (2) The Department of Transportation is directed to erect
 239 suitable markers designating Specialist Alexander Miller
 240 Memorial Highway as described in subsection (1).

241 Section 28. Wellness Way designated; Department of
 242 Transportation to erect suitable markers.-

243 (1) That portion of N.W. 77th Avenue between Miami Lakes
 244 Drive/N.W. 154th Street and N.W. 146th Street in Miami-Dade
 245 County is designated as "Wellness Way."

246 (2) The Department of Transportation is directed to erect
 247 suitable markers designating Wellness Way as described in
 248 subsection (1).

249 Section 29. Sergeant Jess Thomas Memorial Highway
 250 designated; Department of Transportation to erect suitable
 251 markers.-

252 (1) That portion of S.R. 50 between the Sumter County line
 253 and Lee Road in Lake County is designated as "Sergeant Jess
 254 Thomas Memorial Highway."

255 (2) The Department of Transportation is directed to erect
 256 suitable markers designating Sergeant Jess Thomas Memorial
 257 Highway as described in subsection (1).

258 Section 30. Staff Sergeant Michael A. Bock Memorial

259 Highway designated; Department of Transportation to erect
 260 suitable markers.-

261 (1) That portion of S.R. 44 between S.R. 44/County Road
 262 44/Main Street and U.S. 27/S.R. 25/14th Street in Lake County is
 263 designated as "Staff Sergeant Michael A. Bock Memorial Highway."

264 (2) The Department of Transportation is directed to erect
 265 suitable markers designating Staff Sergeant Michael A. Bock
 266 Memorial Highway as described in subsection (1).

267 Section 31. Specialist Ronald Gaffney Memorial Highway
 268 designated; Department of Transportation to erect suitable
 269 markers.-

270 (1) That portion of S.R. 50 between S.R. 33 and County
 271 Road 565A in Lake County is designated as "Specialist Ronald
 272 Gaffney Memorial Highway."

273 (2) The Department of Transportation is directed to erect
 274 suitable markers designating Specialist Ronald Gaffney Memorial
 275 Highway as described in subsection (1).

276 Section 32. Purple Heart Trail designated; Department of
 277 Transportation to erect suitable markers.-

278 (1) That portion of U.S. 1 between Florida City in Miami-
 279 Dade County and Key Largo in Monroe County is designated as
 280 "Purple Heart Trail."

281 (2) The Department of Transportation is directed to erect
 282 suitable markers designating Purple Heart Trail as described in
 283 subsection (1).

284 Section 33. Betty Pino Way designated; Department of

285 Transportation to erect suitable markers.-

286 (1) That portion of U.S. 41/S.R. 90/Tamiami Trail/S.W. 8th
 287 Street between S.W. 37th Avenue and Ponce de Leon Boulevard in
 288 Miami-Dade County is designated as "Betty Pino Way."

289 (2) The Department of Transportation is directed to erect
 290 suitable markers designating Betty Pino Way as described in
 291 subsection (1).

292 Section 34. Sabre Way designated; Department of
 293 Transportation to erect suitable markers.-

294 (1) That portion of S.W. 87th Avenue between Coral Way and
 295 S.W. 32nd Street in Miami-Dade County is designated as "Sabre
 296 Way."

297 (2) The Department of Transportation is directed to erect
 298 suitable markers designating Sabre Way as described in
 299 subsection (1).

300 Section 35. Henry Ford Bridge designated; Department of
 301 Transportation to erect suitable markers.-

302 (1) Bridge number 120002 over the Caloosahatchee River on
 303 U.S. 41/S.R. 45/Cleveland Avenue in Lee County is designated as
 304 "Henry Ford Bridge."

305 (2) The Department of Transportation is directed to erect
 306 suitable markers designating Henry Ford Bridge as described in
 307 subsection (1).

308 Section 36. Bessie Coleman Street designated; Department
 309 of Transportation to erect suitable markers.-

310 (1) That portion of Washington Street between S.R.

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311 | 423/North John Young Parkway and S.R. 526/North Crystal Lake
 312 | Drive in Orange County is designated as "Bessie Coleman Street."

313 | (2) The Department of Transportation is directed to erect
 314 | suitable markers designating Bessie Coleman Street as described
 315 | in subsection (1).

316 | Section 37. Robert Pittman, Jr., Road designated;
 317 | Department of Transportation to erect suitable markers.-

318 | (1) That portion of S.R. 436 between Sheeler Avenue and
 319 | the Seminole County line in Orange County is designated as
 320 | "Robert Pittman, Jr., Road."

321 | (2) The Department of Transportation is directed to erect
 322 | suitable markers designating Robert Pittman, Jr., Road as
 323 | described in subsection (1).

324 | Section 38. Historic Pine Castle Station designated;
 325 | Department of Transportation to erect suitable markers.-

326 | (1) The southbound SunRail stop near Sand Lake Road in
 327 | Orange County is designated as "Historic Pine Castle Station."

328 | (2) The Department of Transportation is directed to erect
 329 | suitable markers designating Historic Pine Castle Station as
 330 | described in subsection (1).

331 | Section 39. Pastor Jocelyne Bouchette Street designated;
 332 | Department of Transportation to erect suitable markers.-

333 | (1) That portion of N.W. 112th Street between N.W. 6th
 334 | Avenue and N.W. 8th Avenue in Miami-Dade County is designated as
 335 | "Pastor Jocelyne Bouchette Street."

336 | (2) The Department of Transportation is directed to erect

337 suitable markers designating Pastor Jocelyne Bouchette Street as
 338 described in subsection (1).

339 Section 40. Gerbuns Augustin Avenue designated; Department
 340 of Transportation to erect suitable markers.-

341 (1) That portion of N.E. 8th Avenue between 135th Street
 342 and 131st Street in Miami-Dade County is designated as "Gerbuns
 343 Augustin Avenue."

344 (2) The Department of Transportation is directed to erect
 345 suitable markers designating Gerbuns Augustin Avenue as
 346 described in subsection (1).

347 Section 41. Indian Key Irving R. Eyster Bridge designated;
 348 Department of Transportation to erect suitable markers.-

349 (1) Bridge number 900095 on U.S. 1/S.R. 5 in Monroe County
 350 is designated as "Indian Key Irving R. Eyster Bridge."

351 (2) The Department of Transportation is directed to erect
 352 suitable markers designating Indian Key Irving R. Eyster Bridge
 353 as described in subsection (1).

354 Section 42. Gulf County Veterans Memorial Highway
 355 designated; Department of Transportation to erect suitable
 356 markers.-

357 (1) That portion of S.R. 71 between the northern boundary
 358 of 1000 Cecil G. Costin, Sr., Boulevard, at the Gulf County
 359 Courthouse, and the Calhoun County line in Gulf County is
 360 designated as "Gulf County Veterans Memorial Highway."

361 (2) The Department of Transportation is directed to erect
 362 suitable markers designating Gulf County Veterans Memorial

363 Highway as described in subsection (1).

364 Section 43. Dr. Martin Luther King, Jr., Memorial Highway
 365 designated; Department of Transportation to erect suitable
 366 markers.-

367 (1) That portion of S.R. 50/Fiske Boulevard located within
 368 the corporate limits of the City of Cocoa in Brevard County is
 369 designated as "Dr. Martin Luther King, Jr., Memorial Highway."

370 (2) The Department of Transportation is directed to erect
 371 suitable markers designating Dr. Martin Luther King, Jr.,
 372 Memorial Highway as described in subsection (1).

373 Section 44. Sergeant Paul Smith Memorial Highway
 374 designated; Department of Transportation to erect suitable
 375 markers.-

376 (1) That portion of U.S. 301/S.R. 41 between S.R.
 377 574/Martin Luther King, Jr., Boulevard and S.R. 60/E. Adamo
 378 Drive in Hillsborough County is designated as "Sergeant Paul
 379 Smith Memorial Highway."

380 (2) The Department of Transportation is directed to erect
 381 suitable markers designating Sergeant Paul Smith Memorial
 382 Highway as described in subsection (1).

383 Section 45. U.S. Army Sergeant Amaru Aguilar-Borgen
 384 Memorial Highway designated; Department of Transportation to
 385 erect suitable markers.-

386 (1) That portion of S.R. 973/S.W. 87th Avenue between S.R.
 387 836/Dolphin Expressway and S.W. 24th Street in Miami-Dade County

388 is designated as "U.S. Army Sergeant Amaru Aguilar-Borgen
 389 Memorial Highway."

390 (2) The Department of Transportation is directed to erect
 391 suitable markers designating U.S. Army Sergeant Amaru Aguilar-
 392 Borgen Memorial Highway as described in subsection (1).

393 Section 46. David W. Moss Memorial Highway designated;
 394 Department of Transportation to erect suitable markers.-

395 (1) That portion of U.S. 27A/U.S. 41/S.R. 45/S.R. 121/S.R.
 396 500/W. Noble Avenue between U.S. 27/U.S. 41/S.R. 45/S.R. 121/N.
 397 Main Street and U.S. 41/S.R. 45/S.R. 121/S.W. 7th Street in Levy
 398 County is designated as "David W. Moss Memorial Highway."

399 (2) The Department of Transportation is directed to erect
 400 suitable markers designating David W. Moss Memorial Highway as
 401 described in subsection (1).

402 Section 47. Deputy Sheriff David Anthony Abella Memorial
 403 Highway designated; Department of Transportation to erect
 404 suitable markers.-

405 (1) That portion of U.S. 41/S.R. 599/S. 50th Street
 406 between Palm River Road and S.R. 676/Causeway Boulevard in
 407 Hillsborough County is designated as "Deputy Sheriff David
 408 Anthony Abella Memorial Highway."

409 (2) The Department of Transportation is directed to erect
 410 suitable markers designating Deputy Sheriff David Anthony Abella
 411 Memorial Highway as described in subsection (1).

412 Section 48. Ralph Sanchez Way designated; Department of
 413 Transportation to erect suitable markers.-

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414 (1) That portion of U.S. 1/U.S. 41/S.R. 5/Biscayne
 415 Boulevard between U.S. 1/U.S. 41/S.R. 5/S.E. 2nd Street and N.E.
 416 3rd Street in Miami-Dade County is designated as "Ralph Sanchez
 417 Way."

418 (2) The Department of Transportation is directed to erect
 419 suitable markers designating Ralph Sanchez Way as described in
 420 subsection (1).

421 Section 49. C. W. "Bill" Young Memorial Highway
 422 designated; Department of Transportation to erect suitable
 423 markers.-

424 (1) That portion of S.R. 694/Park Boulevard between U.S.
 425 19 and Gulf Boulevard in Pinellas County is designated as "C. W.
 426 'Bill' Young Memorial Highway."

427 (2) The Department of Transportation is directed to erect
 428 suitable markers designating C. W. "Bill" Young Memorial Highway
 429 as described in subsection (1).

430 Section 50. Miami Springs Boulevard designated; Department
 431 of Transportation to erect suitable markers.-

432 (1) That portion of N.W. 36th Street between N.W. South
 433 River Drive and Curtiss Parkway/N.W. 57th Avenue in Miami-Dade
 434 County is designated as "Miami Springs Boulevard."

435 (2) The Department of Transportation is directed to erect
 436 suitable markers designating Miami Springs Boulevard as
 437 described in subsection (1).

438 Section 51. Guillermo Zamora Boulevard designated;
 439 Department of Transportation to erect suitable markers.-

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440 (1) That portion of S.R. 968 between S.W. 5th Street and
 441 17th Street in Miami-Dade County is designated as "Guillermo
 442 Zamora Boulevard."

443 (2) The Department of Transportation is directed to erect
 444 suitable markers designating Guillermo Zamora Boulevard as
 445 described in subsection (1).

446 Section 52. The Department of Transportation may permit
 447 the erection by a private entity of a suitable marker in the
 448 wayside park on the north end of bridge numbers 150215 and
 449 150212/Sunshine Skyway Bridge in memory of those who died on May
 450 9, 1980, when the MV Summit Venture collided with the bridge.
 451 The type of marker and its location are subject to the approval
 452 of the department. The private entity is responsible for all
 453 costs of the marker and its installation. The private entity
 454 shall also provide an annual renewable bond, an irrevocable
 455 letter of credit, or another form of security as approved by the
 456 department's comptroller for the purpose of securing the cost of
 457 removal of the marker and any modifications made to the site as
 458 part of the placement of the marker should the department
 459 determine it necessary to remove or relocate the marker.

460 Section 53. This act shall take effect July 1, 2014.

