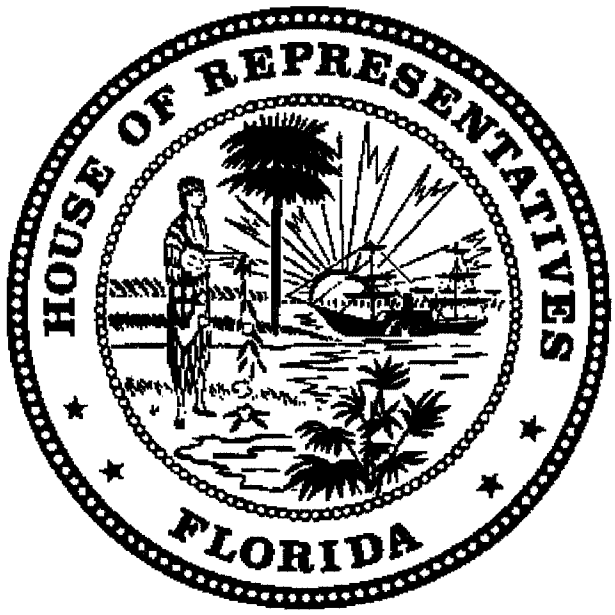

Transportation & Highway Safety Subcommittee

MEETING PACKET

Wednesday, March 20, 2013
1:00 PM – 3:00 PM
404 HOB

Will Weatherford
Speaker

Daniel Davis
Chair

The Florida House of Representatives

Economic Affairs Committee

Transportation & Highway Safety Subcommittee

Will Weatherford
Speaker

Daniel Davis
Chair

Meeting Agenda
March 20, 2013
1:00 PM - 3:00 PM
404 House Office Building

I. **Call to Order & Opening Remarks by Chair Davis**

II. **Consideration of the following bill(s):**

CS/HB 319 Community Transportation Projects by Economic Development and Tourism Subcommittee, Rep. Ray
HB 355 Department of Transportation by Rep. Harrell
HB 363 Disabled Parking Permits by Rep. Watson, B.
HB 487 Specialty License Plates/Freemasonry by Rep. Stone, Workman
HB 647 Rental Car Sales and Use Ta Surcharges by Rep. Nunez
HB 699 Florida Salutes Veterans License Plate by Rep. Smith
HB 987 Driver Licenses by Rep. Slosberg
HB 1005 Motorist Safety by Rep. Slosberg
HB 1299 Transportation by Rep. Goodson
HB 1333 Public Records/Toll Facilities by Rep. La Rosa
HB 4033 Technological Research & Development Authority by Rep. Workman

III. **Consideration of the following proposed committee bill(s):**

PCB THSS 13-04 – Transportation Facility Designations

IV. **Closing Remarks and Adjournment by the Chairman**

204 House Office Building, 402 South Monroe Street, Tallahassee, Florida 32399-1300
(850) 717-4822 Fax: (850) 410-0088

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 319 Community Transportation Projects
SPONSOR(S): Economic Development & Tourism Subcommittee; Ray
TIED BILLS: **IDEN./SIM. BILLS:** 972

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Development & Tourism Subcommittee	12 Y, 0 N, As CS	Flegiel	West
2) Transportation & Highway Safety Subcommittee		Flegiel MF	Miller RM.
3) Economic Affairs Committee			

SUMMARY ANALYSIS

Transportation concurrency is a growth management strategy aimed at ensuring transportation facilities and services are available concurrent with the impacts of development. Implementing transportation concurrency is optional for local governments. Local governments that choose to implement transportation concurrency are required to follow the guidelines set forth in s. 163.3180, F.S. The guidelines dictate standards local governments must follow when setting level of service (LOS) standards and proportionate share contributions.

Local governments may implement development regulations similar to transportation concurrency, such as mobility plans. By implementing these similar but not identical mobility funding systems, local governments have chosen to opt out of the transportation concurrency guidelines provided for in s. 163.3180, F.S.

CS/HB 319 requires any local government implementing an alternative mobility funding system to follow the same general principles as local governments implementing transportation concurrency. Alternative funding systems must provide a means for new development to pay for its impacts and proceed with development. If an alternative funding system is not mobility fee based, it may not require new developments to pay for existing transportation deficiencies.

The bill allows local governments to pool contributions from multiple applicants toward one planned facility improvement and clarifies when s. 163.3180(5)(h), F.S., applies to local governments implementing transportation concurrency or development agreements. The bill also provides that an applicant may satisfy concurrency requirements by making a good faith offer to enter into a binding agreement and requires local governments to provide the basis upon which landowners will be assessed a proportionate share of costs.

This bill does not appear to have a fiscal impact on state or local funds.

The bill will take effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Transportation Concurrency

Transportation concurrency is a growth management strategy aimed at ensuring that transportation facilities and services are available concurrent with the impacts of development. To carry out concurrency, local governments must define what constitutes an adequate LOS for the transportation system and measure whether the service needs of a new development exceed existing capacity and scheduled improvements for that period. If adequate capacity is not available, then the developer must provide the necessary improvements, provide monetary contribution toward the improvements, or wait until government provides the necessary improvements.[1]

Level of Service

Level of service (LOS) is a technical measure of the quality of service provided by a roadway. LOS is graded on an A through F scale based on the average arterial speed of a roadway. An uncongested roadway with a high average arterial speed will receive an A, while a congested roadway with a low average arterial speed will receive an F.[2] Local governments, in conjunction with the Florida Department of Transportation (FDOT), are responsible for setting LOS standards for roadways.[3]

Proportionate Share

Proportionate share is the amount of money a developer must contribute to mitigate the transportation impacts of a new development. Proportionate share contributions are triggered when a new development will cause a decrease in the LOS grade below a set standard. When a proportionate share contribution is triggered, a developer must, at minimum, contribute money toward one or several mobility improvements. However, developers are only required to contribute toward deficiencies they create, and are not required to correct existing deficiencies.[4]

Transportation Concurrency in Florida

Florida adopted the concept of transportation concurrency with the passage of the 1985 Growth Management Act. Since adoption, the legislature has frequently revisited the concept of transportation concurrency, most recently making substantial changes to s. 163.3180, F.S., in 2005, 2007, 2009 and 2011.[5]

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[1] Fla. Dep't of Comty. Affairs, *Transportation Concurrency: Best Practices Guide* pg. 5 (2007), retrieved from www.cutr.usf.edu/pdf/DCA_TCBP%20Guide.pdf (3/11/2013).
[2] *Id.* at 53.
[3] Fl. Stat. 163.3180(5)(b) (2012).
[4] Fl. Stat. 163.3180(5)(h) (2012).
[5] *See* L.O.F. s. 5, ch. 2005-290 (Providing requirements for proportionate share mitigation), s. 11, ch. 2007-196 (Authorizing study on multimodal districts, providing for concurrency backlog an satisfaction of concurrency requirements), s. 3, ch. 2007-204 (provides exception from concurrency for airports and urban service area, revises transportation concurrency exceptions for multiuse Developments of Regional Impact (DRIs), Revises proportionate share, provides requirements for proportionate share mitigation and fair-share), s. 5, ch. 2009-85 (provides definition for backlog, provides legislative findings and declarations on backlog, adds provisions on debt incurred from transportation concurrency backlog projects, requires funding of backlog trust funds), s. 4, ch. 2009-96 (revises concurrency requirements, deletes requirements for concurrency exception areas, requires the Office of Program Policy Analysis & Governmental Accountability (OPPAGA) to submit report to legislature concerning the effects of transportation exception areas, revises requirements for impact fees), s. 4, ch. 2011-14 (reenacts s. 163.3180(5), (10), (13)(b) and (e), relating to concurrency requirements for transportation facilities), s. 15, ch. 2011-139 (revises and provides provisions related to concurrency, revises application and findings, revises local government requirements, provides for urban infill, redevelopment, downtown revitalization, provides for DRIs, revises provisions relating to transportation deficiency plans).

Transportation concurrency in urban areas is often more costly and functionally difficult than in non-urban areas.[6] As a result, transportation concurrency can result in urban sprawl and the discouragement of development in urban areas, in direct conflict with the general goals and policies of part II, ch. 163, F.S. Also, transportation concurrency can prevent the implementation of viable forms of alternative transit.[7]

Additionally, the frequent changes to transportation concurrency requirements have affected local governments in different ways. In some cases, the changes have provided more flexibility, less state oversight and created more planning tools for local governments, but in other cases, the changes created solutions that were inflexible and unworkable for all but a few local governments, with many local governments having difficulty implementing a transportation concurrency system or local governments implementing highly inconsistent policies.[8]

Recent legislative changes to transportation concurrency have sought to address these problems. In 2011, the Legislature passed the Community Planning Act, which made comprehensive changes to growth management regulation in Florida. As part of the act, the Legislature overhauled transportation concurrency and made it optional for local governments.[9] The act also gave local governments the option of adopting alternative mobility funding systems.[10]

Local governments choosing to implement transportation concurrency must still follow established guidelines related to LOS standards and proportionate share contributions.[11] However, local governments that implement alternative mobility funding systems similar to concurrency, but not under the auspices of s. 163.3180, F.S., are not required to follow the LOS and proportionate share guidelines established by s. 163.3180, F.S.

Effect of Proposed Changes

CS/HB 319 amends s. 163.3180(5), F.S., by placing new requirements on local governments that implement alternative mobility funding systems. The bill requires these alternative systems to allow developers to "pay and go" for new development. Under the bill, once a developer pays for its identified transportation impacts, the local government must allow the development process to move forward. The bill encourages local governments without a transportation concurrency funding system to implement an alternative mobility funding system.

The bill prohibits alternative mobility funding systems that are not mobility fee based from requiring developers to pay for existing transportation deficiencies. Local governments must apply revenue they collect from alternative funding systems to implement the needs upon which the revenue collection was based and mobility fees must comply with the dual rationale nexus test. Under the dual rationale nexus test, a court will find an impact fee reasonable if: 1) it offsets needs that are sufficiently attributable to the new development and 2) the fees collected are adequately earmarked for the benefit of the residents of the new development.[12]

The bill makes the following changes to transportation concurrency mechanisms:

- Allows developers to satisfy the transportation concurrency requirements of a local comprehensive plan by making a good faith offer to enter a binding agreement to pay for or construct its proportionate share of impacts.

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[6] *Transportation Concurrency: Best Practices Guide* at 11.
[7] *Id.* at 10.
[8] *Id.* at *10-12.*
[9] L.O.F. s. 15, ch. 2011-139, "The 2011 Community Planning Act."
[10] *Id.*
[11] Fl. Stat. s. 163.3180(5) (2012).
[12] *Hollywood, Inc. v. Broward Cnty., 431 So. 2d 606, 611 (Fla. 4th DCA 1983).*

- Allows local government to pool contributions from multiple applicants to apply toward one regionally significant transportation facility.
- Requires local governments to provide the basis upon which landowners will be assessed a proportionate share of cost addressing the transportation impacts from a proposed development.
- Clarifies s. 163.3180(5)(h), F.S., applies to local governments that continue to implement transportation concurrency.

The bill will take effect upon becoming law.

B. SECTION DIRECTORY:

Section 1: Amends. 163.3180(5)(h), F.S., to clarify when the sub-section applies; provides for development agreements; allows applicants to satisfy concurrency requirements by making a good faith offer; allows local governments to pool contributions from multiple applicants; requires local governments to provide the basis for certain costs; encourages local governments to adopt an alternative funding systems and prohibits alternative systems from delaying the application process under certain circumstances; restricts where revenue generated from a funding mechanism may be applied; requires mobility fees to comply with the dual rational nexus test; and prohibits alternative systems from holding new developments responsible for existing impacts.

Section 2: Provides that the bill will take effect upon becoming law.

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:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

CS/HB 319 may reduce required contributions from developers for new developments in certain local government jurisdictions and could reduce delays for developer projects.

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:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 13th, 2013, the House Economic Development and Tourism Subcommittee adopted a strike-all amendment and passed the bill as a CS. The CS differs from the original bill as follows:

- Removes definition of mobility plan.
- Removes language applying transportation concurrency requirements to level of service based systems and mobility fee based systems.
- Removes prohibition on calculating proportionate share contributions based on mass transit operation or maintenance.
- Removes jurisdictional expansion of transportation development authorities.
- Removes modification of voting districts for the Board of Supervisors.
- Clarifies that 163.3180(5)(h), F.S., applies only to local governments that continue to implement a transportation concurrency plan.
- Provides for development agreements.
- Clarifies when applicants may satisfy concurrency requirements.
- Allows local governments to pool contributions from multiple applicants.
- Requires local governments to provide the basis upon which landowners will be assessed certain costs.
- Encourages local governments without transportation concurrency to adopt an alternative funding system.
- Clarifies that a developer may "pay and go" for its impacts.
- Requires revenue generated from a funding system to be applied to implement the needs upon which the revenue is based.
- Requires mobility fees to comply with the dual rational nexus test

- Prohibits alternative systems from holding new developments responsible for existing impacts.

The analysis has been updated to reflect the strike all amendment.

A bill to be entitled

An act relating to community transportation projects; amending s. 163.3180, F.S., relating to transportation concurrency; revising and providing requirements for local governments that continue to implement a transportation concurrency system; revising provisions for applicants for rezoning or a permit for a planned development to satisfy concurrency requirements; providing for such provisions to apply to development agreements; authorizing a local government to accept contributions from multiple applicants to satisfy such requirements under certain conditions; requiring local governments to provide the basis upon which landowners will be assessed certain costs; encouraging local governments without transportation concurrency to adopt an alternative mobility funding system; prohibiting alternative systems from denying, timing, or phasing a development application process if the developer agrees to pay for identified transportation impacts; requiring mobility fees to comply with the dual rational nexus test; prohibiting alternative systems from holding new developments responsible for existing deficiencies; providing an effective date.

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

Section 1. Paragraph (h) of subsection (5) of section 163.3180, Florida Statutes, is amended, and paragraph (i) is

added to that subsection, to read:

163.3180 Concurrency.—

(5)

(h)1. Local governments that continue to implement a transportation concurrency system, whether in the form adopted into the comprehensive plan before the effective date of the Community Planning Act, chapter 2011-139, Laws of Florida, or as subsequently modified, must:

a.~~1.~~ Consult with the Department of Transportation when proposed plan amendments affect facilities on the strategic intermodal system.

b.~~2.~~ Exempt public transit facilities from concurrency. For the purposes of this sub-subparagraph ~~subparagraph~~, public transit facilities include transit stations and terminals; transit station parking; park-and-ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger terminals and concourses, air cargo facilities, and hangars for the assembly, manufacture, maintenance, or storage of aircraft. As used in this sub-subparagraph ~~subparagraph~~, the terms "terminals" and "transit facilities" do not include seaports or commercial or residential development constructed in conjunction with a public transit facility.

c.~~3.~~ Allow an applicant for a development-of-regional-impact development order, development agreement, ~~a~~ rezoning, or other land use development permit to satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06,

when applicable, if:

(I)~~a.~~ The applicant in good faith offers to enter ~~enters~~ into a binding agreement to pay for or construct its proportionate share of required improvements in a manner consistent with this subsection.

(II)~~b.~~ The proportionate-share contribution or construction is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. A local government may accept contributions from multiple applicants for a planned improvement if it maintains contributions in a separate account designated for that purpose.

d.~~c.(I)~~ Provide the basis upon ~~The local government has provided a means by~~ which the landowners ~~landowner~~ will be assessed a proportionate share of the cost addressing the transportation impacts resulting from a ~~of providing the transportation facilities necessary to serve the~~ proposed development.

2. An applicant shall not be held responsible for the additional cost of reducing or eliminating deficiencies.

~~(II)~~ When an applicant contributes or constructs its proportionate share pursuant to this paragraph ~~subparagraph~~, a local government may not require payment or construction of transportation facilities whose costs would be greater than a development's proportionate share of the improvements necessary to mitigate the development's impacts.

a.~~(A)~~ The proportionate-share contribution shall be calculated based upon the number of trips from the proposed

development expected to reach roadways during the peak hour from the stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain or achieve the adopted level of service, multiplied by the construction cost, at the time of development payment, of the improvement necessary to maintain or achieve the adopted level of service.

b.~~(B)~~ In using the proportionate-share formula provided in this subparagraph, the applicant, in its traffic analysis, shall identify those roads or facilities that have a transportation deficiency in accordance with the transportation deficiency as defined in subparagraph 4 ~~sub-subparagraph c~~. The proportionate-share formula provided in this subparagraph shall be applied only to those facilities that are determined to be significantly impacted by the project traffic under review. If any road is determined to be transportation deficient without the project traffic under review, the costs of correcting that deficiency shall be removed from the project's proportionate-share calculation and the necessary transportation improvements to correct that deficiency shall be considered to be in place for purposes of the proportionate-share calculation. The improvement necessary to correct the transportation deficiency is the funding responsibility of the entity that has maintenance responsibility for the facility. The development's proportionate share shall be calculated only for the needed transportation improvements that are greater than the identified deficiency.

c.~~(C)~~ When the provisions of subparagraph 1. and this subparagraph have been satisfied for a particular stage or phase

of development, all transportation impacts from that stage or phase for which mitigation was required and provided shall be deemed fully mitigated in any transportation analysis for a subsequent stage or phase of development. Trips from a previous stage or phase that did not result in impacts for which mitigation was required or provided may be cumulatively analyzed with trips from a subsequent stage or phase to determine whether an impact requires mitigation for the subsequent stage or phase.

d.~~(D)~~ In projecting the number of trips to be generated by the development under review, any trips assigned to a toll-financed facility shall be eliminated from the analysis.

e.~~(E)~~ The applicant shall receive a credit on a dollar-for-dollar basis for impact fees, mobility fees, and other transportation concurrency mitigation requirements paid or payable in the future for the project. The credit shall be reduced up to 20 percent by the percentage share that the project's traffic represents of the added capacity of the selected improvement, or by the amount specified by local ordinance, whichever yields the greater credit.

3.~~d.~~ This subsection does not require a local government to approve a development that is not otherwise qualified for approval pursuant to the applicable local comprehensive plan and land development regulations.

4.~~e.~~ As used in this subsection, the term "transportation deficiency" means a facility or facilities on which the adopted level-of-service standard is exceeded by the existing, committed, and vested trips, plus additional projected background trips from any source other than the development

project under review, and trips that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida's Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.

(i) If a local government elects to repeal transportation concurrency, it is encouraged to adopt an alternative mobility funding system that uses one or more of the tools and techniques identified in paragraph (f). Any alternative system adopted may not be used to deny, time, or phase an application for site plan approval, plat approval, final subdivision approval, building permits, or the functional equivalent of such approvals provided that the developer agrees to pay for the development's identified transportation impacts via the funding mechanism implemented by the local government. The revenue from the funding mechanism used in the alternative system must be used to implement the needs of the local government's plan which serves as the basis for the fee imposed. A mobility fee-based funding system must comply with the dual rational nexus test applicable to impact fees. An alternative system that is not mobility fee-based shall not be applied in a manner that imposes upon new development any responsibility for funding an existing transportation deficiency as defined in paragraph (h).

Section 2. This act shall take effect upon becoming a law.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 319 (2013)

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	_____

Committee/Subcommittee hearing bill: Transportation & Highway Safety Subcommittee

Representative Ray offered the following:

Amendment

Remove lines 133-135 and insert:

to approve a development that is not ~~otherwise~~ qualified for approval pursuant to the applicable local comprehensive plan and land development regulations for reasons other than transportation impacts.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 319 (2013)

Amendment No. 2

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	_____

Committee/Subcommittee hearing bill: Transportation & Highway Safety Subcommittee

Representative Ray offered the following:

Amendment

Remove line 150 and insert:

identified in paragraph (f). Any alternative mobility funding system adopted may

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 355 Department of Transportation
SPONSOR(S): Harrell
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Johnson	Miller
2) Rulemaking Oversight & Repeal Subcommittee			
3) Transportation & Economic Development Appropriations Subcommittee			
4) Economic Affairs Committee			

SUMMARY ANALYSIS

The Department of Transportation (DOT) is currently not required to allow local government entities to have access to its fiber optic facilities.

The bill requires DOT to adopt rules governing the use of its excess fiber optic communications network for nontransportation purposes by July 1, 2014. The rules must follow state law and, if applicable federal regulations governing property acquired with federal aid. The rules may, but are not required to allow any nontransportation use. If nontransportation use is allowed, the rules must:

- Provide for an interlocal agreement to defined the agreed to parameters for the use of DOT's fiber optic network.
- Establish a statewide policy for the allowed use of the fiber optic network.

The bill has an indeterminate fiscal impact on state and local government. The bill does not specify whether DOT may charge local government entities a fee for the use of its fiber optic network.

The bill has an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The Department of Transportation (DOT) currently deploys an Intelligent Transportation System (ITS) which has been instrumental in reducing congestion and making urban areas safer places to drive. Some of this system is deployed using a fiber optic network. DOT is currently not required to allow local government entities to have access to its fiber optic network. However, federal rules[1] and recent FHWA guidelines authorize the use of the right-of-way for non-transportation purposes.

Some local governments wish to use DOT's excess fiber optic capacity for nontransportation purposes While DOT has excess fiber, it wishes to participate in several national initiatives that are under development which will have communications requirements, and currently has plans to use its fiber. However, DOT has set out some parameters for the use of its dark (not currently in use) optical fibers.[2]

Proposed Changes

The bill requires DOT to adopt rules governing the use of its excess fiber optic communications network by local government entities for nontransportation purposes by July 1, 2014. The rules must comply with state law and, if applicable, federal regulations governing property acquired with federal aid. The rules may allow, but are not required to allow, any such nontransportation use. However, if such nontransportation use is allowed, the rules must:

- Provide for an interlocal agreement to define the agreed to parameters for the use of DOT's fiber optic network. The agreement defines each party's respective rights and roles and must preserve DOT's right to terminate the agreement of the right-of-way area occupied by the fiber is subsequently required for transportation purposes.
- Establish a statewide policy for the allowed use of the fiber optic network. The policy must be consistent with federal regulations governing federal-aid projects, provide for future fiber optic needs for transportation purposes, and include requirements for a needs analysis to be performed before each nontransportation use is considered.

The bill has an effective date of July 1, 2013.

B. SECTION DIRECTORY:

Section 1 Requires DOT to adopt rules governing use of its excess fiber communication network for nontransportation purposes.

Section 2 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   See Fiscal Comments.

[1] 23 C.F.R. 1.23(c)

[2] January 24, 2013, letter from Brian Blanchard, DOT's Assistant Secretary of Engineering and Operations to Ken Kryzda, Chief Information Officer, Martin County Board of County Commissioners. Copy on file with the Transportation & Highway Safety Subcommittee.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill does not specify whether or not DOT may charge local government entities a fee for using its fiber optic network

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 requires DOT to adopt rules governing the use of its excess fiber optic communication networks by local government entities for nontransportation purposes.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill is silent as to whether or not DOT may charge local government entities for the use of its fiber optic network.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to the Department of Transportation; requiring the department to adopt rules governing use of the department's excess fiber optic communication networks for nontransportation purposes; providing an effective date.

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

Section 1. Department of Transportation policy for use of excess data transmission capacity.—By July 1, 2014, the Department of Transportation shall adopt rules governing the use of the department's excess fiber optic communication networks by local governmental entities for nontransportation purposes. The rules must comply with state law and, if applicable, federal regulations governing property acquired with federal aid. The rules may allow, but are not required to allow, any such nontransportation use. However, if such nontransportation use is allowed, the rules must:

(1) Provide for an interlocal agreement to define the agreed to parameters for use of the department's fiber optic network. The agreement shall define each party's respective rights and roles and must preserve the department's right to terminate the agreement if the right-of-way area occupied by the fiber is subsequently required for transportation purposes.

(2) Establish a statewide policy for the allowed use of the fiber optic network. The policy must be consistent with federal regulations governing federal-aid projects, provide for

future fiber optic needs for transportation purposes, and include requirements for a needs analysis to be performed before each nontransportation use is considered.

Section 2. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 363 Disabled Parking Permits
SPONSOR(S): Watson
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 94

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Kiner KLK	Miller P.M.
2) Transportation & Economic Development Appropriations Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

During the 2012 regular legislative session, the Florida Legislature passed CS/SB 226, which among other things, required DHSMV to renew the disabled parking permit of any person certified as being permanently disabled on the application if the person provided a certificate of disability issued within the last 12 months.

House Bill 363 removes the provision that requires a person that is certified as being permanently disabled to provide a certificate of disability issued within the last 12 months upon renewing a disabled parking permit. Under the bill, a permanently disabled person – that has already been certified as permanently disabled on the original permit application – will no longer have to provide a recently issued certificate of disability upon renewing his or her disabled parking permit.

The bill has no fiscal impact and is effective on July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Section 320.0848, F.S., authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) and its agents to issue a disabled parking permit to a person with impaired mobility. The permit may be issued for a period of up to four years to any person with a long-term mobility impairment. Similarly, a person with a temporary mobility impairment may be issued a temporary disabled parking permit for a period of up to six months.

A person applying for a disabled parking permit must be currently certified as being legally blind or as having any of the following conditions which would render the person unable to walk 200 feet without stopping to rest:

- the inability to walk without a brace, cane, crutch, prosthetic device, or other assistive device;
- the need to permanently use a wheelchair;
- lung disease as measured within specified limits;
- use of portable oxygen;
- a Class III or Class IV heart condition; or
- a severe limitation in the ability to walk due to an arthritic, neurological, or orthopedic condition.

The certification must be made by a physician, podiatrist, optometrist, advanced registered nurse practitioner, or physician's assistant, any of which must be licensed under one of various chapters of Florida Statute. However, provisions are made to encompass certification by similarly-licensed physicians from other states, as well. The certification must include:

- the disability of the applicant;
- the certifying practitioner's name, address, and certification number;
- the eligibility criteria for the permit;
- information concerning the penalty for falsification;
- the duration of the condition; and
- justification for any additional placard issued.

The disabled parking permit must be a 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 license number or state identification card number along with a warning the applicant must have such identification at all times while using the parking permit.

Although a disabled parking permit must be renewed every four years, it does not expire under current law. DHSMV allows for online and mail-in renewals, as well as replacements in the case of stolen or damaged permits, for persons certified as having a long-term disability.

During the 2012 regular legislative session, the Florida Legislature passed CS/SB 226[1], which among other things, required DHSMV to renew the disabled parking permit of any person certified as being permanently disabled on the application if the person provided a certificate of disability issued within the last 12 months.

[1] Ch. 2012-157, L.O.F.

Effect of Proposed Change

House Bill 363 removes the provision that requires a person that is certified as being permanently disabled to provide a certificate of disability issued within the last 12 months upon renewing a disabled parking permit. Under the bill, a permanently disabled person – that has already been certified as permanently disabled on the original permit application – will no longer have to provide a recently issued certificate of disability upon renewing his or her disabled parking permit.

This bill has no fiscal impact and is effective July 1, 2013.

B. SECTION DIRECTORY:

Section One: removes a provision requiring certain applicants to provide certification in order to renew a disabled parking permit.

Section Two: 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:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   None.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

The bill neither requires nor impacts rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to disabled parking permits; amending s. 320.0848, F.S.; removing a provision that requires an applicant to provide a certificate of disability for renewal; providing an effective date.

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

Section 1. Paragraph (d) of subsection (1) of section 320.0848, Florida Statutes, is amended to read:

320.0848 Persons who have disabilities; issuance of disabled parking permits; temporary permits; permits for certain providers of transportation services to persons who have disabilities.—

(1)

(d) Beginning October 1, 2012, the department shall renew the disabled parking permit of any person certified as permanently disabled on the application ~~if the person provides a certificate of disability issued within the last 12 months pursuant to this subsection~~.

Section 2. This act shall take effect July 1, 2013.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 363 (2013)

Amendment No.

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	_____

Committee/Subcommittee hearing bill: Transportation & Highway Safety Subcommittee

Representative Watson, B. offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraphs (d) and (e) of subsection (1), paragraphs (e) and (f) of subsection (2), and paragraphs (b) and (c) of subsection (3) of section 320.0848, Florida Statutes, are amended to read:

320.0848 Persons who have disabilities; issuance of disabled parking permits; temporary permits; permits for certain providers of transportation services to persons who have disabilities.—

(1)(a) The department ~~of Highway Safety and Motor Vehicles~~ or its authorized agents shall, upon application ~~and receipt of the fee~~, issue a disabled parking permit for a period of up to 4 years, which period ends on the applicant's birthday, to any person who has long-term mobility impairment, including a person who is permanently disabled. The department or its

authorized agents shall, upon application and receipt of the fee, issue a temporary disabled parking permit not to exceed 6 months to any person who has a temporary mobility impairment. No person will be required to pay a fee for a parking permit for disabled persons more than once in a 12-month period from the date of the prior fee payment.

~~(d) Beginning October 1, 2012, the department shall renew the disabled parking permit of any person certified as permanently disabled on the application if the person provides a certificate of disability issued within the last 12 months pursuant to this subsection.~~

(d) ~~(e)~~ The department ~~of Highway Safety and Motor Vehicles~~ shall, in consultation with the Commission for the Transportation Disadvantaged, adopt rules, in accordance with chapter 120, for the issuance of a disabled parking permit to any organization that can adequately demonstrate a bona fide need for such a permit because the organization provides regular transportation services to persons who have disabilities and are certified as provided in this subsection.

(2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM MOBILITY PROBLEMS.—

(e) To obtain a replacement for a disabled parking permit that has been lost or stolen, a person that has been certified as permanently disabled on the application in accordance with subsection (1), must ~~submit an application on a form prescribed by the department, provide 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.

(f) The department shall renew the disabled parking permit of any person certified as permanently disabled on the application.

(g) ~~(f)~~ 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 in lieu of the disabled parking permit; or, if the person qualifies for a "DV" license plate under s. 320.084, such a license plate may be issued to him or her in lieu of a disabled parking permit.

(3) DISABLED PARKING PERMIT; TEMPORARY.—

(b) The department shall issue the temporary disabled parking permit for the period of the disability as stated by the certifying physician, but not to exceed 6 months.

(c) To obtain a replacement for a temporary disabled parking permit that has been lost or stolen, a person must submit an application on a form prescribed by the department 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.

(d) ~~(c)~~ The fee for a temporary disabled parking permit is $15.

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

Remove line 5 and insert:

for renewal; removing a provision that requires a permanently disabled parking permit holder to provide a certificate of disability to obtain a replacement for a disabled parking permit that has been lost or stolen; providing an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 487 Specialty License Plates/Freemasonry
SPONSOR(S): Stone and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 274

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Kiner KLK	Miller P.M.
2) Transportation & Economic Development Appropriations Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

House Bill 487 creates a Freemasonry 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 license plate.

The annual use fee for the plate is $25, and the annual use fees collected will be distributed to the Masonic Home Endowment Fund, Inc. Under the bill, a maximum of ten percent of the distributed annual use fees may be used to promote and market the plate. The Masonic Home Endowment Fund, Inc., must invest the remainder for the operation of the Masonic Home of Florida for the care of Masons and their families.

See Fiscal Comments for fiscal impact information.

The bill is effective July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Currently, Florida offers over 100 specialty license plates available for purchase. The purpose of a specialty license plate is to raise funds for a particular cause. Each of the specialty license plates requires an annual use fee that is distributed to one or several organizations that support the mission of the plate. Various sections of Florida law govern the creation of new specialty license plates and set parameters on the establishment of annual use fees, as well as their distribution. There is currently a statutory moratorium on the creation of new specialty license plates in place until July 1, 2014.

The Masonic Home of Florida is dedicated to the care of Masons and their families. According to the Masonic Home of Florida's website, "residents at The Masonic Home represent a cross section of the general population . . . and many have served their country with distinction during the War years."

Effect of Proposed Change

The bill amends ss. 320.08056, F.S., and 320.08058, F.S., to create a Freemasonry 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 specialty license plate.

The annual use fee for the plate is $25, and the fees collected will be distributed to the Masonic Home Endowment Fund, Inc. Under the bill, a maximum of ten percent of the distributed fees may be used to promote and market the plate. The Masonic Home Endowment Fund, Inc., must invest the remainder for the operation of the Masonic Home of Florida for care of Masons and their families.

The bill requires that the word "Florida" appear at the top of the plate, and the words "In God We Trust" appear at the bottom.

See Fiscal Comments for fiscal impact information.

The bill is effective July 1, 2013.

B. SECTION DIRECTORY:

Section One:	sets the fee for the Freemasonry specialty license plate at $25;
Section Two:	requires the annual use fees to be distributed to the Masonic Home Endowment Fund, Inc., and provides that a maximum of ten percent may be used to promote and market the plate and that the remainder must be invested for the operation of the Masonic Home of Florida;
Section Three:	provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   See Fiscal Comments.

2. Expenditures:

   See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The annual use fee for the Freemasonry specialty license plate is $25. It is unknown how many vehicle owners will voluntarily purchase the Freemasonry specialty license plate.

D. FISCAL COMMENTS:

The Department of Highway Safety and Motor Vehicles (DHSMV) anticipates expending $60,000 from the Highway Safety Operating Trust Fund in order to create the specialty license plate and make it available for purchase by the public.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill does not authorize the DHSMV to recoup its start-up costs in connection with the creation of the plate.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating a Freemasonry license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

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

Section 1. Paragraph (aaaa) is added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(aaaa) Freemasonry license plate, $25.

Section 2. Subsection (79) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(79) FREEMASONRY LICENSE PLATES.—

(a) The department shall develop a Freemasonry license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "In God We Trust" must appear at the bottom of the plate.

(b) The license plate annual use fees shall be distributed to the Masonic Home Endowment Fund, Inc., which may use a maximum of 10 percent of the proceeds to promote and market the plate. The remainder of the proceeds shall be used by the

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

Masonic Home Endowment Fund, Inc., to invest and reinvest and use the interest for the operation of the Masonic Home of Florida, a five-star facility dedicated to the care of Masons and their families.

Section 3. This act shall take effect July 1, 2013.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 487 (2013)

Amendment No.

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	_____

Committee/Subcommittee hearing bill: Transportation & Highway Safety Subcommittee

Representative Stone offered the following:

Amendment

Remove line 21 and insert:

(a) Notwithstanding the provisions of s. 320.08053, the department shall develop a Freemasonry license

Remove line 25 and insert:

(b) The department shall retain all revenues from the sale of such plates until all startup costs for developing and issuing the plates have been recovered. Thereafter, the license plate annual use fees shall be distributed

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 647 Rental Car Sales and Use Tax Surcharges
SPONSOR(S): Nuñez
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 140

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Johnson	Miller
2) Finance & Tax Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

Section 212.0606(1), F.S., provides that a surcharge of $2.00 per day, or any part of a day, is imposed upon the lease or rental of a motor vehicle for hire and designed to carry less than nine passengers regardless of whether the motor vehicle is licensed in Florida. The surcharge applies to the first 30 days of the term of any lease or rental and is subject to all taxes imposed by ch. 212, F.S.

The bill creates s. 212.0606(4)(b), F.S., providing that the rental car surcharge does not apply to a motor vehicle provided to a person through a car-sharing service. The bill defines "car-sharing service" as a business with membership criteria requirements that provide the use of a motor vehicle for a limited time to registered members for a fee.

The bill has a negative, but indeterminate, impact on state trust funds.

The bill has an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Rental Car Surcharge

Section 212.0606(1), F.S., imposes a surcharge of $2.00 per day or any part of a day upon the lease or rental of a motor vehicle licensed for hire and designed to carry less than nine passengers, regardless of whether the vehicle is licensed in Florida. The surcharge is included in the lease or rental price on which sales tax is computed and must be listed separately on the invoice. Businesses that collect rental car surcharge are required to report surcharge collections according to the county to which the surcharge was attributed.

The surcharge applies to only the first 30 days of the term of any lease or rental, whether or not the vehicle is licensed in Florida. If the rental or lease of a vehicle is for longer than 30 days, only the first 30 days are subject to the surcharge. If the lease is renewed, the first 30 days of the renewed lease is subject to the surcharge. If payment for the lease or rental of a motor vehicle is made in Florida, the surcharge applies. The surcharge is not imposed on leases or rentals to tax-exempt entities. Section 216.0606(4), F.S., exempts from payment of the surcharge a motor vehicle provided at no charge to a person whose motor vehicle is being repaired, adjusted, or serviced by the entity providing the replacement motor vehicle.

After deduction for administrative fees and the General Revenue Service Charge, the rental car surcharge is distributed as follows:

- 80 percent to the State Transportation Trust Fund (STTF);
- 15.75 percent to the Tourism Promotional Trust Fund; and
- 4.25 percent to the Florida International Trade and Promotion Trust Fund.

The proceeds of the rental car surcharge deposited into the STTF are allocated to each Department of Transportation (DOT) district for transportation projects, based on the amount of proceeds collected in the counties within each respective district.

For-Hire Vehicles

With limited exception, offering for lease or rent any motor vehicle in the state qualifies the vehicle as a "for-hire vehicle" under s. 320.01(15)(a), F.S.:

> "For-hire vehicle" means any motor vehicle, when used for transporting persons or goods for compensation; let or rented to another for consideration; offered for rent or hire as a means of transportation for compensation; advertised in a newspaper or generally held out as being for rent or hire; used in connection with a travel bureau; or offered or used to provide transportation for persons solicited through personal contact or advertised on a "share-expense" basis. When goods or passengers are transported for compensation in a motor vehicle outside a municipal corporation of this state, or when goods are transported in a motor vehicle not owned by the person owning the goods, such transportation is "for hire." The carriage of goods and other personal property in a motor vehicle by a corporation or association for its stockholders, shareholders, and members, cooperative or otherwise, is transportation "for hire."

Car-Sharing Services

Car-sharing is generally marketed as an alternative to conventional car rental and car ownership and now exists in a number of forms.

"Traditional carsharing provides members access to a vehicle for short-term daily use. Automobiles owned or leased by a carsharing operator are distributed throughout a network; members access the vehicles with a reservation and are charged per time and often per mile....

"Traditional carsharing is intended for short trips and as a supplement to public transit. Initial market entry in North America focused on the neighborhood carsharing model, characterized by a fleet of shared-use vehicles parked in designated areas throughout a neighborhood or municipality. In recent years, business models have advanced and diversified. Variations on the neighborhood model developed in North America include: business; college/university; government/institutional fleet; and public transit (carsharing provided at public transit stations or multi-modal nodes). Despite differences in target markets, these models share a similar organizational structure, capital ownership, and revenue stream.

"The next generation of shared-use vehicle services, which provide access to a fleet of shared-use vehicles, incorporates new concepts, technologies, and operational methods. These models represent innovative solutions and notable advances. They include one-way carsharing and personal vehicle sharing. One-way carsharing, also known as "free-floating" carsharing, frees users from the restriction of having to return a vehicle to the same location from which it was accessed. Instead, users leave vehicles parked at any spot within the organization's operating area, allowing for the possibility of one-way trips. The one-way model resembles more traditional forms of carsharing—except for the logistics of vehicle redistribution and the need for expanded vehicle parking.

"Personal vehicle sharing ... represents a more distinct model due to differences in organizational structure, capital stock, and liability. Personal vehicle sharing involves short-term access to privately-owned vehicles, enabling a lower operating cost and a wider vehicle distribution. ..."[1]

While car sharing began at the local, grassroots level, car-sharing services are now also provided by conventional rental car companies, such as Avis, Enterprise, and Hertz.[2]

Current Practice Relating to Surcharge

On September 17, 2012, DOR issued its Technical Assistance Advisement 12A-022 in which the question presented to DOR was whether a member based car-sharing service is subject to the Florida rental car surcharge. The facts presented to DOR were as follows:

"Taxpayer [the car-sharing service] offers a member based car-sharing service with a fleet of vehicles available for use by registered members at any time of the day, seven days a week. A member can reserve a vehicle before use, or simply locate one and access it. Each use is labeled as a "trip" and can last up to four consecutive days. A unique feature of Taxpayer's car-sharing service is members may, and often do, use a car for a much shorter period of time than typical car rentals. According to Taxpayer, the typical trip lasts twenty-five to 40 minutes, costing between $7 and $10 before taxes. Members are invoiced daily for all trips that occur and Taxpayer adds the rental car surcharge and sales tax to this invoice."

First noting taxpayer's assertion that it is not engaged in the "traditional" rental of cars, DOR concluded that the taxpayer is clearly renting cars, is engaged in the rental of motor vehicles and, therefore, the rental car surcharge does apply. However, DOR further cited its rule, Fla. Admin. Code 12A-16.002(3)(b): "When the terms of a lease or rental agreement authorize the lessee to extend the lease

[1] Shaheen, Susan, Mark Mallery, and Karly Kingsley (2012). "Personal Vehicle Sharing Services in North America," *Research in Transportation Business & Management*, Vol. 3, pp.71-81.

[2] Kell, John, Jan. 2, 2013, "Avis to Buy Car-Sharing Service Zipcar," *The Wall Street Journal.*

or rental beyond the initial lease term without executing an additional lease or agreement and without any action on the part of the lessor, the extension period will not be considered a new lease or rental."

Highlighting the fact that the taxpayer's members may make multiple trips in one day without executing any additional agreement and without any action required of the taxpayer, and that members are charged for every trip within the same twenty-four hour period on a single daily invoice, DOR concluded that the rental car "surcharge is due from Taxpayer's members once a day, regardless of the number of trips taken by a member in a twenty-four hour period."

Proposed Changes

This bill amends s. 212.0606(4), F.S., providing that the rental car surcharge does not apply to a motor vehicle provided to a person through a car-sharing service and to define "car-sharing service" to mean a business with membership criteria requirements that provide the use of a motor vehicle for a limited time to registered members for a fee. As a result, a car-sharing service as defined in the bill will no longer collect the $2.00 surcharge per day or any part of a day from a member renting a motor vehicle licensed for hire and designed to carry less than nine passengers, regardless of whether such vehicle is licensed in Florida.

The bill has an effective date of July 1, 2013.

B. SECTION DIRECTORY:

Section 1 Amends s. 212.0606, F.S., relating to the rental car surcharge.

Section 2 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   The Revenue Estimating Conference has not yet analyzed the fiscal impact of this bill. However, this bill appears to have a negative impact on rental car surcharge collection which will impact revenues to the State Transportation Trust Fund, the Tourism Promotional Trust Fund and the Florida International Trade and Promotion Trust Fund.

2. Expenditures:

   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Entities that qualify under the bill's definition as a "car-sharing service" will not collect the rental car surcharge from its customers.

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:

According to DOR, the bill defines the term "car-sharing service" to mean "a business with membership criteria requirements that provide the use of a motor vehicle for a limited time to registered members for a fee." As written, a rental car company may establish a membership requirement and rent its vehicles for a "limited time" to avoid paying the rental car surcharge. The sponsor may wish to clarify the terms "membership criteria requirements" and "limited time" if the bill is not intended to allow a rental car company to easily avoid the surcharge.

Additionally, DOR is not clear whether or not a fee is required as a condition of membership, or whether a fee is required to be paid when the vehicle is used.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to rental car sales and use tax surcharges; amending s. 212.0606, F.S.; defining the term "car-sharing service;" exempting the provision of vehicles by such services from the rental car surcharge; providing an effective date.

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

Section 1. Subsection (4) of section 212.0606, Florida Statutes, is amended to read:

212.0606 Rental car surcharge.—

(4) The surcharge imposed by this section does not apply to:

(a) A motor vehicle provided at no charge to a person whose motor vehicle is being repaired, adjusted, or serviced by the entity providing the replacement motor vehicle.

(b) A motor vehicle provided to a person through a car-sharing service. As used in this paragraph, the term "car-sharing service" means a business with membership criteria requirements that provides the use of a motor vehicle for a limited time to registered members for a fee.

Section 2. This act shall take effect July 1, 2013.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 647 (2013)

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	_____

Committee/Subcommittee hearing bill: Transportation & Highway Safety Subcommittee

Representative Nuñez offered the following:

Amendment (with title amendment)

Remove lines 18-22 and insert:

(b) A motor vehicle provided to a person who is a registered member of a car-sharing service and who uses the motor vehicle for a single trip of a duration of 6 hours or less for a fee. A "car-sharing service" means a business with pre-approved membership criteria requirements that provides the use of a motor vehicle for a fee through decentralized automated access for a limited time to registered members for a fee. Under this subsection, "a single trip" begins when a registered member unlocks the motor vehicle using specific membership criteria and ends when the registered member parks the motor vehicle within the defined service area of the car-sharing service and terminates the trip pursuant to the membership plan.

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

Remove line 4 and insert:

terms "car-sharing service" and "single trip;" exempting the provision of

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 699 Florida Salutes Veterans License Plate
SPONSOR(S): Smith
TIED BILLS: **IDEN./SIM. BILLS:** SB 884

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Thompson JAT	Miller P.M.
2) Transportation & Economic Development Appropriations Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The Florida Salutes Veterans specialty license plate (plate) was created by the Legislature in 1989. Persons wishing to register a vehicle with the plate must pay a $15 annual use fee in addition to the normal fees required when registering a vehicle. Originally, all of the revenues from the use fee were deposited in the State Homes for Veterans Trust Fund (Trust Fund). Trust Fund moneys are administered by the Department of Veterans' Affairs (DVA) and used solely for the purposes of constructing, operating, and maintaining domiciliary and nursing homes for veterans, and promotion and marketing of the plate.

Effective July 1, 2008, the Legislature established a direct support organization (the Florida Veterans Foundation, Inc.) for the DVA and revised the distribution of the annual use fee from the plate. 20 percent of the annual use fee was directed to the Florida Veterans Foundation, Inc., for a period not to exceed 24 months from the date the organization was incorporated. In 2010, the distribution of the annual use fee was again revised directing 10 percent to the Florida Veterans Foundation, Inc., for a period not to exceed 48 months after the date the Florida Veterans Foundation, Inc., was incorporated. All remaining fees are deposited in the State Homes for Veterans Trust Fund, in the State Treasury. The distribution to the Florida Veterans Foundation, Inc., expired June 30, 2012.

The bill reinstates and increases to 20 percent, the amount of the annual use fee distributed from sales of the Florida Salutes Veterans license plate to the Florida Veterans' Foundation, Inc. The bill also eliminates the expiration period of the annual distribution to the Florida Veterans Foundation, Inc., thereby continuing the 20 percent distribution indefinitely.

The bill will have a negative fiscal impact on the State Homes for Veterans Trust Fund and a corresponding positive fiscal impact on the Florida Veterans' Foundation, Inc., DVA's direct support organization. Reinstating and increasing the amount of the annual use fee distributed to the Florida Veterans' Foundation, Inc., to 20 percent would effectively reduce the percentage of the fee distributed to the State Homes for Veterans Trust Fund by 20 percent or about $68,000 for fiscal year 2013 -14. See Fiscal Comments for additional information.

The bill provides an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

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 or organizations in support of a particular cause or charity signified in the plate's design and designated in statute.

The Legislature has authorized 121 specialty license plates. Sales of specialty license plates generated over $31 million in total net revenues during the Fiscal Year 2011-2012.[1]

An organization may seek Legislative authorization for a new specialty license plate by meeting a number of requirements. An organization is first required to submit the following to DHSMV:

- A request for the plate describing it in general terms;
- The results of a professional, independent, and scientific sample survey of Florida residents indicating that 30,000 vehicle owners intend to purchase the plate at the increased cost;
- An application fee of $60,000 defraying DHSMV's cost for reviewing the application, developing the new plate, and providing for the manufacture and distribution of the first run of plates; and
- A marketing strategy for the plate and a financial analysis of anticipated revenues and planned expenditures.[2]

These requirements must be satisfied at least 90 days prior to the convening of the regular session of the Legislature. Once the requirements are met, DHSMV notifies the committees of the House of Representatives and Senate with jurisdiction over the issue, and the organization is free to find sponsors and pursue Legislative action.[3]

Currently, the Department of Highway Safety and Motor Vehicles is prohibited by law from issuing any new specialty license plates until after July 1, 2014.[4]

Florida Salutes Veterans License Plates

The Florida Salutes Veterans specialty license plate (plate) was created by the Legislature in 1989.[5] Persons wishing to register a vehicle with the plate must pay a $15 annual use fee in addition to the normal fees required when registering a vehicle. Originally, all of the revenues from the use fee were deposited in the State Homes for Veterans Trust Fund (Trust Fund). Trust Fund moneys are administered by the Department of Veterans' Affairs (DVA) and used solely for the purposes of constructing, operating, and maintaining domiciliary and nursing homes for veterans, and promotion and marketing of the plate.

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[1] Florida Department of Highway Safety and Motor Vehicles, *Specialty License Plate Administrative Fees*, available at http://www.flhsmv.gov/specialtytags/slp.html#3 (last visited March 14, 2013).
[2] Section 320.08053, F.S.
[3] *Id.*
[4] *Id.*, Note., A., provides that "[e]xcept for a specialty license plate proposal which has submitted a letter of intent to the Department of Highway Safety and Motor Vehicles prior to May 2, 2008, and which has submitted a valid survey, marketing strategy, and application fee as required by s. 320.08053, Florida Statutes, prior to October 1, 2008, or which was included in a bill filed during the 2008 Legislative Session, the Department of Highway Safety and Motor Vehicles may not issue any new specialty license plates pursuant to ss. 320.08056 and 320.08058, Florida Statutes, between July 1, 2008, and July 1, 2014."
[5] Chapter 89-168, L.O.F.; codified in s. 320.08058(4), F.S.

Effective July 1, 2008, the Legislature established a direct support organization[6] (known as the Florida Veterans Foundation, Inc.[7]) for the DVA and revised the distribution of the annual use fee from the plate.[8] Consequently, 20 percent of the annual use fee was directed to the Florida Veterans Foundation, Inc., for a period not to exceed 24 months from the date the organization was incorporated.[9]

In 2010, the distribution of the annual use fee was further revised directing 10 percent to the Florida Veterans Foundation, Inc., for a period not to exceed 48 months after the date the organization was incorporated. All remaining fees are to be deposited in the Trust Fund, in the State Treasury. As a result, distribution of the annual use fee to the Florida Veterans Foundation, Inc., expired June 30, 2012.[10]

Proposed Changes

The bill reinstates and increases to 20 percent, the amount of the annual use fee distributed from sales of the Florida Salutes Veterans license plate to the Florida Veterans' Foundation, Inc. The bill also eliminates the expiration period of the annual distribution of the fee to the Florida Veterans Foundation, Inc., thereby continuing the distribution indefinitely.

B. SECTION DIRECTORY:

Section 1 amends s. 320.08058, F.S., relating to specialty license plates.

Section 2 provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   See Fiscal Comments.

2. Expenditures:

   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

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[6] Chapter 2008-84; codified in s. 292.055, F.S.

[7] The Florida Veterans Foundation, Inc. (foundation) is organized and operated exclusively to obtain funds; request and receive grants, gifts, and bequests of moneys; acquire, receive, hold, invest, and administer in its own name securities, funds, or property; and make expenditures to or for the direct or indirect benefit of the department, the veterans of this state, and congressionally chartered veteran service organizations having subdivisions that are incorporated in this state. (Source?)

[8] Chapter 2008-84, L.O.F.

[9] Section 292.055, F.S., authorizes the Department of Veterans' Affairs to establish a direct-support organization to provide assistance, funding, and support for the department in carrying out its mission.

[10] Chapter 2008-84, L.O.F.; codified in s. 320.08058(4)(b), F.S.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments

D. FISCAL COMMENTS:

The bill will have a negative fiscal impact on the State Homes for Veterans Trust Fund and a corresponding positive fiscal impact on the Florida Veterans' Foundation, Inc., DVA's direct support organization. Reinstating and increasing the amount of the annual use fee distributed to the Florida Veterans' Foundation, Inc., to 20 percent would effectively reduce the amount of annual use fees distributed to the State Homes for Veterans Trust Fund in fiscal year 2013-14 by 20 percent. Based on fiscal year 2011-12 license plate sales data, the reduction could be about $68,000. However, the amounts of the distributions vary based on the number of license plates sold or renewed each year. In fiscal year 2011-12, DHSMV reports that 22,660[11] of the plates were sold or renewed, from which the Florida Veterans Foundation, Inc., received 10 percent or approximately $34,000 in annual use fees.[12] For fiscal year 2012-13 the DVA State Veterans Homes Program has a budget of over $79 million.[13]

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. 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

[11] [11] Florida Department of Highway Safety and Motor Vehicles, *Specialty License Plate Administrative Fees*, available at http://www.flhsmv.gov/specialtytags/slp.html#3 (last visited March 14, 2013).

[12] Florida Veterans Foundation, Inc. Audited Financial Statements for the Year Ended June 30, 2012, available at http://www.floridaveteransfoundation.org/DOCs/FVF_Audited_Financial_Statements_for_2012.pdf, page 5 (last visited March 14, 2013).

[13] Government Program Summary entitled *Veterans' Homes*, which was last updated on October 18, 2012, Florida Office of Program Policy Analysis and Government Accountability, available at http://www.oppaga.state.fl.us/profiles/5037/, (last visited March 17, 2013).

A bill to be entitled

An act relating to the Florida Salutes Veterans license plate; amending s. 320.08058, F.S.; revising provisions for distribution and use of fees collected from the sale of the Florida Salutes Veterans license plate; providing an effective date.

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

Section 1. Paragraph (b) of subsection (4) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(4) FLORIDA SALUTES VETERANS LICENSE PLATES.—

(b) The Florida Salutes Veterans license plate annual use fee shall be distributed as follows:

1. Twenty ~~Ten~~ percent shall be distributed to a direct-support organization created under s. 292.055 ~~for a period not to exceed 48 months after the date the direct-support organization is incorporated~~.

2. Any remaining fees must be deposited in the State Homes for Veterans Trust Fund, which is created in the State Treasury. All such moneys are to be administered by the Department of Veterans' Affairs and must be used solely for the purpose of constructing, operating, and maintaining domiciliary and nursing homes for veterans and for continuing promotion and marketing of the license plate, subject to the requirements of chapter 216.

Section 2. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 987 Driver Licenses
SPONSOR(S): Slosberg
TIED BILLS: **IDEN./SIM. BILLS:** SB 628

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Thompson	Miller P.M.
2) Civil Justice Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

Current law provides a public record exemption for reproductions from the Department of Highway Safety and Motor Vehicles (DHSMV) Driver and Vehicle Information Database (DAVID). The DAVID database contains a record of the digital image and signature on Florida driver's licenses. The exemption provides certain governmental exceptions to the exemption. Reproductions are authorized for:

- The issuance of duplicate licenses;
- Administrative purposes of DHSMV;
- Law enforcement agencies;
- The Department of Business and Professional Regulation;
- The Department of State;
- The Department of Revenue;
- The Department of Children and Family Services;
- The Department of Financial Services; and
- District Medical Examiners.

The bill creates an additional governmental exception to access the DAVID database. The bill authorizes the following persons to receive reproductions from the DAVID database as part of the official work of a court:

- A justice or judge of the state;
- An employee of the state courts system who holds a position that is designated in writing for access by the Supreme Court Chief Justice or a chief judge of a district or circuit court, or his or her designee; or
- A government employee who performs functions for the state court system in a position that is designated in writing for access by the Chief Justice of the Supreme Court or a chief judge of a district or circuit court, or their designee.

Additionally, the bill updates obsolete references to the Department of Children and Family Services to the Department of Children and Families, and corrects a cross reference to s. 406.11, F.S., relating to district medical examiner requirements.

The bill does not appear to have a negative fiscal impact on state or local governments.

The bill provides an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Public Records

Article I, s. 24(a) of the State Constitution sets forth the state's public policy regarding access to government records. The section guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government. The Legislature, however, may provide by general law for the exemption of records from the requirements of Article I, s. 24(a) of the State Constitution. The general law must state with specificity the public necessity justifying the exemption (public necessity statement) and must be no broader than necessary to accomplish its purpose.

Public policy regarding access to government records is addressed further in the Florida Statutes. Section 119.07(1), F.S., guarantees every person a right to inspect and copy any state, county, or municipal record. Furthermore, the Open Government Sunset Review Act[1] provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.
- Protects sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.
- Protects trade or business secrets.

If an exemption is created, or expanded (essentially creating a new exemption), then a public necessity statement and a two-thirds vote for passage are required.[2] If an exemption is amended with grammatical or stylistic changes that do not expand the exemption, if the exemption is narrowed, or if an exception to the exemption is created[3] then a public necessity statement and a two-thirds vote for passage are not required.

Driver's Licenses

DHSMV is required to issue to qualified applicants a driver's license at the time the licensee successfully passes the required examinations and pays a fee.[4]

The driver's license must contain:

- A color photograph or digital image of the licensee;
- The name of the state;
- An identification number uniquely assigned to the licensee;
- The licensee's full name, date of birth, and residence address;
- The licensee's gender and height;
- The dates of issuance and expiration of the license;
- A signature line; and
- The class of vehicle authorized and endorsements or restrictions.[5]

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[1] Section 119.15, F.S.
[2] Section 24(c), Art. I of the State Constitution.
[3] An example of an exception to a public record exemption would be allowing another agency access to confidential or exempt records.
[4] Sections 322.14(1)(a) and 322.142(1), F.S.

DHSMV is authorized to maintain a film negative or print file, and is required to maintain a record of the digital image and signature of licensees, together with other data required for identification and retrieval. This information is contained within DHSMVs Driver and Vehicle Information Database (DAVID).

Section 322.142(4), F.S., provides that reproductions from the file or digital record contained within the DAVID database are exempt from public records requirements.[6] However, exceptions are authorized. Reproductions are authorized for:

- The issuance of duplicate licenses;
- Administrative purposes of DHSMV;
- Law enforcement agencies;
- The Department of Business and Professional Regulation;
- The Department of State;
- The Department of Revenue;
- The Department of Children and Family Services;
- The Department of Financial Services; and
- District Medical Examiners.

The statute provides that the exception for district medical examiners is made pursuant to an interagency agreement with DHSMV for the purpose of identifying a deceased individual, determining cause of death, and notifying next of kin of any investigations, including autopsies and other laboratory examinations, authorized in s. 406.011, F.S. However, s. 406.011, F.S., does not exist. Current law creates a Medical Examiners Commission (Commission) within the Department of Law Enforcement, requires the Commission to establish medical examiner districts within the state, and for each district, a medical examiner is appointed by the Governor.[7] Section 406.11, F.S., requires district medical examiners to conduct examinations, investigations, and autopsies to determine cause of death of deceased human beings. As such, this section appears to be the intended reference.

Due to the sensitivity of information contained within the DAVID database, access given to state governmental entities is pursuant to interagency agreements with DHSMV, which would allow DHSMV to restrict the permission to use the DAVID database to only necessary persons at each agency.

Also, the legislature revised the name of the Department of Children and Family Services to the Department of Children and Families in 2012.[8]

Proposed Changes

The bill amends s. 322.142(4), F.S., to create an additional governmental exception to the public record exemption for reproductions from the file or digital record contained within the DAVID database. Specifically, the bill authorizes the following persons to receive such reproductions as part of the official work of a court:

- A justice or judge of the state;
- An employee of the state courts system who holds a position that is designated in writing for access by the Supreme Court Chief Justice or a chief judge of a district or circuit court, or his or her designee; or
- A government employee who performs functions for the state court system in a position that is designated in writing for access by the Chief Justice of the Supreme Court or a chief judge of a district or circuit court, or their designee.

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[5] Section 322.14 (1)(a) and (b), F.S.
[6] Section 119.07(1), F.S.
[7] *See* ch. 406, F.S., Medical Examiners; Disposition of Dead Bodies.
[8] Chapter No. 2012-84; codified as s. 20.19, F.S.

The bill updates obsolete references to the Department of Children and Family Services to the Department of Children and Families, and corrects the cross reference to s. 406.11, F.S., related to district medical examiner requirements.

B. SECTION DIRECTORY:

Section 1 amends s. 322.142, F.S., related to color photographic or digital imaged licenses.

Section 2 provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

According to the Office of the State Courts Administrator (OSCA), "having access to driver license photographs facilitates and is critical to the work of the State courts System." The bill may have an insignificant positive fiscal impact on the State Court System.

2. Expenditures:

None.

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:

The bill creates an exception to a public record exemption. Because the bill does not create a new exemption or expand the current exemption, it does not require a statement of public necessity or two-thirds vote approval of each house for passage as required by s. 24(c), Article I of the Florida Constitution.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to driver licenses; amending s. 322.142, F.S.; authorizing a justice, judge, or designated employee to access reproductions of driver license images as part of the official work of a court; revising and clarifying provisions; providing an effective date.

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

Section 1. Subsection (4) of section 322.142, Florida Statutes, is amended to read:

322.142 Color photographic or digital imaged licenses.—

(4) The department may maintain a film negative or print file. The department shall maintain a record of the digital image and signature of the licensees, together with other data required by the department for identification and retrieval. Reproductions from the file or digital record are exempt from the provisions of s. 119.07(1) and shall be made and issued only:

(a) For departmental administrative purposes;

(b) For the issuance of duplicate licenses;

(c) In response to law enforcement agency requests;

(d) To the Department of Business and Professional Regulation pursuant to an interagency agreement for the purpose of accessing digital images for reproduction of licenses issued by the Department of Business and Professional Regulation;

(e) To the Department of State pursuant to an interagency

agreement to facilitate determinations of eligibility of voter registration applicants and registered voters in accordance with ss. 98.045 and 98.075;

(f) To the Department of Revenue pursuant to an interagency agreement for use in establishing paternity and establishing, modifying, or enforcing support obligations in Title IV-D cases;

(g) To the Department of Children and Families ~~Family Services~~ pursuant to an interagency agreement to conduct protective investigations under part III of chapter 39 and chapter 415;

(h) To the Department of Children and Families ~~Family Services~~ pursuant to an interagency agreement specifying the number of employees in each of that department's regions to be granted access to the records for use as verification of identity to expedite the determination of eligibility for public assistance and for use in public assistance fraud investigations;

(i) To the Department of Financial Services pursuant to an interagency agreement to facilitate the location of owners of unclaimed property, the validation of unclaimed property claims, and the identification of fraudulent or false claims; ~~or~~

(j) To district medical examiners pursuant to an interagency agreement for the purpose of identifying a deceased individual, determining cause of death, and notifying next of kin of any investigations, including autopsies and other laboratory examinations, authorized in s. 406.11 ~~406.011~~; or

(k) To the following persons for the purpose of

identifying a person as part of the official work of a court:

1. A justice or judge of this state;

2. An employee of the state courts system who works in a position that is designated in writing for access by the Chief Justice of the Supreme Court or a chief judge of a district or circuit court, or by his or her designee; or

3. A government employee who performs functions on behalf of the state courts system in a position that is designated in writing for access by the Chief Justice or a chief judge, or by his or her designee.

Section 2. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1005 Motorist Safety
SPONSOR(S): Slosberg
TIED BILLS: **IDEN./SIM. BILLS:** SB 1376

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Kiner KLK	Miller PM
2) Local & Federal Affairs Committee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

House Bill 1005 authorizes, but does not require, the governing board of a county to create a free yellow dot critical motorist medical information program for the purpose of assisting emergency medical responders and program participants in the event of a motor vehicle accident or a medical emergency involving a participant's vehicle. Participants in the voluntary and free program receive a yellow dot decal to place on their rear window that alerts emergency services personnel to look for a corresponding yellow folder in the glove box. The yellow folder may include the injured participant's emergency contact and medical information.

Under the bill, a person's participation in the Yellow Dot Alert Program (Yellow Dot) is voluntary and free. A county, or group of counties, may solicit sponsorships to cover costs, including the cost of the yellow dot decals and folders. The bill also authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) or the Department of Transportation (DOT) to provide education and training to encourage emergency medical responders to participate in Yellow Dot. DHSMV and DOT may also take reasonable measures to publicize Yellow Dot.

To provide consistency, the bill provides guidelines for counties and participants to follow.

The bill has no fiscal impact and is effective on July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Yellow Dot is a system to alert first responders at an accident scene to search for medical information about the injured – especially if the injured is unconscious or unable to speak.[1] According to USA Today, Yellow Dot is "simple but effective: participants in the free program receive a yellow dot to place on their rear window; it alerts emergency services personnel to look for a corresponding yellow folder in the glove box."[2] The yellow folder may include the injured participant's name, photograph, emergency contact information, medical information, hospital preference, and other vital information.

Yellow Dot began in Connecticut in 2002, and since that time, cities and counties across the nation have implemented Yellow Dot with slight variations.[3] Some states, such as Alabama, have state-wide programs.[4]

Effect of Proposed Change

The bill authorizes, but does not require, the governing body of a county to create a free yellow dot critical motorist medical information program (Yellow Dot) for the purpose of assisting emergency medical responders and program participants in the event of a motor vehicle accident or a medical emergency involving a participant's vehicle.

Under the bill, a person's participation in Yellow Dot is voluntary and free. A county, or group of counties, may solicit sponsorships to cover costs, including the cost of the yellow dot decals and folders. The bill also authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) or the Department of Transportation (DOT) to provide education and training to encourage emergency medical responders to participate in Yellow Dot. DHSMV and DOT may also take reasonable measures to publicize Yellow Dot.

To provide consistency, the bill provides guidelines for counties and participants to follow.

Participation is free upon submission of an application. The application is created by the county and must describe the confidential nature of the medical information voluntarily provided by the participant. The application must also require that the participant give express written consent for the use and disclosure of the yellow folder's contents to authorized personnel for the following purposes:

- to positively identify the participant;
- to ascertain whether the participant has a medical condition that might impede communications between the participant and the responder;
- to inform the participant's emergency contacts about the location, condition, or death of the participant;
- to learn the nature of any medical information reported by the participant; and
- to ensure that the participant's current medications and preexisting medical conditions are considered when emergency medical treatment is administered for any injury to or condition of the participant.

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[1] *See* more information about the Yellow Dot program at www.yellow-dot.com (Last viewed on 3/18/2013).
[2] *See* "Yellow Dot car program speeds to help crash victims." Larry Copeland, USA Today (5/24/2011) at http://usatoday30.usatoday.com/news/nation/2011-05-23-yellow-dot-seniors-drivers-baby-boomers_n.htm (Last viewed on 3/18/13).
[3] Id.
[4] Id.

After submitting a completed application, the participant is to be given a yellow dot decal to affix onto the lower left corner of the vehicle's rear window (or a clearly visible location on a motorcycle), a yellow dot folder, and a form with the participant's information.

The form which is to be placed inside the yellow folder is to contain the following information:

- the participant's name;
- the participant's photograph;
- emergency contact information of no more than two persons for the participant;
- the participant's medical information, including medical conditions, recent surgeries, allergies and medications being taken;
- the participant's hospital preference; and
- contact information for no more than two physicians for the participant.

With regard to liability, the bill provides that – except for wanton or willful conduct – an emergency medical responder, or the employer of a responder, does not incur any liability for the following:

- failing to make contact with a participant's emergency contact person; or
- disseminating, or failing to disseminate, any information from the yellow dot folder to any other emergency medical responder, hospital, or health care provider who renders emergency medical treatment to the participant.

See Fiscal Comments for fiscal impact information.

The bill is effective on July 1, 2013.

B. SECTION DIRECTORY:

Section One:	authorizes the governing body of a county to create a yellow dot critical motorist medical information program and sets guidelines for participation;
Section Two:	provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   None. Neither DHSMV nor DOT is required to provide training, education or to publicize the Yellow Dot program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   See Fiscal Comments.

2. Expenditures:

   See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments.

D. FISCAL COMMENTS:

The bill does not require a county to create a Yellow Dot program. If the governing body of a county does decide to create a Yellow Dot program, the bill authorizes the county's governing body to seek sponsorships to cover costs. Public participation in a Yellow Dot program is voluntary and free.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not require DHSMV or DOT to create rules, and does not impact either department's rulemaking authority.

The bill requires a participating county to adopt guidelines and procedures for ensuring that any information that is confidential is not made public through the program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to motorist safety; authorizing the governing body of a county to create a yellow dot critical motorist medical information program for certain purposes; authorizing a county to solicit sponsorships for the medical information program and enter into an interlocal agreement with another county to solicit such sponsorships; authorizing the Department of Highway Safety and Motor Vehicles and the Department of Transportation to provide education and training and publicize the program; requiring the program to be free to participants; providing for applications to participate; providing for a yellow dot decal and a yellow dot folder to be issued to participants and a form containing specified information about the participant; providing procedures for use of the decal, folder, and form; providing for limited use of information on the forms by emergency medical responders; limiting liability of emergency medical responders; requiring the governing body of a participating county to adopt guidelines and procedures to ensure that confidential information is not made public; providing an effective date.

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

Section 1. Yellow dot critical motorist medical information programs; yellow dot decal, folder, and information

form.—

(1) The governing body of a county may create a yellow dot critical motorist medical information program to assist emergency medical responders and drivers and passengers who participate in the program by making critical medical information readily available to a responder in the event of a motor vehicle accident or a medical emergency involving a participant's vehicle.

(2)(a) The governing body of a county may solicit sponsorships from interested business entities and not-for-profit organizations to cover costs of the program, including the cost of the yellow dot decals and folders that shall be provided free of charge to participants. Two or more counties may enter into an interlocal agreement to solicit such sponsorships.

(b) The Department of Highway Safety and Motor Vehicles or the Department of Transportation may provide education and training to encourage emergency medical responders to participate in the program and may take reasonable measures to publicize the program.

(3)(a) Any owner or lessee of a motor vehicle may participate in the program upon submission of an application and documentation, in the form and manner prescribed by the governing body of the county.

(b) The application form shall include a statement that the information submitted will be disclosed only to authorized personnel of law enforcement and public safety agencies,

emergency medical services agencies, and hospitals for the purposes authorized in subsection (5).

(c) The application form shall describe the confidential nature of the medical information voluntarily provided by the participant and shall state that, by providing the medical information, the participant has authorized the use and disclosure of the medical information to authorized personnel solely for the purposes listed in subsection (5). The application form shall also require the participant's express written consent for such use and disclosure.

(d) The county may not charge any fee to participate in the yellow dot program.

(4) A participant shall receive a yellow dot decal, a yellow dot folder, and a form with the participant's information.

(a) The participant shall affix the decal onto the rear window in the left lower corner of a motor vehicle or in a clearly visible location on a motorcycle.

(b) A person who rides in a motor vehicle as a passenger may also participate in the program but may not be issued a decal if a decal is issued to the owner or lessee of the motor vehicle in which the person rides.

(c) The yellow dot folder, which shall be stored in the glove compartment of the motor vehicle or in a compartment attached to a motorcycle, shall contain a form with the following information about the participant:

1. The participant's name.

2. The participant's photograph.

3. Emergency contact information of no more than two persons for the participant.

4. The participant's medical information, including medical conditions, recent surgeries, allergies, and medications being taken.

5. The participant's hospital preference.

6. Contact information for no more than two physicians for the participant.

(5)(a) If a driver or passenger of a motor vehicle becomes involved in a motor vehicle accident or emergency situation, and a yellow dot decal is affixed to the vehicle, an emergency medical responder at the scene shall search the glove compartment of the vehicle for the corresponding yellow dot folder.

(b) An emergency medical responder at the scene may use the information in the yellow dot folder for the following purposes only:

1. To positively identify the participant.

2. To ascertain whether the participant has a medical condition that might impede communications between the participant and the responder.

3. To inform the participant's emergency contacts about the location, condition, or death of the participant.

4. To learn the nature of any medical information reported by the participant on the form.

5. To ensure that the participant's current medications and preexisting medical conditions are considered when emergency

medical treatment is administered for any injury to or condition of the participant.

(6) Except for wanton or willful conduct, an emergency medical responder or the employer of a responder is does not incur any liability if a responder is unable to make contact, in good faith, with a participant's emergency contact person, or if a responder disseminates or fails to disseminate any information from the yellow dot folder to any other emergency medical responder, hospital, or healthcare provider who renders emergency medical treatment to the participant.

(7) The governing body of a participating county shall adopt guidelines and procedures for ensuring that any information that is confidential is not made public through the program.

Section 2. This act shall take effect July 1, 2013.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1005 (2013)

Amendment No.

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	_____

Committee/Subcommittee hearing bill: Transportation & Highway Safety Subcommittee

Representative Slosberg offered the following:

Amendment

Remove line 95 and insert:

medical responder at the scene is authorized to search the glove

Remove line 114 and insert:

medical responder or the employer of a responder does not

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1299 Transportation
SPONSOR(S): Goodson
TIED BILLS: **IDEN./SIM. BILLS:** SB 1632

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Johnson	Miller
2) Transportation & Economic Development Appropriations Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill is a comprehensive bill related to outdoor advertising.

The bill contains a rewrite of ch. 479, F.S., which is the primary statute related to outdoor advertising. Specifically, the bill:

- Revises various definitions.
- Clarifies DOT's duties as they relate 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 license suspension.
- Clarifies permit requirements to insure compliance with federal regulation.
- Provides for an increase in permit fees, increases the maximum fee for multiple transfers of permits in a single transaction, and provides an application fee.
- 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 that notification and permitting processes for signs in violation of permit requirements.
- Clarifies the vegetation management permit process and provides DOT the flexibility to set fees.
- 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.
- Clarifies 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.

The bill authorizes an increase in fees and new fees associates with various outdoor advertising permits and applications. However, DOT will have to go through the rulemaking process to establish the actual fees.

The bill has an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The bill is a comprehensive bill related to outdoor advertising. For ease of understanding, this analysis is arranged by topic.

Current Situation

Since the passage of the Highway Beautification Act (HBA) in 1965,[1] 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 Highway Beautification Act 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 signs[2] 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.

Under the provisions of a 1972 agreement[3] between the State of Florida and the U.S. Department of Transportation (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."

DOT has conducted a review of 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.

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[1] 23 U.S.C. 131

[2] 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.

[3] A copy of the 1972 agreement is available at http://www.dot.state.fl.us/rightofway/Documents.shtm (Last visited January 24, 2013).

Proposed Changes

Definitions

The bill amends the definition of "business of outdoor advertising" to remove 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 identical to a definition for "federal-aid primary highway system" that was previously in s. 479.15, F.S.

The bill deletes the definition of "new highway."

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.[4]

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.[5]

The bill deletes the definition of "commercial or industrial zone and "unzoned commercial or industrial area" due to the creation of s. 479.025, F.S., relating to commercial and industrial parcels.

Duties of the Department

The bill amends s. 479.02, F.S., clarifying that DOT's duties as they relate to outdoor advertising. Specifically, the bill gives DOT authority over nonconforming signs, clarifies use of the term "commercial or industrial area," and expands the use of an information panel program from only interstates to all limited access highways, which expands commerce opportunities.

The bill updates language relating to sign inventory including removing the requirement that DOT adopt rules regarding what information is to be collected and preserved to implement the purposes of ch. 479, F.S.

Commercial and Industrial Parcels

The bill creates s. 479.025, 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, in conformance with ch. 163, F.S.[6] unless otherwise provided by ch. 479, F.S. 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 allows commercial or industrial use.
- 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,

[4] 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.

[5] 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."

[6] Chapter 163, F.S., relates to intergovernmental programs.

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

In the event a local government has not designated zoning through land development regulations, in conformance with ch. 163, F.S., but has designated the parcel under the Future Land Use 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.
- Government uses, unless those government uses would be industrial in nature if privately owned and operated. Such industrial uses must be present and actual use, not merely among the allowed uses.

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 aggrieved by a denial of a permit application may, within 30 days from the receipt of the notification of intent to deny, request an administrative hearing[7] to determine whether the parcel is located in a commercial or industrial zone. DOT must notify the local government that the applicant has requested an administrative hearing.

If a final order determines that the parcel does not meet the permitting conditions outlined in this section and a sign structure exists, 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 the FHWA reduces amounts which would be apportioned to DOT due to a local government's failure to comply with these 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.

[7] Administrative hearings are pursuant to ch. 120, F.S.

Jurisdiction of DOT; Entry upon Privately Owned Lands
The bill amends s. 479.03, F.S. providing that upon written notice to the landowner, operator, or person in charge of an intervening privately owned land that the removal of an illegal outdoor advertising sign is necessary and has been authorized by final order or uncontested notice to the sign owner, DOT is authorized to enter upon any intervening privately owned lands.

Business of Outdoor Advertising; License Requirement; Renewal; Fees
The bill amends s. 479.04, F.S. clarifying that no person shall be required to obtain an outdoor advertising license solely to erect or construct an outdoor advertising sign.

Denial, Suspension, or Revocation of License
The bill amends s. 479.05, F.S., clarifying disciplinary actions for delinquent accounts. The bill provides for the suspension of an outdoor advertising license when the licensee has provided misleading information of material consequence, failed to pay fees or costs owed to DOT, or has violated any of the provisions of ch. 479, F.S., until the licensee has resolved the matter that resulted in the suspension.

The bill also provides that a suspended license will not be granted permits or granted additional permits, but will be allowed to maintain existing sign permits.

Sign Permits
The bill amends s. 479.07, F.S., relating to sign permits to clarify existing language and to clarify 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.
- Increases the annual maximum permit fee from $100 to $200,[8] and removes the authorization to prorate the fee to accommodate short term publicity features.
- Establishes a $25 application fee for each permit application to offset DOT's cost for processing the applications.
- 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.
- Increases the maximum transfer fee for multiple permit transfers in a single transaction from $100 to $1,000.[9]
- Changes the permit restatement fee from up to $300 based on the size of the sign to a flat fee of $300, which is the current fee.
- 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 pilot program placement requirements as redundant to newly created s. 479.025, F.S.
- Removes requirements for maintaining pilot program statistics.

Denial or Revocation of Permit

[8] Pursuant to rule 14-10.0043(2), F.A.C., the current annual permit fee is $51 for each sign facing of 200 square feet or less and $71 for more than 200 square feet.
[9] The transfer fee for each permit is $5.

The bill amends s. 479.08, F.S., clarifying that DOT may deny or revoke any permit requested or granted if it determines that the application for the permit contains false or misleading information of material consequence.

Sign Removal - Permit Revocation or Cancellation
The bill amends s. 479.10, F.S. clarifying DOT's authority for the removal of signs with cancelled permits in addition to those with revoked permits. This ensures DOT control over the roadway and eliminates unremoved signs with cancelled permits. It allows for the elimination of unpermitted signs that may create spacing conflicts for new permits. The bill also clarifies that the permittee is responsible for the cost of removing the sign.

Signs Erected or Maintained Without Permit - Removal
The bill amends s. 479.105, F.S., clarifying the notification and permitting processes for signs in violation of permit requirements. The bill allows for notices of illegal sign violations to be posted as close to the sign as possible in locations where the sign is not easily accessible.

The bill also provides that a written notice of violation is to be sent either to the sign owner, the advertiser, or the owner of the property informing the party of the illegal sign and the party may request an administrative hearing.

However, if the sign owner demonstrates to DOT one of the requirements below, the sign may be issued a permit by DOT and be considered a conforming or nonconforming sign:

- If the sign meets current requirements for a sign permit, the sign owner may submit the required application package to receive a permit as a conforming sign, upon payment of all applicable fees.
- If the sign cannot meet the current requirements for a sign permit, the sign owner may attach to the permit application package, documentation demonstration the following to receive a nonconforming sign permit:
    - The sign has been unpermitted, structurally unchanged, and continuously maintained at the same location for a period of seven years or more;
    - During the entire period in which the sign has been erected, a permit was required yet had not been obtained;
    - During the initial seven years in which the sign has been erected it would have met the criteria established at that time for issuance of a permit;
    - DOT has not initiated a notice of violation or taken other action to remove the sign during the initial seven-year period;

This does not cause a neighboring sign that is already permitted and within the spacing requirements to become nonconforming.

Vegetation Management
The bill amends s. 479.106, F.S., clarifying vegetation management permit process and to allow DOT flexibility in setting fees. The bill removes the maximum $25 application fee for multiple sites from statute and designates that such fees are established by DOT through rule. It clarifies that for signs originally permitted after July 1, 1996, the first vegetation permit application or application for a change in view zone requires the removal of two nonconforming signs in addition to a mitigation plan. The bill clarifies that the administrative penalty for illegal removal, cutting, or trimming of trees or vegetation is up to $1,000 per sign facing.[10]

Signs on Highway Rights-of-Way; Removal
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.

[10]Although not currently specified in statute, DOT currently assesses a penalty of up to $1,000 per sign facing.

Specified Signs Allowed within Controlled Portions of the Interstate and Federal-Aid Primary Highway System
The bill amends s. 479.111(2), F.S, clarifying that this section is referring to the 1972 Agreement between the state and the United States Department of Transportation.

Harmony of Regulations
The bill amends s. 479.15, F.S. allowing permitted signs to be relocated rather than acquired when the relocation is needed as a result of a transportation project. It also safeguards the status of conforming signs in the event state spacing requirements are not met as a result of sign relocation.

Wall Murals
The bill amends s. 479.156, F.S., providing federal statutory references to the Highway Beautification Act of 1965, to clarify regulatory sources related to wall murals.

Signs for which Permits are not Required
The bill amends s. 479.16, F.S. relating to signs where permits are not required. It increases from 8 to 16 square feet the maximum size of signs or notices erected or maintained upon property that display only the name of the owner, lessee, or occupant of the premises and signs owned by and related to the facilities and activities of churches, civic organizations, fraternal organizations, charitable organizations, or units or agencies of government.

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 the 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[11] 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 a minimum of four miles from any other business utilizing this exemption and such business may not participate in any other DOT directional signage program.

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[11] Sections 288.0656(2)(d) defines "rural area of critical economic concern" as "a rural community, or a region composed of rural communities, designated by the Governor, that has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster or that presents a unique economic development opportunity of regional impact." Section 288.0656(2)(e), F.S., defines "rural community" as :

1. A county with a population of 75,000 or fewer.
2. A county with a population of 125,000 or fewer which is contiguous to a county with a population of 75,000 or fewer.
3. A municipality within a county described in subparagraph 1. or subparagraph 2.
4. An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or fewer and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more of the economic distress factors identified in paragraph (c) and verified by the department.

For purposes of this paragraph, population shall be determined in accordance with the most recent official estimate pursuant to s. 186.901.

- 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 State Highway System 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. 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 erected upon a sports facility that displays content directly related to the facility's activities and where a presence of the products or services offered on the property exists. Displays are to be mounted flush or flat to the surface of the sports facility and rely upon the building façade for structural support. The 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.
- Signs related to Florida tourism allowed by DOT at welcome centers [12]

Compensation for signs; Eminent Domain, Exceptions
The bill amends s. 479.24, F.S. providing that DOT shall pay just compensation for its acquisition of both conforming and nonconforming signs.

Erection of Noise-attenuation Barrier Blocking View of Sign
The bill amends. s. 479.25, F.S., clarifying that this section does not apply to nonconforming signs when constructing sound walls. It also establishes duties of the state to notify local governments, and of local governments to notify property owners, of a proposed sound barrier wall. The bill also clarifies that a local government variance or waiver may be provided to allow a sign's height to be increased

Logo Sign Program
The bill amends s. 479.261, F.S., allowing the logo sign program on all limited access roads not just interstate highways. This will provide advertising opportunities for local commerce.

Permit Revocation and Cancellation; Cost of Removal
The bill amends s. 479.313, F.S., providing DOT with authority to recover costs incurred to remove signs with cancelled permits.

Effective Date
The bill has an effective date of July 1, 2013.

B. SECTION DIRECTORY:

Section 1 Amends s. 479.01, F.S. relating to definitions used in ch. 479, F.S.

Section 2 Amends s. 479.02, F.S., relating to duties of the Department of Transportation.

Section 3 Creates s. 479.024, F.S., relating to commercial and industrial parcels.

Section 4 Amends s. 479.03, F.S., relating to the jurisdiction of the department; entry upon privately owned lands.

Section 5 Amends s. 479.04, F.S., relating to the business of outdoor advertising; license requirement; renewal; fees.

Section 6 Amends s. 479.05, F.S., relating to the denial, suspension, or revocation of license.

[12] Welcome centers are operated pursuant to s. 288.12265, F.S.

Section 7 Amends s. 479.07, F.S., relating to sign permits.

Section 8 Amends s. 479.08 F.S., relating to denial or revocation of permit.

Section 9 Amend s. 479.10, F.S. relating to sign removal following permit revocation or cancellation.

Section 10 Amends s. 479.105, F.S., relating to signs erected or maintained without required permit; removal.

Section 11 Amends s. 479.106, F.S. relating to vegetation management.

Section 12 Amends s. 479.107, F.S., relating to signs on highway rights-of-way; removal.

Section 13 Amends s. 479.111, F.S. relating to specified signs allowed within controlled portions of the interstate and federal-aid primary highway system.

Section 14 Amends s. 479.15, F.S., relating to harmony of regulation.

Section 15 Amends s. 479.156, F.S., relating to wall murals.

Section 16 Amends s. 479.16, F.S. relating to signs for which permits are not required.

Section 17 Amends s. 479.24, F.S., relating to compensation for signs, eminent domain; exceptions.

Section 18 Amends s. 479.25, F.S., relating to erection of noise-attenuation barrier blocking view of sign; procedures; application.

Section 19 Amends s. 479.261, F.S., relating to the logo sign program.

Section 20 Amends s. 479.313, F.S. relating to permit revocation and cancellation; cost of removal.

Section 21 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   The fee increases for various outdoor advertising applications and permits will provide additional funds to support DOT's Outdoor Advertising program. The fees are intended to cover the costs of operating the outdoor advertising program.

   Allowing logo signs on all limited access highways instead of just the interstate highway system has the potential to increase the state's revenue from the logo sign program.

2. Expenditures:

   None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Due to a $25 permit application fee and potential fee increases, there may be additional costs to outdoor advertisers.

Placing logo signs on additional limited access facilities could potentially increase revenue at those establishments that advertise on the logo signs.

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:

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

DOT will have to go through rule-making in order to increase its outdoor advertising fees.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to transportation; amending provisions of ch. 479 F.S., relating to outdoor advertising signs; amending s. 479.01, F.S.; revising and deleting definitions; amending s. 479.02, F.S.; revising powers of the Department of Transportation relating to nonconforming signs; deleting a requirement that the department adopt certain rules; creating s. 479.024, F.S.; limiting the placement of signs in commercial or industrial zones; defining the terms "parcel" and "utilities"; providing mandatory criteria for local governments to use in determining zoning for commercial or industrial parcels; providing that certain parcels are considered unzoned commercial or industrial areas; providing that specified uses may not be independently recognized as commercial or industrial areas; providing an appeal process for an applicant whose permit is denied; requiring an applicant whose application is denied to remove an existing sign pertaining to the application; requiring the department to reduce certain transportation funding in certain circumstances; amending s. 479.03, F.S.; providing for notice to owners of intervening privately owned lands before entering upon such lands to remove an illegal sign; amending s. 479.04, F.S.; providing that an outdoor advertising license is not required solely to erect outdoor signs or structures; amending s. 479.05, F.S.; authorizing the department

to suspend a license for certain offenses and specifying activities that the licensee may engage in during the suspension; amending s. 479.07, F.S.; revising requirements for obtaining sign permits; conforming and clarifying provisions; increasing the allowable permit fee and requiring an application fee; revising sign placement requirements for signs on certain highways; deleting provisions that establish a pilot program relating to placement and removing a permit reinstatement fee; amending s. 479.08, F.S.; clarifying provisions relating to the denial or revocation of a permit because of false or misleading information in the permit application; amending s. 479.10, F.S.; providing for cancellation of a permit; amending s. 479.105, F.S.; revising notice requirements to owners and advertisers relating to signs erected or maintained without a permit; revising procedures providing for the department to issue a permit as a conforming or nonconforming sign to the owner of an unpermitted sign; amending s. 479.106, F.S.; deleting limits on application fees for permits to remove vegetation on public rights-of-way; increasing an administrative penalty for illegally removing certain vegetation; vegetation; amending s. 479.107, F.S.; deleting fines for certain signs on highway rights-of-way; amending s. 479.111, F.S.; clarifying provisions relating to signs allowed on certain highways; amending s. 479.15, F.S.; deleting a

definition; clarifying and conforming provisions related to permitted signs on property that is the subject of public acquisition; amending s. 479.156, F.S.; clarifying provisions related to the regulation of wall murals; amending s. 479.16, F.S.; providing that certain provisions relating to the regulation of signs may not be implemented or continued if such actions will adversely affect the allocation of federal funds to the department; exempting from permit requirements certain signs placed by tourist-oriented businesses, certain farm signs during harvest season, acknowledgement signs on publicly funded school premises, certain displays on specific sports facilities, and certain signs at welcome centers; amending s. 479.24, F.S.; clarifying provisions relating to compensation paid for the department's acquisition of lawful signs; amending s. 479.25, F.S.; requiring a local government to grant a variance or waiver to a local ordinance or regulation to allow the owner of a lawfully permitted sign to increase the height of the sign if a noise-attenuation barrier is permitted by or erected by a governmental entity in a way that interferes with the visibility of the sign; deleting provisions to conform; amending s. 479.261, F.S.; conforming provisions related to a logo sign program on limited access highways; amending s. 479.313, F.S.; requiring a permittee to pay the cost of removing certain signs following the cancellation

of the permit for the sign; providing an effective date.

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

Section 1. Section 479.01, Florida Statutes, is amended to read:

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

(1) "Allowable uses" means those uses that are authorized within a zoning category without the requirement to obtain a variance or waiver. The term includes conditional uses and those allowed by special exception, but does not include uses that are accessory, incidental to the allowable uses, or allowed only on a temporary basis.

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

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

~~(4) "Commercial or industrial zone" means a parcel of land designated for commercial or industrial uses under both the future land use map of the comprehensive plan and the land use development regulations adopted pursuant to chapter 163. If a parcel is located in an area designated for multiple uses on the future land use map of a comprehensive plan and the zoning category of the land development regulations does not clearly~~

~~designate that parcel for a specific use, the area will be considered an unzoned commercial or industrial area if it meets the criteria of subsection (26).~~

(4) ~~(5)~~ "Commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services. The term includes, without limitation, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; food service vendors; sports arenas; theaters; and tourist attractions.

(5) ~~(6)~~ "Controlled area" means 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 system outside an urban area.

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

(7) ~~(8)~~ "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it does not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance or repair of a sign.

(8) ~~(9)~~ "Federal-aid primary highway system" means 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 became after June 1, 1991, a part of the

National Highway System, including portions that have been accepted as part of the National Highway System but are unbuilt or unopened ~~existing, unbuilt, or unopened system of highways or portions thereof, which shall include the National Highway System, designated as the federal-aid primary highway system by the department~~.

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

(10)~~(11)~~ "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services relating thereto. The term includes, without limitation, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites.

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

(12)~~(13)~~ "Main-traveled way" means 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 areas.

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

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

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

(15) ~~(17)~~ "Nonconforming sign" means a sign which was lawfully erected but which does not comply with the land use, setback, size, spacing, and lighting provisions of state or local law, rule, regulation, or ordinance passed at a later date or a sign which was lawfully erected but which later fails to comply with state or local law, rule, regulation, or ordinance due to changed conditions.

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

(17)~~(19)~~ "Remove" means to disassemble all sign materials above ground level and~~,~~ transport them from the site~~, and dispose of sign materials by sale or destruction~~.

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

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

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

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

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

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

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

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

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

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

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

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

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

~~1. Signs.~~

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

~~3. Transient or temporary activities.~~

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

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

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

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

~~8. Communication towers.~~

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

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

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

(27) ~~(30)~~ "Wall mural" means a sign that is a painting or an artistic work composed of photographs or arrangements of color and 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 on 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.

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

Section 2. Section 479.02, Florida Statutes, is amended to read:

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

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

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

(3) Determine ~~unzoned~~ commercial and industrial parcels

and unzoned commercial or ~~areas and unzoned~~ industrial areas in the manner provided in s. 479.024.

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

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

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

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

(8) ~~Prior to July 1, 1998,~~ Inventory and determine the location of all signs on the state, interstate and federal-aid primary highway systems to be used as~~. Upon completion of the inventory, it shall become~~ the database and permit information for all permitted signs ~~permitted at the time of completion, and the previous records of the department shall be amended~~

~~accordingly~~. The inventory shall be updated no less than every 2 years. ~~The department shall adopt rules regarding what information is to be collected and preserved to implement the purposes of this chapter.~~ The department may perform the inventory using department staff~~,~~ or may contract with a private firm to perform the work, whichever is more cost efficient. The department shall maintain a database of sign inventory information such as sign location, size, height, and structure type, the permitholder's name, and any other information the department finds necessary to administer the program.

Section 3. Section 479.024, Florida Statutes, is created to read:

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

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

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

(b) "Utilities" includes all privately, publicly, 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 stormwater not connected with the highway drainage, and other similar commodities.

(2) The determination as to zoning by the local government for the parcel must meet the following criteria:

(a) The parcel is comprehensively zoned and includes

commercial or industrial uses as allowable uses.

(b) 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:

1. Sufficient utilities are available to support commercial or industrial development.

2. The size, configuration, and public access of the parcel are 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 sidings abutting commercial or industrial property that meets the criteria of this subsection.

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

(3) If a local government has not designated zoning through land development regulations in compliance with chapter 163, 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 shall 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 located on the same side of the highway as the sign location, and within 800 feet of the

sign location. Multiple commercial or industrial activities enclosed in one building when all uses have only shared building entrances shall be considered one use.

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

(a) Signs.

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

(c) Transient or temporary activities.

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

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

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

(g) Railroad tracks and minor sidings, unless such use is immediately abutted by commercial or industrial property that meets the criteria in subsection (2).

(h) Communication towers.

(i) Governmental uses, unless those governmental uses would be industrial in nature if privately owned and operated. Such industrial uses must be the present and actual use, not merely be among the allowed uses.

(5) If the local government has indicated that the proposed sign location is on a parcel that is in a commercial or

industrial zone, but the department finds that it is not, the department shall notify the sign applicant in writing of its determination.

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

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

(8) If the Federal Highway Administration reduces funds that would otherwise be apportioned to the department due to a local government's failure to be compliant with this section, the department shall reduce apportioned transportation funding to the local government by an equivalent amount.

Section 4. Section 479.03, Florida Statutes, is amended to read:

479.03 Jurisdiction of the Department of Transportation; entry upon privately owned lands.—The territory under the jurisdiction of the department for the purpose of this chapter shall include all the state. Employees, agents, or independent contractors working for the department, in the performance of

their functions and duties under the provisions of this chapter, may enter into and upon any land upon which a sign is displayed, is proposed to be erected, or is being erected and make such inspections, surveys, and removals as may be relevant. Upon written notice to ~~After receiving consent by~~ the landowner, operator, or person in charge of an intervening privately owned land that ~~or appropriate inspection warrant issued by a judge of any county court or circuit court of this state which has jurisdiction of the place or thing to be removed, that~~ the removal of an illegal outdoor advertising sign is necessary and has been authorized by a final order or results from an uncontested notice to the sign owner, the department may ~~shall be authorized to~~ enter upon any intervening privately owned lands for the purposes of effectuating removal of illegal signs, provided that the department shall only do so in circumstances where it has determined that no other legal or economically feasible means of entry to the sign site are reasonably available. Except as otherwise provided by this chapter, the department shall be responsible for the repair or replacement in a like manner for any physical damage or destruction of private property, other than the sign, incidental to the department's entry upon such intervening privately owned lands.

Section 5. Section 479.04, Florida Statutes, is amended to read:

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

(1) A ~~No~~ person may not ~~shall~~ engage in the business of outdoor advertising in this state without first obtaining a

license ~~therefor~~ from the department. Such license shall be renewed annually. The fee for such license, and for each annual renewal, is $300. License renewal fees shall be payable as provided for in s. 479.07.

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

Section 6. Section 479.05, Florida Statutes, is amended to read:

479.05 Denial, suspension, or revocation of license.—The department may ~~has authority to~~ deny, suspend, or revoke any license requested or granted under this chapter in any case in which it determines that the application for the license contains ~~knowingly~~ false or misleading information of material consequence, that the licensee has failed to pay fees or costs owed to the department for outdoor advertising purposes, or that the licensee has violated any of the provisions of this chapter, unless such licensee, within 30 days after the receipt of notice by the department, corrects such false or misleading information, pays the outstanding amounts, or complies with the provisions of this chapter. Suspension of a license allows the licensee to maintain existing sign permits, but the department may not grant a transfer of an existing permit or issue an additional permit to a licensee with a suspended license. Any person aggrieved by an ~~any~~ action of the department which denies, suspends, or revokes ~~in denying or revoking~~ a license under this chapter may, within 30 days after ~~from~~ the receipt of

the notice, apply to the department for an administrative hearing pursuant to chapter 120.

Section 7. Section 479.07, Florida Statutes, is amended to read:

479.07 Sign permits.—

(1) Except as provided in ss. 479.105(1) ~~479.105(1)(e)~~ and 479.16, 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 outside an urban area, ~~as defined in s. 334.03(31),~~ or on any portion of the interstate or federal-aid primary highway system without first obtaining a permit for the sign from the department and paying the annual fee as provided in this section. As used in this section, the term "on any portion of the State Highway System, interstate, or federal-aid primary system" means a sign located within the controlled area which is visible from any portion of the main-traveled way of such system.

(2) ~~A person may not apply for a permit unless he or she 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 is required for issuance of a ~~in the application for the~~ permit.

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

(b) As part of the application, the applicant or his or her authorized representative must certify ~~in a notarized signed~~

~~statement~~ that all information provided in the application is true and correct ~~and that, pursuant to subsection (2), 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~~. Every permit application must be accompanied by the appropriate permit fee, ~~;~~ a signed statement by the owner or other person in lawful control of the site on which the sign is located or will be erected, authorizing the placement of the sign on that site, ~~;~~ and ~~, where local governmental regulation of signs exists,~~ a statement from the appropriate local governmental official indicating that the sign complies with all local government ~~governmental~~ requirements and, if a local government permit is required for a sign, that the agency or unit of local government will issue a permit to that applicant upon approval of the state permit application by the department.

(c) The annual permit fee for each sign facing shall be established by the department by rule in an amount sufficient to offset the total cost to the department for the program, but shall not exceed $200 ~~$100~~. The ~~A fee may not be prorated for a period less than the remainder of the permit year to accommodate short-term publicity features; however, a~~ first-year fee may be prorated by payment of an amount equal to one-fourth of the annual fee for each remaining whole quarter or partial quarter of the permit year. Applications received after the end of the third quarter of the permit year must include fees for the last quarter of the current year and fees for the succeeding year. A nonrefundable application fee of $25 must accompany each permit

application.

(4) An application for a permit shall be acted on by granting, denying, or returning the incomplete application ~~the department~~ within 30 days after receipt of the application by the department.

(5)(a) For each permit issued, the department shall furnish to the applicant a serially numbered permanent metal permit tag. The permittee is responsible for maintaining a valid permit tag on each permitted sign facing at all times. The tag shall be securely attached to the upper 50 percent of the sign structure ~~sign facing or, if there is no facing, on the pole nearest the highway;~~ and ~~it~~ shall be attached in such a manner as to be plainly visible from the main-traveled way. ~~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.~~ The permit ~~becomes void unless the permit~~ tag must be ~~is~~ properly and permanently displayed at the permitted site within 30 days after the date of permit issuance. If the permittee fails to erect a completed sign on the permitted site within 270 days after the date on which the permit was issued, the permit will be void, and the department may not issue a new permit to that permittee for the same location for 270 days after the date on which the permit became void.

(b) If a permit tag is lost, stolen, or destroyed, the permittee to whom the tag was issued must apply to the department for a replacement tag. The department shall adopt a rule establishing a service fee for replacement tags in an

amount that will recover the actual cost of providing the replacement tag. Upon receipt of the application accompanied by the service fee, the department shall issue a replacement permit tag. ~~Alternatively, the permittee may provide its own replacement tag pursuant to department specifications that the department shall adopt by rule at the time it establishes the service fee for replacement tags.~~

(6) A permit is valid only for the location specified in the permit. Valid permits may be transferred from one sign owner to another upon written acknowledgment from the current permittee and submittal of a transfer fee of $5 for each permit to be transferred. However, the maximum transfer fee for any multiple transfer between two outdoor advertisers in a single transaction is $1,000 ~~$100~~.

(7) A permittee shall at all times maintain the permission of the owner or other person in lawful control of the sign site to have and maintain a sign at such site.

(8)(a) In order to reduce peak workloads, the department may adopt rules providing for staggered expiration dates for licenses and permits. Unless otherwise provided for by rule, all licenses and permits expire annually on January 15. All license and permit renewal fees are required to be submitted to the department by no later than the expiration date. At least 105 days before ~~prior to~~ the expiration date of licenses and permits, the department shall send to each permittee a notice of fees due for all licenses and permits that ~~which~~ were issued to him or her before ~~prior to~~ the date of the notice. Such notice shall list the permits and the permit fees due for each sign

facing. The permittee shall, no later than 45 days before ~~prior to~~ the expiration date, advise the department of any additions, deletions, or errors contained in the notice. Permit tags which are not renewed shall be returned to the department for cancellation by the expiration date. Permits which are not renewed or are canceled shall be certified in writing at that time as canceled or not renewed by the permittee, and permit tags for such permits shall be returned to the department or shall be accounted for by the permittee in writing, which writing shall be submitted with the renewal fee payment or the cancellation certification. However, failure of a permittee to submit a permit cancellation does ~~shall~~ not affect the nonrenewal of a permit. Before ~~Prior to~~ cancellation of a permit, the permittee shall provide written notice to all persons or entities having a right to advertise on the sign that the permittee intends to cancel the permit.

(b) If a permittee has not submitted his or her fee payment by the expiration date of the licenses or permits, the department shall send a notice of violation to the permittee within 45 days after the expiration date, requiring the payment of the permit fee within 30 days after the date of the notice and payment of a delinquency fee equal to 10 percent of the original amount due or, in the alternative to these payments, requiring the filing of a request for an administrative hearing to show cause why the ~~his or her~~ sign should not be subject to immediate removal due to expiration of his or her license or permit. If the permittee submits payment as required by the violation notice, the ~~his or her~~ license or permit will be

automatically reinstated and such reinstatement will be retroactive to the original expiration date. If the permittee does not respond to the notice of violation within the 30-day period, the department shall, within 30 days, issue a final notice of sign removal and may, following 90 days after the date of the department's final notice of sign removal, remove the sign without incurring any liability as a result of such removal. However, if at any time before removal of the sign, the permittee demonstrates that a good faith error on the part of the permittee resulted in cancellation or nonrenewal of the permit, the department may reinstate the permit if:

1. The permit reinstatement fee of ~~up to~~ $300 ~~based on the size of the sign~~ is paid;

2. All other permit renewal and delinquent permit fees due as of the reinstatement date are paid; and

3. The permittee reimburses the department for all actual costs resulting from the permit cancellation or nonrenewal.

(c) Conflicting applications filed by other persons for the same or competing sites covered by a permit subject to paragraph (b) may not be approved until after the sign subject to the expired permit has been removed.

(d) The cost for removing a sign, whether by the department or an independent contractor, shall be assessed by the department against the permittee.

(9)(a) A permit <u>may</u> ~~shall~~ not be granted for any sign for which a permit had not been granted by the effective date of this act unless such sign is located at least:

1. One thousand five hundred feet from any other permitted

sign on the same side of the highway, if on an interstate highway.

2. One thousand feet from any other permitted sign on the same side of the highway, if on a federal-aid primary highway.

The minimum spacing provided in this paragraph does not preclude the permitting of V-type, back-to-back, side-to-side, stacked, or double-faced signs at the permitted sign site. If a sign is visible to more than one highway subject to the jurisdiction of the department and within the controlled area of the highways ~~from the controlled area of more than one highway subject to the jurisdiction of the department~~, the sign must ~~shall~~ meet the permitting requirements of all highways~~,~~ and~~, if the sign meets the applicable permitting requirements,~~ be permitted to~~,~~ the highway having the more stringent permitting requirements.

(b) A permit may ~~shall~~ not be granted for a sign pursuant to this chapter to locate such sign on any portion of the interstate or federal-aid primary highway system, which sign:

1. Exceeds 50 feet in sign structure height above the crown of the main-traveled way to which the sign is permitted, if outside an incorporated area;

2. Exceeds 65 feet in sign structure height above the crown of the main-traveled way to which the sign is permitted, if inside an incorporated area; or

3. Exceeds 950 square feet of sign facing including all embellishments.

(c) Notwithstanding subparagraph (a)1., ~~there is established 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 if all other requirements of this chapter are met and if:

1. The local government has adopted a plan, program, resolution, ordinance, or other policy encouraging the voluntary removal of signs in a downtown, historic, redevelopment, infill, or other designated area which also provides for a new or replacement sign to be erected on an interstate highway within that jurisdiction if a sign in the designated area is removed;

2. The sign owner and the local government mutually agree to the terms of the removal and replacement; and

3. The local government notifies the department of its intention to allow such removal and replacement as agreed upon pursuant to subparagraph 2.

~~4. The new or replacement sign to be erected on an interstate highway within that jurisdiction is to be located on a parcel of land specifically designated for commercial or industrial use under both the future land use map of the comprehensive plan and the land use development regulations adopted pursuant to chapter 163, and such parcel shall not be subject to an evaluation in accordance with the criteria set forth in s. 479.01(26) to determine if the parcel can be considered an unzoned commercial or industrial area.~~

~~The department shall maintain statistics tracking the use of the provisions of this pilot program based on the notifications received by the department from local governments under this~~

~~paragraph.~~

(d) This subsection does not cause a sign that was conforming on October 1, 1984, to become nonconforming.

(10) Commercial or industrial zoning that ~~which~~ is not comprehensively enacted or that ~~which~~ is enacted primarily to permit signs may ~~shall~~ not be recognized as commercial or industrial zoning for purposes of this provision, and permits may ~~shall~~ not be issued for signs in such areas. The department shall adopt rules ~~within 180 days after this act takes effect~~ that ~~which shall~~ provide criteria to determine whether such zoning is comprehensively enacted or enacted primarily to permit signs.

Section 8. Section 479.08, Florida Statutes, is amended to read:

479.08 Denial or revocation of permit.—The department may deny or revoke any permit requested or granted under this chapter in any case in which it determines that the application for the permit contains ~~knowingly~~ false or misleading information of material consequence. The department may revoke any permit granted under this chapter in any case in which the permittee has violated any of the provisions of this chapter, unless such permittee, within 30 days after the receipt of notice by the department, complies with the provisions of this chapter. For the purpose of this section, the notice of violation issued by the department must describe in detail the alleged violation. Any person aggrieved by any action of the department in denying or revoking a permit under this chapter may, within 30 days after receipt of the notice, apply to the

department for an administrative hearing pursuant to chapter 120. If a timely request for hearing has been filed and the department issues a final order revoking a permit, such revocation shall be effective 30 days after the date of rendition. Except for department action pursuant to s. 479.107(1), the filing of a timely and proper notice of appeal shall operate to stay the revocation until the department's action is upheld.

Section 9. Section 479.10, Florida Statutes, is amended to read:

479.10 Sign removal following permit revocation or cancellation.—A sign shall be removed by the permittee within 30 days after the date of revocation or cancellation of the permit for the sign. If the permittee fails to remove the sign within the 30-day period, the department shall remove the sign at the permittee's expense with or without further notice and without incurring any liability as a result of such removal.

Section 10. Section 479.105, Florida Statutes, is amended to read:

479.105 Signs erected or maintained without required permit; removal.—

(1) Any sign which is located adjacent to the right-of-way of any highway on the State Highway System outside an incorporated area or adjacent to the right-of-way on any portion of the interstate or federal-aid primary highway system, which sign was erected, operated, or maintained without the permit required by s. 479.07(1) having been issued by the department, is declared to be a public nuisance and a private nuisance and

shall be removed as provided in this section.

(a) Upon a determination by the department that a sign is in violation of s. 479.07(1), the department shall prominently post on the sign, or as close to the sign as possible for those locations where the sign is not easily accessible, ~~face~~ a notice stating that the sign is illegal and must be removed within 30 days after the date on which the notice was posted. ~~However, if the sign bears the name of the licensee or the name and address of the nonlicensed sign owner,~~ The department shall, concurrently with and in addition to posting the notice on the sign, provide a written notice to the owner of the sign, the advertiser displayed on the sign, or the owner of the property, stating that the sign is illegal and must be permanently removed within the 30-day period specified on the posted notice. The written notice shall further state that a hearing may be requested, ~~the sign owner has a right to request a hearing,~~ which request must be filed with the department within 30 days after receipt ~~the date~~ of the written notice. However, the filing of a request for a hearing will not stay the removal of the sign.

(b) If, pursuant to the notice provided, the sign is not removed by the ~~sign~~ owner of the sign, the advertiser displayed on the sign, or the owner of the property within the prescribed period, the department shall immediately remove the sign without further notice; and, for that purpose, the employees, agents, or independent contractors of the department may enter upon private property without incurring any liability for so entering.

(c) However, the department may issue a permit for a sign,

as a conforming or nonconforming sign, if the sign owner demonstrates to the department one of the following:

1. If the sign meets the current requirements of this chapter for a sign permit, the sign owner may submit the required application package and receive a permit as a conforming sign, upon payment of all applicable fees.

2. If the sign does not meet the current requirements of this chapter for a sign permit, the sign owner may receive a permit as a nonconforming sign if the department determines that the sign is not located on state right-of-way and is not a safety hazard and if the sign owner pays a penalty fee of $300 and all pertinent fees required by this chapter, including annual permit renewal fees payable since the date of the erection of the sign, and attaches to the permit application package documentation that demonstrates that:

a. The sign has been unpermitted, structurally unchanged, and continuously maintained at the same location for a period of 7 years or more;

b. During the entire period in which the sign has been erected, a permit was required but was not obtained;

c. During the initial 7 years in which the sign has been erected, the sign would have met the criteria established in this chapter at that time for issuance of a permit; and

d. The department has not initiated a notice of violation or taken other action to remove the sign during the initial 7-year period.

(d) This subsection does not cause a neighboring sign that is permitted and that is within the spacing requirements in s.

479.07(9)(a) to become nonconforming.

(e)~~(c)~~ For purposes of this subsection, a notice to the sign owner, when required, constitutes sufficient notice; and notice is not required to be provided to the lessee, advertiser, or the owner of the real property on which the sign is located.

(f)~~(d)~~ If, after a hearing, it is determined that a sign has been wrongfully or erroneously removed pursuant to this subsection, the department, at the sign owner's discretion, shall either pay just compensation to the owner of the sign or reerect the sign in kind at the expense of the department.

~~(e) However, if the sign owner demonstrates to the department that:~~

~~1. The sign has been unpermitted, structurally unchanged, and continuously maintained at the same location for a period of 7 years or more;~~

~~2. At any time during the period in which the sign has been erected, the sign would have met the criteria established in this chapter for issuance of a permit;~~

~~3. The department has not initiated a notice of violation or taken other action to remove the sign during the initial 7-year period described in subparagraph 1.; and~~

~~4. The department determines that the sign is not located on state right-of-way and is not a safety hazard,~~

~~the sign may be considered a conforming or nonconforming sign and may be issued a permit by the department upon application in accordance with this chapter and payment of a penalty fee of $300 and all pertinent fees required by this chapter, including~~

~~annual permit renewal fees payable since the date of the erection of the sign.~~

(2)(a) If a sign is under construction and the department determines that a permit has not been issued for the sign as required under the provisions of this chapter, the department is authorized to require that all work on the sign cease until the sign owner shows that the sign does not violate the provisions of this chapter. The order to cease work shall be prominently posted on the sign structure, and no further notice is required to be given. The failure of a sign owner or her or his agents to immediately comply with the order shall subject the sign to prompt removal by the department.

(b) For the purposes of this subsection only, a sign is under construction when it is in any phase of initial construction prior to the attachment and display of the advertising message in final position for viewing by the traveling public. A sign that is undergoing routine maintenance or change of the advertising message only is not considered to be under construction for the purposes of this subsection.

(3) The cost of removing a sign, whether by the department or an independent contractor, shall be assessed against the owner of the sign by the department.

Section 11. Subsections (4), (5), and (7) of section 479.106, Florida Statutes, are amended to read:

479.106 Vegetation management.—

(4) The department may establish an application fee <u>by rule</u> ~~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~~.

(5) The department may only grant a permit pursuant to s. 479.07 for a new sign which requires the removal, cutting, or trimming of existing trees or vegetation on public right-of-way for the sign face to be visible from the highway when the sign owner has removed at least two nonconforming signs of approximate comparable size and surrendered the permits for the nonconforming signs to the department for cancellation. For signs originally permitted after July 1, 1996, the first application, or application for a change of view zone, ~~no permit~~ for the removal, cutting, or trimming of trees or vegetation shall require, in addition to mitigation or contribution to a plan of mitigation, the removal of two nonconforming signs. No permits for the removal, cutting, or trimming of trees may be granted for signs permitted after July 1, 1996 ~~be granted~~ where such trees or vegetation are part of a beautification project implemented before ~~prior to~~ the date of the original sign permit application, when the beautification project is specifically identified in the department's construction plans, permitted landscape projects, or agreements.

(7) Any person engaging in removal, cutting, or trimming of trees or vegetation in violation of this section or benefiting from such actions shall be subject to an administrative penalty of up to $1,000 per sign facing and required to mitigate for the unauthorized removal, cutting, or trimming in such manner and in such amount as may be required under the rules of the department.

Section 12. Subsection (5) of section 479.107, Florida Statutes, is amended to read:

479.107 Signs on highway rights-of-way; removal.—

(5) The cost of removing a sign, whether by the department or an independent contractor, shall be assessed by the department against the owner of the sign. ~~Furthermore, the department shall assess a fine of $75 against the sign owner for any sign which violates the requirements of this section.~~

Section 13. Section 479.111, Florida Statutes, is amended to read:

479.111 Specified signs allowed within controlled portions of the interstate and federal-aid primary highway system.—Only the following signs shall be allowed within controlled portions of the interstate highway system and the federal-aid primary highway system as set forth in s. 479.11(1) and (2):

(1) Directional or other official signs and notices which conform to 23 C.F.R. ss. 750.151-750.155.

(2) Signs in commercial-zoned and industrial-zoned areas or commercial-unzoned and industrial-unzoned areas and within 660 feet of the nearest edge of the right-of-way, subject to the requirements set forth in the 1972 agreement between the state and the United States Department of Transportation.

(3) Signs for which permits are not required under s. 479.16.

Section 14. Section 479.15, Florida Statutes, is amended to read:

479.15 Harmony of regulations.—

(1) No zoning board or commission or other public officer

or agency shall issue a permit to erect any sign which is prohibited under the provisions of this chapter or the rules of the department, nor shall the department issue a permit for any sign which is prohibited by any other public board, officer, or agency in the lawful exercise of its powers.

(2) A municipality, county, local zoning authority, or other local governmental entity may not remove, or cause to be removed, any lawfully erected sign along any portion of the interstate or federal-aid primary highway system without first paying just compensation for such removal. A local governmental entity may not cause in any way the alteration of any lawfully erected sign located along any portion of the interstate or federal-aid primary highway system without payment of just compensation if such alteration constitutes a taking under state law. The municipality, county, local zoning authority, or other local government entity that adopts requirements for such alteration shall pay just compensation to the sign owner if such alteration constitutes a taking under state law. This subsection applies only to a lawfully erected sign the subject matter of which relates to premises other than the premises on which it is located or to merchandise, services, activities, or entertainment not sold, produced, manufactured, or furnished on the premises on which the sign is located. ~~As used in this subsection, the term "federal-aid primary highway system" means 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.~~ This subsection shall not be

interpreted as explicit or implicit legislative recognition that alterations do or do not constitute a taking under state law.

(3) It is the express intent of the Legislature to limit the state right-of-way acquisition costs on state and federal roads in eminent domain proceedings, the provisions of ss. 479.07 and 479.155 notwithstanding. Subject to approval by the Federal Highway Administration, whenever public acquisition of land upon which is situated a lawful permitted ~~nonconforming~~ sign occurs, as provided in this chapter, the sign may, at the election of its owner and the department, be relocated or reconstructed adjacent to the new right-of-way and in close proximity to the current site ~~along the roadway within 100 feet of the current location~~, provided the ~~nonconforming~~ sign is not relocated in an area inconsistent with s. 479.024 ~~on a parcel zoned residential~~, and provided further that such relocation shall be subject to ~~applicable setback~~ requirements in the 1972 agreement between the state and the United States Department of Transportation. The sign owner shall pay all costs associated with relocating or reconstructing any sign under this subsection, and neither the state nor any local government shall reimburse the sign owner for such costs, unless part of such relocation costs are required by federal law. If no adjacent property is available for the relocation, the department shall be responsible for paying the owner of the sign just compensation for its removal.

(4) For a nonconforming sign, ~~Such relocation shall be adjacent to the current site and~~ the face of the sign may ~~shall~~ not be increased in size or height or structurally modified at

the point of relocation in a manner inconsistent with the current building codes of the jurisdiction in which the sign is located.

(5) In the event that relocation can be accomplished but is inconsistent with the ordinances of the municipality or county within whose jurisdiction the sign is located, the ordinances of the local government shall prevail, provided that the local government shall assume the responsibility to provide the owner of the sign just compensation for its removal, but in no event shall compensation paid by the local government exceed the compensation required under state or federal law. Further, the provisions of this section shall not impair any agreement or future agreements between a municipality or county and the owner of a sign or signs within the jurisdiction of the municipality or county. ~~Nothing in this section shall be deemed to cause a nonconforming sign to become conforming solely as a result of the relocation allowed in this section.~~

(6) This section does not cause a neighboring sign that is already permitted and that is within the spacing requirements outlined in s. 479.07(9)(a) to become nonconforming ~~The provisions of subsections (3), (4), and (5) of this section shall not apply within the jurisdiction of any municipality which is engaged in any litigation concerning its sign ordinance on April 23, 1999, nor shall such provisions apply to any municipality whose boundaries are identical to the county within which said municipality is located~~.

Section 15. Section 479.156, Florida Statutes, is amended to read:

479.156 Wall murals.—Notwithstanding any other provision of this chapter, a municipality or county may permit and regulate wall murals within areas designated by such government. If a municipality or county permits wall murals, a wall mural that displays a commercial message and is within 660 feet of the nearest edge of the right-of-way within an area adjacent to the interstate highway system or the federal-aid primary highway system shall be located in an area that is zoned for industrial or commercial use and the municipality or county shall establish and enforce regulations for such areas that, at a minimum, set forth criteria governing the size, lighting, and spacing of wall murals consistent with the intent of 23 U.S.C. s. 131 ~~the Highway Beautification Act of 1965~~ and with customary use. Whenever a municipality or county exercises such control and makes a determination of customary use pursuant to 23 U.S.C. s. 131(d), such determination shall be accepted in lieu of controls in the agreement between the state and the United States Department of Transportation, and the department shall notify the Federal Highway Administration pursuant to the agreement, 23 U.S.C. s. 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that is subject to municipal or county regulation and 23 U.S.C. s. 131 ~~the Highway Beautification Act of 1965~~ must be approved by the Department of Transportation and the Federal Highway Administration when required by federal law and federal regulation under the agreement between the state and the United States Department of Transportation and federal regulations enforced by the Department of Transportation under s. 479.02(1). The existence of a wall mural as defined in s. 479.01(27)

~~479.01(30)~~ shall not be considered in determining whether a sign as defined in s. 479.01(18) ~~479.01(20)~~, either existing or new, is in compliance with s. 479.07(9)(a).

Section 16. Section 479.16, Florida Statutes, is amended to read:

479.16 Signs for which permits are not required.—The following signs are exempt from the requirement that a permit for a sign be obtained under the provisions of this chapter but are required to comply with the provisions of s. 479.11(4)-(8), and the provisions of subsections (15)-(20) may not be implemented or continued if the Federal Government notifies the department that implementation or continuation will adversely affect the allocation of federal funds to the department:

(1) Signs erected on the premises of an establishment, which signs consist primarily of the name of the establishment or which identify the principal or accessory merchandise, services, activities, or entertainment sold, produced, manufactured, or furnished on the premises of the establishment and which comply with the lighting restrictions ~~under department rule adopted~~ pursuant to s. 479.11(5), or signs owned by a municipality or a county located on the premises of such municipality or such county which display information regarding government services, activities, events, or entertainment. For purposes of this section, the following types of messages shall not be considered information regarding government services, activities, events, or entertainment:

(a) Messages which specifically reference any commercial enterprise.

(b) Messages which reference a commercial sponsor of any event.

(c) Personal messages.

(d) Political campaign messages.

If a sign located on the premises of an establishment consists principally of brand name or trade name advertising and the merchandise or service is only incidental to the principal activity, or if the owner of the establishment receives rental income from the sign, then the sign is not exempt under this subsection.

(2) Signs erected, used, or maintained on a farm by the owner or lessee of such farm and relating solely to farm produce, merchandise, service, or entertainment sold, produced, manufactured, or furnished on such farm.

(3) Signs posted or displayed on real property by the owner or by the authority of the owner, stating that the real property is for sale or rent. However, if the sign contains any message not pertaining to the sale or rental of that real property, then it is not exempt under this section.

(4) Official notices or advertisements posted or displayed on private property by or under the direction of any public or court officer in the performance of her or his official or directed duties, or by trustees under deeds of trust or deeds of assignment or other similar instruments.

(5) Danger or precautionary signs relating to the premises on which they are located; forest fire warning signs erected under the authority of the Florida Forest Service of the

Department of Agriculture and Consumer Services; and signs, notices, or symbols erected by the United States Government under the direction of the United States Forestry Service.

(6) Notices of any railroad, bridge, ferry, or other transportation or transmission company necessary for the direction or safety of the public.

(7) Signs, notices, or symbols for the information of aviators as to location, directions, and landings and conditions affecting safety in aviation erected or authorized by the department.

(8) Signs or notices erected or maintained upon property stating only the name of the owner, lessee, or occupant of the premises and not exceeding 16 ~~8~~ square feet in area.

(9) Historical markers erected by duly constituted and authorized public authorities.

(10) Official traffic control signs and markers erected, caused to be erected, or approved by the department.

(11) Signs erected upon property warning the public against hunting and fishing or trespassing thereon.

(12) Signs not in excess of 16 ~~8~~ square feet that are owned by and relate to the facilities and activities of churches, civic organizations, fraternal organizations, charitable organizations, or units or agencies of government.

(13) ~~Except that~~ Signs placed on benches, transit shelters, modular news racks, street light poles, public pay telephones and waste receptacles, within the right-of-way, as provided for in s. 337.408 are exempt from all provisions of this chapter.

(14) Signs relating exclusively to political campaigns.

(15) 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, outside an incorporated ~~in a rural~~ area where a hardship is created because a small business is not visible from the road junction with the State Highway System, one sign not in excess of 16 square feet, denoting only the name of the business and the distance and direction to the business. ~~The small-business-sign provision of this subsection does not apply to charter counties and may not be implemented if the Federal Government notifies the department that implementation will adversely affect the allocation of federal funds to the department.~~

(16) Signs placed by a local tourist-oriented business located within a rural area of critical economic concern, as defined by s. 288.0656(2)(d)and(e), and are:

(a) Not more than 8 square feet in size or more than 4 feet in height;

(b) Located only in rural areas, along non-limited access highways;

(c) Located within 2 miles of the business location and are not less than 500 feet apart;

(d) Located only in two directions leading to the business; and

(e) Not located within the road right-of-way.

A business placing such signs must be at least 4 miles from any other business using this exemption and may not participate in

any other department directional signage program.

(17) Signs not in excess of 32 square feet placed temporarily during harvest season of a farm operation for a period of no more than 4 months at a road junction with the State Highway System denoting only the distance or direction of the farm operation.

(18) 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 acknowledgment sign on the same side of the roadway. All sponsor information on an acknowledgement sign may constitute no more than 100 square feet of the sign. As used in this subsection, the term "acknowledgement signs" means 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 other entity.

(19) Displays erected upon a sports facility which display content directly related to the facility's activities and where a presence of the products or services offered on the property exists. Displays are to be mounted flush or flat to the surface of the sports facility and rely upon the building facade for structural support. For purposes of this subsection, the term "sports facility", means any 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.

(20) Signs related to Florida tourism, allowed by the department at welcome centers operated pursuant to s. 288.12265.

Section 17. Section 479.24, Florida Statutes, is amended

to read:

479.24 Compensation for ~~removal of~~ signs; eminent domain; exceptions.—

(1) Just compensation shall be paid by the department upon the department's acquisition ~~removal~~ of a lawful conforming or nonconforming sign along any portion of the interstate or federal-aid primary highway system. This section does not apply to a sign which is illegal at the time of its removal. A sign will lose its nonconforming status and become illegal at such time as it fails to be permitted or maintained in accordance with all applicable laws, rules, ordinances, or regulations other than the provision which makes it nonconforming. A legal nonconforming sign under state law or rule will not lose its nonconforming status solely because it additionally becomes nonconforming under an ordinance or regulation of a local governmental entity passed at a later date. The department shall make every reasonable effort to negotiate the purchase of the signs to avoid litigation and congestion in the courts.

(2) The department is not required to remove any sign under this section if the federal share of the just compensation to be paid upon removal of the sign is not available to make such payment, unless an appropriation by the Legislature for such purpose is made to the department.

(3)(a) The department is authorized to use the power of eminent domain when necessary to carry out the provisions of this chapter.

(b) If eminent domain procedures are instituted, just compensation shall be made pursuant to the state's eminent

domain procedures, chapters 73 and 74.

Section 18. Section 479.25, Florida Statutes, is amended to read:

479.25 Erection of noise-attenuation barrier blocking view of sign; procedures; application.—

(1) The owner of a lawfully erected sign that is governed by and conforms to state and federal requirements for land use, size, height, and spacing may increase the height above ground level of such sign at its permitted location if a noise-attenuation barrier is permitted by or erected by any governmental entity in such a way as to screen or block visibility of the sign. Any increase in height permitted under this section may only be the increase in height which is required to achieve the same degree of visibility from the right-of-way which the sign had prior to the construction of the noise-attenuation barrier, notwithstanding the restrictions contained in s. 479.07(9)(b). A sign reconstructed under this section shall comply with the building standards and wind load requirements set forth in the Florida Building Code. If construction of a proposed noise-attenuation barrier will screen a sign lawfully permitted under this chapter, the department shall provide notice to the local government or local jurisdiction within which the sign is located prior to construction ~~erection of the noise-attenuation barrier~~. Upon a determination that an increase in the height of a sign as permitted under this section will violate a provision contained in an ordinance or land development regulation of the local government or local jurisdiction, prior to construction, the

local government or local jurisdiction shall ~~so notify the department. When notice has been received from the local government or local jurisdiction prior to erection of the noise-attenuation barrier, the department shall~~:

(a) Provide a variance or waiver to the local ordinance or land development regulations to ~~Conduct a written survey of all property owners identified as impacted by highway noise and who may benefit from the proposed noise-attenuation barrier. The written survey shall inform the property owners of the location, date, and time of the public hearing described in paragraph (b) and shall specifically advise the impacted property owners that:~~

~~1. Erection of the noise-attenuation barrier may block the visibility of an existing outdoor advertising sign;~~

~~2. 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~~

~~3. If a majority of the impacted property owners vote for construction of the noise-attenuation barrier, the local government or local jurisdiction will be required to:~~

~~a.~~ allow an increase in the height of the sign ~~in violation of a local ordinance or land development regulation~~;

(b)~~b.~~ Allow the sign to be relocated or reconstructed at another location if the sign owner agrees; or

(c)~~c.~~ Pay the fair market value of the sign and its associated interest in the real property.

(2)~~(b)~~ The department shall hold a public hearing within the boundaries of the affected local governments or local jurisdictions to receive input on the proposed noise-attenuation

barrier and its conflict with the local ordinance or land development regulation and to suggest or consider alternatives or modifications ~~to the proposed noise-attenuation barrier~~ to alleviate or minimize the conflict with the local ordinance or land development regulation or minimize any costs that may be associated with relocating, reconstructing, or paying for the affected sign. The public hearing may be held concurrently with other public hearings scheduled for the project. The department shall provide a written notification to the local government or local jurisdiction of the date and time of the public hearing and shall provide general notice of the public hearing in accordance with the notice provisions of s. 335.02(1). The notice shall not be placed in that portion of a newspaper in which legal notices or classified advertisements appear. The notice shall specifically state that:

(a)~~1.~~ Erection of the proposed noise-attenuation barrier may block the visibility of an existing outdoor advertising sign;

(b)~~2.~~ 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

(c)~~3.~~ Upon ~~If a majority of the impacted property owners vote for~~ construction of the noise-attenuation barrier, the local government or local jurisdiction shall ~~will be required to~~:

1.~~a.~~ Allow an increase in the height of the sign through a waiver or variance to ~~in violation of~~ a local ordinance or land

development regulation;

2.~~b.~~ Allow the sign to be relocated or reconstructed at another location if the sign owner agrees; or

3.~~c.~~ Pay the fair market value of the sign and its associated interest in the real property.

(3)~~(2)~~ The department may ~~shall~~ not permit erection of the noise-attenuation barrier to the extent the barrier screens or blocks visibility of the sign until after the public hearing is held ~~and until such time as the survey has been conducted and a majority of the impacted property owners have indicated approval to erect the noise-attenuation barrier~~. ~~When the impacted property owners approve of the noise-attenuation barrier construction, the department shall notify the local governments or local jurisdictions. The local government or local jurisdiction shall, notwithstanding the provisions of a conflicting ordinance or land development regulation:~~

~~(a) Issue a permit by variance or otherwise for the reconstruction of a sign under this section;~~

~~(b) Allow the relocation of a sign, or construction of another sign, at an alternative location that is permittable under the provisions of this chapter, if the sign owner agrees to relocate the sign or construct another sign; or~~

~~(c) Refuse to issue the required permits for reconstruction of a sign under this section and pay fair market value of the sign and its associated interest in the real property to the owner of the sign.~~

(4)~~(3)~~ This section does ~~shall~~ not apply to the provisions of any existing written agreement executed before July 1, 2006,

between any local government and the owner of an outdoor advertising sign.

Section 19. Subsection (1) of section 479.261, Florida Statutes, is amended to read:

479.261 Logo sign program.—

(1) The department shall establish a logo sign program for the rights-of-way of the limited access ~~interstate~~ highway system to provide information to motorists about available gas, food, lodging, camping, attractions, and other services, as approved by the Federal Highway Administration, at interchanges through the use of business logos and may include additional interchanges under the program.

(a) As used in this chapter, the term "attraction" means an establishment, site, facility, or landmark that is open a minimum of 5 days a week for 52 weeks a year; that has as its principal focus family-oriented entertainment, cultural, educational, recreational, scientific, or historical activities; and that is publicly recognized as a bona fide tourist attraction.

(b) The department shall incorporate the use of RV-friendly markers on specific information logo signs for establishments that cater to the needs of persons driving recreational vehicles. Establishments that qualify for participation in the specific information logo program and that also qualify as "RV-friendly" may request the RV-friendly marker on their specific information logo sign. An RV-friendly marker must consist of a design approved by the Federal Highway Administration. The department shall adopt rules in accordance

with chapter 120 to administer this paragraph, including rules setting forth the minimum requirements that establishments must meet in order to qualify as RV-friendly. These requirements shall include large parking spaces, entrances, and exits that can easily accommodate recreational vehicles and facilities having appropriate overhead clearances, if applicable.

Section 20. Section 479.313, Florida Statutes, is amended to read:

479.313 Permit revocation and cancellation; cost of removal.—All costs incurred by the department in connection with the removal of a sign located within a controlled area adjacent to the State Highway System, interstate highway system, or federal-aid primary highway system following the revocation or cancellation of the permit for such sign shall be assessed against and collected from the permittee.

Section 21. This act shall take effect July 1, 2013.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1299 (2013)

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	_____

Committee/Subcommittee hearing bill: Transportation & Highway Safety Subcommittee

Representative Goodson offered the following:

Amendment

Remove lines 177-179 and insert:

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

Renumber remaining definitions.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1299 (2013)

Amendment No. 2

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	_____

Committee/Subcommittee hearing bill: Transportation & Highway Safety Subcommittee

Representative Goodson offered the following:

Amendment (with title amendment)

Remove line 552 and insert:

shall not exceed $100. The ~~A fee may not be prorated for a~~

Remove lines 894-898 and insert:

(4) The department may establish an application fee 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.

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

Remove lines 33-52 and insert:

conforming and clarifying provisions; requiring an application fee; revising sign placement requirements for signs on certain highways; deleting provisions that establish a pilot program relating to placement and removing a permit reinstatement fee; amending s. 479.08, F.S.; clarifying provisions relating to the denial or revocation of a permit because of false or misleading information in the permit application; amending s. 479.10, F.S.; providing for cancellation of a permit; amending s. 479.105, F.S.; revising notice requirements to owners and advertisers relating to signs erected or maintained without a permit; revising procedures providing for the department to issue a permit as a conforming or nonconforming sign to the owner of an unpermitted sign; amending s. 479.106, F.S.; increasing an administrative penalty for illegally removing certain vegetation; amending s.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1299 (2013)

Amendment No. 3

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	_____

Committee/Subcommittee hearing bill: Transportation & Highway Safety Subcommittee

Representative Goodson offered the following:

Amendment

Remove lines 1026-1034 and insert:

(6) The provisions of subsection (3), (4), and (5) of this section shall not apply within the jurisdiction of any municipality which is engaged in any litigation concerning its sign ordinance on April 23, 1999, nor shall such provisions apply to any municipality whose boundaries are identical to the county within which said municipality is located.

(7) This section does not cause a neighboring sign that is already permitted and that is within the spacing requirements outlined in s. 479.07(9)(a) to become nonconforming.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1299 (2013)

Amendment No. 4

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	_____

Committee/Subcommittee hearing bill: Transportation & Highway Safety Subcommittee

Representative Goodson offered the following:

Amendment

Remove line 1193 and insert:

content directly related to the facility's activities or where

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1299 (2013)

Amendment No. 5

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	_____

Committee/Subcommittee hearing bill: Transportation & Highway Safety Subcommittee

Representative Goodson offered the following:

Amendment (with title amendment)

Remove lines 1202-1203 and insert:

If the exemptions in subsections (15) through (19) are not implemented or continued due to Federal Government notification to the department that the allocation of federal funds to the department will be adversely impacted, the department shall provide notice to the sign owner that the sign must be removed within 30 days of receiving notice. If the sign is not removed within 30 days, the department is authorized to remove the sign and all costs incurred in connection with the sign removal shall be assessed against and collected from the sign owner.

Amendment No. 5

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

Remove line 70 and insert:

facilities; providing if federal funds are adversely impacted requiring the department to provide notice and for the sign to be removed; authorizing the department to remove the sign and assess costs to the sign owner under certain circumstances;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1299 (2013)

Amendment No. 6

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	_____

Committee/Subcommittee hearing bill: Transportation & Highway Safety Subcommittee

Representative Goodson offered the following:

Amendment (with title amendment)

Between lines 1387 and 1388, insert:

Section 21. Section 76 of chapter 2012-174, Laws of Florida, is repealed.

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

Remove line 85 and insert:

Enter Amending Text Here

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1333 Public Records/Toll Facilities
SPONSOR(S): La Rosa
TIED BILLS: **IDEN./SIM. BILLS:** SB 1424

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Thompson	Miller
2) Government Operations Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

Current law provides a public records exemption for personal identifying information provided to, acquired by, or in the possession of the Department of Transportation (DOT), a county, or an expressway authority for the purpose of using a credit card, charge card, or check for the prepayment of electronic toll facilities. This prepayment system is the electronic transponder method of toll payment otherwise known as "SunPass."

The bill expands the current public record exemption to include personal identifying information held by DOT, a county, or an expressway authority for the purpose of paying, prepaying, or collecting tolls and other amounts due. This would include personal identifying information of customers who use the post-payment method of toll payment otherwise known as "Toll-By-Plate."

The bill provides for repeal of the exemption on October 2, 2018, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemption. The bill expands a current public record exemption; thus, it requires a two-thirds vote for final passage.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Public Records

Article I, s. 24(a) of the State Constitution sets forth the state's public policy regarding access to government records. The section guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government. The Legislature, however, may provide by general law for the exemption of records from the requirements of Article I, s. 24(a) of the State Constitution. The general law must state with specificity the public necessity justifying the exemption (public necessity statement) and must be no broader than necessary to accomplish its purpose.[1]

Public policy regarding access to government records is addressed further in the Florida Statutes. Section 119.07(1), F.S., guarantees every person a right to inspect and copy any state, county, or municipal record. Furthermore, the Open Government Sunset Review Act[2] provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.
- Protects sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.
- Protects trade or business secrets.

Electronic Toll Payment

Subject to limited exemptions, current law prohibits persons from using any toll facility without payment.[3] The Department of Transportation (DOT) is authorized to adopt rules relating to the payment, collection, and enforcement of tolls, including, but not limited to, rules for the implementation of video or other image billing and variable pricing.[4] DOT has implemented two programs for electronic toll collections.

SunPass[5] is an electronic system of toll collection accepted on all Florida toll roads and nearly all toll bridges. SunPass utilizes a prepaid account system and electronic devices called transponders that attach to the inside of a car's windshield. When a car equipped with SunPass goes through a tolling location, the transponder sends a signal and the toll is deducted from the customer's prepaid account. SunPass account information includes, license plate number, address, and credit card information.[6]

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[1] Section 24(c), Art. I of the State Constitution.
[2] *See* s. 119.15, F.S.
[3] *See* s. 338.155(1), F.S. The exemptions generally include toll employees on official state business, state military personnel on official military business, persons authorizing resolution for bonds to finance the facility, persons using the toll facility as a required detour route, law enforcement officers or persons operating a fire or rescue vehicle when on official business, funeral processions of law enforcement officers killed in the line of duty, and handicapped persons.
[4] Section 338.155(1), F.S.
[5] Rule 14-15.0081, F.A.C.
[6] Information on SunPass is available at, http://www.floridasturnpike.com/all-electronictolling/SunPass.cfm (Last visited March 12, 2013).

The Toll-By-Plate[7] program, established by DOT in 2010, is an image based system of toll collection available on the HEFT (Homestead Extension of Florida's Turnpike) from Florida City to Miramar in Miami- Dade County. Toll-By-Plate takes a photo of a license plate as a vehicle travels through a Turnpike tolling location and mails a monthly bill for the tolls, including an administrative charge, to the registered owner of the vehicle. Accounts can be set up as pre-paid or post-paid.[8] Accounts may require name, address, email, driver's license number, day time phone number, and credit and debit card numbers.[9]

Toll Exemption

Section 338.155(6), F.S., provides that personal identifying information provided to, acquired by, or in the possession of DOT, a county, or an expressway authority for the purpose of using a credit card, charge card, or check for the prepayment of electronic toll facilities charges is exempt[10] from public records requirements. This provision was first adopted in 1996.[11]

Recently, DOT has begun using and expanded the use of Toll-By-Plate video billing. As a consequence, the exemption currently does not protect personal identifying information related to the post-payment of electronic toll facilities by Toll-By-Plate customers.

Proposed Changes

The bill amends s. 338.155(6), F.S., to expand the current public records exemption to include personal identifying information held by the Department of Transportation (DOT), a county, or an expressway authority for the purpose of paying, prepaying, or collecting tolls and associated administrative charges due for the use of toll facilities. This would include personal identifying information of Toll-By-Plate customers.

The bill provides for repeal of the exemption on October 2, 2018, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

B. SECTION DIRECTORY:

Section 1. amends s. 338.155, F.S., related to the payment of tolls on toll facilities.

Section 2. provides a finding of public necessity.

Section 3. provides the bill is effective upon becoming law.

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[7] Rule 14-100.005, F.A.C.

[8] Information on toll-by-plate is available at, http://www.floridasturnpike.com/all-electronictolling/TOLL-BY-PLATE.cfm (Last visited March 12, 2013).

[9] Information on toll-by-plate accounts can be found at, https://www.tollbyplate.com/displaySelectCustomerTypeRegisterAccountNewAccount (Last visited March 12, 2013).

[10] There is a difference between records the Legislature designates as exempt from public record requirements and those the Legislature deems confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. (*See WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in the statutory exemption. (See Attorney General Opinion 85-62, August 1, 1985).

[11] Chapter 96-178, L.O.F.; codified as s. 338.155(6), F.S.

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:

   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:

   Vote Requirement
   Article I, s. 24(c) of the State Constitution, requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemption. The bill expands a public record exemption; thus, it requires a two-thirds vote for final passage.

   Public Necessity Statement
   Article I, s. 24(c) of the State Constitution, requires a public necessity statement for a newly created or expanded public record or public meeting exemption. The bill expands a public record exemption; thus, it includes a public necessity statement.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments:

Retroactive Application

The Supreme Court of Florida ruled that a public record exemption is not to be applied retroactively unless the legislation clearly expresses intent that such exemption is to be applied retroactively.[12] The bill does not contain a provision requiring retroactive application. As such, the public record exemption would apply prospectively. However, the Toll-By-Plate program began implementation in 2010.[13]

First Amendment Foundation[14]

The First Amendment Foundation is neutral on the bill.[15]

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

[12] *Memorial Hospital-West Volusia, Inc. v. News-Journal Corporation*, 729 So.2d. 373 (Fla. 2001).

[13] Information received from the Florida Department of Transportation, March 13, 2013 (email on file with the Transportation and Highway Safety Subcommittee).

[14] The First Amendment Foundation monitors the Legislature, state agencies, the courts, and local governments, for actions and issues related to open government, alerting its members through periodic reports of all open government activity. The Foundation also publishes the Government-in-the-Sunshine Manual each year in cooperation with the Attorney General's Office.

[15] First Amendment Foundation, Weekly Report and Bill List, received March 8, 2013 (email on file with the Transportation and Highway Safety Subcommittee).

A bill to be entitled

An act relating to public records; amending s. 338.155, F.S., relating to payment of tolls and associated charges; providing an exemption from public records requirements for personal identifying information; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

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

Section 1. Subsection (6) of section 338.155, Florida Statutes, is amended to read:

338.155 Payment of toll on toll facilities required; exemptions.—

(6)(a) Personal identifying information held by ~~provided to, acquired by, or in the possession of~~ the Department of Transportation, a county, or an expressway authority for the purpose of paying, prepaying, or collecting tolls and associated administrative charges due for the use of ~~using a credit card, charge card, or check for the prepayment of electronic~~ toll facilities ~~charges to the department, a county, or an expressway authority~~ is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(b) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2018, unless reviewed and saved from

repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity to exempt personal identifying information about individuals which is held by the Department of Transportation, a county, or an expressway authority for the purpose of paying, by any means of payment, for the use of toll facilities. The exemption puts individuals who pay for tolls by TOLL-BY-PLATE, which is video billed, on equal footing with individuals who pay for tolls by check, debit card, or credit card, or who pay cash at the toll booth. The exemption protects the health and safety of the public by making exempt information regarding the location of individuals as they use the toll road system. The exemption promotes the use of the electronic toll collection system, which is a more efficient and effective government collection system for tolls, because paying for tolls by TOLL-BY-PLATE, which is video billed, or paying for tolls by check, debit card, or credit card not only saves individuals time when passing through the toll facilities, compared to individuals who pay for tolls with cash, but also costs much less to administer. Further, the exemption protects the privacy of individuals and promotes their right to be let alone from unreasonable government intrusion by prohibiting the public disclosure of private information about the finances and location of the individual using the toll road system.

Section 3. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4033 Technological Research & Development Authority
SPONSOR(S): Workman and others
TIED BILLS: HB 1013 **IDEN./SIM. BILLS:** SB 954

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Thompson	Miller
2) Transportation & Economic Development Appropriations Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The Technological Research and Development Authority (TRDA) is an independent special district headquartered in Melbourne, Florida, and administered by a five-member commission of Brevard County residents who are appointed by the Governor to serve four-year terms. The TRDA is codified as a technology-based economic development organization with the purposes of promoting research and development and fostering higher education in Brevard County to diversify the economic base of the county and state, and to serve the public good.

Recently as the result of a civil lawsuit filed by the United States Department of Justice, the TRDA has agreed to resolve allegations that it violated the False Claims Act in connection with the misuse of certain federal grants, and to wind down its operations.

The bill removes all references to the TRDA from Florida Statutes. Effective September 30, 2013, the bill deletes the 50 percent distribution to the TRDA of the annual use fee collected through the sale of Challenger/Columbia specialty license plates, and redistributes the full collection of annual use fees to the Astronauts Memorial Foundation, Inc., to support the operations of the Center for Space Education and the Education Technology Institute.

Effective July 1, 2013, the bill removes the TRDA from the research institutions that are eligible to receive funds from the Marine Resources Conservation Trust Fund.

Effective December 31, 2013, the bill removes the Florida gift law authorization for the TRDA to give a gift having a value in excess of $100 to any reporting individual or procurement employee.

The bill will likely have a positive fiscal impact on the Astronauts Memorial Foundation, Inc.; and may have a positive fiscal impact on the other research institutions funded by the Marine Resources Conservation Trust Fund.

The bill is linked to HB 1013 (2013), which effectively dissolves the TRDA on December 31, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The Technological Research and Development Authority

The Technological Research and Development Authority (TRDA) is an independent special district headquartered in Melbourne, Florida, and is administered by a five-member commission of Brevard County residents who are appointed by the Governor to serve four-year terms. The TRDA is codified in ch.2005-337, L.O.F., as a technology-based economic development organization with the purposes of promoting research and development and fostering higher education in Brevard County to diversify the economic base of the county and state, and to serve the public good.

Recently, the TRDA and Melbourne Airport Authority in Melbourne, Florida, entered into an agreement to use National Aeronautics and Space Administration (NASA) and Economic Development Administration of the federal Department of Commerce (EDA) grant funds to construct an office building at the airport to be used as the TRDA's headquarters and an incubator facility. However, a civil lawsuit (United States v. Technological Research and Development Authority, No. 1:12-cv-00065-LG-JMR.) was filed in the U.S. District Court for the Southern District of Mississippi against the TRDA on behalf of NASA and the EDA. In the lawsuit, the United States alleged that construction of the office building was outside the scope of the NASA grants awarded to the TRDA and contrary to the terms of the EDA grant, which prohibited combining funds from more than one federal agency for the project. Under the terms of a consent judgment executed by the TRDA, the TRDA has agreed to pay $15 million to resolve allegations that it violated the False Claims Act[1] in connection with the grants, and to wind down its operations. The claims settled by the agreements are allegations only. As such, there has been no determination of liability.[2]

The Challenger/Columbia License Plate

The Challenger/Columbia license plate, administered by the Department of Highway Safety and Motor Vehicles (DHSMV), commemorates the seven astronauts who died when the space shuttle Challenger exploded on liftoff in 1986, and the seven astronauts who died when the Columbia exploded on reentry in 2003.[3] Current law allocates 50 percent of the Challenger/Columbia license plate annual use fee to the Astronauts Memorial Foundation, Inc.,[4] to support the operations of the Center for Space Education and the Education Technology Institute.[5] The other 50 percent is distributed to the TRDA, for the purpose of funding space-related research grants, the Teacher/Quest Scholarship Program under s. 1009.61, F.S., as approved by the Florida Department of Education, and space-related economic development programs. The TRDA coordinates and distributes available resources among state universities and independent colleges and universities based on the research strengths of such institutions in space science technology, community colleges, public school districts, and not-for-profit educational organizations.[6]

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[1] The False Claims Act (31 U.S.C. §§ 3729–3733, also called the "Lincoln Law") is a federal law that imposes liability on persons and companies (typically federal contractors) who defraud governmental programs.

[2] The United States Department of Justice, Office of Public Affairs, *Florida's Technological Research and Development Authority Pays $15 Million to Resolve False Claims Allegations*, Tuesday, November 20, 2012.

[3] Section 320.08058, F.S.

[4] The Astronauts Memorial Foundation honors and memorializes those astronauts who have sacrificed their lives for the nation and the space program by sponsoring the national Space Mirror Memorial, and implementing innovative educational technology programs. The Memorial was founded in the wake of the Challenger accident 1986. http://floridaspacegrant.org/affiliates-info/the-astronauts-memorial-foundation/ (last visited March 13, 2013).

[5] Section 320.08058(2)(b), F.S.

[6] Section 320.08058(2)(c), F.S.

The Marine Resources Conservation Trust Fund

The Marine Resources Conservation Trust Fund within the Fish and Wildlife Conservation Commission (FWC) serves as a broad-based depository for funds from various marine-related and boating-related activities and is administered by FWC.[7] Current law allocates 32.5 percent of the saltwater license and permit fees collected and deposited into the Marine Resources Conservation Trust Fund to be used for marine research and management.[8] The FWC is authorized to award such moneys through grants and contracts to certain research institutions including the TRDA.[9]

The Florida Gift Law

Current law governing the reporting and prohibited receipt of gifts[10] to public officers, popularly known as Florida's gift law, prohibits a reporting individual[11] or procurement employee[12] from soliciting or knowingly accepting any gift from a political committee, committee of continuous existence, a lobbyist; or an employer, principal, partner or firm of a lobbyist.[13] However, the gift law authorizes certain governmental entities, including the TRDA, either directly or indirectly, to give a gift having a value in excess of $100 to any reporting individual or procurement employee, and authorizes the reporting individual or procurement employee to accept such a gift.

House Bill 1013

House Bill (HB) 1013 repeals the special act charter for the TRDA, and dissolves the district effective December 31, 2013. The bill also provides that effective September 30, 2013, the TRDA will no longer receive user fees collected by DHSMV from the sale of Challenger/Columbia specialty license plates and transfers all assets and indebtedness of the district, if any, to Brevard County.

Proposed Changes

Effective September 30, 2013, the bill deletes the 50 percent distribution to the TRDA, of the annual use fee collected through the sale of Challenger/Columbia specialty license plates, and redistributes the full collection of the fee to the Astronauts Memorial Foundation, Inc.

Effective July 1, 2013, the bill removes the TRDA from the research institutions eligible to receive funds from the Marine Resources Conservation Trust Fund.

Effective December 31, 2013, the bill removes the authority for the TRDA to give a gift having a value in excess of $100 to any reporting individual or procurement employee under the Florida gift law.

The bill is linked to, and, thereby contingent upon, the passage of HB 1013 (2013), which effectively dissolves the TRDA on December 31, 2013.

B. SECTION DIRECTORY:

[7] Section 379.208(1), F.S.
[8] Section 379.2201(1)(c), F.S.
[9] Section 379.2202, F.S.
[10] "Gift" is defined in s. 112.312(9), F.S., and encompasses nearly anything of value.
[11] Section 112.3148(2)(d), F.S., defines a "reporting individual" as anyone who is required to file financial disclosure, including candidates.
[12] Section 112.3148(2)(e), F.S., defines a "procurement employee" as an employee of an officer, department, board, commission, or council of the executive or judicial branch of state government who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, F.S., if the cost of such services or commodities exceeds $1,000 in any year.
[13] Section 112.3148(3)and(4), F.S.

Section 1 amends s. 320.08058, F.S., relating to the Challenger/Columbia license plates; effective September 30, 2013.

Section 2 amends s. 379.2201, F.S., relating to expenditure of funds; effective July 1, 2013.

Section 3 amends s. 112.3148, F.S., relating to reporting and prohibiting receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees; effective December 31, 2013.

Section 4 provides an effective date of upon becoming law except as otherwise provided within the bill; effectiveness is contingent on HB 1013 or similar legislation being adopted during the 2013 legislative session.

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:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill redistributes the full collection of the annual use fee collected through the sale of Challenger/Columbia specialty license plates to the Astronauts Memorial Foundation, Inc. The amount of the distribution varies based on the number of license plates sold or renewed each year. In fiscal year 2011-12, $300,019.52[14] was distributed to the TRDA from sales of this license plate.

To the extent that the TRDA will no longer be eligible to receive funds from the Marine Resources Conservation Trust Fund, the other research institutions eligible to receive funds from this trust fund may have access to additional funding.

D. FISCAL COMMENTS:

None.

[14] Information received from the Department of Highway Safety and Motor Vehicles, March 18, 2013 (email on file with the Transportation and Highway Safety Subcommittee).

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   Not Applicable. 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:

The bill is linked to, and, thereby contingent upon, the passage of HB 1013 (2013), which effectively dissolves the TRDA on December 31, 2013.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to the Technological Research and Development Authority; amending s. 320.08058, F.S.; deleting provisions for distribution by the Department of Highway Safety and Motor Vehicles to the authority of Challenger/Columbia license plate user fees; conforming provisions; amending s. 379.2202, F.S.; deleting provisions for distribution by the Fish and Wildlife Conservation Commission to the authority of saltwater license and permit fees; amending s. 112.3148, F.S., relating to giving gifts to certain officers or candidates for office and to procurement employees; deleting reference to the authority; providing contingent effective dates.

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

Section 1. Effective September 30, 2013, subsection (2) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(2) CHALLENGER/COLUMBIA LICENSE PLATES.—

(a) The department shall develop a Challenger/Columbia license plate to commemorate the seven astronauts who died when the space shuttle Challenger exploded on liftoff in 1986 and the seven astronauts who died when the Columbia exploded on reentry in 2003. The word "Florida" shall appear at the top of the plate, and the words "Challenger/Columbia" must appear at the bottom of the plate, in small letters.

(b) ~~Fifty percent of~~ The Challenger/Columbia license plate annual use fee must be distributed to the Astronauts Memorial Foundation, Inc., to support the operations of the Center for Space Education and the Education Technology Institute. Funds received by the Astronauts Memorial Foundation, Inc., may be used for administrative costs directly associated with the operation of the center and the institute. These funds must be used for the maintenance and support of the operations of the Center for Space Education and the Education Technology Institute operated by the Astronauts Memorial Foundation, Inc. These operations must include preservice and inservice training in the use of technology for the state's instructional personnel in a manner consistent with state training programs and approved by the Department of Education. Up to 20 percent of funds received by the Center for Space Education and the Education Technology Institute may be expended for administrative costs directly associated with the operation of the center and the institute.

~~(c) Fifty percent must be distributed to the Technological Research and Development Authority created by s. 2, chapter 87-455, Laws of Florida, for the purpose of funding space-related research grants, the Teacher/Quest Scholarship Program under s. 1009.61 as approved by the Florida Department of Education, and space-related economic development programs. The Technological Research and Development Authority shall coordinate and distribute available resources among state universities and independent colleges and universities based on the research strengths of such institutions in space science technology,~~

~~community colleges, public school districts, and not-for-profit educational organizations.~~

(c) ~~(d)~~ Up to 10 percent of the funds distributed under paragraph (b) ~~paragraphs (b) and (c)~~ may be used for continuing promotion and marketing of the license plate.

(d) ~~(e)~~ The Auditor General has ~~the~~ authority to examine any and all records pertaining to the Astronauts Memorial Foundation, Inc., ~~and the Technological Research and Development Authority~~ to determine compliance with the law.

Section 2. Effective July 1, 2013, section 379.2202, Florida Statutes, is amended to read:

379.2202 Expenditure of funds.—Any moneys available pursuant to s. 379.2201(1)(c) may be expended by the commission within Florida through grants and contracts for research with research institutions including but not limited to: Florida Sea Grant; Florida Marine Resources Council; Harbour Branch Oceanographic Institute; ~~Technological Research and Development Authority;~~ Fish and Wildlife Research Institute of the Fish and Wildlife Conservation Commission; Mote Marine Laboratory; Marine Resources Development Foundation; Florida Institute of Oceanography; Rosentiel School of Marine and Atmospheric Science; and Smithsonian Marine Station at Ft. Pierce.

Section 3. Effective December 31, 2013, paragraphs (a) and (b) of subsection (6) of section 112.3148, Florida Statutes, are amended to read:

112.3148 Reporting and prohibited receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees.—

(6)(a) Notwithstanding the provisions of subsection (5), an entity of the legislative or judicial branch, a department or commission of the executive branch, a water management district created pursuant to s. 373.069, South Florida Regional Transportation Authority, ~~the Technological Research and Development Authority,~~ a county, a municipality, an airport authority, or a school board may give, either directly or indirectly, a gift having a value in excess of $100 to any reporting individual or procurement employee if a public purpose can be shown for the gift; and a direct-support organization specifically authorized by law to support a governmental entity may give such a gift to a reporting individual or procurement employee who is an officer or employee of such governmental entity.

(b) Notwithstanding the provisions of subsection (4), a reporting individual or procurement employee may accept a gift having a value in excess of $100 from an entity of the legislative or judicial branch, a department or commission of the executive branch, a water management district created pursuant to s. 373.069, South Florida Regional Transportation Authority, ~~the Technological Research and Development Authority,~~ a county, a municipality, an airport authority, or a school board if a public purpose can be shown for the gift; and a reporting individual or procurement employee who is an officer or employee of a governmental entity supported by a direct-support organization specifically authorized by law to support such governmental entity may accept such a gift from such direct-support organization.

Section 4. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law, if HB 1013 or similar legislation is adopted in the same legislative session or an extension thereof and becomes law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB THSS 13-04 Transportation Facility Designations
SPONSOR(S): Transportation & Highway Safety Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Transportation & Highway Safety Subcommittee		Johnson	Miller

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:

- Reverend John A. Ferguson Street in Miami-Dade County.
- David G. Ledgerwood Memorial Highway in Volusia County.
- Lieutenant Colonel Carl John Luksic Memorial Highway in Bay County.
- C. Blythe Andrews Road in Hillsborough County.
- Roland Manteiga Road in Hillsborough County.
- Sergeant Carl Mertes Street in Miami-Dade County.
- Detective Sergeant Steven E. Bauer Street in Miami Dade County.
- Sergeant Lynette Hodge Street in Miami-Dade County.
- Full Gospel Assembly Street in Miami-Dade County.
- Ebenezer Christian Academy Street in Miami-Dade County.
- Bishop Abe Randall Boulevard in Miami-Dade County.
- Jacob Fleishman Street in Miami-Dade County.
- Bishop Isaiah S. Williams, Jr. Street in Miami-Dade County.
- The Honorable Dale G. Bennett Boat Ramp in Broward County.
- Reverend Winer Maxi Street in Miami-Dade County.
- James Harold Thompson Highway in Gadsden County.
- Trooper James Herbert Fulford, Jr., Memorial Highway in Jefferson County.
- SP4 Billy Jacobs Hartsfield Bridge in Taylor County.
- Juan Armando Torga, Jr., Intersection in Miami-Dade County.
- Belen Jesuit Preparatory School Intersection in Miami-Dade County.

The bill has an effective date of July 1, 2013.

The bill has an estimated negative fiscal impact of $20,000; which is the cost to DOT to erect the markers specified in the bill.

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.

David G. Ledgerwood was killed in action in Vietnam on April 29, 1968. He is buried at Arlington National Cemetery.

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 Jacobs Hartsfield died in a plane crash is South Vietnam on February 12, 1970.

Juan Armando Torga, Jr., was in the United States Air Force, a Miami-Dade County Police reserve officer, and a Miami-Dade County Firefighter. He passed away on May 17, 2009.

Belen Jesuit Preparatory School was founded in Cuba in 1854 and established in Miami in 1961.

Proposed Changes

The bill makes the following honorary designations:

- That portion of State Road 992/SW 152 Street/Coral Reef from SW 99 Court to SW 117 Avenue in Miami-Dade County as "Reverend John A. Ferguson Street."
- That portion of State Road 415 between Acorn Lake Road and Reed Ellis Road in Volusia County as "David G. Ledgerwood Memorial Highway."
- That portion of U.S. Highway 98/State Road 30A/Tyndall Parkway between County Road 2327/Transmitter Road and State Road 22 in Bay County as "Lieutenant Colonel Carl John Luksic, USAF, Memorial Highway."
- That portion of 21st Avenue between 26th Street and State Road 585/22nd Street in Hillsborough County as "C. Blythe Andrews Road."
- That portion of Palm Avenue between 15th Street and State Road 45/Nebraska Avenue in Hillsborough County as "Roland Manteiga Road."
- That portion of 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. 4th 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 N.W. 81st street between N.W. 7th Avenue and N.W. 12th Avenue in Miami-Dade County as "Jacob Fleishman Street."
- That portion on N.W. 183rd Street between 27th Avenue and 42nd Avenue in Miami-Dade County as "Bishop Isaiah S. Williams, Jr. Street."
- Ramp number 8 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 Winer 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 Interstate 10/State Road 8 from Milepost 232 to Milepost 233 in Jefferson County as "Trooper James Herbert Fulford, Jr., Memorial Highway."
- The bridge (No. 380047) on U.S. 98/State Road 30 over the Aucilla River in Taylor County as "SP4 Billy Jacobs Hartsfield Bridge."
- The intersection of S.W. 107th Avenue and S.W. 4th Street in the City of Sweetwater, in Miami-Dade County as "Juan Armando Torga, Jr., Intersection."
- The intersection of S.W. 127th Avenue and 8Th Street in Miami-Dade County is "Belen Jesuit Preparatory School Intersection."

The bill directs DOT to erect suitable markers designating each of the above designations.

The bill has an effective date of July 1, 2013.

B. SECTION DIRECTORY:

Section 1 Designates Reverend John A. Ferguson Street; directs DOT to erect suitable markers.

Section 2 Designates David G. Ledgerwood Memorial Highway; directs DOT to erect suitable markers.

Section 3 Designates Lieutenant Colonel Carl John Luksic, USAF, Memorial Highway; directs DOT to erect suitable markers.

Section 4 Designates C. Blythe Andrews Road; directs DOT to erect suitable markers.

Section 5 Designates Roland Manteiga Road; directs DOT to erect suitable markers.

Section 6 Designates Sergeant Carl Mertes Street; directs DOT to erect suitable markers.

Section 7 Designates Detective Sergeant Steven E. Bauer Street; directs DOT to erect suitable markers.

Section 8 Designates Sergeant Lynette Hodge Street; directs DOT to erect suitable markers.

Section 9 Designates Full Gospel Assembly Street; directs DOT to erect suitable markers.

Section 10 Designates Ebenezer Christian Academy Street; directs DOT to erect suitable markers.

Section 11 Designates Bishop Abe Randall Boulevard; directs DOT to erect suitable markers.

Section 12 Designates Jacob Fleishman Street; directs DOT to erect suitable markers.

Section 13 Designates Isaiah S. Williams, Jr. Street; directs DOT to erect suitable markers.

Section 14 Designates the Honorable Dale G. Bennett boat ramp; directs DOT to erect suitable markers.

Section 15 Designates Reverend Winer Maxi Street; directs DOT to erect suitable markers.

Section 16 Designates James Harold Thompson Highway; directs DOT to erect suitable markers.

Section 17 Designates Trooper James Herbert Fulford, Jr., Memorial Highway; directs DOT to erect suitable markers.

Section 18 Designates SP4 Billy Jacobs Hartsfield Bridge; directs DOT to erect suitable markers.

Section 19 Designates Juan Armando Torga, Jr., Intersection; designates DOT to erect suitable markers.

Section 20 Designates Belen Jesuit Preparatory School Intersection; designates DOT to erect suitable markers.

Section 21 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 $20,000 (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:

A portion of the Reverend John A. Ferguson Street designation is not on the State Highway System.

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 and Reverend Wilner Maxi designations are not on the State Highway System.

A Jacob Fleishman Street was previously designated in Miami-Dade County in 2012.[1] This designation appears to be for the same person.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

[1] Section 19, ch. 2012-228, L.O.F.

A bill to be entitled

An act relating to transportation facility designations; providing honorary designations of various transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Section 1. Reverend John A. Ferguson Street designated; Department of Transportation to erect suitable markers.—

(1) That portion of S.R. 992/S.W. 152nd Street/Coral Reef Drive from S.R. 821/Homestead Extension of the Florida Turnpike to S.W. 99th Court in Miami-Dade County is designated as "Reverend John A. Ferguson Street."

(2) The Department of Transportation is directed to erect suitable markers designating Reverend John A. Ferguson Street as described in subsection (1).

Section 2. David G. Ledgerwood Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of S.R. 415 between Acorn Lake Road and Reed Ellis Road in Volusia County is designated as "David G. Ledgerwood Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating David G. Ledgerwood Memorial Highway as described in subsection (1).

Section 3. Lieutenant Colonel Carl John Luksic, USAF, Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of U.S. 98/S.R. 30A/Tyndall Parkway between County Road 2327/Transmitter Road and S.R. 22 in Bay County is designated as "Lieutenant Colonel Carl John Luksic, USAF, Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Lieutenant Colonel Carl John Luksic, USAF, Memorial Highway as described in subsection (1).

Section 4. C. Blythe Andrews Road designated; Department of Transportation to erect suitable markers.—

(1) That portion of 21st Avenue between 26th Street and S.R. 585/22nd Street in Hillsborough County is designated as "C. Blythe Andrews Road."

(2) The Department of Transportation is directed to erect suitable markers designating C. Blythe Andrews Road as described in subsection (1).

Section 5. Roland Manteiga Road designated; Department of Transportation to erect suitable markers.—

(1) That portion of Palm Avenue between 15th Street and S.R. 45/Nebraska Avenue in Hillsborough County is designated as "Roland Manteiga Road."

(2) The Department of Transportation is directed to erect suitable markers designating Roland Manteiga Road as described in subsection (1).

Section 6. Sergeant Carl Mertes Street designated; Department of Transportation to erect suitable markers.—

(1) That portion of S.R. 922/125th Street between N.E. 8th Avenue and N.E. 9th Avenue in Miami-Dade County is designated as "Sergeant Carl Mertes Street."

(2) The Department of Transportation is directed to erect suitable markers designating Sergeant Carl Mertes Street as described in subsection (1).

Section 7. Detective Sergeant Steven E. Bauer Street designated; Department of Transportation to erect suitable markers.—

(1) That portion of N.E. 126th Street between N.E. 8th Avenue and N.E. 9th Avenue in Miami-Dade County is designated as "Detective Sergeant Steven E. Bauer Street."

(2) The Department of Transportation is directed to erect suitable markers designating Detective Sergeant Steven E. Bauer Street as described in subsection (1).

Section 8. Sergeant Lynette Hodge Street designated; Department of Transportation to erect suitable markers.—

(1) That portion of N.E. 127th Street between N.E. 8th Avenue and N.E. 9th Avenue in Miami-Dade County is designated as "Sergeant Lynette Hodge Street."

(2) The Department of Transportation is directed to erect suitable markers designating Sergeant Lynette Hodge Street as described in subsection (1).

Section 9. Full Gospel Assembly Street designated; Department of Transportation to erect suitable markers.—

(1) That portion of N.W. 40th Street between N.W. 2nd Avenue and N.W. 5th Avenue in Miami-Dade County is designated as "Full Gospel Assembly Street."

(2) The Department of Transportation is directed to erect suitable markers designating Full Gospel Assembly Street as described in subsection (1).

Section 10. Ebenezer Christian Academy Street designated; Department of Transportation to erect suitable markers.—

(1) That portion of N.W. 39th Street between N.W. 2nd Avenue and N.W. 4th Avenue in Miami-Dade County is designated as "Ebenezer Christian Academy Street."

(2) The Department of Transportation is directed to erect suitable markers designating Ebenezer Christian Academy Street as described in subsection (1).

Section 11. Bishop Abe Randall Boulevard designated; Department of Transportation to erect suitable markers.—

(1) That portion of N.W. 67th Street between N.W. 2nd Avenue and N.W. 4th Avenue in Miami-Dade County is designated as "Bishop Abe Randall Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Bishop Abe Randall Boulevard as described in subsection (1).

Section 12. Jacob Fleishman Street designated; Department of Transportation to erect suitable markers.—

(1) 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 is designated as "Jacob Fleishman Street."

(2) The Department of Transportation is directed to erect suitable markers designating Jacob Fleishman Street as described in subsection (1).

Section 13. Bishop Isaiah S. Williams, Jr., Street

designated; Department of Transportation to erect suitable markers.—

(1) 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 is designated as "Bishop Isaiah S. Williams, Jr., Street."

(2) The Department of Transportation is directed to erect suitable markers designating Bishop Isaiah S. Williams, Jr., Street as described in subsection (1).

Section 14. The Honorable Dale G. Bennett Boat Ramp designated; Department of Transportation to erect suitable markers.—

(1) Ramp number 8 at mile marker 40.7 on I-75/S.R. 97/Alligator Alley in Broward County is designated as "The Honorable Dale G. Bennett Boat Ramp."

(2) The Department of Transportation is directed to erect suitable markers designating The Honorable Dale G. Bennett Boat Ramp as described in subsection (1).

Section 15. Reverend Wilner Maxi Street designated; Department of Transportation to erect suitable markers.—

(1) That portion of N.E. 73rd Street between N.E. 2nd Avenue and N.E. 3rd Court in Miami-Dade County is designated as "Reverend Wilner Maxi Street."

(2) The Department of Transportation is directed to erect suitable markers designating Reverend Wilner Maxi Street as described in subsection (1).

Section 16. James Harold Thompson Highway designated; Department of Transportation to erect suitable markers.—

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

V

(1) That portion of U.S. 90/S.R. 10 between Gretna and Chattahoochee in Gadsden County is designated as "James Harold Thompson Highway."

(2) The Department of Transportation is directed to erect suitable markers designating James Harold Thompson Highway as described in subsection (1).

Section 17. Trooper James Herbert Fulford, Jr., Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of I-10/S.R. 8 between mile post 232 and mile post 233 in Jefferson County is designated as "Trooper James Herbert Fulford, Jr., Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Trooper James Herbert Fulford, Jr., Memorial Highway as described in subsection (1).

Section 18. SP4 Billy Jacobs Hartsfield Bridge designated; Department of Transportation to erect suitable markers.—

(1) Bridge number 380047 on U.S. 98/S.R. 30 over the Aucilla River in Taylor County is designated as "SP4 Billy Jacobs Hartsfield Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating SP4 Billy Jacobs Hartsfield Bridge as described in subsection (1).

Section 19. Juan Armando Torga, Jr., Intersection designated; Department of Transportation to erect suitable markers.—

(1) The intersection of S.W. 4th Street and S.R. 985/S.W. 107th Avenue in Miami-Dade County is designated as "Juan Armando

Torga, Jr., Intersection."

(2) The Department of Transportation is directed to erect suitable markers designating Juan Armando Torga, Jr., Intersection as described in subsection (1).

Section 20. Belen Jesuit Preparatory School Intersection designated; Department of Transportation to erect suitable markers.—

(1) The intersection of S.W. 127th Avenue and U.S. 41/S.R. 90/Tamiami Trail/S.W. 8th Street in Miami-Dade County is designated as "Belen Jesuit Preparatory School Intersection."

(2) The Department of Transportation is directed to erect suitable markers designating Belen Jesuit Preparatory School Intersection as described in subsection (1).

Section 21. This act shall take effect July 1, 2013.

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB THSS 13-04 (2013)

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	_____

Committee/Subcommittee hearing PCB: Transportation & Highway Safety Subcommittee

Representative Young offered the following:

Amendment

Between lines 181 and 182, insert:

Section 21. RADM LeRoy Collins, Jr., Veterans Expressway designated; Department of Transportation to erect suitable markers.-

(1) That portion of State Road 589/Veterans Expressway between State Road 60/Courtney Campbell Causeway to State Road 597/Dale Mabry Highway is designated as "RADM LeRoy Collins, Jr., Veterans Expressway."

(2) The Department of Transportation is directed to erect suitable markers designating RADM LeRoy Collins, Jr., Veterans Expressway.

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB THSS 13-04 (2013)

Amendment No. 2

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	_____

Committee/Subcommittee hearing PCB: Transportation & Highway Safety Subcommittee

Representative Renuart offered the following:

Amendment

Between lines 181 and 182, insert:

Section 21. Ponce de Leon Bridge designated; Department of Transportation to erect suitable markers.-

(1) Bridge No. 780075 on U.S. 1/S.R. 5/Ponce de Leon Boulevard over the San Sebastian in St. Johns County is designated as "Ponce de Leon Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating Ponce de Leon Bridge.

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB THSS 13-04 (2013)

Amendment No. 3

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	_____

Committee/Subcommittee hearing PCB: Transportation & Highway Safety Subcommittee

Representative Coley offered the following:

Amendment

Between lines 181 and 182, insert:

Section 21. Dr. Martin Luther King, Jr., Avenue designated; Department of Transportation to erect suitable markers.-

(1) That portion of US Highway 90 between 5th Avenue and Norwood Road in Walton County as "Dr. Martin Luther King Jr. Avenue".

(2) The Department of Transportation is directed to erect suitable markers designating Dr. Martin Luther King Jr. Avenue as described in subsection (1).

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB THSS 13-04 (2013)

Amendment No. 4

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	____

Committee/Subcommittee hearing PCB: Transportation & Highway Safety Subcommittee

Representative Raschein offered the following:

Amendment

Remove line 91 and insert:

Avenue and N.W.3rd Avenue in Miami-Dade County is designated as

Remove line 126 and insert:

93/Alligator Alley in Broward County is designated as "The