

ECONOMIC AFFAIRS COMMITTEE

MEETING PACKET

**Thursday, March 26, 2015
1:00 PM – 3:00 PM
Reed Hall (102 HOB)**

**Steve Crisafulli
Speaker**

**Jose Oliva
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Economic Affairs Committee

Start Date and Time: Thursday, March 26, 2015 01:00 pm
End Date and Time: Thursday, March 26, 2015 03:00 pm
Location: Reed Hall (102 HOB)
Duration: 2.00 hrs

Consideration of the following bill(s):

CS/HB 51 Disabled Parking Permits by Highway & Waterway Safety Subcommittee, Murphy
CS/HB 421 Traffic Enforcement Agencies and Traffic Citations by Local Government Affairs Subcommittee, Rodrigues, R.
CS/HB 523 Notaries Public by Criminal Justice Subcommittee, Kerner
CS/HB 817 Transportation Network Companies by Transportation & Ports Subcommittee, Gaetz
HB 7039 Department of Transportation by Transportation & Ports Subcommittee, Rooney
HB 7041 Public Records/Customer E-mail Addresses/DHSMV by Highway & Waterway Safety Subcommittee, Steube
HB 7079 Specialty License Plates by Highway & Waterway Safety Subcommittee, Perry

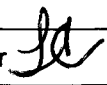
Pursuant to rule 7.12, the filing deadline for amendments to bills on the agenda by a member who is not a member of the committee or subcommittee considering the bill is 6:00 p.m., Wednesday, March 25, 2015.

By request of the Chair, all Subcommittee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Wednesday, March 25, 2015.

NOTICE FINALIZED on 03/24/2015 15:55 by Manning.Karen

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 51 Disabled Parking Permits
SPONSOR(S): Highway & Waterway Safety Subcommittee and Murphy
TIED BILLS: IDEN./SIM. **BILLS:** CS/SB 132

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	11 Y, 0 N, As CS	Whittaker	Smith
2) Transportation & Economic Development Appropriations Subcommittee	12 Y, 0 N	Davis	Davis
3) Economic Affairs Committee		Whittaker	Cremer 

SUMMARY ANALYSIS

The bill authorizes that a veteran who is evaluated and certified by the United States Department of Veterans Affairs or any branch of the United States Armed Forces as permanently and totally disabled due to a service-connected disability may provide a United States Department of Veterans Affairs Form Letter 27-333, or its equivalent, issued within the previous 12 months in lieu of a certificate of disability in order to renew or replace his or her disabled parking permit.

The bill has an insignificant, negative impact on state trust funds associated with department programming costs.

The bill will take effect July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation:

Disabled Parking Permits

Section 320.0848, F.S., authorizes the Department of Highway Safety and Motor Vehicles or its authorized agents, upon application and payment, to issue a disabled parking permit, valid for up to four years in which the period ends on the applicant's birthday, to any person who has long-term mobility impairment, or a temporary disabled parking permit not to exceed six months, if a temporary mobility impairment exists. No person is required to pay a fee for a parking permit for disabled persons more than once in a 12-month period.

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

- The inability to walk without the use of or assistance from a brace, cane, crutch, prosthetic device, or other assistive device, or without the assistance of another person.
- The need to permanently use a wheelchair.
- Restriction by lung disease as measured within specified limits.
- The use of portable oxygen.
- Restriction by cardiac condition when classified in severity as Class III or Class IV.
- The severe limitation in the person's ability to walk due to an arthritic, neurological, or orthopedic condition.

The certification of disability must be provided by a licensed 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. Provisions are also provided for certification by similarly-licensed physicians from other states. The certification must include:

- The disability of the applicant.
- The certifying practitioner's name, address, and certification number.
- The eligibility criteria for the permit.
- The penalty for falsification by either the certifying practitioner or the applicant.
- The duration of the condition that entitles the person to the permit.
- The statement, in bold letters: "A disabled parking permit may be issued only for a medical necessity that severely affects mobility."
- The signatures of the certifying physician, the applicant, and the authorized department employee who is processing the application.

To renew a long-term disabled parking permit, the permit holder is required to recertify his or her eligibility by providing a certificate of disability issued within the last 12 months. Recertification of a disability is also required when obtaining a replacement for a disabled parking permit that has been lost or stolen. Long-term disabled parking permits do not require a renewal fee and the fee for obtaining a replacement permit is \$1.

A disabled parking permit is a placard that is visible from the front and the rear of a vehicle and is usually hung from the rear-view mirror. Each side of the placard has the international symbol of accessibility in a contrasting color in the center so as to be visible on each side of the parking placard. On one side of the placard is the applicant's driver license number or state identification card number and a warning that the applicant must have such identification at all times while using the placard, and

on the other side is the month and year of expiration. Validation stickers must be of the size specified by the department and be affixed to the disabled parking permits. The disabled parking permits use the same color (lemon yellow) decal as license plate validations.

The department may not issue an additional disabled parking permit unless the applicant states that he or she is a frequent traveler or a quadriplegic. The department may not issue to any one eligible applicant more than two disabled parking permits except to an organization under certain conditions.

Permanent Total Disability Rating

The ability to overcome the handicap of disability varies widely among individuals. The rating, however, is based primarily upon the average impairment in earning capacity, that is, upon the economic or industrial handicap which must be overcome and not from individual success in overcoming it.

However, full consideration must be given to unusual physical or mental effects in individual cases, to peculiar effects of occupational activities, to defects in physical or mental endowment preventing the usual amount of success in overcoming the handicap of disability and to the effect of combinations of disability. Total disability will be considered to exist when there is present any impairment of mind or body which is sufficient to render it impossible for the average person to follow a substantially gainful occupation, provided that permanent total disability shall be taken to exist when the impairment is reasonably certain to continue throughout the life of the disabled person. The following will be considered to be permanent total disability:

- the permanent loss of the use of both hands;
- the permanent loss of the use of both feet;
- the permanent loss of the use of one hand and one foot;
- the permanent loss of the sight of both eyes; or
- becoming permanently helpless or permanently bedridden.¹

Service Connected Disability

The United States Department of Veterans Affairs defines a "service connected disability" as veterans who are disabled by an injury or illness that was incurred or aggravated during active military service.²

Veterans and Servicemembers must be determined eligible to receive compensation for permanent and total service-connected disability due to one of the following:

- The loss, or loss of use of both lower extremities, which so affects the functions of balance or propulsion to preclude ambulating without the aid of braces, crutches, canes or a wheelchair.
- The loss, or loss of use of both upper extremities at or above the elbow.
- Blindness in both eyes, having only light perception, plus loss or loss of use of one lower extremity.
- The loss, or loss of use of one lower extremity together with either residuals of organic disease or injury, or the loss, or loss of use of one upper extremity which so affects the functions of balance or propulsion as to preclude locomotion without the use of braces, canes, crutches or a wheelchair.
- Severe burn injuries, which are defined as full thickness or subdermal burns that have resulted in contractures with limitation of motion of two or more extremities or of at least one extremity and the trunk.

¹ U.S. Government Publishing Office, *Electronic Code of Federal Regulations*, http://www.ecfr.gov/cgi-bin/text-idx?SID=4a2fb98e3f523491f7ef4f734c8ece1c&node=se38.1.4_115&rgn=div8 (last viewed 12/31/14)

² United States Department of Veterans Affairs, *Glossary*, www.va.gov/vetdata/Glossary.asp (last viewed 12/31/14)

- The loss, or loss of use of one or more lower extremities due to service on or after Sept. 11, 2001, which so affects the functions of balance or propulsion as to preclude ambulating without the aid of braces, crutches, canes, or a wheelchair.³

United States Department of Veterans Affairs Form Letter 27-333

The VAFL 27-333 letter is issued by the United States Department of Veterans Affairs certifying that a veteran is "totally and permanently" disabled due to a service-connected disability and is a form acceptable by a property appraiser in determining the eligibility of a veteran for the exemption afforded by s. 196.081(1), Florida Statutes.⁴

Proposed Changes:

The bill amends s. 320.0848(1)(d), F.S., authorizing a veteran who is evaluated and certified by the United States Department of Veterans Affairs or any branch of the United States Armed Forces as permanently and totally disabled due to a service-connected disability may provide a United States Department of Veterans Affairs Form Letter 27-333, or its equivalent, issued within the previous 12 months in lieu of a certificate of disability in order to renew his or her disabled parking permit.

This bill amends s. 320.0848(2)(d) and (e), F.S., authorizing a veteran who has been previously evaluated and certified by the United States Department of Veterans Affairs or any branch of the United States Armed Forces as permanently and totally disabled from a service-connected disability may provide a United States Department of Veterans Affairs Form Letter 27-333, or its equivalent, issued within the last 12 months in lieu of a certificate of disability in order to replace his or her disabled parking permit.

B. SECTION DIRECTORY:

Section 1 Amends s. 320.0848, F.S., authorizing veterans to provide the Department of Highway Safety and Motor Vehicles with alternative documentation for renewal or replacement of a disabled parking permit.

Section 2 Provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill has an insignificant, negative impact on state trust funds associated with department programming costs. The department indicates these costs, approximately \$4,000, would be absorbed within existing resources.

³ U.S. Department of Veterans Affairs, *Office of Public and Intergovernmental Affairs*, http://www.va.gov/opa/publications/benefits_book/benefits_chap02.asp (last viewed 12/31/14)

⁴ Florida Office of the Attorney General, *Advisory Legal Opinion – AGO 2012-16*, <http://www.myfloridalegal.com/ago/nsf/Opinions/9C9FEA065D3722EB852579EB007504A4> (last viewed 2/4/15)

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:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 4, 2015, The Highway & Waterway Safety Subcommittee adopted one amendment to HB 51 and reported the bill favorably as a committee substitute. The amendment provided:

- Authorizing a veteran who is evaluated and certified by the United States Department of Veterans Affairs or any branch of the United States Armed Forces as permanently and totally disabled due to a service-connected disability may provide a United States Department of Veterans Affairs Form Letter 27-333, or its equivalent, issued within the previous 12 months in lieu of a certificate of disability in order to renew or replace his or her disabled parking permit.

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

1 A bill to be entitled
 2 An act relating to disabled parking permits; amending
 3 s. 320.0848, F.S.; authorizing veterans to provide the
 4 Department of Highway Safety and Motor Vehicles with
 5 alternative documentation for renewal or replacement
 6 of a disabled parking permit; providing an effective
 7 date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Paragraph (d) of subsection (1) and paragraphs
 12 (d), (e), and (f) of subsection (2) of section 320.0848, Florida
 13 Statutes, are amended to read:

14 320.0848 Persons who have disabilities; issuance of
 15 disabled parking permits; temporary permits; permits for certain
 16 providers of transportation services to persons who have
 17 disabilities.—

18 (1)

19 (d) ~~Beginning October 1, 2012,~~ The department shall renew
 20 the disabled parking permit of any person certified as
 21 permanently disabled on the application if the person provides a
 22 certificate of disability issued within the last 12 months
 23 pursuant to this subsection. A veteran who is evaluated and
 24 certified by the United States Department of Veterans Affairs or
 25 any branch of the United States Armed Forces as permanently and
 26 totally disabled due to a service-connected disability may

27 provide a United States Department of Veterans Affairs Form
 28 Letter 27-333, or its equivalent, issued within the previous 12
 29 months in lieu of a certificate of disability.

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

32 ~~(d) If an applicant who is a disabled veteran, is a~~
 33 ~~resident of this state, has been honorably discharged, and~~
 34 ~~either has been determined by the Department of Defense or the~~
 35 ~~United States Department of Veterans Affairs or its predecessor~~
 36 ~~to have a service-connected disability rating for compensation~~
 37 ~~of 50 percent or greater or has been determined to have a~~
 38 ~~service-connected disability rating of 50 percent or greater and~~
 39 ~~is in receipt of both disability retirement pay from the United~~
 40 ~~States Department of Veterans Affairs, he or she must still~~
 41 ~~provide a signed physician's statement of qualification for the~~
 42 ~~disabled parking permits.~~

43 (d)(e) To obtain a replacement for a disabled parking
 44 permit that has been lost or stolen, a person must submit an
 45 application on a form prescribed by the department, provide a
 46 certificate of disability issued within the last 12 months
 47 pursuant to subsection (1), and pay a replacement fee in the
 48 amount of \$1, to be retained by the issuing agency. If the
 49 person submits with the application a police report documenting
 50 that the permit was stolen, there is no replacement fee. A
 51 veteran who is evaluated and certified by the United States
 52 Department of Veterans Affairs or any branch of the United

53 States Armed Forces as permanently and totally disabled due to a
 54 service-connected disability may provide a United States
 55 Department of Veterans Affairs Form Letter 27-333, or its
 56 equivalent, issued within the previous 12 months in lieu of a
 57 certificate of disability.

58 ~~(e)(f)~~ A person who qualifies for a disabled parking
 59 permit under this section may be issued an international
 60 wheelchair user symbol license plate under s. 320.0843 in lieu
 61 of the disabled parking permit; or, if the person qualifies for
 62 a "DV" license plate under s. 320.084, such a license plate may
 63 be issued to him or her in lieu of a disabled parking permit.


64 Section 2. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 421 Traffic Enforcement Agencies and Traffic Citations

SPONSOR(S): Local Government Affairs Subcommittee and Rodrigues

TIED BILLS: IDEN./SIM. BILLS: SB 264

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	13 Y, 0 N	Whittaker	Smith
2) Local Government Affairs Subcommittee	12 Y, 0 N, As CS	Zaborske	Miller
3) Economic Affairs Committee		Whittaker	Cremer 

SUMMARY ANALYSIS

The bill clarifies that any agency or governmental entity vested with the powers to enforce traffic laws of the state, including any county or municipal agency or entity, is a traffic enforcement agency and prohibits a traffic enforcement agency from establishing a traffic citation quota.

The bill further requires a county or municipality to submit a report to the Legislative Auditing Committee if the total revenue from traffic citations received in a fiscal year exceeds 33 percent of the total expenses incurred to operate that county's or municipality's law enforcement agency in the same fiscal year. If required to submit the report, the report must be submitted within six months after the end of the fiscal year and must detail the following:

- Total revenue from traffic citations of the city or municipality; and
- Total expenses for law enforcement of the city or municipality.

The bill has a minimal indeterminate fiscal impact on state expenditures and local revenues or expenditures.

The bill will become effective July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Current law prohibits an agency of the state from establishing a traffic citation quota.¹ These state agencies include:²

- Florida Highway Patrol;
- Fish and Wildlife Conservation Commission's Division of Law Enforcement;
- Agents, inspectors, and officers of the Department of Law Enforcement;
- University police officers;
- Florida College System police officers;
- School safety officers;
- Police officers and parking enforcement specialists employed by an airport authority; and
- The Office of Agricultural Law Enforcement.

Current law also provides that if an agency of the state violates the traffic citation quota prohibition, a violation is not subject to the penalties provided in ch. 318, F.S.³

The Department of Transportation, county sheriff's offices, and police departments of chartered municipalities are defined as traffic enforcement agencies of the state,⁴ but are not explicitly prohibited in statute from establishing traffic citation quotas.

The term "Traffic Citation Quota" is not defined in statute. However, it commonly is defined as any establishment of a predetermined or specified number of traffic citations a traffic enforcement officer must issue in a specified time. The prohibition of a traffic citation quota can also include the prohibition of any evaluation, promotion, compensation, or discipline based on a specific number of citations issued.⁵

City of Waldo Police Department

In 2012, the National Motorists Association reported the City of Waldo was voted as one of the worst speed traps in the nation.⁶ This past year, multiple Waldo police officers disclosed they were required to meet traffic citation quotas. It was reported that the revenue from the traffic citations accounted for over one-third of the city's entire revenue. The city has since disbanded its police force,⁷ and it appears it is not the only Florida police force decommissioned.⁸

¹ S. 316.640(1)(a)2., F.S.

² S. 316.640(1), F.S.

³ S. 316.640(1)(a)2., F.S. It is unclear what this language means. It may be intended to make citations issued pursuant to a quota system not subject to the fines in ch. 318, F.S., because that chapter does not provide penalties for officials that violate any law when issuing traffic citations, but as worded its meaning is uncertain. See ch. 318, F.S. (the "Florida Uniform Disposition of Traffic Infractions Act" sets forth the system for the disposition of traffic infractions, including the fees, fines surcharges and costs that may be assessed for civil traffic penalties, as well as the relevant procedures and allocation of monies collected pursuant to ch. 318).

⁴ S. 316.640(8), F.S.

⁵ See La. R.S. 40:2401.1., TENN. CODE ANN. S. 39-16-516., and TEX. TRANSP. CODE ANN. S. 720.002.

⁶ National Motorists Association, *Nationwide Poll Reveals Top U.S. and Canadian Speed Traps* (Aug. 2012), available at <http://www.motorists.org/other/August%202012%20News%20Release--FINAL.pdf> (last visited 03/09/15).

⁷ CBS News, *Florida Town Infamous for Speed Traps Disbanding Police Force* (Oct. 2014), available at <http://www.cbsnews.com/news/florida-town-infamous-for-speed-traps-disbanding-police-force/> (last visited 03/09/2015).

⁸ The police department of the City of Hampton reportedly was decommissioned after the "Joint Legislative Auditing Committee learned that Hampton had received hundreds of thousands of dollars from tickets written by officers patrolling a short distance on U.S. 301" and that much of the revenue was misspent. Arek Sarkissian, *Bill would toughen state ban*

Effect of Proposed Changes

The bill amends s. 316.640, F.S., by prohibiting a traffic enforcement agency from establishing traffic citation quotas. It clarifies that any agency or governmental entity vested with the powers to enforce traffic laws under the state, county, or municipality is a traffic enforcement agency, thereby clarifying that all traffic enforcement agencies may not establish traffic citation quotas.

Even if a traffic citation is issued as part of a prohibited traffic quota program, the citation appears to remain subject to the penalties provided in ch. 318, F.S.

The bill amends s. 316.660, F.S., by adding a requirement that a county or municipality submit a report to the Legislative Auditing Committee if the total revenue from traffic citations that a county or municipality receives in a fiscal year exceeds 33 percent of the total expenses incurred to operate the county's or municipality's law enforcement agency in the same fiscal year. If required to submit the report, the report must be submitted within six months after the end of the fiscal year and must detail the following:

- Total revenue from traffic citations of the city or municipality; and
- Total expenses for law enforcement of the city or municipality.

B. SECTION DIRECTORY:

Section 1: Amends s. 316.640, F.S., designating counties and municipalities as traffic enforcement agencies for purposes of the section and prohibiting them from establishing traffic citation quotas.

Section 2: Amends s. 316.660, F.S., requiring a county or municipality to submit a report of its traffic citation revenue and its expenses for operating a law enforcement agency during a fiscal year to the Legislative Auditing Committee under certain circumstances.

Section 3: Provides an effective date of July 1, 2015.

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:

If any counties or municipalities currently have traffic quotas, there may be a reduction in revenues from traffic citations after elimination of the quota requirement.

2. Expenditures:

The bill will have an indeterminate minimal fiscal impact on the expenditures of counties and municipalities because they must calculate what percentage of their total expenses to operate their law enforcement agency in a fiscal year is derived from traffic citation revenues in the same fiscal year and, depending on the calculation, may also be required to submit a report to the Legislative Auditing Committee.

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill neither authorizes rulemaking nor requires implementation through executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 18, 2015, the Local Government Affairs Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment lowers the percentage from 50 percent to 33 percent to trigger reporting by a county or municipality to the Legislative Auditing Committee. This analysis is drafted to the committee substitute as passed by the Local Government Affairs Subcommittee.

1 A bill to be entitled
 2 An act relating to traffic enforcement agencies and
 3 traffic citations; amending s. 316.640, F.S.;
 4 designating counties and municipalities as traffic
 5 enforcement agencies for purposes of the section and
 6 prohibiting them from establishing traffic citation
 7 quotas; amending s. 316.660, F.S.; requiring a county
 8 or municipality to submit a report of its traffic
 9 citation revenue and its expenses for operating a law
 10 enforcement agency during a fiscal year to the
 11 Legislative Auditing Committee under certain
 12 circumstances; providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Paragraph (a) of subsection (1) and subsection
 17 (8) of section 316.640, Florida Statutes, are amended to read:
 18 316.640 Enforcement.—The enforcement of the traffic laws
 19 of this state is vested as follows:

20 (1) STATE.—
 21 (a)1.a. The Division of Florida Highway Patrol of the
 22 Department of Highway Safety and Motor Vehicles; the Division of
 23 Law Enforcement of the Fish and Wildlife Conservation
 24 Commission; and the agents, inspectors, and officers of the
 25 Department of Law Enforcement each have authority to enforce all
 26 of the traffic laws of this state on all the streets and

27 highways thereof and elsewhere throughout the state wherever the
 28 public has a right to travel by motor vehicle.

29 b. University police officers may enforce all of the
 30 traffic laws of this state when violations occur on or within
 31 1,000 feet of any property or facilities that are under the
 32 guidance, supervision, regulation, or control of a state
 33 university, a direct-support organization of such state
 34 university, or any other organization controlled by the state
 35 university or a direct-support organization of the state
 36 university, or when such violations occur within a specified
 37 jurisdictional area as agreed upon in a mutual aid agreement
 38 entered into with a law enforcement agency pursuant to s.
 39 23.1225(1). Traffic laws may also be enforced off-campus when
 40 hot pursuit originates on or within 1,000 feet of any such
 41 property or facilities, or as agreed upon in accordance with the
 42 mutual aid agreement.

43 c. Florida College System institution police officers may
 44 enforce all the traffic laws of this state only when such
 45 violations occur on or within 1,000 feet of any property or
 46 facilities that are under the guidance, supervision, regulation,
 47 or control of the Florida College System institution, or when
 48 such violations occur within a specified jurisdictional area as
 49 agreed upon in a mutual aid agreement entered into with a law
 50 enforcement agency pursuant to s. 23.1225. Traffic laws may also
 51 be enforced off-campus when hot pursuit originates on or within
 52 1,000 feet of any such property or facilities, or as agreed upon

53 in accordance with the mutual aid agreement.

54 d. Police officers employed by an airport authority may
 55 enforce all of the traffic laws of this state only when such
 56 violations occur on any property or facilities that are owned or
 57 operated by an airport authority.

58 (I) An airport authority may employ as a parking
 59 enforcement specialist any individual who successfully completes
 60 a training program established and approved by the Criminal
 61 Justice Standards and Training Commission for parking
 62 enforcement specialists but who does not otherwise meet the
 63 uniform minimum standards established by the commission for law
 64 enforcement officers or auxiliary or part-time officers under s.
 65 943.12. This sub-sub-subparagraph may not be construed to permit
 66 the carrying of firearms or other weapons, nor shall such
 67 parking enforcement specialist have arrest authority.

68 (II) A parking enforcement specialist employed by an
 69 airport authority may enforce all state, county, and municipal
 70 laws and ordinances governing parking only when such violations
 71 are on property or facilities owned or operated by the airport
 72 authority employing the specialist, by appropriate state,
 73 county, or municipal traffic citation.

74 e. The Office of Agricultural Law Enforcement of the
 75 Department of Agriculture and Consumer Services may enforce
 76 traffic laws of this state.

77 f. School safety officers may enforce all of the traffic
 78 laws of this state when such violations occur on or about any

79 property or facilities that are under the guidance, supervision,
80 regulation, or control of the district school board.

81 ~~2. An agency of the state as described in subparagraph 1.~~
82 ~~is prohibited from establishing a traffic citation quota. A~~
83 ~~violation of this subparagraph is not subject to the penalties~~
84 ~~provided in chapter 318.~~

85 2.3. Any disciplinary action taken or performance
86 evaluation conducted by an agency of the state as described in
87 subparagraph 1. of a law enforcement officer's traffic
88 enforcement activity must be in accordance with written work-
89 performance standards. Such standards must be approved by the
90 agency and any collective bargaining unit representing such law
91 enforcement officer. A violation of this subparagraph is not
92 subject to the penalties provided in chapter 318.

93 3.4. The Division of the Florida Highway Patrol may employ
94 as a traffic accident investigation officer any individual who
95 successfully completes instruction in traffic accident
96 investigation and court presentation through the Selective
97 Traffic Enforcement Program as approved by the Criminal Justice
98 Standards and Training Commission and funded through the
99 National Highway Traffic Safety Administration or a similar
100 program approved by the commission, but who does not necessarily
101 meet the uniform minimum standards established by the commission
102 for law enforcement officers or auxiliary law enforcement
103 officers under chapter 943. Any such traffic accident
104 investigation officer who makes an investigation at the scene of

105 a traffic accident may issue traffic citations, based upon
 106 personal investigation, when he or she has reasonable and
 107 probable grounds to believe that a person who was involved in
 108 the accident committed an offense under this chapter, chapter
 109 319, chapter 320, or chapter 322 in connection with the
 110 accident. This subparagraph does not permit the officer to carry
 111 firearms or other weapons, and such an officer does not have
 112 authority to make arrests.

113 (8) TRAFFIC ENFORCEMENT AGENCY.—

114 (a) Any agency or governmental entity designated in
 115 subsection (1), subsection (2), or subsection (3), including a
 116 university, a Florida College System institution, a school
 117 board, or an airport authority, is a traffic enforcement agency
 118 for purposes of this section and s. 316.650.

119 (b) A traffic enforcement agency may not establish a
 120 traffic citation quota.

121 Section 2. Section 316.660, Florida Statutes, is amended
 122 to read:

123 316.660 Disposition of fines and forfeitures collected for
 124 violations; reporting requirement.—

125 (1) Except as otherwise provided by law, all fines and
 126 forfeitures received by any county court from violations of any
 127 of the provisions of this chapter, or from violations of any
 128 ordinances adopting matter covered by this chapter, must be paid
 129 and distributed as provided in s. 318.21.

130 (2) If the total revenue from traffic citations that a

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2015

131 county or municipality receives in a fiscal year exceeds 33
132 percent of the total expenses that the county or municipality
133 incurs to operate a law enforcement agency in the same fiscal
134 year, the county or municipality shall submit a report to the
135 Legislative Auditing Committee detailing its total revenue from
136 traffic citations and its total expenses for law enforcement
137 within 6 months after the end of the fiscal year.

138 Section 3. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 523 Notaries Public
SPONSOR(S): Criminal Justice Subcommittee; Kerner
TIED BILLS: None **IDEN./SIM. BILLS:** CS/SB 526

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Development & Tourism Subcommittee	12 Y, 0 N	Collins	Duncan
2) Criminal Justice Subcommittee	13 Y, 0 N, As CS	Keegan	Cunningham
3) Economic Affairs Committee		Collins <i>RC</i>	Creamer <i>J</i>

SUMMARY ANALYSIS

Currently, law enforcement officers, correctional officers, correctional probation officers, traffic accident investigation officers and traffic infraction enforcement officers are authorized to perform the notarial act of administering oaths when performing official duties. Such officers are not currently authorized to verify official documents.

The bill authorizes law enforcement officers, correctional officers, correctional probation officers, traffic accident investigation officers, or traffic infraction enforcement officers to:

- Verify documents pursuant to s. 92.525, F.S., when performing official duties; and
- Administer oaths by reliable electronic means or in the physical presence of the affiant.

The bill defines the term "reliable electronic means" to mean the signing and transmission of a document through means compliant with criminal justice information system security measures.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Notaries Public in Florida

A notary public (notary or notaries) is a public officer appointed and commissioned by the Governor whose function is to administer oaths; to take acknowledgements of deeds and other instruments; to attest to or certify photocopies of certain documents; and to perform other duties specified by law.¹

Chapter 117, F.S., provides requirements and guidelines for notaries and authorizes the Governor to appoint as many notaries as necessary. A notary must be at least 18 years of age, maintain legal residence in the state throughout the commission, and possess the ability to read, write, and understand English.² The application for appointment must include a \$25 fee, a \$10 commission fee required by s. 113.01, F.S., and a \$4 surcharge, appropriated to the Executive Office of the Governor to be used for notary education and assistance.³

Once appointed, a notary serves a four-year term.⁴ During the term of office, a notary must post and maintain a \$7,500 bond payable to any individual harmed as a result of a notary's breach of duty. The bond must be approved and filed with the Department of State (DOS) and executed by a surety company that is authorized to transact business within the state. If a surety company pays an individual harmed by the notary for breach of duty, the company must notify the Governor of the payment and the underlying circumstances.⁵ No person may be automatically reappointed as a notary. The application process must be completed regardless of whether an applicant has previously served as a notary.⁶

A notary is authorized by law to perform six functions:⁷

- Administer oaths or affirmations;⁸
- Take acknowledgements of deeds and other instruments of writing for record;⁹
- Attest to photocopies of certain documents;¹⁰
- Solemnize marriage;¹¹
- Verify vehicle identification numbers;¹² and
- Certify the contents of a safe-deposit box.¹³

Electronic Notarization

Any document requiring notarization may be notarized electronically.¹⁴ In performing a notarial act electronically, a notary public must use an electronic signature that is:¹⁵

- Unique to the notary public;
- Capable of independent verification;

¹ *Governor's Reference Manual for Notaries*; State of Florida, November 1, 2001 ed., p. 6, available at http://www.flgov.com/notary_ref_manual/ (last visited March 10, 2015).

² Section 117.01(1), F.S.

³ Section 117.01(2), F.S.

⁴ Section 117.01(1), F.S.

⁵ Section 117.01(8), F.S.

⁶ Section 117.01(6), F.S.

⁷ See *supra* note 1 at 12.

⁸ Section 117.03, F.S.

⁹ Section 117.04, F.S.

¹⁰ Section 117.05(12)(a), F.S.

¹¹ Section 117.045, F.S.

¹² Section 319.23(3)(a)2., F.S.

¹³ Section 655.94(1), F.S.

¹⁴ Section 117.021(1), F.S.

¹⁵ Section 117.021(2)(a)-(d), F.S.

- Retained under the notary public's sole control; and
- Attached to or logically associated with the electronic document in a manner that any subsequent alteration to the electronic document displays evidence of alteration.

When a signature is required to be accompanied by a notary public seal, the following information must be included in an electronic signature:¹⁶

- The full name of the notary public exactly as provided on the notary public's application for commission;
- The words "Notary Public State of Florida";
- The date of expiration of the commission of the notary public; and
- The notary public's commission number.

Electronic Warrants

In 2013,¹⁷ the Legislature authorized judges to electronically sign a search or arrest warrant upon examination of an application or complaint and proof that it:

- bears the affiant's signature or electronic signature;
- is supported by an oath or affirmation administered by the judge or other person authorized by law to administer oaths; and
- if submitted electronically, is submitted by reliable electronic means.

The law also provided that a warrant is deemed issued when it is signed or electronically signed¹⁸ by a judge.

Verification of Documents

Currently, when it is authorized or required by law, by rule, or an administrative agency, or by order of court that a document be verified by a person, the verification may be accomplished:¹⁹

- Under oath or affirmation taken or administered before an officer authorized pursuant to s. 92.50, F.S.,²⁰ to administer oaths; or
- By signing a written declaration.²¹

While notaries are authorized to verify documents, law enforcement officers are not authorized to do so.

Law Enforcement and Correctional Officers

Currently, s. 117.10, F.S., provides that law enforcement officers, correctional officers, and correctional probation officers;²² and traffic accident investigation officers and traffic infraction enforcement officers²³ are authorized to administer oaths when engaged in the performance of official duties. Additionally, the

¹⁶ Section 117.021(3)(a)-(d), F.S.

¹⁷ Chapter 2013-247, Laws of Fla.

¹⁸ "Electronically signed" is defined by s. 933.40, F.S., as any letters, characters, symbols, or process manifested by electronic or similar means and attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

¹⁹ Section 92.525(1), F.S.

²⁰ Oaths, affidavits, and acknowledgments required or authorized under the laws of this state (except oaths to jurors and witnesses in court and such other oaths, affidavits and acknowledgments as are required by law to be taken or administered by or before particular officers) may be taken or administered by or before any judge, clerk, or deputy clerk of any court of record within this state, including federal courts, or before any United States commissioner or any notary public within this state. The jurat, or certificate of proof or acknowledgment, shall be authenticated by the signature and official seal of such officer or person taking or administering the same; however, when taken or administered before any judge, clerk, or deputy clerk of a court of record, the seal of such court may be affixed as the seal of such officer or person. Section 92.50(1), F.S.

²¹ "Written declaration" means the following statement: "Under penalties of perjury, I declare that I have read the foregoing [document] and that the facts stated in it are true," followed by the signature of the person making the declaration, except when a verification on information or belief is permitted by law, in which case the words "to the best of my knowledge and belief" may be added. Section 92.525(2), F.S.

²² See s. 943.10 (1)-(3), F.S.

²³ See s. 316.640, F.S.

law provides that ss. 117.01, 117.04, 117.045, 117.05, and 117.103, F.S., do not apply to the provisions of s.117.10, F.S., thereby exempting the previously listed officers from a number of the duties and responsibilities of notaries public.

Effect of Proposed Changes

The bill amends s. 92.525, F.S., to provide that when a document is required to be verified by a person, such verification may be performed under oath or affirmation taken before a law enforcement officer, correctional officer, correctional probation officer, traffic accident investigation officer, or traffic infraction enforcement officer who is engaged in the performance of official duties.

The bill amends s. 117.10, F.S., to authorize a law enforcement officer, correctional officer, correctional probation officer, traffic accident investigation officer, or traffic infraction enforcement officer to administer oaths by reliable electronic means or in the physical presence of the affiant. The bill defines the the term "reliable electronic means" to mean the "signing and transmission of a document through means compliant with criminal justice information system²⁴ security measures." Such signing and transmission must be made by an affiant under circumstances that indicate that the document was submitted by the affiant.

B. SECTION DIRECTORY:

Section 1: Amends s. 92.525, F.S., authorizing certain officers to verify documents.

Section 2: Amends s. 117.10, F.S., authorizing specified officers to administer oaths by reliable electronic means when engaged in the performance of official duties.

Section 3: Provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have any impact on state revenues.

2. Expenditures:

The bill does not appear to have any impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

The bill does not appear to have any impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

²⁴ The Federal Bureau of Investigation's Criminal Justice Information Services division was established in 1992 to serve as the focal point and central depository for criminal justice information services in the FBI. Programs under the division's purview include the National Crime Information Center, Uniform Crime Reporting, and Fingerprint Identification.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to spend funds or take an action requiring the expenditure 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 16, 2015, the Criminal Justice Subcommittee adopted one amendment and reported the bill as favorable as a committee substitute. The amendment clarifies language allowing specified officers to verify documents and removes Section 2 of the bill to delete unnecessary language.

This analysis is drafted to the committee substitute as passed by the Criminal Justice Subcommittee.

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A bill to be entitled
 An act relating to notaries public; amending s.
 92.525, F.S.; revising the methods available for
 verifying documents; amending s. 117.10, F.S.;
 defining the term "reliable electronic means";
 authorizing specified officers to administer oaths by
 reliable electronic means when engaged in the
 performance of official duties; providing an effective
 date.

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

Section 1. Subsection (1) of section 92.525, Florida
 Statutes, is amended to read:

92.525 Verification of documents; perjury by false written
 declaration, penalty.—

(1) If ~~When it is~~ authorized or required by law, by rule
 of an administrative agency, or by rule or order of court that a
 document be verified by a person, the verification may be
 accomplished in the following manner:

(a) Under oath or affirmation taken or administered before
 an officer authorized under s. 92.50 to administer oaths; ~~or~~

(b) Under oath or affirmation taken or administered by an
 officer authorized under s. 117.10 to administer oaths; or

(c) ~~(b)~~ By the signing of the written declaration
 prescribed in subsection (2).

27 Section 2. Section 117.10, Florida Statutes, is amended to
 28 read:

29 117.10 Law enforcement and correctional officers;
 30 administration of oaths.—

31 (1) For purposes of this section, the term "reliable
 32 electronic means" means the signing and transmission of a
 33 document through means compliant with criminal justice
 34 information system security measures. Such signing and
 35 transmission must be made by an affiant to an officer authorized
 36 to administer oaths under subsection (2) under circumstances
 37 that indicate that the document was submitted by the affiant.

38 (2) Law enforcement officers, correctional officers, and
 39 correctional probation officers, as defined in s. 943.10, and
 40 traffic accident investigation officers and traffic infraction
 41 enforcement officers, as described in s. 316.640, are authorized
 42 to administer oaths by reliable electronic means or in the
 43 physical presence of an affiant when engaged in the performance
 44 of official duties. Sections 117.01, 117.04, 117.045, 117.05,
 45 and 117.103 do not apply to ~~the provisions of~~ this section. An
 46 officer may not notarize his or her own signature.

47 (3) An oath administered pursuant to this section is an
 48 acceptable method of verification as provided under s. 92.525.

49 Section 3. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 817 Transportation Network Companies
SPONSOR(S): Transportation & Ports Subcommittee; Gaetz
TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Ports Subcommittee	9 Y, 3 N, As CS	Johnson	Vickers
2) Economic Affairs Committee		Johnson <i>AB</i>	Creamer <i>JC</i>

SUMMARY ANALYSIS

Currently, transportation network companies (TNC) are not referenced in state statutes, however, some local jurisdictions have enacted regulations regarding these entities. The bill preempts to the state the regulation of TNCs and creates a regulatory framework for the operation of TNCs. Specifically, the bill:

- Provides definitions.
- Provides that a TNC is not a common carrier and does not provide taxi or for-hire vehicle service.
- Provides that a TNC driver is not required to register his or her vehicle as a commercial vehicle or a for-hire vehicle.
- Requires a permit from the Department of Highway Safety and Motor Vehicles (DHSMV) to operate a TNC.
- Provides an annual registration fee for TNCs.
- Requires that TNCs that charge fares disclose the fare calculation.
- Requires TNCs to provide passengers with the applicable rates being charged and an option to receive an estimated fare.
- Requires the identification of vehicles and drivers.
- Requires an electronic receipt to be provided to TNC passengers.
- Provides minimum TNC and driver insurance requirements.
- Provides certain TNC and insurer disclosure requirements.
- Provides that TNC drivers are independent contractors under certain circumstances.
- Requires TNCs to have a zero tolerance policy for drug or alcohol use.
- Provides minimum requirements for TNC drivers.
- Prohibits certain conduct from TNC drivers.
- Requires TNCs to develop a policy on nondiscrimination and accessibility.
- Requires TNCs to maintain certain records for a minimum period of time.
- Authorizes DHSMV to adopt rules.

The bill has an indeterminate positive fiscal impact on DHSMV. The bill may have an indeterminate, but positive fiscal impact on the Florida Department of Law Enforcement (FDLE) due to background checks being conducted on TNC drivers. The bill has a potential negative fiscal impact on local governments that are currently collecting fees from TNCs.

The bill has an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Chapter 316, F.S., is the Florida Uniform Traffic Control Law, which is intended to make uniform traffic laws apply throughout the state. Provisions in Ch. 316, F.S., relate to, but are not limited to, traffic laws, traffic infraction detectors, parking regulations, and driving under the influence.

Currently, the majority of taxi and limousine regulation in the State of Florida is controlled by local governments. Florida law currently provides the following requirements relating to limousines and taxis:

- Taxis and limousines must maintain a motor vehicle liability policy with minimum limits of \$125,000 per person for bodily injury, up to \$250,000 per incident for bodily injury, and \$50,000 for property damage;¹
- An owner or lessee who is required to maintain insurance under s. 324.021(9)(b), F.S., and who operates at least 300 taxicabs, limousines, jitneys, or any other for-hire passenger vehicles is authorized to fulfill the requirement through self-insurance as provided by s. 324.171, F.S.;²
- With respect to workers' compensation an "employee" is not a taxicab, limousine, or other passenger vehicle-for-hire driver who operates said vehicles pursuant to a written agreement with a company which provides any dispatch, marketing, insurance, communications, or other services under which the driver and any fees or charges paid by the driver to the company for such services are not conditioned upon, or expressed as a proportion of, fare revenues;³
- The child restraint requirements imposed by s. 316.613, F.S., do not apply to a chauffeur-driven taxi, limousine, sedan, van, bus, motor coach, or other passenger vehicle if the operator and the motor vehicle are hired and used for the transportation of persons for compensation; and
- To the extent not inconsistent with general or special law, the legislative and governing body of a county must have the power to carry on county government, including, but not restricted to, the power to license and regulate taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire that operate in the unincorporated areas of the county; except that any constitutional charter county as defined in s. 125.011(1), F.S.,⁴ must on July 1, 1988, have been authorized to have issued a number of permits to operate taxis which is no less than the ratio of one permit for each 1,000 residents of said county, and any such new permits issued after June 4, 1988, must be issued by lottery among individuals with such experience as a taxi driver as the county may determine.

For-hire vehicle services are undergoing changes with respect to models most often associated with the provision of transportation to individuals, such as by taxi. Technological advances are resulting in new methods for consumers to arrange and pay for transportation, including software applications that make use of mobile smartphone applications, Internet web pages, and email and text messages. Some states and local governments have taken steps to recognize and regulate companies using these new technologies, which describe themselves as "transportation network companies" (TNCs) and not vehicles for hire.

¹ S. 324.032(1), F.S.

² S. 324.032(2), F.S.

³ S. 440.02, F.S.

⁴ "County" means any county operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the Constitution of 1885, as preserved by Art. VIII, s. 6(e) of the Constitution of 1968, which county, by resolution of its board of county commissioners, elects to exercise the powers herein conferred. Use of the word "county" within the above provisions must include "board of county commissioners" of such county.

California was the first state to recognize TNCs,⁵ such as Uber, Lyft, and SideCar, which use these new methods to match drivers of vehicles with passengers requesting vehicles for transportation. Currently, Florida law does not recognize TNCs, but some local governments have addressed the issue of regulating TNCs. The discussion below summarizes the status of local government regulatory actions in selected jurisdictions:

- Broward County-Set a final voting date of April 14, 2015, to vote on TNC regulations.
- Duval County-TNC drivers have been issued legal citations and the city council was considering impounding the vehicles of repeat offenders.
- Hillsborough County-TNCs and the Hillsborough County Public Transportation Commission have attempted to work out an agreement allowing TNCs to operate legally. However, no agreement has been reached.
- Orlando-Recently adopted regulations regarding the operation of TNCs.
- Palm Beach County-Reached an interim agreement with a TNC allowing it to operate through September 2015.
- Panama City Beach-The city maintains that TNCs fall under the city's vehicle for hire regulations.
- Miami-Dade County-Continues working toward a new ordinance regulating TNCs.
- Tallahassee-A TNC driver is only required to register with the police department as a vehicle for hire.

Proposed Changes

The bill creates s. 316.830, F.S., relating to transportation network companies. The bill preempts the licensure and regulation of TNCs to the state. Additionally, the bill creates a regulatory framework that would govern the operation of TNCs in this state.

Definitions

The bill provides the following definitions:

- Transportation Network Company or Company-an entity granted a permit under s. 316.680, F.S., to operate in this state using a digital network or software application service to connect passengers to TNC service provided by drivers. A company is not deemed to own, control, operate, or manage the vehicles used by drivers; is not deemed to control or manage drivers; and is not a taxicab association or for-hire vehicle owner. A transportation network company does not include an individual, corporation, partnership, sole proprietorship, or other entity arranging non-emergency medical transportation for individuals qualifying for Medicaid or Medicare pursuant to a contract with the state or managed care organization.
- Transportation Network Company Driver or Driver-an individual who:
 - Receives connections to potential passengers and related services from a TNC in exchange for payment of a fee to the TNC; and
 - Operates a motor vehicle that is:
 - Owned, leased, or otherwise authorized for use by the individual;
 - Not a taxi, jitney, limousine, or for hire vehicle as defined in s. 320.01(15), F.S.;⁶ and

⁵ See Forbes, *California Becomes First State to Regulate Ridesharing Services Lyft, Sidecar, UberX*: <http://www.forbes.com/sites/tomiogeron/2013/09/19/california-becomes-first-state-to-regulate-ridesharing-services-lyft-sidecar-uberx/>. (Last visited March 4, 2015).

⁶ Section 320.01(15), F.S. defines "For-hire vehicle" as 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

- Used to provide TNC service.
- Transportation Network Company Service-the transportation of a passenger between points chosen by the passenger and prearranged with a driver through the use of a company digital network or software application service. Service begins when a driver accepts a request for transportation received through the company's digital network or software application service, continues while the driver transports the passenger in the driver's vehicle, and ends when the passenger exits the driver's vehicle. The term does not include a taxi, for-hire vehicle, or street hail service.
- Trip-The duration of TNC service beginning at the point of origin where the passenger enters the driver's vehicle and ending at a point of destination where the passenger exits the vehicle.

Not Common Carriers

The bill provides that a TNC or its driver is not a common carrier and does not provide taxi or for-hire vehicle service. Additionally, a TNC driver shall not be required to register the vehicle used for TNC service as a commercial vehicle or a vehicle for hire.

Permit Required

The bill requires a person to obtain a permit from the Department of Highway Safety and Motor Vehicles (DHSMV) to operate a TNC in the state.

DHSMV is required to issue a permit to each applicant meeting the TNC requirements and paying DHSMV an annual permit fee of \$5,000.

Agent for Service of Process Required

The bill requires each TNC to designate and maintain an agent for service of process in the state.

Fare Collected for Services

The bill authorizes TNCs on behalf of the driver, to collect a fare for services provided to passengers, provided that, if a fare is collected from a passenger, the TNC is required to disclose to passengers the fare calculation method on its website or within its software application. The company is also required to provide passengers with the applicable rates being charged and the option to receive an estimated fare before the passenger enters the driver's vehicle.

Identification of Vehicles and Drivers

The bill requires the company's software application to display a picture of the driver and the license plate number of the motor vehicle used to provide TNC service before the passenger enters the driver's vehicle.

Electronic Receipt

The bill requires the TNC, within a reasonable period of time after the completion of a trip, to be determined by DHSMV, to provide the passenger an electronic receipt, which lists:

- The origin and destination of the trip.

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." The following are not included in the term "for-hire vehicle": a motor vehicle used for transporting school children to and from school under contract with school officials; a hearse or ambulance when operated by a licensed embalmer or mortician or his or her agent or employee in this state; a motor vehicle used in the transportation of agricultural or horticultural products or in transporting agricultural or horticultural supplies direct to growers or the consumers of such supplies or to associations of such growers or consumers; a motor vehicle temporarily used by a farmer for the transportation of agricultural or horticultural products from any farm or grove to a packinghouse or to a point of shipment by a transportation company; or a motor vehicle not exceeding 1 1/2 tons under contract with the Government of the United States to carry United States mail, provided such vehicle is not used for commercial purposes."

- The total time and distance of the trip.
- An itemization of the total fare paid.

TNC and Driver Insurance Requirements

The bill provides that beginning October 1, 2015, TNCs and their drivers must comply with the prescribed automobile liability insurance requirements.

When a TNC driver is logged into the TNC's digital network and available to receive requests for transportation, but is not providing TNC service, the following automobile liability insurance requirements apply:

- Automobile liability insurance that meets at least the minimum coverage requirements under s. 324.021(7)(a)-(c), F.S. This subsection requires proof to respond to damages in the event of a motor vehicle crash in the amounts of:
 - \$10,000 because of bodily injury to, or death of, one person in any one crash;
 - \$20,000 because of bodily injury to, or death of, two or more persons in any one crash; and
 - \$10,000 because of injury to, or destruction of, property of others in any one crash.
- Automobile liability insurance that provides the minimum coverage requirements required by a limousine by the Florida Motor Vehicle No-Fault Law.⁷ Pursuant to s. 627.733(1)(a), F.S., limousines are exempt from this law.

A TNC shall maintain automobile liability insurance in the amount required above and shall provide coverage in the event a participating driver's own automobile liability policy excludes coverage according to its policy terms and limits or does not provide coverage for the minimum requirements above.

When a driver is providing TNC service, the following automobile liability insurance requirements apply:

- Automobile liability insurance that recognizes the driver's provision of TNC service.
- Automobile liability insurance of at least \$1 million for death, personal injury, and property damage.
- Automobile liability insurance that provides the minimum coverage requirements where required for a limousine by the Florida Motor Vehicle No Fault Law.

The coverage requirements above may be satisfied by:

- Automobile liability insurance maintained by the driver;
- Automobile liability insurance maintained by the TNC; or
- A combination of coverage maintained by the driver and the TNC.

If the insurance maintained by the driver has lapsed, failed to provide the required coverage, denied a claim for the required coverage, or otherwise ceased to exist, insurance maintained by the TNC shall provide the coverage required beginning with the first dollar of the claim.

The required insurance may be placed with an insurer authorized to do business in the state or with a surplus lines insurer eligible under the Surplus Lines Law.⁸

A TNC or driver may prove financial responsibility⁹ by providing satisfactory evidence of holding an automobile liability policy.

⁷ Sections 627.730 through 627.7405, F.S.

⁸ SS. 626.913-626.937, F.S.

⁹ This is under Ch. 324, F.S. and s. 627.733, F.S.

TNC and Insurer Disclosure Requirements

The bill requires the TNC to disclose in writing to drivers before drivers are allowed to accept a request for TNC service on the company's digital network the following:

- The insurance coverage limits of liability that the company provides when the driver uses a personal vehicle in connection with a TNC's digital network.
- That the driver's personal insurance policy may not provide coverage while the driver uses a vehicle in connection with a TNC's digital network depending on its terms.

An insurer that provides automobile liability insurance policies under part XI of Ch. 627, F.S.,¹⁰ may:

- Exclude any and all coverage and the duty to defend the owner's insurance policy for a loss or injury that occurs while an insured vehicle provides or is available to provide TNC service, if such exclusion is expressly set forth in the policy and approved for sale in the state. This right to exclude coverage and the duty to indemnify and defend applies to any coverage included in an automobile insurance policy, including, but not limited to:
 - Liability coverage for bodily injury and property damage.
 - Uninsured and underinsured motorist coverage.
 - Comprehensive physical damage coverage.
 - Collision physical damage coverage.
 - Personal injury protection.

The insurer is required to notify the insured within 30 days after receiving a notice of loss that the insurer has no duty to defend or indemnify any person or organization for liability for a loss that is properly excluded pursuant to the terms of the applicable primary or excess insurance policy.

An insurer that provides automobile liability insurance in the state must disclose in a prominent place on its application for insurance whether the insurance policy provides coverage for an insured vehicle providing or available to provide TNC service. If an automobile liability insurance policy contains an exclusion for TNC service, the insurer or its agent must disclose in writing the exact language of such exclusion to the applicant during the application process.

In a claims coverage investigation, TNCs and any insurer providing coverage under s. 316.680, F.S., shall cooperate to facilitate the exchange of information, including the precise times that a driver logged on and off the TNC's digital network in the 24-hour period immediately preceding the accident and disclose to one another a clear description of the coverage, exclusions, and the limits provided under the insurance policy each party issued or maintained.

Drivers as Independent Contractors

The bill provides that a TNC driver is an independent contractor and is not an employee of the TNC if all of the following conditions are met:

- The TNC does not prescribe specific hours during which a driver must be logged into the TNC's digital platform;
- the TNC imposes no restrictions on the driver's ability to utilize digital platforms from other companies;
- the TNC does not assign a driver a particular territory in which TNC services can be provided;
- the TNC does not restrict a driver from engaging in any other occupation or business; and
- the TNC and driver agree in writing that the driver is an independent contractor of the TNC.

Zero Tolerance for Drug and Alcohol Use

¹⁰ Part XI of Ch. 627, F.S., relates to motor vehicle property and casualty insurance contracts.

The bill requires TNCs to implement a zero tolerance policy on the use of drugs or alcohol by a driver who is providing TNC service or who is logged into the TNC's digital network but is not providing service.

The TNC is required to provide notice on its website of its zero tolerance policy and provide procedures for a passenger to file a complaint about a driver who a passenger reasonably suspects was under the influence of drugs or alcohol during the course of a trip.

Upon receiving a passenger complaint alleging a violation of the zero tolerance policy, the TNC is required to immediately suspend the accused driver's access to its digital platform and shall investigate the reported incident. The suspension lasts the duration of the investigation.

The company is required to maintain records of a passenger complaint for at least two years after the date the complaint is received by the TNC.

TNC Driver Requirements

Prior to allowing a person to act as a driver on its digital platform, a TNC shall:

- Require the person to submit an application, including his or her address, date of birth, driver license number, driving history, motor vehicle registration, automobile liability insurance, and other information required by the TNC.
- Conduct, or have a third party conduct, a state and national criminal background check for each applicant to include:
 - The Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial national database with validation.
 - The Dru Sjodin National Sex Offender Public Website.
- Obtain and review a driving history research report on the person.

The TNC is required to prohibit a person to act as a driver on its digital platform if the person:

- Has had more than three moving violations in the preceding 3-year period or one major violation in the preceding 3-year period. A major violation includes, but is not limited to, fleeing or attempting to elude a law enforcement officer, reckless driving, or driving with a suspended or revoked license;
- Has been convicted, within the past seven years, of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage or theft, acts of violence, or acts of terror;
- Is a match in the Dru Sjodin National Sex Offender Public Website;
- Does not possess a valid driver license;
- Does not possess proof of registration for the motor vehicle used to provide TNC service;
- Does not possess proof of automobile liability insurance for the motor vehicle used to provide TNC service; or
- Has not attained the age of 19 years.

Vehicle Safety and Emissions

The bill requires TNCs to require that a motor vehicle used to provide TNC service meets the vehicle safety standards and emissions requirements for a private motor vehicle of the state in which the vehicle is registered.

Prohibited Conduct

The bill prohibits a driver from:

- Accepting a ride other than a ride arranged through the TNCs digital network or software application service.

- Soliciting or accepting street hails.
- Soliciting or accepting cash payment for passengers. TNCs are required to adopt a policy prohibiting solicitation or acceptance of cash payments from passengers and notify drivers of the policy. The policy must require a payment for TNC service to be made electronically using the TNCs digital network of software application service.

Nondiscrimination and Accessibility

The bill requires TNCs to adopt a policy of nondiscrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity with respect to passengers and potential passengers and shall notify drivers of such policy.

Drivers are required to comply with the TNC's nondiscrimination policy.

Drivers are required to comply with all applicable laws relating to the accommodation of service animals.

The bill prohibits a company from imposing additional charges for providing TNC service to persons with physical disabilities because of those disabilities.

TNCs are required to provide passengers with the opportunity to indicate whether they require a wheelchair-accessible vehicle. If a TNC cannot arrange wheelchair-accessible service, the TNC is required to direct the passenger to an alternative provider of wheelchair-accessible service, if available.

Records

A TNC is required to maintain:

- Individual trip records for at least one year after the date each trip was provided.
- Driver records for at least one year after the date on which a driver's activation on the TNC's digital network has ended.

Preemption

The bill provides that it is the intent of the Legislature to provide for uniformity of laws governing TNCs and TNC drivers throughout the state. Notwithstanding any other provision of law, TNCs and their drivers are governed exclusively by s. 316.680, F.S., and any DHSMV rules adopted to administer s. 316.680, F.S. A county, municipality, special district, or other local governmental entity or subdivision may not impose a tax on, or require a license for, a TNC or a driver, or a vehicle used by a TNC driver which such tax or license relates to providing TNC services, or subject a TNC to a county's, municipality's, special district's, or other local governmental entity's or subdivision's rate, entry, operational, or other requirements.

Rulemaking

The bill authorizes DHSMV to adopt rules to administer s. 316.680, F.S.

Effective Date

The bill has an effective date of July 1, 2015.

B. SECTION DIRECTORY:

Section 1 Creates s. 316.680, F.S., relating to transportation network companies.

Section 2 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Indeterminate. The bill will provide a positive fiscal impact to DHSMV. The bill requires TNCs to pay an annual permit fee of \$5,000 to DHSMV.

The bill may have an unknown positive fiscal impact on the Florida Department of Law Enforcement (FDLE) for the background check fees. However, it is unknown how many background checks will need to be obtained. The current cost for a state record check through FDLE is \$24.

The Revenue Estimating Conference has not officially estimated the impact at this time.

2. Expenditures:

DHSMV may incur some expenses associated with regulating TNCs.

FDLE may incur some expenditures associated with conducting background checks on TNC drivers. However, it is unknown how many individuals would require background checks.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill preempts to the state the regulation of TNCs. To the extent municipalities and other local governmental entities are imposing fees on TNCs, they will experience a negative fiscal impact.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

TNCs may see a reduced cost associated with statewide regulation instead of regulation at the local government level.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, section 18, of the Florida Constitution may apply because this bill preempts to the state the regulation of transportation network companies; however, an exception applies since it applies to similarly situated persons, including special districts regulating transportation network companies. If the provision applies, the bill will require a two-thirds vote.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill authorizes DHSMV to adopt rules administering the regulation of TNCs.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Comments

According to FDLE, the language in the bill does not qualify under P.L. 92-544 to obtain a national background check through the Federal Bureau of Investigation (FBI) as the bill does not require TNCs to submit electronic fingerprints to the FBI via FDLE. Although the state, through DHSMV, will issue permits for TNCs, the TNCs themselves will conduct and review the results of the required criminal history screening. TNCs are not identified as care providers under s. 943.0542, F.S., so a national records check through the FBI is precluded on that basis as well.

If TNC's only perform state-level criminal history record checks, it is permissible under s. 943.053(12), F.S., for the TNC to obtain criminal history information using a third party to conduct the background check. However, s. 943.053(12), F.S., requires that "such Florida criminal history may be provided by a private vendor only if that information is directly obtained from the [FDLE] for each request."

Thus, the bill would require a TNC to conduct or have a third-party conduct a state criminal history background check. Either way, by virtue of s. 943.053(12), F.S., the background check would need to include an FDLE check. However, the bill would prevent any use of the national criminal history database accessed through the FBI.¹¹

The bill provides that TNCs must maintain the level of coverage required for limousines under the Florida Motor Vehicle No-Fault Law. However, limousines are exempt from that law. This may exempt TNC drivers from this coverage requirement under certain circumstances.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 10, 2015, the Transportation & Ports subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment:

- Revised the definitions of "transportation network company" and "transportation network company driver."
- Provided that TNC drivers are not required to register their vehicles as commercial or for-hire vehicles.
- Revised provisions regarding fare collection.
- Revised provisions regarding TNC insurance.
- Provided that TNC drivers are independent contractors under certain circumstances.
- Revised provisions regarding the preemption of TNC service to the state.

This analysis is drafted to the committee substitute.

¹¹ FDLE Bill Analysis of HB 817. Copy on file with the Transportation & Ports Subcommittee.
STORAGE NAME: h0817b.EAC.DOCX
DATE: 3/19/2015

27 Section 1. Section 316.680, Florida Statutes, is created
 28 to read:

29 316.680 Transportation network companies.-

30 (1) DEFINITIONS.-As used in this section, the term:

31 (a) "Transportation network company" or "company" means an
 32 entity granted a permit under this section to operate in this
 33 state using a digital network or software application service to
 34 connect passengers to transportation network company service
 35 provided by drivers. A company is not deemed to own, control,
 36 operate, or manage the vehicles used by drivers; is not deemed
 37 to control or manage drivers; and is not a taxicab association
 38 or for-hire vehicle owner. A transportation network company does
 39 not include an individual, corporation, partnership, sole
 40 proprietorship, or other entity arranging nonemergency medical
 41 transportation for individuals qualifying for Medicaid or
 42 Medicare pursuant to a contract with the state or a managed care
 43 organization.

44 (b) "Transportation network company driver" or "driver"
 45 means an individual who:

46 1. Receives connections to potential passengers and
 47 related services from a transportation network company in
 48 exchange for payment of a fee to the transportation network
 49 company; and

50 2. Operates a motor vehicle that is:

51 a. Owned, leased, or otherwise authorized for use by the
 52 individual;

53 b. Not a taxi, jitney, limousine, or for-hire vehicle as
 54 defined in s. 320.01(15); and

55 c. Used to provide transportation network company service.

56 (c) "Transportation network company service" means the
 57 transportation of a passenger between points chosen by the
 58 passenger and prearranged with a driver through the use of a
 59 company digital network or software application service. Service
 60 begins when a driver accepts a request for transportation
 61 received through the company's digital network or software
 62 application service, continues while the driver transports the
 63 passenger in the driver's vehicle, and ends when the passenger
 64 exits the driver's vehicle. The term does not include a taxi,
 65 for-hire vehicle, or street hail service.

66 (d) "Trip" means the duration of transportation network
 67 company service beginning at a point of origin where the
 68 passenger enters the driver's vehicle and ending at a point of
 69 destination where the passenger exits the vehicle.

70 (2) NOT COMMON CARRIERS.—A transportation network company
 71 or transportation network company driver is not a common carrier
 72 and does not provide taxi or for-hire vehicle service. In
 73 addition, a driver is not required to register the vehicle that
 74 the driver uses for transportation network company service as a
 75 commercial vehicle or a for-hire vehicle.

76 (3) PERMIT REQUIRED.—

77 (a) A person must obtain a permit from the department to
 78 operate a transportation network company in this state.

79 | (b) The department shall issue a permit to each applicant
 80 | that meets the requirements for a transportation network company
 81 | pursuant to this section and pays an annual permit fee of \$5,000
 82 | to the department.

83 | (4) AGENT FOR SERVICE OF PROCESS REQUIRED.—A
 84 | transportation network company must designate and maintain an
 85 | agent for service of process in this state.

86 | (5) FARE COLLECTED FOR SERVICES.—A company may collect a
 87 | fare on behalf of a driver for the services provided to
 88 | passengers; however, if a fare is collected from a passenger,
 89 | the company shall disclose to the passenger the fare calculation
 90 | method on its website or within its software application. The
 91 | company shall also provide the passenger with the applicable
 92 | rates being charged and the option to receive an estimated fare
 93 | before the passenger enters the driver's vehicle.

94 | (6) IDENTIFICATION OF VEHICLES AND DRIVERS.—The company's
 95 | software application service or website shall display a picture
 96 | of the driver and the license plate number of the motor vehicle
 97 | used to provide transportation network company service before
 98 | the passenger enters the driver's vehicle.

99 | (7) ELECTRONIC RECEIPT.—Within a reasonable period of
 100 | time, to be determined by rule of the department, after
 101 | completion of a trip, the company shall provide an electronic
 102 | receipt to the passenger which lists:

- 103 | (a) The origin and destination of the trip.
- 104 | (b) The total time and distance of the trip.

105 | (c) An itemization of the total fare paid.

106 | (8) TRANSPORTATION NETWORK COMPANY AND DRIVER INSURANCE
 107 | REQUIREMENTS.—

108 | (a) Beginning October 1, 2015, companies and
 109 | transportation network company drivers must comply with
 110 | automobile liability insurance requirements under this
 111 | subsection.

112 | (b)1. When a driver is logged into the company's digital
 113 | network and is available to receive requests for transportation,
 114 | but is not providing transportation network company service, the
 115 | following automobile liability insurance requirements shall
 116 | apply:

117 | a. Automobile liability insurance that meets at least the
 118 | minimum coverage requirements under s. 324.021(7)(a)-(c).

119 | b. Automobile liability insurance that provides the
 120 | minimum coverage requirements where required of a limousine
 121 | under ss. 627.730-627.7405.

122 | 2. A company shall maintain automobile liability insurance
 123 | in the amount required in sub-subparagraph 1.a. and shall
 124 | provide coverage in the event a participating driver's own
 125 | automobile liability policy excludes coverage according to its
 126 | policy terms or does not provide coverage of the minimum
 127 | requirements in sub-subparagraph 1.a.

128 | (c) When a driver is providing transportation network
 129 | company service, the following automobile liability insurance
 130 | requirements shall apply:

131 1. Automobile liability insurance that recognizes the
 132 driver's provision of transportation network company service.

133 2. Automobile liability insurance of at least \$1 million
 134 for death, personal injury, and property damage.

135 3. Automobile liability insurance that provides the
 136 minimum coverage requirements where required of a limousine
 137 under ss. 627.730-627.7405.

138 (d) The coverage requirements of paragraph (c) may be
 139 satisfied by:

140 1. Automobile liability insurance maintained by the
 141 driver;

142 2. Automobile liability insurance maintained by the
 143 company; or

144 3. A combination of coverage maintained as provided in
 145 subparagraphs 1. and 2.

146 (e) If insurance maintained by a driver under this section
 147 has lapsed, failed to provide the required coverage, denied a
 148 claim for the required coverage, or otherwise ceased to exist,
 149 insurance maintained by the company shall provide the coverage
 150 required by this section beginning with the first dollar of a
 151 claim.

152 (f) Insurance required by this section may be placed with
 153 an insurer authorized to do business in the state or with a
 154 surplus lines insurer eligible under the Surplus Lines Law under
 155 ss. 626.913-626.937.

156 (g) A company or driver may prove financial responsibility

157 | under chapter 324 and s. 627.733 by providing satisfactory
 158 | evidence of holding an automobile liability policy pursuant to
 159 | this subsection.

160 | (9) TRANSPORTATION NETWORK COMPANY AND INSURER DISCLOSURE
 161 | REQUIREMENTS.—

162 | (a) The company shall disclose in writing to drivers
 163 | before the drivers are allowed to accept a request for
 164 | transportation network company service on the company's digital
 165 | network the following:

166 | 1. The insurance coverage and limits of liability that the
 167 | company provides while the driver uses a personal vehicle in
 168 | connection with a company's digital network.

169 | 2. That the driver's personal insurance policy may not
 170 | provide coverage while the driver uses a vehicle in connection
 171 | with a company's digital network, depending on its terms.

172 | (b) An insurer that provides automobile liability
 173 | insurance policies under part XI of chapter 627 may:

174 | 1. Exclude any and all coverage and the duty to defend
 175 | afforded under the owner's insurance policy for a loss or injury
 176 | that occurs while an insured vehicle provides or is available to
 177 | provide transportation network company service, if such
 178 | exclusion is expressly set forth in the policy and approved for
 179 | sale in the state. This right to exclude coverage and the duty
 180 | to indemnify and defend applies to any coverage included in an
 181 | automobile liability insurance policy, including, but not
 182 | limited to:

183 a. Liability coverage for bodily injury and property
 184 damage.
 185 b. Uninsured and underinsured motorist coverage.
 186 c. Medical payments coverage.
 187 d. Comprehensive physical damage coverage.
 188 e. Collision physical damage coverage.
 189 f. Personal injury protection.
 190 2. The insurer must notify the insured within 30 days
 191 after receiving a notice of loss that the insurer has no duty to
 192 defend or indemnify any person or organization for liability for
 193 a loss that is properly excluded pursuant to the terms of the
 194 applicable primary or excess insurance policy.
 195 (c) An insurer that provides automobile liability
 196 insurance in the state must disclose in a prominent place on its
 197 application for insurance whether the insurance policy provides
 198 coverage for an insured vehicle providing or available to
 199 provide transportation network company service. If an automobile
 200 liability insurance policy contains an exclusion for such
 201 service, the insurer or its agent must disclose in writing the
 202 exact language of such exclusion to the applicant during the
 203 application process.
 204 (d) In a claims coverage investigation, companies and any
 205 insurer providing coverage under this section shall cooperate to
 206 facilitate the exchange of information, including the precise
 207 times that a driver logged on and off of the company's digital
 208 network in the 24-hour period immediately preceding the accident

209 and disclose to one another a clear description of the coverage,
 210 exclusions, and limits provided under the insurance policy each
 211 party issued or maintained.

212 (10) DRIVERS AS INDEPENDENT CONTRACTORS.—A driver is an
 213 independent contractor and not an employee of the company if all
 214 of the following conditions are met:

215 (a) The company does not prescribe specific hours during
 216 which the driver must be logged into the company's digital
 217 platform.

218 (b) The company does not impose restrictions on the
 219 driver's ability to use digital platforms from other companies.

220 (c) The company does not assign the driver to a particular
 221 territory in which transportation network company services are
 222 authorized to be provided.

223 (d) The company does not restrict the driver from engaging
 224 in any other occupation or business.

225 (e) The company and the driver agree in writing that the
 226 driver is an independent contractor of the company.

227 (11) ZERO TOLERANCE FOR DRUG OR ALCOHOL USE.—

228 (a) A company shall implement a zero tolerance policy on
 229 use of drugs or alcohol by a driver who is providing
 230 transportation network company service or who is logged into the
 231 company's digital network but is not providing service.

232 (b) A company shall provide notice on its website of a
 233 zero tolerance policy under paragraph (a) and shall provide
 234 procedures for a passenger to file a complaint about a driver

235 | who the passenger reasonably suspects was under the influence of
 236 | drugs or alcohol during the course of a trip.

237 | (c) Upon receipt of a passenger complaint alleging a
 238 | violation of the zero tolerance policy, the company shall
 239 | immediately suspend the accused driver's access to the company's
 240 | digital platform and shall conduct an investigation into the
 241 | reported incident. The suspension shall last for the duration of
 242 | the investigation.

243 | (d) The company shall maintain records of a passenger
 244 | complaint for a period of at least 2 years after the date such
 245 | complaint is received by the company.

246 | (12) TRANSPORTATION NETWORK COMPANY DRIVER REQUIREMENTS.-

247 | (a) Before allowing a person to act as a driver on its
 248 | digital platform, the company shall:

249 | 1. Require the person to submit an application to the
 250 | company, including his or her address, date of birth, driver
 251 | license number, driving history, motor vehicle registration,
 252 | automobile liability insurance, and other information required
 253 | by the company.

254 | 2. Conduct, or have a third party conduct, a state and
 255 | national criminal background check for each applicant to
 256 | include:

257 | a. The Multi-State/Multi-Jurisdiction Criminal Records
 258 | Locator or other similar commercial national database with
 259 | validation.

260 | b. The Dru Sjodin National Sex Offender Public Website.

261 3. Obtain and review a driving history research report for
 262 such person.

263 (b) The company shall prohibit a person to act as a driver
 264 on its digital platform if the person:

265 1. Has had more than three moving violations in the
 266 preceding 3-year period or one major violation in the preceding
 267 3-year period. A major violation includes, but is not limited
 268 to, fleeing or attempting to elude a law enforcement officer,
 269 reckless driving, or driving with a suspended or revoked
 270 license;

271 2. Has been convicted, within the past 7 years, of driving
 272 under the influence of drugs or alcohol, fraud, sexual offenses,
 273 use of a motor vehicle to commit a felony, a crime involving
 274 property damage or theft, acts of violence, or acts of terror;

275 3. Is a match in the Dru Sjodin National Sex Offender
 276 Public Website;

277 4. Does not possess a valid driver license;

278 5. Does not possess proof of registration for the motor
 279 vehicle used to provide transportation network company service;

280 6. Does not possess proof of automobile liability
 281 insurance for the motor vehicle used to provide transportation
 282 network company service; or

283 7. Has not attained the age of 19 years.

284 (13) VEHICLE SAFETY AND EMISSIONS.—A company shall require
 285 that a motor vehicle used by a driver to provide transportation
 286 network company service meets the vehicle safety and emissions

287 requirements for a private motor vehicle of the state in which
 288 the vehicle is registered.

289 (14) PROHIBITED CONDUCT.—A driver may not:

290 (a) Accept a ride other than a ride arranged through a
 291 digital network or software application service.

292 (b) Solicit or accept street hails.

293 (c) Solicit or accept cash payments from passengers. A
 294 company shall adopt a policy prohibiting solicitation or
 295 acceptance of cash payments from passengers and notify drivers
 296 of such policy. Such policy must require a payment for
 297 transportation network company service to be made electronically
 298 using the company's digital network or software application
 299 service.

300 (15) NONDISCRIMINATION; ACCESSIBILITY.—

301 (a) A company shall adopt a policy of nondiscrimination on
 302 the basis of destination, race, color, national origin,
 303 religious belief or affiliation, sex, disability, age, sexual
 304 orientation, or gender identity with respect to passengers and
 305 potential passengers and shall notify drivers of such policy.

306 (b) A driver shall comply with the nondiscrimination
 307 policy.

308 (c) A driver shall comply with all applicable laws
 309 relating to accommodation of service animals.

310 (d) A company may not impose additional charges for
 311 providing transportation network company service to persons with
 312 physical disabilities because of those disabilities.

313 (e) A company shall provide passengers an opportunity to
 314 indicate whether they require a wheelchair-accessible vehicle.
 315 If a company cannot arrange wheelchair-accessible service, it
 316 shall direct the passenger to an alternate provider of
 317 wheelchair-accessible service, if available.

318 (15) RECORDS.—A company shall maintain:

319 (a) Individual trip records for at least 1 year after the
 320 date each trip was provided.

321 (b) Driver records for at least 1 year after the date on
 322 which a driver's activation on the company's digital network has
 323 ended.

324 (16) PREEMPTION.—It is the intent of the Legislature to
 325 provide for uniformity of laws governing transportation network
 326 companies and transportation network company drivers throughout
 327 the state. Notwithstanding any other provision of law,
 328 transportation network companies and drivers are governed
 329 exclusively by this section and any rules adopted by the
 330 department to administer this section. A county, municipality,
 331 special district, or other local governmental entity or
 332 subdivision may not impose a tax on, or require a license for, a
 333 company or a driver, or a vehicle used by a driver, if such tax
 334 or license relates to providing transportation network company
 335 services, or subject a company to any rate, entry, operational,
 336 or other requirements of the county, municipality, special
 337 district, or other local governmental entity or subdivision.

338 (17) RULEMAKING.—The department may adopt rules to

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2015

339 | administer this section.

340 | Section 2. This act shall take effect July 1, 2015.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representative Gaetz offered the following:

Amendment

Remove lines 254-259 and insert:

6 2. Conduct, or have a third party conduct, a criminal
7 background check for each applicant to include:

8 a. A Level 1 screening pursuant to chapter 435 at least
9 once every other year.



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	_____	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Gaetz offered the following:

Amendment

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 316.680, Florida Statutes, is created
7 to read:

8 316.680 Transportation network companies.-

9 (1) DEFINITIONS.-As used in this section, the term:

10 (a) "Digital network" means any online-enabled application,
11 software, website or system offered or utilized by a
12 transportation network company that enables the prearrangement
13 of rides with transportation network company drivers.

14 (b) "Personal vehicle" means a vehicle that is used by a
15 transportation network company driver in connection with
16 providing transportation network company service and is:



Amendment No. 2.

17 1. Owned, leased, or otherwise authorized for use by a
18 transportation network company driver;

19 2. Not a taxi, jitney, limousine, or for-hire vehicle as
20 defined in s. 320.01(15).

21 (c) "Transportation network company" or "company" means an
22 entity granted a permit under this section to operate in this
23 state using a digital network or software application service to
24 connect passengers to transportation network company service
25 provided by drivers. A company is not deemed to own, control,
26 operate, or manage the vehicles used by drivers; is not deemed
27 to control or manage drivers; and is not a taxicab association
28 or for-hire vehicle owner. A transportation network company does
29 not include an individual, corporation, partnership, sole
30 proprietorship, or other entity arranging nonemergency medical
31 transportation for individuals qualifying for Medicaid or
32 Medicare pursuant to a contract with the state or a managed care
33 organization.

34 (c) "Transportation network company driver" or "driver"
35 means an individual who:

36 1. Receives connections to potential passengers and related
37 services from a transportation network company in exchange for
38 payment of a fee to the transportation network company; and

39 2. Uses a personal vehicle to provide transportation
40 network company service to passengers upon connection through a
41 digital network controlled by a transportation network company
42 in return for compensation or payment of a fee.



Amendment No. 2.

43 (d) "Transportation network company rider" or "rider" means
44 an individual or persons who use a transportation network
45 company's digital network to connect with a transportation
46 network company driver who provides transportation network
47 company service to the rider in the driver's personal vehicle
48 between points chosen by the rider.

49 (e) "Transportation network company service" means the
50 provision of transportation by a driver to a rider, beginning
51 when a driver accepts a ride requested by a rider through a
52 digital network controlled by a transportation network company,
53 continuing while the driver transports a rider, and ending when
54 the last rider departs from the personal vehicle. The term does
55 not include a taxi, for-hire vehicle, or street hail service.

56 (f) "Trip" means the duration of transportation network
57 company service beginning at a point of origin where the
58 passenger enters the driver's vehicle and ending at a point of
59 destination where the passenger exits the vehicle.

60 (2) NOT COMMON CARRIERS.—A transportation network company
61 or driver is not a common carrier and does not provide taxi or
62 for-hire vehicle service. In addition, a driver is not required
63 to register the vehicle that the driver uses for transportation
64 network company service as a commercial vehicle or a for-hire
65 vehicle.

66 (3) PERMIT REQUIRED.—

67 (a) A person must obtain a permit from the department to
68 operate a transportation network company in this state.



Amendment No. 2.

69 (b) The department shall issue a permit to each applicant
70 that meets the requirements for a transportation network company
71 pursuant to this section and pays an annual permit fee of \$5,000
72 to the department.

73 (4) AGENT FOR SERVICE OF PROCESS REQUIRED.—A
74 transportation network company must designate and maintain an
75 agent for service of process in this state. If the registered
76 agent of the company cannot, with reasonable diligence, be found
77 or if the company fails to designate or maintain a registered
78 agent in this state, the executive director of the department
79 must be an agent of the transportation network company upon whom
80 any process, notice, or demand may be served.

81 (5) FARE COLLECTED FOR SERVICES.—A company may collect a
82 fare on behalf of a driver for the services provided to
83 passengers; however, if a fare is collected from a passenger,
84 the company shall disclose to the passenger the fare calculation
85 method on its website or within its software application. The
86 company shall also provide the passenger with the applicable
87 rates being charged and the option to receive an estimated fare
88 before the passenger enters the driver's vehicle.

89 (6) IDENTIFICATION OF VEHICLES AND DRIVERS.—The company's
90 software application service or website shall display a picture
91 of the driver and the license plate number of the motor vehicle
92 used to provide transportation network company service before
93 the passenger enters the driver's vehicle.



Amendment No. 2.

94 (7) ELECTRONIC RECEIPT.—Within a reasonable period of
95 time, to be determined by rule of the department, after
96 completion of a trip, the company shall provide an electronic
97 receipt to the passenger which lists:

98 (a) The origin and destination of the trip.

99 (b) The total time and distance of the trip.

100 (c) An itemization of the total fare paid.

101 (8) TRANSPORTATION NETWORK COMPANY AND DRIVER INSURANCE
102 REQUIREMENTS.—

103 (a) Beginning March 1, 2016, a transportation network
104 company driver or transportation network company on the driver's
105 behalf shall maintain primary automobile insurance that
106 recognizes that the driver is a transportation network company
107 driver or otherwise uses a vehicle to transport passengers for
108 compensation and covers the driver:

109 1. While the driver is logged on to the transportation
110 network company's digital network; or

111 2. While the driver is engaged in transportation network
112 company service.

113 (b) The following automobile insurance requirements shall
114 apply while a participating driver is logged on to the
115 transportation network company's digital network and is
116 available to receive transportation requests but is not engaged
117 in transportation network company service:

118 1. Primary automobile liability insurance in the amount of
119 at least \$50,000 for death and bodily injury per person,



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120 \$100,000 for death and bodily injury per incident, and \$25,000
121 for property damage.

122 2. Primary automobile liability insurance that provides
123 the minimum coverage requirements under ss. 627.730-627.7405.

124 (c) The following automobile insurance requirements shall
125 apply while a driver is engaged in transportation network
126 company service:

127 1. Primary automobile liability insurance that provides
128 at least \$1,000,000 for death, bodily injury and property
129 damage;

130 2. Primary automobile liability insurance that provides
131 the minimum coverage requirements where required of a limousine
132 under ss. 627.730-627.7405.

133 (d) The coverage requirements of subsections (b) and (c)
134 may be satisfied by:

135 1. Automobile liability insurance maintained by the
136 driver;

137 2. Automobile liability insurance maintained by the
138 company; or

139 3. A combination of coverage maintained as provided in
140 subparagraphs 1. and 2.

141 (e) If insurance maintained by a driver under paragraphs
142 (b) or (c) of this subsection has lapsed or does not provide the
143 required coverage, insurance maintained by a transportation
144 network company shall provide the coverage required by this
145 section beginning with the first dollar of a claim.



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146 (f) Coverage under an automobile insurance policy
147 maintained by the transportation network company shall not be
148 dependent on a personal automobile insurer first denying a claim
149 nor shall a personal automobile insurance policy be required to
150 first deny a claim.

151 (g) Insurance required by this section may be placed with
152 an insurer authorized to do business in the state or with a
153 surplus lines insurer eligible under the Surplus Lines Law under
154 ss. 626.913-626.937.

155 (h) Insurance satisfying the requirements of this section
156 shall be deemed to satisfy the financial responsibility
157 requirement for a motor vehicle under chapter 324 and the
158 security required under s. 627.733.

159 (i) A driver shall carry proof of coverage satisfying
160 paragraphs (b) and (c) of this subsection with him or her at all
161 times during his or her use of a vehicle in connection with a
162 transportation network company's digital network. In the event
163 of an accident, a driver shall provide this insurance coverage
164 information to the directly interested parties, automobile
165 insurers and investigating police officers. Such proof of
166 financial responsibility may be presented through a digital
167 phone application under s. 316.646 controlled by a
168 transportation network company. Upon such request, a driver
169 shall also disclose to directly interested parties, automobile
170 insurers, and investigating police officers, whether he or she
171 was logged on to the transportation network company's digital



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172 network or engaged in transportation network company service at
173 the time of an accident.

174 (9) TRANSPORTATION NETWORK COMPANY AND INSURER DISCLOSURE
175 REQUIREMENTS.—

176 (a) The transportation network company shall disclose in
177 writing to drivers the following before they are allowed to
178 accept a request for transportation network company service on
179 the transportation network company's digital network:

180 1. The insurance coverage, including the types of coverage
181 and the limits for each coverage, that the transportation
182 network company provides while the driver uses a personal
183 vehicle in connection with a transportation network company's
184 digital network; and

185 2. That the driver's own automobile insurance policy
186 might not provide any coverage while the driver is logged on to
187 the transportation network company's digital network and is
188 available to receive transportation requests or is engaged in
189 transportation network company service depending on its terms.

190 (b)1. An insurer that provides automobile liability
191 insurance policies under part XI of chapter 627 may exclude any
192 and all coverage afforded under the owner's insurance policy for
193 any loss or injury that occurs while a driver is logged onto a
194 transportation network company's digital network or while a
195 driver provides transportation network company service. This
196 right to exclude all coverage may apply to any coverage included



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197 in an automobile insurance policy, including, but not limited
198 to:

199 a. Liability coverage for bodily injury and property
200 damage;

201 b. Uninsured and underinsured motorist coverage;

202 c. Medical payments coverage;

203 d. Comprehensive physical damage coverage;

204 e. Collision physical damage coverage; and

205 f. Personal injury protection.

206 2. The exclusions described under subparagraph (b)(1) of
207 this subsection shall apply notwithstanding any requirement
208 under chapter 324. Nothing in this section implies or requires
209 that a personal automobile insurance policy provides coverage
210 while the driver is logged onto the transportation network
211 company's digital network, while the driver is engaged in
212 transportation network company service or while the driver
213 otherwise uses a vehicle to transport passengers for
214 compensation.

215 3. Nothing shall be deemed to preclude an insurer from
216 providing coverage by contract or endorsement for the driver's
217 vehicle.

218 (c)1. An insurer that excludes the coverage described in
219 subparagraph (b)(1) of this subsection shall have no duty to
220 defend or indemnify any claim expressly excluded thereunder.
221 Nothing in this section shall be deemed to invalidate or limit
222 an exclusion contained in a policy, including any policy in use



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223 or approved for use in Florida prior to the enactment of this
224 section.

225 2. An automobile insurer that defends or indemnifies a
226 claim against a driver that is excluded under the terms of its
227 policy, shall have a right of contribution against other
228 insurers that provide automobile insurance to the same driver in
229 satisfaction of the coverage requirements of subsection (8) at
230 the time of loss.

231 (d) In a claims coverage investigation, transportation
232 network companies and any insurer potentially providing coverage
233 under subsection (8) shall cooperate to facilitate the exchange
234 of relevant information with directly involved parties and any
235 insurer of the driver, if applicable, including the precise
236 times that a driver logged on and off of the transportation
237 network company's digital network in the twelve hour period
238 immediately preceding and in the twelve hour period immediately
239 following the accident and disclose to one another a clear
240 description of the coverage, exclusions, and limits provided
241 under any automobile insurance maintained under subsection (8).

242 (10) DRIVERS AS INDEPENDENT CONTRACTORS.-A driver is an
243 independent contractor and not an employee of the company if all
244 of the following conditions are met:

245 (a) The company does not prescribe specific hours during
246 which the driver must be logged into the company's digital
247 network.



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248 (b) The company does not impose restrictions on the
249 driver's ability to use digital networks from other companies.

250 (c) The company does not assign the driver to a particular
251 territory in which transportation network company services are
252 authorized to be provided.

253 (d) The company does not restrict the driver from engaging
254 in any other occupation or business.

255 (e) The company and the driver agree in writing that the
256 driver is an independent contractor of the company.

257 (11) ZERO TOLERANCE FOR DRUG OR ALCOHOL USE.-

258 (a) A company shall implement a zero tolerance policy on
259 use of illegal drugs or alcohol by a driver who is providing
260 transportation network company service or who is logged into the
261 company's digital network but is not providing service.

262 (b) A company shall provide notice on its website of a
263 zero tolerance policy under paragraph (a) and shall provide
264 procedures for a passenger to file a complaint about a driver
265 who the passenger reasonably suspects was under the influence of
266 drugs or alcohol during the course of a trip.

267 (c) Upon receipt of a passenger complaint alleging a
268 violation of the zero tolerance policy, the company shall
269 immediately suspend the accused driver's access to the company's
270 digital network and shall conduct an investigation into the
271 reported incident. The suspension shall last for the duration of
272 the investigation.

273 (12) TRANSPORTATION NETWORK COMPANY DRIVER REQUIREMENTS.-



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274 (a) Before allowing a person to act as a driver on its
275 digital network, and at least once every two years thereafter,
276 the company shall:

277 1. Require the person to submit an application to the
278 company, including his or her address, date of birth, driver
279 license number, driving history, motor vehicle registration,
280 automobile liability insurance, and other information required
281 by the company.

282 2. Conduct, or have a third party conduct, a criminal
283 background check for each applicant to include:

284 a. A Level 1 screening pursuant to chapter 435 at least
285 once every other year.

286 1. Obtain and review a driving history research report for
287 such person.

288 (a) The company shall prohibit a person to act as a driver
289 on its digital network if the person:

290 1. Has had more than three moving violations in the
291 preceding 3-year period or one major violation in the preceding
292 3-year period. A major violation includes, but is not limited
293 to, fleeing or attempting to elude a law enforcement officer,
294 reckless driving, or driving with a suspended or revoked
295 license;

296 2. Has been convicted, within the past 7 years, of driving
297 under the influence of drugs or alcohol, fraud, sexual offenses,
298 use of a motor vehicle to commit a felony, a crime involving
299 property damage or theft, acts of violence, or acts of terror;



Amendment No. 2.

- 300 3. Is a match in the Dru Sjodin National Sex Offender
301 Public Website;
- 302 4. Does not possess a valid driver license;
- 303 5. Does not possess proof of registration for the motor
304 vehicle used to provide transportation network company service;
- 305 6. Does not possess proof of automobile liability
306 insurance for the motor vehicle used to provide transportation
307 network company service; or
- 308 7. Has not attained the age of 19 years.
- 309 (13) VEHICLE SAFETY AND EMISSIONS.—A company shall require
310 that a personal vehicle used by a driver to provide
311 transportation network company service meets the vehicle safety
312 and emissions requirements for a private motor vehicle of the
313 state in which the vehicle is registered.
- 314 (14) PROHIBITED CONDUCT.—A driver may not:
- 315 (a) Accept a ride other than a ride arranged through a
316 digital network or software application service.
- 317 (b) Solicit or accept street hails.
- 318 (c) Solicit or accept cash payments from passengers. A
319 company shall adopt a policy prohibiting solicitation or
320 acceptance of cash payments from passengers and notify drivers
321 of such policy. Such policy must require a payment for
322 transportation network company service to be made electronically
323 using the company's digital network or software application
324 service.
- 325 (15) NONDISCRIMINATION; ACCESSIBILITY.—



Amendment No. 2.

326 (a) A company shall adopt a policy of nondiscrimination on
327 the basis of destination, race, color, national origin,
328 religious belief or affiliation, sex, disability, age, or sexual
329 orientation with respect to passengers and potential passengers
330 and shall notify drivers of such policy.

331 (b) A driver shall comply with the nondiscrimination
332 policy.

333 (c) A driver shall comply with all applicable laws
334 relating to accommodation of service animals.

335 (d) A company may not impose additional charges for
336 providing transportation network company service to persons with
337 physical disabilities because of those disabilities.

338 (e) A company shall provide passengers an opportunity to
339 indicate whether they require a wheelchair-accessible vehicle.
340 If a company cannot arrange wheelchair-accessible service, it
341 shall direct the passenger to an alternate provider of
342 wheelchair-accessible service, if available.

343 (16) RECORDS.—A company shall maintain:

344 (a) Individual trip records for at least 1 year after the
345 date each trip was provided.

346 (b) Driver records for at least 1 year after the date on
347 which a driver's activation on the company's digital network has
348 ended.

349 (c) The company shall maintain records of a passenger
350 complaint for a period of at least 2 years after the date such
351 complaint is received by the company.



Amendment No. 2.

352 (17) PREEMPTION.—It is the intent of the Legislature to
353 provide for uniformity of laws governing transportation network
354 companies and transportation network company drivers throughout
355 the state. Notwithstanding any other provision of law,
356 transportation network companies and drivers are governed
357 exclusively by this section and any rules adopted by the
358 department to administer this section. A county, municipality,
359 special district, or other local governmental entity or
360 subdivision may not impose a tax on, or require a license for, a
361 company or a driver, or a vehicle used by a driver, if such tax
362 or license relates to providing transportation network company
363 services, or subject a company to any rate, entry, operational,
364 or other requirements of the county, municipality, special
365 district, or other local governmental entity or subdivision.
366 Nothing in this section shall be construed as prohibiting an
367 airport from charging any appropriate fee for the utilization of
368 the airport's facilities or designating locations for staging,
369 pick-ups, and other similar operations at the airport.

370 (18) RULEMAKING.—The department may adopt rules to
371 administer this section.

372 Section 2. This act shall take effect July 1, 2015.

373
374



Amendment No. 2A

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representative Rooney offered the following:

3
 4 **Amendment to Amendment (342497) by Representative Gaetz**

5 Remove lines 282-287 of the amendment and insert:

6 2. Conduct a Level 2 background screening, including a
 7 driving history research report, for such individual.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7039 PCB TPS 15-01 Department of Transportation
SPONSOR(S): Transportation & Ports Subcommittee, Rooney, Jr.
TIED BILLS: **IDEN./SIM. BILLS:** SB 1554

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Transportation & Ports Subcommittee	12 Y, 0 N	Johnson	Vickers
1) Transportation & Economic Development Appropriations Subcommittee	10 Y, 0 N	Dobson	Davis
2) Economic Affairs Committee		Johnson <i>AS</i>	Creamer <i>ll</i>

SUMMARY ANALYSIS

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

- Removes a requirement that DOT's inspector general be appointed by the DOT Secretary.
- Removes a staffing mandate regarding DOT's Fort Myers Urban Office.
- Reallocates \$10 million within the work program to the Florida Seaport and Economic Development (FSTED) Program, which increases the program's annual funding minimum from \$15 to \$25 million.
- Revises existing statutory language and definitions in order to assist in the enforcement and general understanding of bicycle and pedestrian related statutes in an effort to maintain the safety of bicyclists and pedestrians.
- Modifies the statutes to allow commercial motor vehicles that are not registered to legally operate in the state, but legally registered in another jurisdiction, to obtain an International Registration Plan permit at dedicated ports-of-entry.
- Streamlines and revises the existing state process to manage airspace and land use at or near airports.
- Modifies the definition of 511 services and revises 511 related statutes to allow the service to be disseminated via methods other than interactive voice response.
- Removes the Beeline-East Expressway and the Navarre Bridge from the list of facilities whose toll revenues may be used to secure bonds.
- Provides that bond validation of turnpike bonds is optional instead of mandatory.
- Changes the length of time from three years to 10 years that a toll account must be dormant before it reverts to unclaimed property.
- Revises requirements for when a DOT Work Program amendment must be approved by the Legislative Budget Commission.
- Removes the ability of municipalities and counties to charge a developer for removing vegetation within the right-of-way limits of road improvements under certain circumstances, provides opt-out.
- Requires the Office of Economic and Demographic Research to evaluate and determine the economic benefits of DOT's Work Program.

The overall fiscal impact of this bill is indeterminate but likely insignificant. See fiscal section for specific details.

The bill has an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

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

DOT Inspector General (Section 1)

Current Situation

Current law requires the DOT Secretary to "appoint an inspector general pursuant to s. 20.055¹ who shall be directly responsible to the secretary and shall serve at the pleasure of the secretary."²

In 2014, the Legislature passed CS/CS/HB 1385,³ relating to inspector generals. As amended by CS/CS/HB 1385, s. 20.055(3), F.S., provides that all agencies under the jurisdiction of the Governor, including DOT, are appointed by and report to the Governor's Chief Inspector General.⁴ Additionally, s. 20.055(3)(c), F.S., provides that the agency inspector general for agencies under the jurisdiction of the Governor may only be removed from office by the Chief Inspector General for cause.

Proposed Changes

The bill repeals s. 20.23(3)(d), F.S., removing requirement that the DOT Secretary appoint an inspector general who is directly responsible to and serves at the pleasure of the Secretary. DOT's inspector general will now be appointed by the Governor's Chief Inspector General, like all other agencies under the jurisdiction of the Governor.

Fort Myers Urban Office (Section 1)

Current Situation

DOT is a decentralized agency organized into seven districts, each headed by a district secretary, and a turnpike enterprise and a rail enterprise, each enterprise headed by an executive director. The headquarters for each of the seven districts are Polk, Columbia, Washington, Broward, Volusia, Miami-Dade, and Hillsborough Counties. The headquarters of the turnpike enterprise is in Orange County and the headquarters for the rail enterprise is in Leon County.⁵ In addition, DOT has urban offices in Fort Myers, Jacksonville, and Orlando, which are satellite offices of the main district office and are under the direction of the respective District Secretary. Only the Fort Myers Urban Office is specifically referenced in statute.⁶

Current law provides that DOT's district director for the Fort Myers Urban Office⁷ is responsible for developing the 5-year Transportation Plan for Charlotte, Collier, DeSoto, Glades, Hendry, and Lee Counties. That office is also responsible for providing policy, direction, local government coordination, and planning for those counties.⁸

Proposed Changes

¹ Section 20.055, F.S., relates to agency inspector generals.

² S. 20.23(3)(d), F.S.

³ Ch. 2014-144, L.O.F.

⁴ Section 20.055(3), F.S., previously had each agency's inspector general appointed by the agency head.

⁵ S. 20.23(4)(a), F.S.

⁶ DOT e-mail response to staff questions, February 3, 2015. Copy on file with Transportation & Ports Subcommittee Staff.

⁷ The Fort Myers Urban Office is in DOT District 1.

⁸ S. 20.23(4)(d), F.S.

The bill repeals s. 20.23(4)(d), F.S., requiring the district director of the Fort Myers Urban Office to develop the 5-year transportation plan for certain counties and to be responsible for providing policy, direction, local government coordination, and planning for those counties.

FSTED Funding (Sections 2 and 3)

Current Situation

In 1990, the Legislature created Ch. 311, F.S., authorizing the Florida Seaport and Economic Development (FSTED) Program.⁹ This program established a collaborative relationship between DOT and the seaports and currently codifies an annual minimum of \$15 million for a seaport grant program.¹⁰ FSTED funds are to be used on approved projects on a 50-50 matching basis.¹¹ Funding grants under the FSTED program are limited to the following port facilities or port transportation projects:

- Transportation facilities within the jurisdiction of the port.
- The dredging or deepening of channels, turning basins, or harbors.
- The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with the foregoing.
- The acquisition of vessel tracking systems, container cranes, or other mechanized equipment used in the movement of cargo or passengers in international commerce.
- The acquisition of land to be used for port purposes.
- The acquisition, improvement, enlargement, or extension of existing port facilities.
- Environmental protection projects: which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites; or which result from the funding of eligible projects.
- Transportation facilities which are not otherwise part of DOT's adopted Work Program.¹²
- Intermodal access projects.
- Construction or rehabilitation of port facilities, excluding any park or recreational facility, in ports listed in s. 311.09(1), F.S.,¹³ with operating revenues of \$5 million or less, provided that such project creates economic development opportunities, capital improvements, and positive financial returns to such ports.
- Seaport master plan or strategic plan development updates, including the purchase of data to support such plans or other provisions of the Community Planning Act.¹⁴

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

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

Proposed Changes

⁹ Ch. 90-136, L.O.F.

¹⁰ SS. 311.07 and 311.09, F.S.

¹¹ S. 311.07(3)(a), F.S.

¹² DOT's work program is adopted pursuant to s. 339.135, F.S.

¹³ The ports listed in s. 311.09(1), F.S., are the ports of Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina.

¹⁴ Part II of Ch. 163, F.S.

¹⁵ S. 311.09(1), F.S.

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

Bicycle/Pedestrian Safety (Sections 4 through 7)

Current Situation

According to the National Highway Traffic Safety Administration, Florida ranks first in the nation for pedestrian and bicycle crashes, fatalities, and serious injuries.¹⁶ In 2013, DOT created a Pedestrian and Bicycle Safety Coalition to implement effective countermeasures that support and promote pedestrian and bicycle safety on Florida's streets and highways. The Coalition's Legislation, Regulation, and Policy Emphasis Area Team determined that statutes relating to bicycles and pedestrians needed to be clarified to promote individual safety for pedestrians and bicyclists.

Current law defines "crosswalk" as:

- (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.
- (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.¹⁷

Current law defines "sidewalk" as "that portion of a street between the curblines, or the lateral line, of a roadway, intended for use by pedestrians."¹⁸

Current law provides that vehicles proceeding at less than the normal speed of traffic shall be driven in the right-hand lane or as close as practicable to the right-hand side of the roadway, except when overtaking and passing another vehicle going in the same direction or when preparing for a left turn.¹⁹

Current law provides that a driver at a crosswalk where a sign indicates shall stop and remain stopped to allow a pedestrian to cross a roadway when the pedestrian is in the crosswalk or steps into the crosswalk and is on the side of roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.²⁰

Current law provides that when traffic control signals are not in place or in operation and there is no sign indicating otherwise, the driver yields the right-of-way to a pedestrian crossing the roadway in a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger. Any pedestrian crossing a roadway where there is a pedestrian tunnel or overhead pedestrian crossing yields the right-of-way to all vehicles on the roadway.²¹

Current law provides that a bicyclist on a roadway at less than the normal speed of traffic shall ride in the bicycle lane or, if no bicycle lane, as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

- When overtaking and passing another bicycle or vehicle proceeding in the same direction.
- When preparing for a left turn at an intersection or into a private road or driveway.

¹⁶ National Highway Traffic Safety Administration Crash Facts. Available at: http://safety.fhwa.dot.gov/ped_bike/crash_facts/ (Last visited February 3, 2015).

¹⁷ S. 316.003(6), F.S.

¹⁸ S. 316.003(47), F.S.

¹⁹ S. 316.081(2), F.S.

²⁰ S. 316.130(7)(b), F.S.

²¹ S. 316.137(7)(c), F.S.

- When reasonably necessary to avoid any condition or potential conflict, or substandard-width lane,²² which makes it unsafe to continue along the right-hand curb or edge or within a bicycle lane.²³

Current law provides that a bicyclist on a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable.²⁴

Proposed Changes

- The bill deletes the current definition of “crosswalk” and adds the following definitions in its place: **Marked Crosswalk**-pavement marking lines on the roadway surface, which include contrasting pavement texture, style, or colored portions of the roadway, at an intersection used by pedestrians crossing the roadway.
- **Midblock Crosswalk**-pavement marking lines on the roadway surface, which may include contrasting pavement, texture, style, or a colored portion of the roadway, located between intersections at a signalized or nonsignalized crosswalk used by pedestrians for crossing the roadway and may include a pedestrian refuge island.
- **Unmarked Crosswalk**-that portion of the roadway at an intersection which is used by pedestrians for crossing the roadway and which is not marked by pavement marking lines on the roadway surface.

The bill amends the definition of “sidewalk” to read: “that portion of a street intended for use by pedestrians, adjacent to the roadway between the curb and the edge of the roadway and the property line.”

The bill amends s. 316.081(2), F.S., changing “at the time and place and under conditions then existing” to “based on existing conditions.” The bill also provides conditions if no lane is marked for traffic and changes the term “practicable” to “safe and reasonable.”

The bill amends s. 316.130(7)(b), F.S., providing that the requirement that the driver of a vehicle stop and remain stopped for a pedestrian applies to a crosswalk where the approach is not controlled by a traffic control signal or stop sign. The bill also provides that the law applies when the vehicle is turning. The bill also adds language to s. 316.130(7)(b), F.S., regarding pedestrian tunnels, which is currently in s. 316.130(7)(c), F.S. The bill then repeals s. 316.130(7)(c), F.S.

The bill amends s. 316.2065(5)(a), F.S., replacing “at the time and place under the conditions then existing” with “under existing conditions” The bill also replaces the term “practicable” with “safe and reasonable.” The bill also removes the phrase “substandard width lane, which makes it unsafe to continue along the right hand curb or edge within a bicycle lane” from s. 316.2065(5)(a)3, F.S., along with the definition for “substandard width lane.” According to DOT, this change is intended to address uncertainty relating to the definition of “substandard width lane” and clarify that in instances where lane sharing is not realistic, bicyclists should utilize the full lane.²⁵

The bill amends s. 316.2065(5)(b), F.S., replacing the word “practicable” with “safe and reasonable.”

Port of Entry (Sections 4 and 8)

²² Section 316.0265(5)(a)3, F.S., defines “substandard-width lane” as “a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.”

²³ S. 316.2065(5)(a), F.S.

²⁴ S. 316.2065(5)(b), F.S.

²⁵ February 9, 2015, e-mail from DOT to Transportation & Ports Subcommittee Staff. On file with Transportation & Ports Subcommittee staff.

Current Situation

The Federal Motor Carrier Safety Administration and the state have enacted certain laws and regulations intended to promote the safe operation of commercial vehicles and to protect the state's roads and bridges from damage associated with overweight vehicles. DOT's Office of Maintenance's Motor Carrier Size and Weight Office as well as the Florida Highway Patrol's Commercial Vehicle Enforcement Unit enforce laws relating to commercial vehicle size, weight, and safety.²⁶

Before a commercial vehicle can legally transport goods and commodities from one state to another, it must meet certain requirements. The basic credential requirements include a valid and current apportioned registration (International Registration Plan [IRP]),²⁷ international fuel tax agreement license and decals, display of a valid United States Department of Transportation number, and, in some situations, overweight/over dimensional permits. Certain states allow carriers to purchase all or portions of these credentials at select weigh station facilities or other locations within the state. These locations are generally referred to as ports-of-entry.²⁸

Currently, Florida is not a port-of-entry state, meaning that all applicable permits and credentials must be obtained prior to entering the state. If a commercial vehicle operator does not have the necessary permits and credentials upon entering Florida and attempts to purchase them at the first weigh station, they will be cited for not having the necessary credentials and will then be given the opportunity to purchase the necessary permits and credentials.²⁹

Pursuant to s. 316.545, F.S., the fine for not having the proper credentials when entering the state is five cents per pound based upon the following:

- For laden truck-tractor-semi trailer or tandem trailer truck combinations will be fined for any scaled weight exceeding 35,000 pounds.
- For unladen truck tractor-semi trailer or straight truck-trailers will be fined for any scaled weight in excess of 10,000 pounds.³⁰

Proposed Changes

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

The bill amends s. 316.545(2)(b), F.S., providing that commercial motor vehicles entering the state at designated ports-of-entry, or operating on designated routes to a port of entry location, which obtain temporary registration permits associated with the IRP, shall be assessed a penalty limited to the difference between its gross weight and the declared gross vehicle weight at five cents per pound.

Airport Zoning (Sections 9 through 24)

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

²⁶ Florida Department of Transportation, *Florida Port of Entry Feasibility Study*, September 2014. Copy on file with Transportation & Ports Subcommittee Staff.

²⁷ The IRP is a registration reciprocity agreement among states of the United States, the District of Columbia and provinces of Canada providing for payment of apportionable fees on the basis of total distance operated in all jurisdictions. <http://www.irponline.org/> (Last visited February 12, 2015).

²⁸ Florida Department of Transportation, *Florida Port of Entry Feasibility Study*, September 2014. Copy on file with Transportation & Ports Subcommittee Staff.

²⁹ *Id.*

³⁰ S. 316.454(2)(b), F.S.

The working group determined that the law, which originally passed in 1945,³¹ contains outdated and inconsistent provisions when compared to applicable federal regulations, contains internal inconsistencies, and requires a local government airport protection zoning process that can be cumbersome and confusing.

Definitions (s. 333.01, F.S.)

Current Situation

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

Proposed Changes

The bill adds the following definitions to s. 333.01, F.S.:

- Aeronautical study-a Federal Aviation Administration (FAA) review conducted pursuant to 14 C.F.R. Part 77, concerning the effect of proposed construction or alteration on the use of air navigation facilities or navigable airspace by aircraft.
- Airport master plan-a comprehensive plan of an airport that describes the immediate and long-term development plans to meet future aviation demand.
- Airport protection zoning-airport zoning regulations governing airport hazards in the manner provided in s. 333.03
- Department-Department of Transportation as created under s. 20.23, F.S.
- Educational facility-any structure, land, or use thereof that includes a public or private kindergarten through twelfth grade school, charter school, magnet school, college campus, or university campus. For the purposes of Ch. 333, F.S. the term "educational facility" does not include space utilized for educational purposes within a multitenant building.
- Landfill-has the same meaning as in s. 403.703, F.S.³²
- Public-use airport-an airport,³³ publicly or privately owned licensed by the state which is open for use by the public.
- Substantial modification-any repair, reconstruction, rehabilitation, or improvement of a structure when the actual cost of repair, reconstruction, rehabilitation, or improvement of the structure equals or exceeds 50 percent of the market value of the structure.

The bill also amends the following definitions:

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

³¹ Ch. 23079, L.O.F.

³² Section 403.703(17), F.S., defines "landfill" as "any solid waste land disposal area for which a permit, other than a general permit, is required by s. 403.707 and which receives solid waste for disposal in or upon land. The term does not include a land-spreading site, an injection well, a surface impoundment, or a facility for the disposal of construction and demolition debris."

³³ The bill defines "airport" as "any area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purpose."

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

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

Current Situation

Current law provides that in order to prevent structures³⁴ dangerous to air navigation from being erected, each person³⁵ must secure permit from DOT to erect, alter, or modify a structure exceeding the federal obstruction standards.³⁶ However, permits are only required within an airport hazard area³⁷ where federal standards are exceeded and if the proposed construction is within a 10-nautical-mile radius of the geographical center of the airport.

Current law provides that affected airports are considered having those facilities which are shown on the airport master plan, or an airport layout plan,³⁸ or in comparable military documents, and those facilities will be protected. Planned or proposed public-use airports which are the subject of a notice or proposal submitted to the FAA or to DOT will also be protected.

Current law provides that permit requirements do not apply if the project received construction permits from the Federal Communications Commission (FCC) prior to May 20, 1975;³⁹ nor do permit requirements apply to previously approved structures now existing, or any necessary replacement or repairs to existing structures, provided that there is no change to the height and location of the structure.

Current law provides that when political subdivisions⁴⁰ have adopted adequate airspace protections, which are on file with DOT, a DOT permit for the structure is not required.

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

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

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

³⁴ The bill defines "structure" as "any object, constructed, erected, altered, or installed, including, but without limitation thereof, buildings, towers, smokestacks, utility poles, power generation equipment and overhead transmission lines."

³⁵ The bill defines "person" as "any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof."

³⁶ The federal obstruction standards are contained in 14 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and 77.23.

³⁷ The bill defines "airport hazard area" as "any area of land or water upon which an airport hazard might be established."

³⁸ The bill defines "airport layout plan" as "a scaled drawing, or set of drawings, in either paper or electronic form, of existing and planned airport facilities that provide a graphic representation of the existing and long-term development plan for the airport and demonstrates the preservation and continuity of safety, utility, and efficiency of the airport."

³⁹ This is provided that these structures now exist.

⁴⁰ The bill defines "political subdivision" as "the local government any county, city, town, village, or other subdivision or agency thereof, or any district or special district, port commission, port authority, or other such agency authorized to establish or operate airports in the state."

- The cumulative effects on navigable airspace of all existing structures, proposed structures identified in the applicable jurisdictions' comprehensive plans, and all other known proposed structures in the area.

Current law provides that when issuing a permit, DOT shall require the obstruction⁴¹ marking and lighting of the permitted obstruction.

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

Proposed Changes

The bill replaces the term "geographic center" with "airport reference point." The airport reference point is located at the approximate geometric center of all usable runways. The bill also updates references to FAA rules by providing current C.F.R. references.

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

The bill changes the term "project" to "structures" in s. 333.025(3), F.S., and removes the reference to structures that now exist for structures receiving construction permits from the FCC prior to May 20, 1975.

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

The bill provides that DOT has 30 days after receiving an application to issue or deny a permit for the construction or alteration of any structure which would exceed federal obstruction standards. The bill requires DOT to review permit applications in conformity with s. 120.60, F.S.⁴²

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

- Whether the construction of the proposed structure would impact the state licensing standards for a public-use airport.⁴³

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

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

⁴¹ The bill defines "obstruction" as any object of natural growth or terrain or permanent or temporary construction or alteration, including equipment or materials used and any permanent or temporary apparatus, or alteration of any permanent or temporary existing structure by a change in its height, including appurtenances, or lateral dimensions, including equipment or material used therein, existing or proposed, which exceeds the standards contained in 14 C.F.R. 77.15, 77.17, 11.19, 77.21, and 77.23.

⁴² Section 120.60, F.S., relates to licensing.

⁴³ The state licensing standards for a public-use airport are contained in Ch. 330, F.S., and Rule 14-60, F.A.C.

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

- Land use density.

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

The bill provides that DOT shall not approve the construction or alteration unless documentation is submitted that it is in compliance with certain standards. The bill changes the term “aeronautical evaluation” to “aeronautical study,” which the bill defines. The bill also updates C.F.R. references to federal obstruction standards.

The bill creates s. 333.025(9), F.S., providing that the denial of a permit is subject to the administrative review under the Administrative Procedures Act.⁴⁴

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

Current Situation

Current law provides that every political subdivision with an airport hazard⁴⁵ area has until October 1, 1977, to adopt, administer, and enforce airport zoning regulations for the airport hazard area.

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

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

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

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

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

⁴⁴ Ch. 120, F.S.

⁴⁵ The bill defines “airport hazard” as “any obstruction that exceeds the federal obstruction standards contained in 14 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and 77.23 and which obstructs the airspace required for the flight of aircraft in taking off, maneuvering, or landing or is otherwise hazardous to such taking off, maneuvering, or landing of aircraft and for which no person has previously obtained a permit pursuant to s. 333.025 or s.333.07.”

Current law provides that interim airport land use compatibility zoning⁴⁶ regulations shall be adopted. When political subdivisions have land development regulations addressing land use consistent with Ch. 333, F.S, the political subdivision is not required to adopt airport land use compatibility regulations. Interim land use compatibility regulations are required to consider the following:

- Whether sanitary landfills are located within the following areas:
 - Within 10,000 feet from the nearest point of any runway used or planned to be used by turbojet or turboprop aircraft.
 - Within 5,000 feet from the nearest point of any runway used only by piston-type aircraft.
 - Outside the perimeters defined above, but still within the lateral limits of the civil airport imaginary surfaces. Current law advises a case-by-case review of such landfills.
- Whether any landfill is located and constructed so that it attracts or sustains hazardous bird movements. The political subdivision shall request a report from the airport on such bird feeding or roosting areas that are known to the airport. In preparing its report, the airport, considers whether the landfill will incorporate bird management techniques or other practices to minimize bird hazards to airborne aircraft. The airport has 30 days to respond to the request.
- Where an airport authority or other governing body has conducted a noise study⁴⁷ neither residential construction nor any educational facility⁴⁸ with the exception of aviation school facilities, shall be permitted within the area contiguous to the airport defined by an outer noise contour that is considered incompatible with that type of construction.
- Where an airport authority or other governing body operating an airport has not conducted a noise study, neither residential construction nor any educational facility except for of aviation school facilities, shall be permitted within an area contiguous to the airport measuring one-half the length of the longest runway on either side of and at the end of each runway centerline.

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

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

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

Proposed Changes

The bill amends the title of s. 333.03, F.S. to "requirement to adopt airport zoning regulations."

⁴⁶ The bill defines "airport land use compatibility zoning" as "airport zoning regulations regulating the use of land adjacent to or in the immediate vicinity of airports in the manner provided in s. 333.03."

⁴⁷ A noise study is conducted in accordance with 14 C.F.R. Part 150.

⁴⁸ Section 1013.01(6), F.S., defines "educational facilities" as "the buildings and equipment, structures, and special educational use areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community and which may lawfully be used as authorized by the Florida Statutes and approved by boards."

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

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

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

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

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

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

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

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

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

The bill amends s. 333.03(3), F.S. reflecting statutory intent, removing redundancy and antiquated aviation terminology and reflecting the purpose of runway protection zones⁴⁹ as defined and described in FAA AC 15-5300-13A.⁵⁰

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

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

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

The bill creates a new s. 333.03(6), F.S., providing that nothing precludes another governing body operating a public-use airport from establishing airport zoning regulations stricter than provided in state law in order to protect the safety and welfare of the public in the air and on the ground.

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

⁴⁹ The bill defines “runway protection zone” as an area at ground level beyond the runway end to enhance the safety and protection of people and property on the ground.

⁵⁰ FAA AC 15-5300-13A is available at:

http://www.faa.gov/airports/resources/advisory_circulars/index.cfm/go/document.current/documentNumber/150_5300-13 (Last visited February 10, 2015).

Current Situation

Incorporation

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

Conflict

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

Proposed Changes

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

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

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

Current Situation

Notice and Hearing

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

Airport Zoning Commission

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

Proposed Changes

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

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

Current Situation

Reasonableness

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

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

Independent Justification

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

Nonconforming Uses

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

Adoption of Airport Master Plan and Notice to Affected Local Governments

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

Proposed Changes

The bill amends s. 333.06, F.S. deleting the term "runway clear zone" and replacing it with "runway protection zone."⁵¹ The bill also modifies the statute for internal consistency with definitions.

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

Current Situation

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

Proposed Changes

The bill repeals s. 333.065, F.S. According to DOT, this is due to its completion of its Airport Compatibility Land Use Guidebook.⁵²

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

Current Situation

Permits

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

Current law provides that whenever the administrative agency determines that a nonconforming use or nonconforming structure or tree has been abandoned or is more than 80 percent torn down, destroyed, deteriorated, or decayed, it may not grant a permit that would allow the structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations. Whether application is made for

⁵¹ According to DOT, this is consistent with FAA AC 150/5300-13A.

⁵² A copy of DOT's Airport Compatibility Land Use Guidebook is available at: <http://www.dot.state.fl.us/aviation/compland.shtm> (Last visited February 2, 2015).

a permit or not, the agency may by appropriate action, compel the owner of the nonconforming structure or tree, at his or her own expense, to lower, remove, reconstruct, or equip such object as may be necessary to conform to the regulations. If the owner of the nonconforming structure or tree does not comply with the order within 10 days, the agency may report the violation to the political subdivision involved, who, through its appropriate agency, may proceed to have the object lowered, removed, reconstructed, or equipped, and assess its cost and expense thereof upon the object or the land where it is or was located, and, unless such an assessment is paid within 90 days from the service of notice on the owner or the owner's agent, of such object or land, the sum shall be a lien on said land, and shall bear interest at an annual rate of six percent, and shall be collected in the same manner as the political subdivision collects property taxes, or, the political subdivision may enforce the lien in the manner provided for enforcement of liens.⁵³

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

Variances

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

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

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

Obstruction marking and lighting

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

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

Proposed Changes

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

Permits

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

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

⁵³ The enforcement of statutory liens is provided for in Ch. 85, F.S.

Variances

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

Considerations when issuing or denying permits.

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

- The safety of persons on the ground and in the air.
- The safe and efficient use of navigable airspace.
- The nature of the terrain and height of existing structures.
- The state licensing standards for a public-use airport for the construction or alteration of the proposed structure.
- The character of existing and planned flight operations and developments at public-use airports.
- Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designated by the FAA.
- Effect of the construction or alteration of the proposed structure on the minimum descent altitude or the decision height at the affected airport.
- The cumulative effect on navigable airspace of all existing structures, and all other known proposed structures in the area.
- Requirements contained in ss. 333.03(2) and (3), F.S.
- Additional requirements adopted by the political subdivision pertinent to evaluation and protection of airspace and airport operations.

Obstruction marking and lighting.

The bill amends ss. 333.07(3)(a) and (b), F.S., for internal consistency with definitions and with FAA AC 70/7460-1K.⁵⁴ The bill repeals s. 333.07(3)(c), F.S., which contains an obsolete date.

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

Current Situation

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

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

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

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

⁵⁴ A copy of FAA AC 70/7460-1K is available at:

http://www.faa.gov/regulations_policies/advisory_circulars/index.cfm/go/document.current/documentNumber/70_7460-1 (Last visited February 10, 2015).

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

Proposed Changes

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

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

Current Situation

Current law requires that all airport zoning regulations provide for their administration and enforcement by an administrative agency. The administrative agency may be an agency created by such regulations or any official, board, or other existing agency of the political subdivision adopting the regulations or of one of the political subdivisions which participated in the creation of the joint airport zoning board. Such administrative agency may not be or include any member of the board of adjustment. The duties of any administrative agency include hearing and deciding all permits, deciding all matters under s. 333.07(3), F.S., as they pertain to the agency, and all other matters under the state's airport zoning law, which applies to the agency, but the agency shall not have or exercise any of the powers delegated to the board of adjustment.

Proposed Changes

Administration

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

Local Government Process

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

- Issue and deny permits, including requests for exceptions to airport zoning regulations.
- Notify DOT of receipt of a complete application.
- Enforce any permit, order, requirement, decision, or determination made by the administrative agency with respect to airport zoning regulations.

Where a political subdivision already has a zoning board or permitting body, the existing zoning board or permitting body may implement the permitting and appeals process. Otherwise, the political subdivision shall implement the permitting and appeals process in a manner consistent with its constitutional powers and areas of jurisdiction.

Appeals

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

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

Current Situation

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

- To hear and decide appeals from any order, requirement, decision, or determination made by the administrative agency in the enforcement of the airport zoning regulations.

- To hear and decide any special exceptions to the terms of the airport zoning regulations upon which such board may be required to pass under such regulations.
- To hear and decide specific variances.

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

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

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

Proposed Changes

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

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

Current Situation

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

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

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

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

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

Proposed Changes

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

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

The bill amends the current s. 333.011(4), F.S., modifying it for clarity and specificity and to be consistent with Ch. 163, F.S.

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

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

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

Current Situation

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

Proposed Changes

The bill amends s. 333.12, F.S. for clarity and specificity, for internal consistency with definitions, and to correct aviation terminology since avigation easement⁵⁵ is the correct term, instead navigation easement, which is currently in law.

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

Current Situation

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

Proposed Changes

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

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

Current Situation

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

⁵⁵ An avigation easement is the conveyance of airspace over another property for use by the airport.

Proposed Changes

The bill creates s. 333.135, F.S., providing transition provisions regarding the changes made to Ch. 333, F.S. The bill provides that any airport zoning regulation in effect on July 1, 2015, which include provisions conflicting with Ch. 333, F.S., shall be amended to conform to the requirements of Ch. 333, F.S., by July 1, 2016.

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

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

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

Current Situation

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

Proposed Changes

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

511 Services (Sections 25 through 27)

Current Situation

Current law defines "511" or "511 services" as a three-digit telecommunications dialing to access interactive voice response (IVR) telephone traveler information services provided in the state as defined by the FCC in Order No. 00-256, July 31, 2000.⁵⁶

Current law defines "interactive voice response" as a software application that accepts a combination of voice telephone input and touch-tone keypad selection and provides appropriate responses in the form of voice, fax, callback, e-mail, and other media.⁵⁷

Current law authorizes DOT to provide oversight of traveler information systems that may include IVR via the 511 number as assigned by the FCC for traveler information services. DOT ensures that uniform standards and criteria for the collection and dissemination of traveler information are applied using IVR systems.⁵⁸

Current law provides that DOT is the state's lead agency for implementing 511 services and is the state's point of contact for coordinating 511 services with telecommunications service providers. DOT is required to:

- Implement and administer 511 services in the state;
- coordinate with other transportation authorities in the state to provide multimodal traveler information through 511 services and other means;
- develop uniform standards and criteria for the collection and dissemination of traveler information using the 511 number or other interactive voice response system; and
- enter into joint participation agreements or contracts with highway authorities and public transit districts to share the cost of implementing and administering 511 services in the state. DOT may also enter into agreements or contracts with private firms relating to 511 services to offset the cost of implementing 511 services in the state.

⁵⁶ S. 334.03(36), F.S.

⁵⁷ S. 334.03(37), F.S.

⁵⁸ S. 334.044(31), F.S.

DOT is required to adopt rules to administer the coordination of 511 traveler information phone services in the state.^{59,60}

DOT currently has a contractor providing its 511 system, which includes IVR services. Data is sent from DOT's SunGuide system, which operators input all traffic related incidents on covered Florida 511 roadways. The caller is offered a menu of options after dialing 511.

According to DOT, the 511 system has proven to be a valuable resource to the traveling public. Since 2003, Florida's 511 system has evolved into a multi-platform system including IVR, a statewide website,⁶¹ two mobile applications, and 12 statewide and regional Twitter social media accounts.

Florida's 511 system currently averages 5,000 calls per day and 2,150 website visits per day. The mobile apps have been downloaded over 50,000 times and there are over 18,000 followers on Twitter. Additionally, there are approximately 4,600 text/SMS subscribers who receive 350,000 to 1 million alerts per month.⁶²

Proposed Changes

The bill amends s. 334.03(36), F.S., removing from the definition of "511" the requirement for IVR and provides that the definition means all traveler information services provided in the state to include, but is not limited to, the terms as defined in the FCC Order.

The bill also deletes the definition of IVR in s. 334.03(37), F.S., due to removing the requirement that DOT provide 511 service using IVR.

The bill amends s. 334.044(31), F.S., removing references to IVR in DOT's duty to provide 511 service.

The bill amends s. 334.60, F.S., providing that DOT is the state's point of contact for all 511 services instead of coordinating the service with telecommunications service providers. The bill also removes a reference to the 511 number or IVR and replaces it with a reference to 511 services.

Modifications to the 511 statutes will allow DOT to disseminate travel information using the most current technology. Current law requires DOT provide travel information using an IVR system. As technology advances, the effectiveness to disseminate information via IVR is becoming less advantageous. By revising the statutes, DOT will no longer be required to utilize a tool that is no longer beneficial. Though DOT may decide to discontinue its IVR system, it will continue to provide travel information through various other means.

Obsolete Facilities for Toll Revenue (Section 28)

Current Situation

Current law authorizes DOT to request the Division of Bond Finance to issue bonds secured by toll revenues collected on Alligator Alley, the Sunshine Skyway Bridge, the Beeline-East Expressway, the Navarre Bridge, and the Pinellas Bayway to fund transportation projects within the county or counties in which the project is located and contained in DOT's adopted Work Program.⁶³

The Navarre Bridge is county owned and is no longer used for toll revenue. The Beeline-East Expressway (re-named the Beachline East Expressway) is now part of the Turnpike Enterprise⁶⁴ and toll revenues can be used to secure turnpike debt.

⁵⁹ The rule is codified in Rule 14-111.001, F.A.C.

⁶⁰ S. 334.60, F.S.

⁶¹ 511 information is also available on-line at www.fl511.com (Last visited January 21, 2015).

⁶² DOT e-mail response to staff questions, February 3, 2015. Copy on file with Transportation & Ports Subcommittee Staff.

⁶³ S. 338.165(4), F.S.

⁶⁴ Ch. 2012-128, F.S.

Proposed Changes

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

Turnpike Bond Validation (Sections 29 and 34)

Current Situation

Current law authorizes DOT to borrow money as provided for in the State Bond Act⁶⁵ for the purposes of paying all or part of the cost of legislatively approved turnpike projects.⁶⁶ The principal and interest on these bonds are payable solely from revenues pledged for their payment.⁶⁷

Currently, pursuant to s. 215.82, F.S., turnpike bonds are required to be validated. Chapter 75, F.S., provides that statutory provisions regarding bond validation and gives the circuit courts "jurisdiction to determine the validation of bonds and certificates of indebtedness."⁶⁸

Bond validation is a judicial process through which the legality of a proposed bond issue may be determined in advance of its issuance. It serves to assure bondholders that future court proceedings will not invalidate a government's pledge to repay the bonds. Validation is generally not necessary for established borrowing programs, such as Turnpike bonds, where any legal issues relating to the bonds have been resolved previously. Validation is optional for almost all bonds issued by the Division of Bond Finance, including Public Education Capital Outlay Bonds and University Revenue Bonds. If a constitutional or statutory question arises for a proposed bond issue, a complaint for validation may be filed in circuit court even if validation is not required.

Proposed Changes

The bill creates s. 338.227(5), F.S., providing that, turnpike bonds are not required to be validated, but may be validated at the option of the Division of Bond Finance. Any complaint for validation is to be filed in the circuit court of the county where the seat of state government is situated. The notice required to be published by s. 75.06, F.S. shall be published only in the county where the complaint is filed, and the complaint and order of the court shall be served only on the state attorney of the circuit in which the action is pending.

The bill also amends s. 215.82(2), F.S., removing a now unnecessary reference to s. 338.227, F.S.

Dormant Toll Accounts (Section 30)

Current Situation

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

SunPass uses electronic transponders attached to the inside of a car's windshield. When a car equipped with SunPass goes through a tolling location, the transponder sends a signal and the toll is deducted from the customer's account.⁶⁹

Current law provides that any prepaid toll account that has remained inactive for three years shall be presumed unclaimed and handled by the Department of Financial Services in accordance laws relating to the disposition of unclaimed property⁷⁰ and that DOT shall close the prepaid toll account.⁷¹

⁶⁵ SS. 215.57 through 215.83, F.S.

⁶⁶ Turnpike projects are legislatively approved through the approval of DOT's work program in the General Appropriations Act.

⁶⁷ S. 338.227, F.S.

⁶⁸ S. 75.01, F.S.

⁶⁹ <http://www.floridasturnpike.com/all-electronic-tolling/SunPass.cfm> (Last visited January 22, 2015).

⁷⁰ Ch. 717, F.S.

According to DOT, there are approximately 250,000 SunPass accounts and 35,000 Toll-by-Plate accounts that have not had any activity since January 1, 2012.⁷²

Proposed Changes

The bill amends s. 338.231(3)(c), F.S., revising the three year time frame to 10 years. After 10 years, dormant toll accounts will now revert to the state as unclaimed property.

Work Program (Section 31)

Current Situation

Each year, DOT develops and submits to the Legislature a Work Program, which consists of transportation projects it intends to undertake in the next five years. As part of the annual General Appropriations Act, the Legislature approves DOT's Work Program. DOT has the statutory authority to amend its Work Program.⁷³

Current law permits amending the adopted Work Program, but Work Program amendments are only required to come before the Legislative Budget Commission (LBC) if budget authority is moved between appropriations categories.⁷⁴ However, historically, there has been sufficient budget authority within each appropriations category to negate the need for a LBC amendment. Therefore, most amendments to the Work Program must only be placed on consultation for 14 days, and become effective automatically unless the House of Representatives or the Senate objects to an amendment

Current law provides that any Work Program amendment requiring the transfer of fixed capital outlay appropriations between categories within DOT or the increase of an appropriation category is subject to the approval of the LBC. However, if a meeting of the LBC cannot be held within 30 days, then the chair and vice chair of the LBC may authorize the amendment to be approved pursuant to s. 216.177, F.S.^{75, 76}

Proposed Changes

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

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

Vegetation in the Right-of Way (Section 32)

Current Situation

Transportation Concurrency

Concurrency requires public facilities and services to be available "concurrent" with the impacts of new development. Under Florida law, concurrency for sanitary sewer, solid waste, drainage, and potable

⁷¹ S. 338.231(3)(c), F.S.

⁷² DOT e-mail response to staff questions, February 3, 2015. Copy on file with Transportation & Ports Subcommittee Staff.

⁷³ S. 339.135, F.S.

⁷⁴ S. 339.135(7), F.S.

⁷⁵ Section 216.177, F.S., relates to Appropriations acts, statement of intent, violation, notice, review and objection procedures.

⁷⁶ S. 339.135(7)(g), F.S.

water is required,⁷⁷ and concurrency for transportation, schools, and parks and recreation is optional.⁷⁸ However, if a municipality or county decides to implement concurrency for one of the optional facilities, it must do so according to state law.⁷⁹

A municipality or county that implements transportation concurrency must define what constitutes an adequate level of service (LOS) for its transportation system, adopt a plan and improvement program to achieve and maintain adequate LOS, and measure whether the service needs of a new development exceed existing capacity of the transportation system.⁸⁰ Unless and until LOS standards are met, a municipality or county may not issue a development permit without an applicable exception.⁸¹

If adequate capacity is not available (i.e., if LOS is not met), the municipality or county may require the developer to contribute his or her “proportionate share” to the development. Proportionate share is a tool municipalities and counties may use to require developers to contribute to or build facilities necessary to offset a new development’s impacts to ensure LOS is met.⁸² The state provides specific formulas municipalities and counties must use when calculating proportionate share and specify criteria for when developers have satisfied proportionate share.⁸³ A municipality or county may not require a developer to pay or construct transportation facilities where the developer’s costs exceed the developer’s proportionate share of the improvements necessary to mitigate the development’s impact.⁸⁴

Vegetation Removal Fees

Various municipalities and counties have enacted ordinances that require, under certain circumstances, for developers and landowners to pay fees to the local government for removing vegetation from the developer or landowner’s land. Often times such charges stem from “tree ordinances.”⁸⁵ The ordinances vary throughout the state, however, many require a landowner or developer seeking to remove “protected trees” to acquire a permit and pay a fee per “tree-inch” removed.⁸⁶ Protected trees often gain such distinction based on their age, size, or specimen.⁸⁷

In Florida, at least 21 counties require a developer or landowner to acquire a permit and pay tree fees for removing protected trees.⁸⁸

Proposed Changes

The bill removes the authority of municipalities and counties to impose fees on developers “for the removal of vegetation within the right-of-way limits of road improvements for which the developer completed or contributed funding for as required for transportation concurrency for a development project.”

The bill does not affect a municipality or county’s ability to require any tree removal permits or tree removal plans. In addition, the word “fee” does not include any costs associated with applying for a tree removal permit or preparing a tree removal plan. The bill is also “not intended to affect a local

⁷⁷ S. 163.3180(1), F.S.

⁷⁸ S. 163.3180, F.S.

⁷⁹ S. 163.3180(1), F.S.

⁸⁰ S. 163.3180(5), F.S.

⁸¹ Section 163.3180(5)(h)l.b., F.S. exempts public transit facilities from concurrency.

⁸² S. 163.3180(5)(h), F.S.

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ See OPPAGA Research Memorandum, “Availability of Local Tax, License, and Fee Information,” December 16, 2013, at Exhibit B – On file with House Economic Development and Tourism Subcommittee staff.

⁸⁶ See e.g., St. Johns County Code of Ordinances, Sec 4.01.05.

⁸⁷ Trees may be protected based on age, size, or specimen. Zoning and Planning Deskbook, Second Edition by Douglas W. Kmiec and Katherine Kmiec Turner, Part A, Chapter 5 (2014).

⁸⁸ See chart on file with House staff that illustrates which Florida counties charge tree removal fees and require tree removal permits. Staff last updated the chart on February 10, 2015.

government's ability to establish and enforce landscaping requirements." Lastly, each municipality or county may, by majority vote of its governing body, exempt itself from this provision of the bill.

Return on Investment (Section 33)

Current Situation

Current law provides that DOT must adopt goals and principles supporting economic competitiveness and ensure that the state has a clear understanding of the economic consequences of transportation investments. Additionally, DOT is directed to develop a macroeconomic analysis of the linkages between transportation investment and economic performance, as well as a method to quantifiably measure the economic benefit of the Work Program investments.⁸⁹

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

Macroeconomic Analysis

DOT has developed a macroeconomic analysis methodology to evaluate the long-term economic benefits of its Work Program.⁹⁰ These benefits are based on an understanding of how transportation investments save time, reduce costs, and enhance economic competitiveness and opportunity. For purposes of the model, the economic benefits of the Work Program consist of:

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

DOT recently completed A Macroeconomic Analysis of Florida's Transportation Investment,⁹¹ and evaluated the impacts of the Fiscal Year 2013-2014 through 2017-2018 Work Program. The study determined that "[t]he ratio of total benefits to costs is 4.4. This means, on average, every dollar invested in the Work Program will yield about \$4.40 in economic benefits for Florida from the beginning of the Work Program to FY 2043."⁹²

Proposed Changes

The bill requires the Office of Economic and Demographic Research (EDR) to evaluate and determine the economic benefits⁹³ of the state's investment in DOT's adopted work program for Fiscal Year 2015-2016, including the following four fiscal years. At a minimum, a separate return in investment shall be projected for each of the following areas:

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

The analysis is limited to the funding anticipated by the adopted work program, but may address the continuing economic impact of those transportation projects in the five years beyond the conclusion of

⁸⁹ S. 334.046, F.S.

⁹⁰ This is pursuant to s. 333.046, F.S.

⁹¹ A copy of the report is available at: <http://www.dot.state.fl.us/planning/weeklybriefs/2015/011915.shtm> (Last visited January 26, 2015).

⁹² Florida Department of Transportation, *A Macroeconomic Analysis of Florida's Transportation Investment* January 2015. P. 1. Available at: <http://www.dot.state.fl.us/planning/weeklybriefs/2015/011915.shtm> (Last visited January 26, 2015).

⁹³ Section 288.005(1), F.S., defines "economic benefits" as "the direct, indirect, and induced gains in state revenues as a percentage of the state's investment. The state's investment includes state grants, tax exemptions, tax refunds, tax credits, and other state incentives."

the adopted work program. The analysis must evaluate the number of jobs created, the increase or decrease in personal income, and the impact on gross domestic product from the direct, indirect, and induced effects of the state's investment in each area.

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

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

Statute Reenactment (Section 35)

The bill reenacts s. 350.81(6), F.S., to incorporate the changes made by this bill to s. 333.01, F.S.

Effective Date (Section 36)

The bill has an effective date of July 1, 2015.

B. SECTION DIRECTORY:

- Section 1 Amends s. 20.23, F.S., relating to the Department of Transportation.
- Section 2 Amends s. 311.07, F.S., relating to Florida seaport transportation and economic development funding.
- Section 3 Amends s. 311.09, F.S., relating to Florida Seaport Transportation and Economic Development Council.
- Section 4 Amends s. 316.003, F.S., relating to definitions.
- Section 5 Amends s. 316.081, F.S., relating to driving on the right side of roadway; exceptions.
- Section 6 Amends s. 316.130, F.S., relating to pedestrian traffic regulations.
- Section 7 Amends s. 316.2065, F.S., relating to bicycle regulations.
- Section 8 Amends s. 316.545, F.S., relating to weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.
- Section 9 Amends s. 331.01, F.S., relating to definitions.
- Section 10 Amends s. 333.025, F.S., relating to permit required for structures exceeding federal obstruction standards.
- Section 11 Amends s. 333.03, F.S., relating to requirement to adopt airport zoning regulations.
- Section 12 Amends s. 333.04, F.S., relating to comprehensive zoning regulations; most stringent to prevail where conflict occurs.
- Section 13 Amends s. 333.05, F.S., relating to procedure for adoption of zoning regulations.
- Section 14 Amends s. 333.06, F.S., relating to airport zoning requirements.
- Section 15 Repeals s. 333.065, F.S., relating to guidelines regarding land use near airports.
- Section 16 Amends s. 333.07, F.S., relating to local government permitting airspace obstructions.
- Section 17 Repeals s. 333.08, F.S., relating to appeals.

- Section 18 Amends s. 333.09, F.S., relating to administration of airport zoning regulations.
- Section 19 Repeals s. 333.10, F.S., relating to board of adjustment.
- Section 20 Amends s. 333.11, F.S., relating to judicial review.
- Section 21 Amends s. 333.12, F.S., relating to the acquisition of air rights.
- Section 22 Amends s. 333.13, F.S., relating to enforcement and remedies.
- Section 23 Creates s. 333.135, F.S., relating to transitional provisions.
- Section 24 Repeals s. 333.14, F.S., providing a short title.
- Section 25 Amends s. 334.03, F.S., providing definitions.
- Section 26 Amends s. 334.044, F.S., providing DOT powers and duties.
- Section 27 Amends s. 334.60, F.S., relating to the 511 traveler information system.
- Section 28 Amends s. 338.165, F.S., relating to the continuation of tolls.
- Section 29 Amends s. 338.227, F.S., relating to turnpike revenue bonds.
- Section 30 Amends s. 338.231, F.S., relating to turnpike tolls, fixing; pledge of tolls and other revenues.
- Section 31 Amends s. 339.135, F.S., relating to Work Program; legislative budget request; definitions; preparation, adoption, execution, and amendment.
- Section 32 Prohibits certain fees for the removal of trees in the right-of-way.
- Section 33 Requires the Office of Economic and Demographic Research to evaluate and determine the economic benefits of DOT's work program.
- Section 34 Amends s. 258.82, F.S., relating to validation; when required.
- Section 35 Reenacts s. 350.81, F.S., relating to communications services offered by governmental entities.
- Section 36 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Ports of Entry

Currently, if a commercial vehicle operator does not have the necessary permits and credentials upon entering Florida and attempts to purchase them at the first weigh station, they will be cited for not having the necessary credentials. Creating ports of entry and the ability to purchase temporary credentials will likely limit the penalties and reduce revenues associated with these citations. DOT

estimates there will be a \$1.6 million recurring negative fiscal impact to the State Transportation Trust Fund from allowing commercial motor vehicles to purchase IRP permits at ports of entry.⁹⁴

2. Expenditures:

FSTED Funding

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

Ports-of-Entry

Florida becoming a port-of-entry state will require funds to develop and support the infrastructure necessary to accommodate the acceptance and processing of applications for the credentials necessary to satisfy compliance with Florida's laws. However, most of the funds necessary to deploy the needed systems are already funded through other means. Deployment of the technologies and the programming support necessary to accommodate POE policies are already underway in other Florida initiatives. These other initiatives utilize the same equipment and will require very slight modification to make them compatible with any change to Florida's POE policies. It is estimated that costs for all POE sites combined will not exceed \$58,000.⁹⁵

511 Services

According to DOT, any costs associated with sunsetting outdated technology for 511 service will be absorbed within its current resources.

Return on Investment

The bill requires the Office of Economic and Demographic Research (EDR) to evaluate and determine the economic benefits⁹⁶ of the state's investment in DOT's adopted work program for Fiscal Year 2015-2016, including the following four fiscal years. This will create an additional workload for EDR which will be absorbed within existing resources and staffing.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Vegetation Removal Fees

Municipalities and counties that do not exempt themselves from provisions of the bill relating to vegetation removal fees will likely incur an indeterminate negative impact on revenues.

2. Expenditures:

Administration of airport zoning regulations

Political subdivisions that have an airport but no airport zoning regulations will see an indeterminate increase to expenditures related to structural permitting and enforcement.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

FSTED Funding

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

⁹⁴ Florida Department of Transportation response to Transportation & Ports Subcommittee Staff Questions. February 3, 2014.

⁹⁵ Florida Department of Transportation, *Florida Port of Entry Feasibility Study*, September 2014. Copy on file with Transportation & Ports Subcommittee Staff.

⁹⁶ Section 288.005(1), F.S., defines "economic benefits" as "the direct, indirect, and induced gains in state revenues as a percentage of the state's investment. The state's investment includes state grants, tax exemptions, tax refunds, tax credits, and other state incentives."

Bicycle/Pedestrian Safety

There is a significant economic impact due to pedestrian and bicycle crashes. According to a June 2014, Department of Health report, the median hospital emergency department charge for bicyclist injured in a motor vehicle crash is \$3,826, while the median hospital charge for a bicyclist admitted to the hospital following a motor vehicle crash is \$54,403. About 35 percent of bicyclists treated as a result of a motor vehicle crash are self-pay, or did not have enough insurance to cover the medical bills. The same report provides that the median hospital emergency department charge for a pedestrian injured in a motor vehicle crash is \$3,427, while the medial hospital charge for a pedestrian admitted to the hospital following a motor vehicle crash is \$73,835. About 28 percent of pedestrians treated following a motor vehicle crash were self-pay, or did not have enough insurance to cover the costs.⁹⁷ To the extent that the changes in the bill reduce the number and severity of bicycle and pedestrian crashes, there will be a positive economic impact to bicyclists and pedestrians.

Port-of-Entry

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

Dormant Toll Accounts

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

D. FISCAL COMMENTS:

The net impact from all the provisions of this bill is indeterminate, but likely insignificant. The proposed FY 2015-16 House of Representatives budget for DOT is \$9.9 billion.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

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

Chapter 14-60, F.A.C., implements portions of Ch. 333, F.S., relating to airport zoning as well as other statutes relating to aviation. DOT advises that it is in the process of reviewing and revising its aviation related rules; however, DOT will defer its final revisions, pending the revisions to Ch. 333, F.S., contained in the bill.

⁹⁷ Florida Department of Health, *The Economic Impact of Motor Vehicle Crashes Involving Pedestrians and Bicyclists*. June 20, 2014. Copy on file with Transportation & Ports Subcommittee Staff.
STORAGE NAME: h7039b.EAC.DOCX
DATE: 3/24/2015

DOT may need to amend Rule 14-111.001, F.A.C., relating to 511 service in order to conform to changes to the 511 statute made by the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill defines the term “midblock crosswalk” but it is not used anywhere in statute or anywhere else in the bill.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 3, 2015, the Transportation & Ports Subcommittee adopted two amendments to the PCB. The amendments:

- Revised definitions.
- Defined “airport protection zoning.”
- Made various clarifying changes to the airport zoning law.
- Corrected drafting errors in the airport zoning law.
- Reenacted a provision of statute due to changes made to the airport zoning law.

This analysis is written to the PCB as amended.

27 | air navigation; providing for administrative review of
 28 | a denial of a permit; amending s. 333.03, F.S.;
 29 | revising provisions for certain political subdivisions
 30 | to adopt certain airport zoning regulations; amending
 31 | s. 333.04, F.S.; revising provisions for incorporation
 32 | of airport protection zoning regulations into a
 33 | comprehensive plan or policy; providing for conflict
 34 | between specified regulations and other regulations
 35 | applicable to the same area; amending s. 333.05, F.S.;
 36 | revising procedure for adoption of zoning regulations;
 37 | amending s. 333.06, F.S.; revising airport zoning
 38 | requirements; repealing s. 333.065, F.S., relating to
 39 | guidelines regarding land use near airports; amending
 40 | s. 333.07, F.S.; revising provisions for permits and
 41 | variances; requiring a person proposing to erect,
 42 | construct, or alter any structure, increase the height
 43 | of any structure, permit the growth of any vegetation,
 44 | or otherwise use his or her property in violation of
 45 | the airport protection zoning regulations to apply for
 46 | a permit; revising provisions for removal of a
 47 | nonconforming structure or vegetation; removing
 48 | provisions for a variance to airport zoning
 49 | regulations for such structure or vegetation;
 50 | providing certain considerations for the political
 51 | subdivision or its administrative agency to consider
 52 | when issuing or denying a permit; revising

53 requirements relating to markings and lighting for the
 54 owner of the structure or vegetation; repealing s.
 55 333.08, F.S., relating to appeals of agency action
 56 relating to airport zoning regulations; amending s.
 57 333.09, F.S.; revising provisions for administration
 58 of airport zoning regulations; requiring certain
 59 political subdivisions or their administrative
 60 agencies to provide certain processes for permits with
 61 respect to airport zoning regulations; providing for
 62 appeal of decisions made in the administration of such
 63 regulations; repealing s. 333.10, F.S., relating to
 64 boards of adjustment; amending s. 333.11, F.S.;
 65 revising provisions for judicial review; amending s.
 66 333.12, F.S.; revising provisions for acquisition of
 67 air rights by political subdivision; amending s.
 68 333.13, F.S.; revising provisions for enforcement and
 69 remedies for violations; creating s. 333.135, F.S.;
 70 providing a period for political subdivisions to
 71 conform airport ordinances with changes made by the
 72 act; providing a period for political subdivisions to
 73 adopt airport zoning regulations; directing the
 74 department to administer specified permitting process
 75 for certain political subdivisions; repealing s.
 76 333.14, F.S., relating to a short title; amending s.
 77 334.03, F.S.; revising the definition of "511" or "511
 78 service" used in the Florida Transportation Code;

79 removing the definition of the term "interactive voice
 80 response"; amending ss. 334.044 and 334.60, F.S.;
 81 revising department's duty to provide oversight of
 82 traveler information systems; amending s. 338.165,
 83 F.S.; removing certain facilities from the list of
 84 facilities whose toll revenues can be used to secure
 85 bonds; amending s. 338.227, F.S.; providing that the
 86 validation of turnpike revenues bonds is optional
 87 instead of mandatory; providing requirements regarding
 88 a complaint for such validation; amending s. 338.231,
 89 F.S.; increasing the length of time that a prepaid
 90 toll account must be inactive before reverting to
 91 unclaimed property; amending s. 339.135, F.S.;
 92 revising requirements for amendments to the
 93 department's adopted work program to be submitted to
 94 the Legislative Budget Commission; providing that a
 95 municipality or county that applies transportation
 96 concurrency may not require a developer to pay a fee
 97 for the removal of vegetation within the right-of-way
 98 limits of road improvements; defining the term "fee";
 99 providing for a municipality to exempt itself from
 100 such provisions; directing the Office of Economic and
 101 Demographic Research to determine the economic
 102 benefits of the state's investment in the department's
 103 adopted work program; requiring a report to the
 104 Legislature; amending s. 215.82, F.S., relating to

105 validation of bonds; conforming to changes made by the
 106 act; reenacting s. 350.81(6), F.S., relating to
 107 communications services offered by governmental
 108 entities, to incorporate the amendment made by the act
 109 to s. 333.01, F.S., in a reference thereto; providing
 110 an effective date.

111

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

113

114 Section 1. Paragraphs (d) and (e) of subsection (3) and
 115 paragraphs (d), (e), and (f) of subsection (4) of section 20.23,
 116 Florida Statutes, are amended to read:

117 20.23 Department of Transportation.—There is created a
 118 Department of Transportation which shall be a decentralized
 119 agency.

120 (3)

121 ~~(d) The secretary shall appoint an inspector general~~
 122 ~~pursuant to s. 20.055 who shall be directly responsible to the~~
 123 ~~secretary and shall serve at the pleasure of the secretary.~~

124 (d) ~~(e)~~ The secretary shall appoint a general counsel who
 125 shall be directly responsible to the secretary. The general
 126 counsel is responsible for all legal matters of the department.
 127 The department may employ as many attorneys as it deems
 128 necessary to advise and represent the department in all
 129 transportation matters.

130 (4)

131 ~~(d) The district director for the Fort Myers Urban Office~~
 132 ~~of the Department of Transportation is responsible for~~
 133 ~~developing the 5-year Transportation Plan for Charlotte,~~
 134 ~~Collier, DeSoto, Glades, Hendry, and Lee Counties. The Fort~~
 135 ~~Myers Urban Office also is responsible for providing policy,~~
 136 ~~direction, local government coordination, and planning for these~~
 137 ~~counties.~~

138 (d)~~(e)~~1. The responsibility for the turnpike system shall
 139 be delegated by the secretary to the executive director of the
 140 turnpike enterprise, who shall serve at the pleasure of the
 141 secretary. The executive director shall report directly to the
 142 secretary, and the turnpike enterprise shall operate pursuant to
 143 ss. 338.22-338.241.

144 2. To facilitate the most efficient and effective
 145 management of the turnpike enterprise, including the use of best
 146 business practices employed by the private sector, the turnpike
 147 enterprise, except as provided in s. 287.055, shall be exempt
 148 from departmental policies, procedures, and standards, subject
 149 to the secretary having the authority to apply any such
 150 policies, procedures, and standards to the turnpike enterprise
 151 from time to time as deemed appropriate.

152 (e)~~(f)~~1. The responsibility for developing and operating
 153 the high-speed and passenger rail systems established in chapter
 154 341, directing funding for passenger rail systems under s.
 155 341.303, and coordinating publicly funded passenger rail
 156 operations in the state, including freight rail interoperability

157 issues, shall be delegated by the secretary to the executive
 158 director of the rail enterprise, who shall serve at the pleasure
 159 of the secretary. The executive director shall report directly
 160 to the secretary, and the rail enterprise shall operate pursuant
 161 to ss. 341.8201-341.842.

162 2. To facilitate the most efficient and effective
 163 management of the rail enterprise, including the use of best
 164 business practices employed by the private sector, the rail
 165 enterprise, except as provided in s. 287.055, shall be exempt
 166 from departmental policies, procedures, and standards, subject
 167 to the secretary having the authority to apply any such
 168 policies, procedures, and standards to the rail enterprise from
 169 time to time as deemed appropriate.

170 Section 2. Subsection (2) of section 311.07, Florida
 171 Statutes, is amended to read:

172 311.07 Florida seaport transportation and economic
 173 development funding.—

174 (2) A minimum of \$25 ~~\$15~~ million per year shall be made
 175 available from the State Transportation Trust Fund to fund the
 176 Florida Seaport Transportation and Economic Development Program.
 177 The Florida Seaport Transportation and Economic Development
 178 Council created in s. 311.09 shall develop guidelines for
 179 project funding. Council staff, the Department of
 180 Transportation, and the Department of Economic Opportunity shall
 181 work in cooperation to review projects and allocate funds in
 182 accordance with the schedule required for the Department of

183 Transportation to include these projects in the tentative work
 184 program developed pursuant to s. 339.135(4).

185 Section 3. Subsection (9) of section 311.09, Florida
 186 Statutes, is amended to read:

187 311.09 Florida Seaport Transportation and Economic
 188 Development Council.—

189 (9) The Department of Transportation shall include no less
 190 than \$25 ~~\$15~~ million per year in its annual legislative budget
 191 request for the Florida Seaport Transportation and Economic
 192 Development Program funded under s. 311.07. Such budget shall
 193 include funding for projects approved by the council which have
 194 been determined by each agency to be consistent. The Department
 195 of Transportation shall include the specific approved Florida
 196 Seaport Transportation and Economic Development Program projects
 197 to be funded under s. 311.07 during the ensuing fiscal year in
 198 the tentative work program developed pursuant to s. 339.135(4).
 199 The total amount of funding to be allocated to Florida Seaport
 200 Transportation and Economic Development Program projects under
 201 s. 311.07 during the successive 4 fiscal years shall also be
 202 included in the tentative work program developed pursuant to s.
 203 339.135(4). The council may submit to the Department of
 204 Transportation a list of approved projects that could be made
 205 production-ready within the next 2 years. The list shall be
 206 submitted by the Department of Transportation as part of the
 207 needs and project list prepared pursuant to s. 339.135(2)(b).
 208 However, the Department of Transportation shall, upon written

209 request of the Florida Seaport Transportation and Economic
 210 Development Council, submit work program amendments pursuant to
 211 s. 339.135(7) to the Governor within 10 days after the later of
 212 the date the request is received by the Department of
 213 Transportation or the effective date of the amendment,
 214 termination, or closure of the applicable funding agreement
 215 between the Department of Transportation and the affected
 216 seaport, as required to release the funds from the existing
 217 commitment. Notwithstanding s. 339.135(7)(c), any work program
 218 amendment to transfer prior year funds from one approved seaport
 219 project to another seaport project is subject to the procedures
 220 in s. 339.135(7)(d). Notwithstanding any provision of law to the
 221 contrary, the Department of Transportation may transfer
 222 unexpended budget between the seaport projects as identified in
 223 the approved work program amendments.

224 Section 4. Subsections (6) and (47) of section 316.003,
 225 Florida Statutes, are amended, and subsection (94) is added to
 226 that section, to read:

227 316.003 Definitions.—The following words and phrases, when
 228 used in this chapter, shall have the meanings respectively
 229 ascribed to them in this section, except where the context
 230 otherwise requires:

231 (6) CROSSWALK.—

232 (a) "Marked crosswalk" means pavement marking lines on the
 233 roadway surface, which may include contrasting pavement texture,
 234 style, or colored portions of the roadway, at an intersection

235 which is used by pedestrians for crossing the roadway. ~~That part~~
 236 ~~of a roadway at an intersection included within the connections~~
 237 ~~of the lateral lines of the sidewalks on opposite sides of the~~
 238 ~~highway, measured from the curbs or, in the absence of curbs,~~
 239 ~~from the edges of the traversable roadway.~~

240 (b) "Midblock crosswalk" means pavement marking lines on
 241 the roadway surface, which may include contrasting pavement
 242 texture, style, or a colored portion of the roadway, located
 243 between intersections at a signalized or nonsignalized crosswalk
 244 that is used by pedestrians for crossing the roadway and may
 245 include a pedestrian refuge island. ~~Any portion of a roadway at~~
 246 ~~an intersection or elsewhere distinctly indicated for pedestrian~~
 247 ~~crossing by lines or other markings on the surface.~~

248 (c) "Unmarked crosswalk" means a portion of the roadway at
 249 an intersection which is used by pedestrians for crossing the
 250 roadway and is not marked by pavement marking lines on the
 251 roadway surface.

252 (47) SIDEWALK.—That portion of a street between the
 253 curbline, or the lateral line, of a roadway and the adjacent
 254 property lines, intended for use by pedestrians, adjacent to the
 255 roadway between the curb or edge of the roadway and the property
 256 line.

257 (94) PORT-OF-ENTRY.—A designated location that allows
 258 drivers of commercial motor vehicles to purchase temporary
 259 registration permits necessary to operate legally within the
 260 state. The locations and the designated routes to such locations

261 shall be determined by the Department of Transportation.

262 Section 5. Subsection (2) of section 316.081, Florida
 263 Statutes, is amended to read:

264 316.081 Driving on right side of roadway; exceptions.—

265 (2) Upon all roadways, any vehicle proceeding at less than
 266 the normal speed of traffic based on existing at the time and
 267 ~~place and under the conditions then existing~~ shall be driven in
 268 the right-hand lane then available for traffic or, if no lane is
 269 marked for traffic, as close as is safe and reasonable
 270 ~~practicable~~ to the right-hand curb or edge of the roadway except
 271 when overtaking and passing another vehicle proceeding in the
 272 same direction or when preparing for a left turn at an
 273 intersection or into a private road or driveway.

274 Section 6. Paragraphs (b) and (c) of subsection (7) of
 275 section 316.130, Florida Statutes, are amended to read:

276 316.130 Pedestrians; traffic regulations.—

277 (7)

278 (b) The driver of a vehicle at any crosswalk location
 279 where the approach is not controlled by a traffic signal or stop
 280 sign ~~signage so indicates~~ shall stop and remain stopped to allow
 281 a pedestrian to cross a roadway when the pedestrian is in the
 282 crosswalk or steps into the crosswalk and is upon the half of
 283 the roadway upon which the vehicle is traveling or turning, or
 284 when the pedestrian is approaching so closely from the opposite
 285 half of the roadway as to be in danger. Any pedestrian crossing
 286 a roadway at a point where a pedestrian tunnel or overhead

287 pedestrian crossing has been provided shall yield the right-of-
 288 way to all vehicles upon the roadway.

289 ~~(c) When traffic control signals are not in place or in~~
 290 ~~operation and there is no signage indicating otherwise, the~~
 291 ~~driver of a vehicle shall yield the right-of-way, slowing down~~
 292 ~~or stopping if need be to so yield, to a pedestrian crossing the~~
 293 ~~roadway within a crosswalk when the pedestrian is upon the half~~
 294 ~~of the roadway upon which the vehicle is traveling or when the~~
 295 ~~pedestrian is approaching so closely from the opposite half of~~
 296 ~~the roadway as to be in danger. Any pedestrian crossing a~~
 297 ~~roadway at a point where a pedestrian tunnel or overhead~~
 298 ~~pedestrian crossing has been provided shall yield the right-of-~~
 299 ~~way to all vehicles upon the roadway.~~

300 Section 7. Subsection (5) of section 316.2065, Florida
 301 Statutes, is amended to read:

302 316.2065 Bicycle regulations.—

303 (5)(a) Any person operating a bicycle upon a roadway at
 304 less than the normal speed of traffic ~~at the time and place and~~
 305 under existing ~~the~~ conditions ~~then-existing~~ shall ride in the
 306 lane marked for bicycle use or, if no lane is marked for bicycle
 307 use, as close as is safe and reasonable ~~practicable~~ to the
 308 right-hand curb or edge of the roadway except under any of the
 309 following situations:

310 1. When overtaking and passing another bicycle or vehicle
 311 proceeding in the same direction.

312 2. When preparing for a left turn at an intersection or

313 into a private road or driveway.

314 3. When reasonably necessary to avoid any condition or
 315 potential conflict, including, but not limited to, a fixed or
 316 moving object, parked or moving vehicle, bicycle, pedestrian,
 317 animal, surface hazard, or turn lane, ~~or substandard width lane,~~
 318 ~~which makes it unsafe to continue along the right hand curb or~~
 319 ~~edge or within a bicycle lane. For the purposes of this~~
 320 ~~subsection, a "substandard width lane" is a lane that is too~~
 321 ~~narrow for a bicycle and another vehicle to travel safely side~~
 322 ~~by side within the lane.~~

323 (b) Any person operating a bicycle upon a one-way highway
 324 with two or more marked traffic lanes may ride as near the left-
 325 hand curb or edge of such roadway as safe and reasonable
 326 practicable.

327 Section 8. Paragraph (b) of subsection (2) of section
 328 316.545, Florida Statutes, is amended to read:

329 316.545 Weight and load unlawful; special fuel and motor
 330 fuel tax enforcement; inspection; penalty; review.-

331 (2)

332 (b) The officer or inspector shall inspect the license
 333 plate or registration certificate of the commercial vehicle, ~~as~~
 334 ~~defined in s. 316.003(66),~~ to determine if its gross weight is
 335 in compliance with the declared gross vehicle weight. If its
 336 gross weight exceeds the declared weight, the penalty shall be 5
 337 cents per pound on the difference between such weights. In those
 338 cases when the commercial vehicle, as defined in s. 316.003(66),

339 | is being operated over the highways of the state with an expired
 340 | registration or with no registration from this or any other
 341 | jurisdiction or is not registered under the applicable
 342 | provisions of chapter 320, the penalty herein shall apply on the
 343 | basis of 5 cents per pound on that scaled weight which exceeds
 344 | 35,000 pounds on laden truck tractor-semitrailer combinations or
 345 | tandem trailer truck combinations, 10,000 pounds on laden
 346 | straight trucks or straight truck-trailer combinations, or
 347 | 10,000 pounds on any unladen commercial motor vehicle.
 348 | Commercial motor vehicles entering the state at designated port-
 349 | of-entry locations or operating on designated routes to a port-
 350 | of-entry location, which obtain temporary registration permits,
 351 | shall be assessed a penalty limited to the difference between
 352 | its gross weight and the declared gross vehicle weight at 5
 353 | cents per pound. If the license plate or registration has not
 354 | been expired for more than 90 days, the penalty imposed under
 355 | this paragraph may not exceed \$1,000. In the case of special
 356 | mobile equipment ~~as defined in s. 316.003(48)~~, which qualifies
 357 | for the license tax provided for in s. 320.08(5)(b), being
 358 | operated on the highways of the state with an expired
 359 | registration or otherwise not properly registered under the
 360 | applicable provisions of chapter 320, a penalty of \$75 shall
 361 | apply in addition to any other penalty which may apply in
 362 | accordance with this chapter. A vehicle found in violation of
 363 | this section may be detained until the owner or operator
 364 | produces evidence that the vehicle has been properly registered.

365 Any costs incurred by the retention of the vehicle shall be the
 366 sole responsibility of the owner. A person who has been assessed
 367 a penalty pursuant to this paragraph for failure to have a valid
 368 vehicle registration certificate pursuant to the provisions of
 369 chapter 320 is not subject to the delinquent fee authorized in
 370 s. 320.07 if such person obtains a valid registration
 371 certificate within 10 working days after such penalty was
 372 assessed.

373 Section 9. Section 333.01, Florida Statutes, is amended to
 374 read:

375 333.01 Definitions.—For the purpose of this chapter, the
 376 term following words, terms, and phrases shall have the meanings
 377 herein given, unless otherwise specifically defined, or unless
 378 another intention clearly appears, or the context otherwise
 379 requires:

380 (1) "Aeronautical study" means a Federal Aviation
 381 Administration review conducted pursuant to 14 C.F.R. part 77,
 382 concerning the effect of proposed construction or alteration on
 383 the use of air navigation facilities or navigable airspace by
 384 aircraft.

385 ~~(1) "Aeronautics" means transportation by aircraft; the~~
 386 ~~operation, construction, repair, or maintenance of aircraft,~~
 387 ~~aircraft power plants and accessories, including the repair,~~
 388 ~~packing, and maintenance of parachutes; the design,~~
 389 ~~establishment, construction, extension, operation, improvement,~~
 390 ~~repair, or maintenance of airports, restricted landing areas, or~~

391 ~~other air navigation facilities, and air instruction.~~

392 (2) "Airport" means any area of land or water designed and
 393 set aside for the landing and taking off of aircraft and
 394 utilized or to be utilized in the interest of the public for
 395 such purpose.

396 (3) "Airport hazard" means any obstruction that exceeds
 397 ~~structure or tree or use of land which would exceed~~ the federal
 398 obstruction standards as contained in 14 C.F.R. ss. 77.15,
 399 77.17, 77.19, 77.21, and 77.23, ~~77.25, 77.28, and 77.29~~ and that
 400 ~~which~~ obstructs the airspace required for the flight of aircraft
 401 in taking off, maneuvering, or landing or is otherwise hazardous
 402 to such taking off, maneuvering, or landing of aircraft and for
 403 which no person has previously obtained a permit ~~or variance~~
 404 pursuant to s. 333.025 or s. 333.07.

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

408 (5) "Airport land use compatibility zoning" means airport
 409 zoning regulations governing ~~restricting~~ the use of land
 410 adjacent to or in the immediate vicinity of airports in the
 411 manner provided ~~enumerated~~ in s. 333.03 ~~333.03(2)~~ ~~to activities~~
 412 ~~and purposes compatible with the continuation of normal airport~~
 413 ~~operations including landing and takeoff of aircraft in order to~~
 414 ~~promote public health, safety, and general welfare.~~

415 (6) "Airport layout plan" means a scaled detailed, scale
 416 engineering drawing, or set of drawings, in either paper or

417 electronic form, of existing, including pertinent dimensions, of
 418 an airport's current and planned airport facilities which
 419 provides a graphic representation of the existing and long-term
 420 development plan for the airport and demonstrates the
 421 preservation and continuity of safety, utility, and efficiency
 422 of the airport, their locations, and runway usage.

423 (7) "Airport master plan" means a comprehensive plan of an
 424 airport that describes the immediate and long-term development
 425 plans to meet future aviation demand.

426 (8) "Airport protection zoning" means airport zoning
 427 regulations governing airport hazards in the manner provided in
 428 s. 333.03.

429 (9) "Department" means the Department of Transportation as
 430 created under s. 20.23.

431 (10) "Educational facility" means any structure, land, or
 432 use thereof that includes a public or private kindergarten
 433 through 12th grade school, charter school, magnet school, college
 434 campus, or university campus. For the purpose of this chapter,
 435 the term "educational facility" does not include space used for
 436 educational purposes within a multitenant building.

437 (11) "Landfill" has the same meaning as defined in s.
 438 403.703.

439 (12) ~~(7)~~ "Obstruction" means any object of natural growth
 440 or terrain, or permanent or temporary construction or
 441 alteration, including equipment or materials used and any
 442 permanent or temporary apparatus, or alteration of any permanent

443 or temporary existing structure by a change in its height,
 444 including appurtenances, or lateral dimensions, including
 445 equipment or material used therein, existing or proposed, which
 446 exceeds ~~manmade object or object of natural growth or terrain~~
 447 ~~that violates~~ the standards contained in 14 C.F.R. ss. 77.15,
 448 77.17, 77.19, 77.21, and 77.23, ~~77.25, 77.28, and 77.29.~~

449 (13)-(8) "Person" means any individual, firm,
 450 copartnership, corporation, company, association, joint-stock
 451 association, or body politic, and includes any trustee,
 452 receiver, assignee, or other similar representative thereof.

453 (14)-(9) "Political subdivision" means the local government
 454 of any county, city, town, village, or other subdivision or
 455 agency of the state ~~thereof~~, or any district or special
 456 district, port commission, port authority, or other such agency
 457 authorized to establish or operate airports in the state.

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

461 (16)-(10) "Runway protection clear zone" means an area at
 462 ground level beyond the runway end to enhance the safety and
 463 protection of people and property on the ground ~~a runway clear~~
 464 ~~zone as defined in 14 C.F.R. s. 151.9(b).~~

465 (17)-(11) "Structure" means any object, constructed,
 466 erected, altered, or installed ~~by humans~~, including, but without
 467 limitation thereof, buildings, towers, smokestacks, utility
 468 poles, power generation equipment, and overhead transmission

469 lines.

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

471 (18) "Substantial modification" means any repair,
 472 reconstruction, rehabilitation, or improvement of a structure
 473 when the actual cost of the repair, reconstruction,
 474 rehabilitation, or improvement of the structure equals or
 475 exceeds 50 percent of the market value of the structure.

476 Section 10. Section 333.025, Florida Statutes, is amended
 477 to read:

478 333.025 Permit required for structures exceeding federal
 479 obstruction standards.-

480 (1) Any person proposing the construction or alteration in
 481 ~~order to prevent the erection~~ of structures hazardous dangerous
 482 to air navigation, subject to the provisions of subsections (2),
 483 (3), and (4), ~~each person~~ shall secure from the department ~~of~~
 484 ~~Transportation~~ a permit for the proposed construction or
 485 ~~erection, alteration, or modification~~ of any structure the
 486 result of which would exceed the federal obstruction standards
 487 as contained in 14 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and
 488 ~~77.23, 77.25, 77.28, and 77.29~~. However, permits from the
 489 department ~~of Transportation~~ will be required only within an
 490 airport hazard area where federal obstruction standards are
 491 exceeded and if the proposed construction is within a 10-
 492 nautical-mile radius of the airport reference point, located at
 493 the approximate geometric geographical center of all usable
 494 runways of a public-use airport, or a publicly owned or operated

495 ~~airport, a military airport, or an airport licensed by the state~~
 496 ~~for public use.~~

497 (2) Existing, planned, and proposed ~~Affected airports will~~
 498 ~~be considered as having these facilities~~ on public-use airports
 499 contained in an ~~which are shown on the~~ airport master plan, on
 500 ~~or~~ an airport layout plan submitted to the Federal Aviation
 501 Administration Airport District Office, or in comparable
 502 military documents, ~~and will be so protected~~ from the structures
 503 that exceed federal obstruction standards. ~~Planned or proposed~~
 504 ~~public-use airports which are the subject of a notice or~~
 505 ~~proposal submitted to the Federal Aviation Administration or to~~
 506 ~~the Department of Transportation shall also be protected.~~

507 (3) Permit requirements of subsection (1) shall not apply
 508 to structures ~~projects~~ which received construction permits from
 509 the Federal Communications Commission for structures exceeding
 510 federal obstruction standards prior to May 20, 1975, ~~provided~~
 511 ~~such structures now exist;~~ nor shall such requirements ~~it~~ apply
 512 to previously approved structures now existing, or any necessary
 513 replacement or repairs to such existing structures, so long as
 514 the height and location is unchanged.

515 (4) When political subdivisions have adopted adequate
 516 airport airspace protection zoning regulations in compliance
 517 with s. 333.03, ~~and such regulations are on file with the~~
 518 ~~department of Transportation,~~ and have established a permitting
 519 process in compliance with s. 333.09(2), a permit for such
 520 structure shall not be required from the department ~~of~~

521 ~~Transportation.~~ To evaluate technical consistency with this
 522 section there is a 15-day department review period concurrent
 523 with the permitting process prescribed by s. 333.09. Upon
 524 receipt of a complete permit application, the local government
 525 shall forward a copy of the application to the department's
 526 Aviation Office by certified mail, return receipt requested, or
 527 by delivery service that provides a receipt evidencing delivery.
 528 Cranes, construction equipment, and other temporary structures
 529 in use or in place for a period not to exceed 18 consecutive
 530 months are exempt from department review, unless such review is
 531 requested by the department.

532 (5) The department ~~of Transportation~~ shall, within 30 days
 533 after ~~of~~ the receipt of an application for a permit, issue or
 534 deny a permit for the construction or erection, alteration, ~~or~~
 535 ~~modification~~ of any structure ~~the result of~~ which would exceed
 536 federal obstruction standards as contained in 14 C.F.R. ss.
 537 77.15, 77.17, 77.19, 77.21, and 77.23, ~~77.25, 77.28, and 77.29.~~
 538 The department shall review permit applications in conformity
 539 with s. 120.60.

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

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

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

544 (c) ~~(a)~~ The nature of the terrain and height of existing
 545 structures.

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

547 (d) Whether the construction of the proposed structure
 548 would impact the state licensing standards for a public-use
 549 airport, contained in chapter 330 and rule 14-60, Florida
 550 Administrative Code.

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

553 ~~(f)~~ Federal airways, visual flight rules, flyways and
 554 corridors, and instrument approaches as designated by the Federal
 555 Aviation Administration.

556 ~~(g)~~ Whether the construction of the proposed structure
 557 would cause an increase in the minimum descent altitude or the
 558 decision height at the affected airport.

559 ~~(f) Technological advances.~~

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

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

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

563 ~~(h)~~ ~~(j)~~ The cumulative effects on navigable airspace of all
 564 existing structures, ~~proposed structures identified in the~~
 565 ~~applicable jurisdictions' comprehensive plans,~~ and all other
 566 known proposed structures in the area.

567 (7) When issuing a permit under this section, the
 568 department ~~of Transportation shall, as a specific condition of~~
 569 ~~such permit,~~ require the owner ~~obstruction marking and lighting~~
 570 of the permitted structure or vegetation to install, operate,
 571 and maintain thereon, at his or her own expense, marking and
 572 lighting in conformance with the specific standards established

573 by the Federal Aviation Administration as provided in s.
 574 333.07(3)(b).

575 (8) The department ~~of Transportation~~ shall not approve a
 576 permit for the construction or alteration ~~erection~~ of a
 577 structure unless the applicant submits both documentation
 578 showing compliance with the federal requirement for notification
 579 of proposed construction or alteration and a valid aeronautical
 580 study evaluation, and a ~~no~~ permit may not ~~shall~~ be approved
 581 solely on the basis that such proposed structure will not exceed
 582 federal obstruction standards as contained in 14 C.F.R. ss.
 583 77.15, 77.17, 77.19, 77.21, or 77.23, 77.25, 77.28, or 77.29, or
 584 any other federal aviation regulation.

585 (9) The denial of a permit under this section shall be
 586 subject to the administrative review provisions of chapter 120.

587 Section 11. Section 333.03, Florida Statutes, is amended
 588 to read:

589 333.03 Requirement ~~Power~~ to adopt airport zoning
 590 regulations.—

591 (1)(a) ~~In order to prevent the creation or establishment~~
 592 ~~of airport hazards,~~ Every political subdivision having an
 593 airport hazard area within its territorial limits shall, ~~by~~
 594 ~~October 1, 1977,~~ adopt, administer, and enforce, ~~under the~~
 595 ~~police power and~~ in the manner and upon the conditions
 596 ~~hereinafter~~ prescribed in this section, airport protection
 597 zoning regulations for such airport hazards ~~hazard area~~.

598 (b) Where an airport is owned or controlled by a political

599 subdivision and an ~~any~~ airport hazard area ~~appertaining to such~~
 600 ~~airport~~ is located wholly or partly outside the territorial
 601 limits of the ~~said~~ political subdivision, the political
 602 subdivision owning or controlling the airport and any ~~the~~
 603 political subdivision within which the airport hazard area is
 604 located, shall either:

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

609 2. By ordinance, regulation, or resolution duly adopted,
 610 create a joint airport zoning board that, ~~which board~~ shall ~~have~~
 611 ~~the same power to~~ adopt, administer, and enforce airport
 612 protection zoning regulations applicable to the airport hazard
 613 area in each ~~question as that vested in paragraph (a) in the~~
 614 political subdivision in ~~within~~ which the airport hazard ~~such~~
 615 area is located. Each such joint airport zoning board shall have
 616 as members two representatives appointed by each participating
 617 political subdivision ~~participating in its creation~~ and, in
 618 addition, a chair elected by a majority of the members so
 619 appointed. ~~The~~ ~~However,~~ the airport manager or representative of
 620 each airport in ~~managers of~~ the affected participating political
 621 subdivisions shall serve on the board in a nonvoting capacity.

622 (c) Airport protection zoning regulations adopted under
 623 paragraph (a) shall, as a minimum, require:

624 1. A permit ~~variance~~ for the ~~erection,~~ construction, or

625 alteration, ~~or modification~~ of any structure which would cause
 626 the structure to exceed the federal obstruction standards as
 627 contained in 14 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and
 628 77.23, 77.25, 77.28, and 77.29;

629 2. Obstruction marking and lighting for structures
 630 exceeding the federal obstruction standards as contained in 14
 631 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and 77.23, as specified
 632 in s. 333.07(3);

633 3. Documentation showing compliance with the federal
 634 requirement for notification of proposed construction or
 635 alteration and a valid aeronautical study ~~evaluation~~ submitted
 636 by each person applying for a permit ~~variance~~;

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

639 5. That no permit ~~variance~~ shall be approved solely on the
 640 basis that such proposed structure will not exceed federal
 641 obstruction standards as contained in 14 C.F.R. ss. 77.15,
 642 77.17, 77.19, 77.21, and 77.23, 77.25, 77.28, or 77.29, or any
 643 other federal aviation regulation.

644 (d) The department is available to provide assistance to
 645 political subdivisions with regard to federal obstruction
 646 standards ~~shall issue copies of the federal obstruction~~
 647 ~~standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25,~~
 648 ~~77.28, and 77.29 to each political subdivision having airport~~
 649 ~~hazard areas and, in cooperation with political subdivisions,~~
 650 ~~shall issue appropriate airport zoning maps depicting within~~

651 ~~each county the maximum allowable height of any structure or~~
 652 ~~tree. Material distributed pursuant to this subsection shall be~~
 653 ~~at no cost to authorized recipients.~~

654 (2) In the manner provided in subsection (1), interim
 655 airport land use compatibility zoning regulations shall be
 656 adopted, administered, and enforced. Airport land use
 657 compatibility zoning ~~When political subdivisions have adopted~~
 658 ~~land development regulations shall, at a minimum, in accordance~~
 659 ~~with the provisions of chapter 163 which address the use of land~~
 660 ~~in the manner consistent with the provisions herein, adoption of~~
 661 ~~airport land use compatibility regulations pursuant to this~~
 662 ~~subsection shall not be required. Interim airport land use~~
 663 ~~compatibility zoning regulations shall consider the following:~~

664 (a) Prohibiting any new and restricting any existing
 665 landfills ~~Whether sanitary landfills are located within the~~
 666 ~~following areas:~~

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

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

672 3. Outside the perimeters defined in subparagraphs 1. and
 673 2., but still within the lateral limits of the civil airport
 674 imaginary surfaces defined in 14 C.F.R. s. 77.19 ~~part 77.25.~~
 675 Case-by-case review of such landfills is advised.

676 (b) Where ~~Whether~~ any landfill is located and constructed

677 so that it attracts or sustains hazardous bird movements from
 678 feeding, water, or roosting areas into, or across, the runways
 679 or approach and departure patterns of aircraft. The landfill
 680 operator must be required to ~~political subdivision shall request~~
 681 ~~from the airport authority or other governing body operating the~~
 682 ~~airport a report on such bird feeding or roosting areas that at~~
 683 ~~the time of the request are known to the airport. In preparing~~
 684 ~~its report, the authority, or other governing body, shall~~
 685 ~~consider whether the landfill will~~ incorporate bird management
 686 techniques or other practices to minimize bird hazards to
 687 airborne aircraft. ~~The airport authority or other governing body~~
 688 ~~shall respond to the political subdivision no later than 30 days~~
 689 ~~after receipt of such request.~~

690 (c) Where an airport authority or other governing body
 691 operating a ~~publicly owned,~~ public-use airport has conducted a
 692 noise study in accordance with the provisions of 14 C.F.R. part
 693 150, or where the public-use airport owner has established noise
 694 contours pursuant to another public study approved by the Federal
 695 Aviation Administration, incompatible uses, as established in
 696 Appendix A of the 14 C.F.R. part 150 noise study or as a part of
 697 an alternative Federal Aviation Administration-approved public
 698 study, shall not be permitted within the noise contours
 699 established by that study, except where such use is specifically
 700 contemplated by such study with appropriate mitigation or similar
 701 techniques described in the study ~~neither residential~~
 702 ~~construction nor any educational facility as defined in chapter~~

703 ~~1013, with the exception of aviation school facilities, shall be~~
 704 ~~permitted within the area contiguous to the airport defined by~~
 705 ~~an outer noise contour that is considered incompatible with that~~
 706 ~~type of construction by 14 C.F.R. part 150, Appendix A or an~~
 707 ~~equivalent noise level as established by other types of noise~~
 708 ~~studies.~~

709 (d) Where an airport authority or other governing body
 710 operating a ~~publicly owned,~~ public-use airport has not conducted
 711 a noise study, neither residential construction nor any
 712 educational facility ~~as defined in chapter 1013,~~ with the
 713 exception of aviation school facilities, shall be permitted
 714 within an area contiguous to the airport measuring one-half the
 715 length of the longest runway on either side of and at the end of
 716 each runway centerline.

717 (3) In the manner provided in subsection (1), airport
 718 zoning regulations that shall be adopted which restrict new
 719 incompatible uses, ~~activities,~~ or substantial modifications to
 720 existing incompatible uses ~~construction~~ within runway protection
 721 ~~clear zones shall be adopted,~~ including uses, activities, or
 722 ~~construction in runway clear zones which are incompatible with~~
 723 ~~normal airport operations or endanger public health, safety, and~~
 724 ~~welfare by resulting in congregations of people, emissions of~~
 725 ~~light or smoke, or attraction of birds. Such regulations shall~~
 726 ~~prohibit the construction of an educational facility of a public~~
 727 ~~or private school at either end of a runway of a publicly owned,~~
 728 ~~public-use airport within an area which extends 5 miles in a~~

729 ~~direct line along the centerline of the runway, and which has a~~
 730 ~~width measuring one half the length of the runway. Exceptions~~
 731 ~~approving construction of an educational facility within the~~
 732 ~~delineated area shall only be granted when the political~~
 733 ~~subdivision administering the zoning regulations makes specific~~
 734 ~~findings detailing how the public policy reasons for allowing~~
 735 ~~the construction outweigh health and safety concerns prohibiting~~
 736 ~~such a location.~~

737 ~~(4) The procedures outlined in subsections (1), (2), and~~
 738 ~~(3) for the adoption of such regulations are supplemental to any~~
 739 ~~existing procedures utilized by political subdivisions in the~~
 740 ~~adoption of such regulations.~~

741 ~~(4)(5)~~ The department ~~of Transportation~~ shall provide
 742 technical assistance to any political subdivision requesting
 743 assistance in the preparation of an airport zoning regulation
 744 ~~code~~. A copy of all local airport zoning codes, rules, and
 745 regulations, and amendments and proposed and granted permits
 746 ~~variances thereto~~, shall be filed with the department. All
 747 updates and amendments to local airport zoning codes, rules, and
 748 regulations shall be filed with the department within 30 days
 749 after adoption.

750 ~~(5)(6)~~ Nothing in subsection (2) or subsection (3) shall
 751 be construed to require the removal, alteration, sound
 752 conditioning, or other change, or to interfere with the
 753 continued use or adjacent expansion of any educational structure
 754 or site in existence on July 1, 1993, ~~or be construed to~~

755 ~~prohibit the construction of any new structure for which a site~~
 756 ~~has been determined as provided in former s. 235.19, as of July~~
 757 ~~1, 1993.~~

758 (6) This section does not preclude an airport authority,
 759 political subdivision or its administrative agency, or other
 760 governing body operating a public-use airport from establishing
 761 airport protection zoning regulations more restrictive than
 762 prescribed in this section in order to protect the safety and
 763 welfare of the public in the air and on the ground.

764 Section 12. Section 333.04, Florida Statutes, is amended
 765 to read:

766 333.04 Comprehensive zoning regulations; most stringent to
 767 prevail where conflicts occur.-

768 (1) INCORPORATION.-In the event that a political
 769 subdivision has adopted, or hereafter adopts, a comprehensive
 770 plan or policy ~~zoning ordinance~~ regulating, among other things,
 771 the height of buildings, structures, and natural objects, and
 772 uses of property, any airport zoning regulations applicable to
 773 the same area or portion thereof may be incorporated in and made
 774 a part of such comprehensive plans or policies ~~zoning~~
 775 ~~regulations~~, and be administered and enforced in connection
 776 therewith.

777 (2) CONFLICT.-In the event of conflict between any airport
 778 zoning regulations adopted under this chapter and any other
 779 regulations applicable to the same area, whether the conflict be
 780 with respect to the height of structures or vegetation trees,

781 the use of land, or any other matter, and whether such
 782 regulations were adopted by the political subdivision which
 783 adopted the airport zoning regulations or by some other
 784 political subdivision, the more stringent limitation or
 785 requirement shall govern and prevail.

786 Section 13. Section 333.05, Florida Statutes, is amended
 787 to read:

788 333.05 Procedure for adoption of zoning regulations.—

789 (1) NOTICE AND HEARING.—~~No~~ Airport zoning regulations may
 790 not shall be adopted, amended, or deleted ~~changed~~ under this
 791 chapter except by action of the legislative body of the
 792 political subdivision or subdivisions affected in question, or
 793 the joint board provided in s. 333.03(1)(b)2. ~~333.03(1)(b)~~ by
 794 the political subdivisions ~~bodies~~ therein provided and set
 795 forth, after a public hearing in relation thereto, at which
 796 parties in interest and citizens shall have an opportunity to be
 797 heard. Notice of the hearing shall be published at least once a
 798 week for 2 consecutive weeks in a newspaper ~~an official paper,~~
 799 ~~or a paper~~ of general circulation, in the political subdivision
 800 or subdivisions where in which are located the airport zoning
 801 regulations are ~~areas~~ to be adopted, amended, or deleted ~~zoned~~.

802 (2) AIRPORT ZONING COMMISSION.—Before ~~Prior to~~ the initial
 803 zoning of any airport area under this chapter the political
 804 subdivision or joint airport zoning board which is to adopt,
 805 administer, and enforce the regulations shall appoint a
 806 commission, to be known as the airport zoning commission, to

807 recommend the boundaries of the various zones to be established
 808 and the regulations to be adopted therefor. Such commission
 809 shall make a preliminary report and hold public hearings thereon
 810 before submitting its final report, and the legislative body of
 811 the political subdivision or the joint airport zoning board
 812 shall not hold its public hearings or take any action until it
 813 has received the final report of such commission, and at least
 814 15 days shall elapse between the receipt of the final report of
 815 the commission and the hearing to be held by the latter board.
 816 Where a planning ~~city plan~~ commission, airport commission, or
 817 comprehensive zoning commission already exists, it may be
 818 appointed as the airport zoning commission.

819 Section 14. Section 333.06, Florida Statutes, is amended
 820 to read:

821 333.06 Airport zoning requirements.—

822 (1) REASONABLENESS.—All airport zoning regulations adopted
 823 under this chapter shall be reasonable and ~~none~~ shall not impose
 824 any requirement or restriction which is not reasonably necessary
 825 to effectuate the purposes of this chapter. In determining what
 826 regulations it may adopt, each political subdivision and joint
 827 airport zoning board shall consider, among other things, the
 828 character of the flying operations expected to be conducted at
 829 the airport, the nature of the terrain within the airport hazard
 830 area and runway protection ~~clear~~ zones, the character of the
 831 neighborhood, the uses to which the property to be zoned is put
 832 and adaptable, and the impact of any new use, activity, or

833 construction on the airport's operating capability and capacity.

834 (2) INDEPENDENT JUSTIFICATION.—The purpose of all airport
 835 zoning regulations adopted under this chapter is to provide both
 836 airspace protection and land uses ~~use~~ compatible with airport
 837 operations. Each aspect of this purpose requires independent
 838 justification in order to promote the public interest in safety,
 839 health, and general welfare. Specifically, construction in a
 840 runway protection ~~clear~~ zone which does not exceed airspace
 841 height restrictions is not conclusive ~~evidence per se~~ that such
 842 use, activity, or construction is compatible with airport
 843 operations.

844 (3) NONCONFORMING USES.—No airport protection zoning
 845 regulations adopted under this chapter shall require the
 846 removal, lowering, or other change or alteration of any
 847 structure or vegetation ~~tree~~ not conforming to the regulations
 848 when adopted or amended, or otherwise interfere with the
 849 continuance of any nonconforming use, except as provided in s.
 850 333.07(1) and (3).

851 (4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO AFFECTED
 852 LOCAL GOVERNMENTS.—An airport master plan shall be prepared by
 853 each public-use ~~publicly owned and operated~~ airport licensed by
 854 the department ~~of Transportation~~ under chapter 330. The
 855 authorized entity having responsibility for governing the
 856 operation of the airport, when either requesting from or
 857 submitting to a state or federal governmental agency with
 858 funding or approval jurisdiction a "finding of no significant

859 impact," an environmental assessment, a site-selection study, an
 860 airport master plan, or any amendment to an airport master plan,
 861 shall submit simultaneously a copy of said request, submittal,
 862 assessment, study, plan, or amendments by certified mail to all
 863 affected local governments. For the purposes of this subsection,
 864 "affected local government" is defined as any city or county
 865 having jurisdiction over the airport and any city or county
 866 located within 2 miles of the boundaries of the land subject to
 867 the airport master plan.

868 Section 15. Section 333.065, Florida Statutes, is
 869 repealed.

870 Section 16. Section 333.07, Florida Statutes, is amended
 871 to read:

872 333.07 Local government permitting of airspace ~~Permits and~~
 873 ~~variances.-~~

874 (1) PERMITS.-

875 (a) Any person proposing to erect, construct, or alter any
 876 structure, increase the height of any structure, permit the
 877 growth of any vegetation, or otherwise use his or her property
 878 in violation of the airport protection zoning regulations
 879 adopted under this chapter shall apply for a permit. A Any
 880 ~~airport zoning regulations adopted under this chapter may~~
 881 ~~require that a permit be obtained before any new structure or~~
 882 ~~use may be constructed or established and before any existing~~
 883 ~~use or structure may be substantially changed or substantially~~
 884 ~~altered or repaired. In any event, however, all such regulations~~

885 ~~shall provide that before any nonconforming structure or tree~~
 886 ~~may be replaced, substantially altered or repaired, rebuilt,~~
 887 ~~allowed to grow higher, or replanted, a permit must be secured~~
 888 ~~from the administrative agency authorized to administer and~~
 889 ~~enforce the regulations, authorizing such replacement, change,~~
 890 ~~or repair. No permit may not ~~shall~~ be issued ~~granted~~ that would~~
 891 allow the establishment or creation of an airport hazard or
 892 would permit a nonconforming structure or vegetation ~~tree~~ or
 893 nonconforming use to be made or become higher or to become a
 894 greater hazard to air navigation than it was when the applicable
 895 regulation was adopted or than it is when the application for a
 896 permit is made.

897 (b) Whenever the political subdivision or its
 898 administrative agency determines that a nonconforming use or
 899 nonconforming structure or vegetation ~~tree~~ has been abandoned or
 900 is more than 80 percent torn down, destroyed, deteriorated, or
 901 decayed, ~~a~~ no permit may not ~~shall~~ be granted that would allow
 902 the said structure or vegetation ~~tree~~ to exceed the applicable
 903 height limit or otherwise deviate from the zoning regulations.~~†~~
 904 ~~and,~~ Whether or not an application is made for a permit under
 905 this subsection ~~or not,~~ the ~~said~~ agency ~~may by appropriate~~
 906 ~~action, compel~~ the owner of the nonconforming structure or
 907 vegetation may be required ~~tree~~, at his or her own expense, to
 908 lower, remove, reconstruct, alter, or equip such object as may
 909 be necessary to conform to the regulations. If the owner of the
 910 nonconforming structure or vegetation ~~tree~~ shall neglect or

911 | refuse to comply with such order for 10 days after notice
 912 | ~~thereof~~, the ~~said~~ agency may report the violation to the
 913 | political subdivision involved therein, which subdivision,
 914 | through its appropriate agency, may proceed to have the object
 915 | so lowered, removed, reconstructed, altered or equipped, and
 916 | assess the cost and expense thereof upon the object or the land
 917 | whereon it is or was located, ~~and, unless such an assessment is~~
 918 | ~~paid within 90 days from the service of notice thereof on the~~
 919 | ~~owner or the owner's agent, of such object or land, the sum~~
 920 | ~~shall be a lien on said land, and shall bear interest thereafter~~
 921 | ~~at the rate of 6 percent per annum until paid, and shall be~~
 922 | ~~collected in the same manner as taxes on real property are~~
 923 | ~~collected by said political subdivision, or, at the option of~~
 924 | ~~said political subdivision, said lien may be enforced in the~~
 925 | ~~manner provided for enforcement of liens by chapter 85.~~

926 | ~~(c) Except as provided herein, applications for permits~~
 927 | ~~shall be granted, provided the matter applied for meets the~~
 928 | ~~provisions of this chapter and the regulations adopted and in~~
 929 | ~~force hereunder.~~

930 | ~~(2) VARIANCES.—~~

931 | ~~(a) Any person desiring to erect any structure, increase~~
 932 | ~~the height of any structure, permit the growth of any tree, or~~
 933 | ~~otherwise use his or her property in violation of the airport~~
 934 | ~~zoning regulations adopted under this chapter or any land~~
 935 | ~~development regulation adopted pursuant to the provisions of~~
 936 | ~~chapter 163 pertaining to airport land use compatibility, may~~

937 ~~apply to the board of adjustment for a variance from the zoning~~
 938 ~~regulations in question. At the time of filing the application,~~
 939 ~~the applicant shall forward to the department by certified mail,~~
 940 ~~return receipt requested, a copy of the application. The~~
 941 ~~department shall have 45 days from receipt of the application to~~
 942 ~~comment and to provide its comments or waiver of that right to~~
 943 ~~the applicant and the board of adjustment. The department shall~~
 944 ~~include its explanation for any objections stated in its~~
 945 ~~comments. If the department fails to provide its comments within~~
 946 ~~45 days of receipt of the application, its right to comment is~~
 947 ~~waived. The board of adjustment may proceed with its~~
 948 ~~consideration of the application only upon the receipt of the~~
 949 ~~department's comments or waiver of that right as demonstrated by~~
 950 ~~the filing of a copy of the return receipt with the board.~~
 951 ~~Noncompliance with this section shall be grounds to appeal~~
 952 ~~pursuant to s. 333.08 and to apply for judicial relief pursuant~~
 953 ~~to s. 333.11. Such variances may only be allowed where a literal~~
 954 ~~application or enforcement of the regulations would result in~~
 955 ~~practical difficulty or unnecessary hardship and where the~~
 956 ~~relief granted would not be contrary to the public interest but~~
 957 ~~would do substantial justice and be in accordance with the~~
 958 ~~spirit of the regulations and this chapter. However, any~~
 959 ~~variance may be allowed subject to any reasonable conditions~~
 960 ~~that the board of adjustment may deem necessary to effectuate~~
 961 ~~the purposes of this chapter.~~
 962 ~~(b) The Department of Transportation shall have the~~

963 | ~~authority to appeal any variance granted under this chapter~~
 964 | ~~pursuant to s. 333.08, and to apply for judicial relief pursuant~~
 965 | ~~to s. 333.11.~~

966 | (2) CONSIDERATIONS WHEN ISSUING OR DENYING PERMITS.-In
 967 | determining whether to issue or deny a permit, the political
 968 | subdivision or its administrative agency shall consider the
 969 | following, as applicable:

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

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

972 | (c) The nature of the terrain and height of existing
 973 | structures.

974 | (d) The state licensing standards for a public-use
 975 | airport, contained in chapter 330 and rule 14-60, Florida
 976 | Administrative Code, for the construction or alteration of the
 977 | proposed structure.

978 | (e) The character of existing and planned flight
 979 | operations and developments at public-use airports.

980 | (f) Federal airways, visual flight rules, flyways and
 981 | corridors, and instrument approaches as designated by the
 982 | Federal Aviation Administration.

983 | (g) Effect of the construction or alteration of the
 984 | proposed structure on the minimum descent altitude or the
 985 | decision height at the affected airport.

986 | (h) The cumulative effects on navigable airspace of all
 987 | existing structures and all other known proposed structures in
 988 | the area.

989 | (i) Requirements contained in s. 333.03(2) and (3).
 990 | (j) Additional requirements adopted by the political
 991 | subdivision or administrative agency pertinent to evaluation and
 992 | protection of airspace and airport operations.

993 | (3) OBSTRUCTION MARKING AND LIGHTING.-

994 | ~~(a) In issuing a granting any permit or variance under~~
 995 | ~~this section, the political subdivision or its administrative~~
 996 | ~~agency or board of adjustment shall require the owner of the~~
 997 | ~~structure or vegetation tree in question to install, operate,~~
 998 | ~~and maintain thereon, at his or her own expense, such marking~~
 999 | ~~and lighting in conformance with the specific standards~~
 1000 | ~~established by the Federal Aviation Administration as may be~~
 1001 | ~~necessary to indicate to aircraft pilots the presence of an~~
 1002 | ~~obstruction.~~

1003 | (b) Such marking and lighting shall conform to the
 1004 | specific standards established by rule by the department of
 1005 | Transportation.

1006 | ~~(c) Existing structures not in compliance on October 1,~~
 1007 | ~~1988, shall be required to comply whenever the existing marking~~
 1008 | ~~requires refurbishment, whenever the existing lighting requires~~
 1009 | ~~replacement, or within 5 years of October 1, 1988, whichever~~
 1010 | ~~occurs first.~~

1011 | Section 17. Section 333.08, Florida Statutes, is repealed.

1012 | Section 18. Section 333.09, Florida Statutes, is amended
 1013 | to read:

1014 | 333.09 Administration of airport zoning regulations.-

1015 (1) ADMINISTRATION.-All airport zoning regulations adopted
 1016 under this chapter shall provide for the administration and
 1017 enforcement of such regulations by the political subdivision or
 1018 its administrative agency ~~an administrative agency which may be~~
 1019 ~~an agency created by such regulations or any official, board, or~~
 1020 ~~other existing agency of the political subdivision adopting the~~
 1021 ~~regulations or of one of the political subdivisions which~~
 1022 ~~participated in the creation of the joint airport zoning board~~
 1023 ~~adopting the regulations, if satisfactory to that political~~
 1024 ~~subdivision, but in no case shall such administrative agency be~~
 1025 ~~or include any member of the board of adjustment.~~ The duties of
 1026 any administrative agency designated pursuant to this chapter
 1027 shall include that of hearing and deciding all permits under s.
 1028 333.07(1), ~~deciding all matters under s. 333.07(3),~~ as they
 1029 pertain to such agency, and all other matters under this chapter
 1030 applying to said agency, ~~but such agency shall not have or~~
 1031 ~~exercise any of the powers herein delegated to the board of~~
 1032 ~~adjustment.~~

1033 (2) LOCAL GOVERNMENT PROCESS.-

1034 (a) A political subdivision required to adopt airport
 1035 zoning regulations under this chapter shall provide a process to:

1036 1. Issue or deny permits consistent with s. 333.07,
 1037 including requests for exceptions to airport zoning regulations.

1038 2. Notify the department of receipt of a complete
 1039 application consistent with s. 333.025(4).

1040 3. Enforce any permit, order, requirement, decision, or

1041 determination made by the administrative agency with respect to
 1042 airport zoning regulations.

1043 (b) If a zoning board or permitting body already exists
 1044 within a political subdivision, the zoning board or permitting
 1045 body may implement the permitting and appeals process. Otherwise,
 1046 the political subdivision shall implement the permitting and
 1047 appeals process in a manner consistent with its constitutional
 1048 powers and areas of jurisdiction.

1049 (3) APPEALS.—

1050 (a) A person or a political subdivision or its
 1051 administrative agency or a joint airport zoning board that
 1052 contends a decision made by a political subdivision or its
 1053 administrative agency is an improper application of airport
 1054 zoning regulations, may use the process established for an
 1055 appeal.

1056 (b) All appeals taken under this section must be taken
 1057 within a reasonable time, as provided by the political
 1058 subdivision or its administrative agency, by filing with the
 1059 entity from which appeal is taken a notice of appeal specifying
 1060 the grounds for appeal.

1061 (c) An appeal shall stay all proceedings in the underlying
 1062 action appealed from, unless the entity from which the appeal is
 1063 taken certifies pursuant to the rules for appeal that by reason
 1064 of the facts stated in the certificate a stay would, in its
 1065 opinion, cause imminent peril to life or property. In such cases,
 1066 proceedings shall not be stayed except by order of the political

1067 subdivision or its administrative agency on notice to the entity
 1068 from which the appeal is taken and for good cause shown.

1069 (d) The political subdivision or its administrative agency
 1070 shall set a reasonable time for the hearing of appeals, give
 1071 public notice and due notice to the parties in interest, and
 1072 decide the same within a reasonable time. Upon the hearing, any
 1073 party may appear in person, by agent, or by attorney.

1074 (e) The political subdivision or its administrative agency
 1075 may, in conformity with the provisions of this chapter, reverse,
 1076 affirm, or modify the order, requirement, decision, or
 1077 determination from which the appeal is taken.

1078 Section 19. Section 333.10, Florida Statutes, is repealed.

1079 Section 20. Section 333.11, Florida Statutes, is amended
 1080 to read:

1081 333.11 Judicial review.—

1082 (1) Any person, ~~aggrieved, or taxpayer affected, by any~~
 1083 ~~decision of a board of adjustment, or any governing body of a~~
 1084 ~~political subdivision, or the Department of Transportation or~~
 1085 ~~any joint airport zoning board,~~ affected by a decision of a
 1086 political subdivision or its ~~of any~~ administrative agency
 1087 ~~hereunder,~~ may apply for judicial relief to the circuit court in
 1088 the judicial circuit where the political subdivision ~~board of~~
 1089 ~~adjustment~~ is located within 30 days after rendition of the
 1090 decision ~~by the board of adjustment.~~ Review shall be by petition
 1091 for writ of certiorari, which shall be governed by the Florida
 1092 Rules of Appellate Procedure.

1093 ~~(2) Upon presentation of such petition to the court, it~~
 1094 ~~may allow a writ of certiorari, directed to the board of~~
 1095 ~~adjustment, to review such decision of the board. The allowance~~
 1096 ~~of the writ shall not stay the proceedings upon the decision~~
 1097 ~~appealed from, but the court may, on application, on notice to~~
 1098 ~~the board, on due hearing and due cause shown, grant a~~
 1099 ~~restraining order.~~

1100 ~~(3) The board of adjustment shall not be required to~~
 1101 ~~return the original papers acted upon by it, but it shall be~~
 1102 ~~sufficient to return certified or sworn copies thereof or of~~
 1103 ~~such portions thereof as may be called for by the writ. The~~
 1104 ~~return shall concisely set forth such other facts as may be~~
 1105 ~~pertinent and material to show the grounds of the decision~~
 1106 ~~appealed from and shall be verified.~~

1107 (2)(4) The court shall have exclusive jurisdiction to
 1108 affirm, modify, or set aside the decision brought up for review,
 1109 ~~in whole or in part,~~ and, if need be, to order further
 1110 proceedings by the political subdivision or its administrative
 1111 agency board of adjustment. The findings of fact by the
 1112 political subdivision or its administrative agency board, if
 1113 supported by substantial evidence, shall be accepted by the
 1114 court as conclusive, and no objection to a decision of the
 1115 political subdivision or its administrative agency board shall
 1116 be considered by the court unless such objection was raised in
 1117 the underlying proceeding ~~shall have been urged before the~~
 1118 ~~board, or, if it was not so urged, unless there were reasonable~~

1119 ~~grounds for failure to do so.~~

1120 (3)~~(5)~~ In any case where ~~in which~~ airport zoning
 1121 regulations adopted under this chapter, ~~although generally~~
 1122 ~~reasonable,~~ are held by a court to interfere with the use and
 1123 enjoyment of a particular structure or parcel of land to such an
 1124 extent, or to be so onerous in their application to such a
 1125 structure or parcel of land, as to constitute a taking or
 1126 deprivation of that property in violation of the State
 1127 Constitution or the Constitution of the United States, such
 1128 holding shall not affect the application of such regulations to
 1129 other structures and parcels of land, or such regulations as are
 1130 not involved in the particular decision.

1131 (4)~~(6)~~ A judicial ~~Ne~~ appeal to any court may not ~~shall~~ be
 1132 ~~or is~~ permitted under this section, ~~to any courts,~~ until the
 1133 appellant has exhausted all its remedies through application for
 1134 local government permits, exceptions, and appeals as herein
 1135 ~~provided, save and except an appeal from a decision of the board~~
 1136 ~~of adjustment, the appeal herein provided being from such final~~
 1137 ~~decision of such board only, the appellant being hereby required~~
 1138 ~~to exhaust his or her remedies hereunder of application for~~
 1139 ~~permits, exceptions and variances, and appeal to the board of~~
 1140 ~~adjustment, and gaining a determination by said board, before~~
 1141 ~~being permitted to appeal to the court hereunder.~~

1142 Section 21. Section 333.12, Florida Statutes, is amended
 1143 to read:

1144 333.12 Acquisition of air rights. ~~When In any case which:~~

1145 ~~it is desired to remove, lower or otherwise terminate a~~
 1146 nonconforming structure or use presents an air hazard and the
 1147 structure cannot be removed, lowered, or otherwise terminated;
 1148 or the approach protection necessary cannot, because of
 1149 constitutional limitations, be provided by airport regulations
 1150 under this chapter; or it appears advisable that the necessary
 1151 approach protection be provided by acquisition of property
 1152 rights rather than by airport zoning regulations, the political
 1153 subdivision within which the property or nonconforming use is
 1154 located, or the political subdivision owning or operating the
 1155 airport or being served by it, may acquire, by purchase, grant,
 1156 or condemnation in the manner provided by chapter 73, such air
 1157 right, avigation ~~navigation~~ easement, or other estate, portion
 1158 or interest in the property or nonconforming structure or use or
 1159 such interest in the air above such property, vegetation ~~tree~~,
 1160 structure, or use, in question, as may be necessary to
 1161 effectuate the purposes of this chapter, and in so doing, if by
 1162 condemnation, to have the right to take immediate possession of
 1163 the property, interest in property, air right, or other right
 1164 sought to be condemned, at the time, and in the manner and form,
 1165 and as authorized by chapter 74. In the case of the purchase of
 1166 any property, or any easement, or estate or interest therein or
 1167 the acquisition of the same by the power of eminent domain the
 1168 political subdivision making such purchase or exercising such
 1169 power shall in addition to the damages for the taking, injury,
 1170 or destruction of property also pay the cost of the removal and

1171 relocation of any structure or any public utility which is
 1172 required to be moved to a new location.

1173 Section 22. Section 333.13, Florida Statutes, is amended
 1174 to read:

1175 333.13 Enforcement and remedies.—

1176 (1) Each violation of this chapter or of any regulations,
 1177 orders, or rulings promulgated or made pursuant to this chapter
 1178 shall constitute a misdemeanor of the second degree, punishable
 1179 as provided in s. 775.082 or s. 775.083, and each day a
 1180 violation continues to exist shall constitute a separate
 1181 offense.

1182 (2) In addition, the political subdivision or agency
 1183 adopting the airport zoning regulations under this chapter may
 1184 institute in any court of competent jurisdiction an action to
 1185 prevent, restrain, correct, or abate any violation of this
 1186 chapter or of airport zoning regulations adopted under this
 1187 chapter or of any order or ruling made in connection with their
 1188 administration or enforcement, and the court shall adjudge to
 1189 the plaintiff such relief, by way of injunction (which may be
 1190 mandatory) or otherwise, as may be proper under all the facts
 1191 and circumstances of the case in order to fully effectuate the
 1192 purposes of this chapter and of the regulations adopted and
 1193 orders and rulings made pursuant thereto.

1194 (3) The department ~~of Transportation~~ may institute a civil
 1195 action for injunctive relief in the appropriate circuit court to
 1196 prevent violation of any provision of this chapter.

1197 Section 23. Section 333.135, Florida Statutes, is created
 1198 to read:

1199 333.135 Transition provisions.-

1200 (1) Any airport zoning regulation in effect on July 1,
 1201 2015, that includes provisions in conflict with this chapter
 1202 shall be amended to conform to the requirements of this chapter
 1203 by July 1, 2016.

1204 (2) Any political subdivision having an airport within its
 1205 territorial limits which has not adopted airport zoning
 1206 regulations, shall, by October 1, 2017, adopt airport zoning
 1207 regulations consistent with the provisions of this chapter.

1208 (3) For those political subdivisions that have not yet
 1209 adopted airport zoning regulations pursuant to this chapter, the
 1210 department shall administer the permitting process as provided in
 1211 s. 333.025.

1212 Section 24. Section 333.14, Florida Statutes, is repealed.

1213 Section 25. Subsections (36) and (37) of section 334.03,
 1214 Florida Statutes, are amended to read:

1215 334.03 Definitions.—When used in the Florida
 1216 Transportation Code, the term:

1217 (36) "511" or "511 services" means all ~~three-digit~~
 1218 ~~telecommunications dialing to access interactive voice response~~
 1219 ~~telephone~~ traveler information services provided in the state,
 1220 including, but not limited to, the terms ~~as~~ defined by the
 1221 Federal Communications Commission in FCC Order No. 00-256, July
 1222 31, 2000.

1223 ~~(37) "Interactive voice response" means a software~~
 1224 ~~application that accepts a combination of voice telephone input~~
 1225 ~~and touch-tone keypad selection and provides appropriate~~
 1226 ~~responses in the form of voice, fax, callback, e-mail, and other~~
 1227 ~~media.~~

1228 Section 26. Subsection (31) of section 334.044, Florida
 1229 Statutes, is amended to read:

1230 334.044 Department; powers and duties.—The department
 1231 shall have the following general powers and duties:

1232 (31) To provide oversight of traveler information systems
 1233 ~~that may include the provision of interactive voice response~~
 1234 ~~telephone systems accessible via the 511 services number as~~
 1235 assigned by the Federal Communications Commission for traveler
 1236 information services. The department shall ensure that uniform
 1237 standards and criteria for the collection and dissemination of
 1238 traveler information are applied ~~using interactive voice~~
 1239 ~~response systems.~~

1240 Section 27. Section 334.60, Florida Statutes, is amended
 1241 to read:

1242 334.60 511 traveler information system.—The department is
 1243 the state's lead agency for implementing 511 services and is the
 1244 state's point of contact for coordinating all 511 services ~~with~~
 1245 ~~telecommunications service providers.~~ The department shall:

- 1246 (1) Implement and administer 511 services in the state;
- 1247 (2) Coordinate with other transportation authorities in
- 1248 the state to provide multimodal traveler information through 511

1249 services and other means;

1250 (3) Develop uniform standards and criteria for the
 1251 collection and dissemination of traveler information using ~~the~~
 1252 511 services ~~number or other interactive voice response systems;~~
 1253 and

1254 (4) Enter into joint participation agreements or contracts
 1255 with highway authorities and public transit districts to share
 1256 the costs of implementing and administering 511 services in the
 1257 state. The department may also enter into other agreements or
 1258 contracts with private firms relating to the 511 services to
 1259 offset the costs of implementing and administering 511 services
 1260 in the state.

1261
 1262 The department shall adopt rules to administer the coordination
 1263 of 511 traveler information ~~phone~~ services in the state.

1264 Section 28. Subsection (4) of section 338.165, Florida
 1265 Statutes, is amended to read:

1266 338.165 Continuation of tolls.—

1267 (4) Notwithstanding any other law to the contrary,
 1268 pursuant to s. 11, Art. VII of the State Constitution, and
 1269 subject to the requirements of subsection (2), the Department of
 1270 Transportation may request the Division of Bond Finance to issue
 1271 bonds secured by toll revenues collected on the Alligator Alley,
 1272 the Sunshine Skyway Bridge, ~~the Beeline East Expressway, the~~
 1273 ~~Navarre Bridge,~~ and the Pinellas Bayway to fund transportation
 1274 projects located within the county or counties in which the

1275 project is located and contained in the adopted work program of
 1276 the department.

1277 Section 29. Subsection (5) is added to section 338.227,
 1278 Florida Statutes, to read:

1279 338.227 Turnpike revenue bonds.—

1280 (5) Notwithstanding s. 215.82, bonds issued pursuant to
 1281 this section are not required to be validated pursuant to
 1282 chapter 75, but may be validated at the option of the Division
 1283 of Bond Finance. Any complaint for such validation shall be
 1284 filed in the circuit court of the county where the seat of state
 1285 government is situated; the notice required to be published by
 1286 s. 75.06 shall be published only in the county where the
 1287 complaint is filed; and the complaint and order of the circuit
 1288 court shall be served only on the state attorney of the circuit
 1289 in which the action is pending.

1290 Section 30. Paragraph (c) of subsection (3) of section
 1291 338.231, Florida Statutes, is amended to read:

1292 338.231 Turnpike tolls, fixing; pledge of tolls and other
 1293 revenues.—The department shall at all times fix, adjust, charge,
 1294 and collect such tolls and amounts for the use of the turnpike
 1295 system as are required in order to provide a fund sufficient
 1296 with other revenues of the turnpike system to pay the cost of
 1297 maintaining, improving, repairing, and operating such turnpike
 1298 system; to pay the principal of and interest on all bonds issued
 1299 to finance or refinance any portion of the turnpike system as
 1300 the same become due and payable; and to create reserves for all

1301 such purposes.

1302 (3)

1303 (c) Notwithstanding any other provision of law to the
 1304 contrary, any prepaid toll account of any kind which has
 1305 remained inactive for 10 ~~3~~ years shall be presumed unclaimed and
 1306 its disposition shall be handled by the Department of Financial
 1307 Services in accordance with all applicable provisions of chapter
 1308 717 relating to the disposition of unclaimed property, and the
 1309 prepaid toll account shall be closed by the department.

1310 Section 31. Paragraph (g) of subsection (7) of section
 1311 339.135, Florida Statutes, is amended, and paragraph (h) is
 1312 added to that subsection, to read:

1313 339.135 Work program; legislative budget request;
 1314 definitions; preparation, adoption, execution, and amendment.—

1315 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

1316 (g) Any work program amendment which also requires the
 1317 transfer of fixed capital outlay appropriations between
 1318 categories within the department or the increase of an
 1319 appropriation category is subject to the approval of the
 1320 Legislative Budget Commission. ~~If a meeting of the Legislative
 1321 Budget Commission cannot be held within 30 days of the
 1322 department submitting an amendment to the Legislative Budget
 1323 Commission, then the chair and vice chair of the Legislative
 1324 Budget Commission may authorize such amendment to be approved
 1325 pursuant to the provisions of s. 216.177.~~

1326 (h) Any work program amendment which also adds a new

1327 project, or phase thereof, to the adopted work program in excess
 1328 of \$3 million is subject to the approval of the Legislative
 1329 Budget Commission. Any work program amendment submitted under
 1330 this paragraph must include, as supplemental information, a list
 1331 of projects, or phases thereof, in the current 5-year adopted
 1332 work program that are eligible for the funds within the
 1333 appropriation category being utilized for the proposed
 1334 amendment. The department shall provide narrative with the
 1335 rationale for not advancing an existing project, or phase
 1336 thereof, in lieu of the proposed amendment.

1337 Section 32. (1) If a municipality or county applies
 1338 transportation concurrency, it may not require a developer to
 1339 pay a fee for the removal of vegetation within the right-of-way
 1340 limits of road improvements for which the developer completed or
 1341 contributed funding as required for transportation concurrency
 1342 for a development project.

1343 (2) This section does not affect the ability of a
 1344 municipality or county to require any tree removal permits or
 1345 tree removal plans.

1346 (3) As used in this section, the term "fee" does not
 1347 include any costs associated with applying for a tree removal
 1348 permit or preparing a tree removal plan.

1349 (4) This section does not affect a municipality or
 1350 county's ability to establish and enforce landscaping
 1351 requirements.

1352 (5) A municipality may, by majority vote of its governing

1353 body, exempt itself from this section.

1354 Section 33. (1) The Office of Economic and Demographic
 1355 Research shall evaluate and determine the economic benefits, as
 1356 defined in s. 288.005(1), Florida Statutes, of the state's
 1357 investment in the Department of Transportation's adopted work
 1358 program developed in accordance with s. 339.135(5) for fiscal
 1359 year 2015-2016, including the following 4 fiscal years. At a
 1360 minimum, a separate return on investment shall be projected for
 1361 each of the following areas:

- 1362 (a) Roads and highways.
- 1363 (b) Rails.
- 1364 (c) Public transit.
- 1365 (d) Aviation.
- 1366 (e) Seaports.

1367

1368 The analysis is limited to the funding anticipated by the
 1369 adopted work program, but may address the continuing economic
 1370 impact for those transportation projects in the 5 years beyond
 1371 the conclusion of the adopted work program. The analysis must
 1372 also evaluate the number of jobs created, the increase or
 1373 decrease in personal income, and the impact on gross domestic
 1374 product from the direct, indirect, and induced effects on the
 1375 state's investment in each area.

1376 (2) The Department of Transportation and each of its
 1377 district offices shall provide the Office of Economic and
 1378 Demographic Research full access to all data necessary to

1379 complete the analysis, including any confidential data.

1380 (3) The Office of Economic and Demographic Research shall
 1381 submit the analysis to the President of the Senate and the
 1382 Speaker of the House of Representatives by January 1, 2016.

1383 Section 34. Subsection (2) of section 215.82, Florida
 1384 Statutes, is amended to read:

1385 215.82 Validation; when required.—

1386 (2) Any bonds issued pursuant to this act which are
 1387 validated shall be validated in the manner provided by chapter
 1388 75. In actions to validate bonds to be issued in the name of the
 1389 State Board of Education under s. 9(a) and (d), Art. XII of the
 1390 State Constitution and bonds to be issued pursuant to chapter
 1391 259, the Land Conservation Act of 1972, the complaint shall be
 1392 filed in the circuit court of the county where the seat of state
 1393 government is situated, the notice required to be published by
 1394 s. 75.06 shall be published only in the county where the
 1395 complaint is filed, and the complaint and order of the circuit
 1396 court shall be served only on the state attorney of the circuit
 1397 in which the action is pending. In any action to validate bonds
 1398 issued pursuant to s. 1010.62 or issued pursuant to s. 9(a)(1),
 1399 Art. XII of the State Constitution or issued pursuant to s.
 1400 215.605 ~~or s. 338.227~~, the complaint shall be filed in the
 1401 circuit court of the county where the seat of state government
 1402 is situated, the notice required to be published by s. 75.06
 1403 shall be published in a newspaper of general circulation in the
 1404 county where the complaint is filed and in two other newspapers

1405 of general circulation in the state, and the complaint and order
 1406 of the circuit court shall be served only on the state attorney
 1407 of the circuit in which the action is pending; provided,
 1408 however, that if publication of notice pursuant to this section
 1409 would require publication in more newspapers than would
 1410 publication pursuant to s. 75.06, such publication shall be made
 1411 pursuant to s. 75.06.

1412 Section 35. For the purpose of incorporating the amendment
 1413 made by this act to section 333.01, Florida Statutes, in a
 1414 reference thereto, subsection (6) of section 350.81, Florida
 1415 Statutes, is reenacted to read:

1416 350.81 Communications services offered by governmental
 1417 entities.-


1418 (6) To ensure the safe and secure transportation of
 1419 passengers and freight through an airport facility, as defined
 1420 in s. 159.27(17), an airport authority or other governmental
 1421 entity that provides or is proposing to provide communications
 1422 services only within the boundaries of its airport layout plan,
 1423 as defined in s. 333.01(6), to subscribers which are integral
 1424 and essential to the safe and secure transportation of
 1425 passengers and freight through the airport facility, is exempt
 1426 from this section. An airport authority or other governmental
 1427 entity that provides or is proposing to provide shared-tenant
 1428 service under s. 364.339, but not dial tone enabling subscribers
 1429 to complete calls outside the airport layout plan, to one or
 1430 more subscribers within its airport layout plan which are not

1431 | integral and essential to the safe and secure transportation of
 1432 | passengers and freight through the airport facility is exempt
 1433 | from this section. An airport authority or other governmental
 1434 | entity that provides or is proposing to provide communications
 1435 | services to one or more subscribers within its airport layout
 1436 | plan which are not integral and essential to the safe and secure
 1437 | transportation of passengers and freight through the airport
 1438 | facility, or to one or more subscribers outside its airport
 1439 | layout plan, is not exempt from this section. By way of example
 1440 | and not limitation, the integral, essential subscribers may
 1441 | include airlines and emergency service entities, and the
 1442 | nonintegral, nonessential subscribers may include retail shops,
 1443 | restaurants, hotels, or rental car companies.

1444 | Section 36. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7041 PCB HWSS 15-02 Public Records/Customer E-mail Addresses/DHSMV
SPONSOR(S): Highway & Waterway Safety Subcommittee, Steube
TIED BILLS: **IDEN./SIM. BILLS:** SB 7040

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Highway & Waterway Safety Subcommittee	13 Y, 0 N	Whittaker	Smith
1) Government Operations Subcommittee	11 Y, 0 N	Williamson	Williamson
2) Economic Affairs Committee		Whittaker	Cremer 

SUMMARY ANALYSIS

The Department of Highway Safety and Motor Vehicles (department) is authorized to collect electronic mail addresses and use electronic mail in lieu of the United States Postal Service for the purposes of issuing a certificate of title, providing motor vehicle renewal notices, and providing driver license renewal notices.

The bill creates a public record exemption for electronic mail addresses held by the department for the purpose of providing notices and renewal notifications. The public record exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature. The bill also provides a public necessity statement as required by the State Constitution.

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

The bill has an effective date of upon becoming a law.

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 creates a new public record exemption; thus, it requires a two-thirds vote for final passage.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Public Records Law

Article I, s. 24(a) of the State Constitution sets forth the state's public policy regarding access to government records. This section guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government.

Public policy regarding access to government records is addressed further in the Florida Statutes. Section 119.071(1), F.S., guarantees every person a right to inspect and copy any state, county, or municipal record.

Public Record Exemptions

The Legislature 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

The Open Government Sunset Review Act² provides that a public record 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:³

- 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.

The Open Government Sunset Review Act requires the automatic repeal of a newly created exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.⁴

Exempt versus Confidential and Exempt

There is a difference between records the Legislature has determined to be exempt and those which have been determined to be confidential and exempt.⁵ If the Legislature has determined the information to be confidential then the information is not subject to inspection by the public.⁶ Also, if the information is deemed to be confidential it may only be released to those persons and entities designated in the statute.⁷ However, the agency is not prohibited from disclosing the records in all circumstances where the records are only exempt.⁸

¹ FLA CONST. art. I, s. 24(c).

² Section 119.15, F.S.

³ Section 119.15(6)(b), F.S.

⁴ Section 119.15(3), F.S.

⁵ *WFTV, Inc. v. School Board of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004), *review denied*, 892 So. 2d 1015 (Fla. 2004)

⁶ *Id.*

⁷ *Id.*

⁸ *See Williams v. City of Minneola*, 575 So. 2d 683, 687 (Fla. 5th DCA), *review denied*, 589 So. 2d 289 (Fla. 1991).

Department of Highway Safety and Motor Vehicles and Electronic Mail Addresses

The Department of Highway Safety and Motor Vehicles (department) is the records custodian for motor vehicle records, which contain personal information such as a driver's social security number. The department is authorized to collect electronic mail addresses and use electronic mail, in lieu of the United States Postal Service, for the purposes of issuing a certificate of title,⁹ providing motor vehicle renewal notices,¹⁰ and providing driver license renewal notices.¹¹

Under current law, the electronic mail address is a public record. The department must post a notice on its website alerting users that electronic mail addresses are a public record and advising users not to send electronic mail to the department if they do not want their electronic mail address released pursuant to a public record request.¹²

Effect of Proposed Changes

The bill creates a public record exemption for electronic mail addresses held by the department for certain purposes. Specifically, electronic mail addresses held by the department are exempt from public record requirements if held pursuant to:

- Section 319.40(3), F.S., which authorizes the department to collect electronic mail addresses and use such address as a method of notification.
- Section 320.95(2), F.S., which authorizes the department to collect electronic mail addresses and use such addresses for the purpose of providing renewal notices.
- Section 322.08(8), F.S., which authorizes the department to collect electronic mail addresses and use such address for the purpose of providing renewal notices.

The public record exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S., and will stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill also provides a public necessity statement as required by the State Constitution.

B. SECTION DIRECTORY:

Section 1 Amends s. 119.0712, F.S., creating a public record exemption for electronic mail addresses held by the Department of Highway Safety and Motor Vehicles for the purpose of conducting motor vehicle record and driver license transactions; providing for future legislative review and repeal of the exemption.

Section 2 Provides a statement of public necessity.

Section 3 Provides an effective date of upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

⁹ Section 319.40(3), F.S.

¹⁰ Section 320.95(2), F.S.

¹¹ Section 322.08(8), F.S.

¹² Section 668.6076, F.S.

2. Expenditures:

The bill may have a minimal fiscal impact on the department because staff responsible for complying with public record requests could require training related to creation of the public record exemption. In addition, the department may incur costs associated with redacting the exempt electronic mail addresses prior to releasing a record. These costs, however, would be absorbed, as they are part of the day-to-day responsibilities of the department.

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 affect county or municipal governments.

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 creates a new 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 creates a new public record exemption; thus, it includes a public necessity statement.

Breadth of Exemption

Article I., s. 24(c) of the State Constitution requires a newly created public record or public meeting exemption to be no broader than necessary to accomplish the stated purpose of the law. The bill creates a public records exemption for electronic mail addresses held by the Department of Highway Safety and Motor Vehicles for the purpose of conducting motor vehicle record and driver license transactions.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

The bill provides a public record exemption for electronic mail addresses, also known as e-mail addresses, held by the department. The sections authorizing the department to provide electronic notification refer to the addresses as "electronic mail addresses." As such, inclusion of the phrase "also known as e-mail addresses" is unnecessary.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

HB 7041

2015

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.0712, F.S.; providing a public records exemption
 4 for e-mail addresses obtained from customers when
 5 conducting driver license or motor vehicle record
 6 transactions; providing for future legislative review
 7 and repeal of the exemption; providing a statement of
 8 public necessity; providing an effective date.

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

11
 12 Section 1. Subsection (2) of section 119.0712, Florida
 13 Statutes, is amended to read:

14 119.0712 Executive branch agency-specific exemptions from
 15 inspection or copying of public records.—

16 (2) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.—

17 (a) For purposes of this subsection, the term "motor
 18 vehicle record" means any record that pertains to a motor
 19 vehicle operator's permit, motor vehicle title, motor vehicle
 20 registration, or identification card issued by the Department of
 21 Highway Safety and Motor Vehicles.

22 (b) Personal information, including highly restricted
 23 personal information as defined in 18 U.S.C. s. 2725, contained
 24 in a motor vehicle record is confidential pursuant to the
 25 federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss.
 26 2721 et seq. Such information may be released only as authorized

27 | by that act; however, information received pursuant to that act
 28 | may not be used for mass commercial solicitation of clients for
 29 | litigation against motor vehicle dealers.

30 | (c)1. Emergency contact information contained in a motor
 31 | vehicle record is confidential and exempt from s. 119.07(1) and
 32 | s. 24(a), Art. I of the State Constitution.

33 | 2. Without the express consent of the person to whom such
 34 | emergency contact information applies, the emergency contact
 35 | information contained in a motor vehicle record may be released
 36 | only to law enforcement agencies for purposes of contacting
 37 | those listed in the event of an emergency.

38 | (d)1. Electronic mail addresses, also known as e-mail
 39 | addresses, held by the Department of Highway Safety and Motor
 40 | Vehicles pursuant to ss. 319.40(3), 320.95(2), and 322.08(8) are
 41 | exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 42 | Constitution.

43 | 2. This paragraph is subject to the Open Government Sunset
 44 | Review Act in accordance with s. 119.15 and shall stand repealed
 45 | on October 2, 2020, unless reviewed and saved from repeal
 46 | through reenactment by the Legislature.

47 | Section 2. The Legislature finds that it is a public
 48 | necessity that electronic mail addresses, also known as e-mail
 49 | addresses, held by the Department of Highway Safety and Motor
 50 | Vehicles for the purpose of conducting motor vehicle record and
 51 | driver license transactions be made exempt from s. 119.07(1),
 52 | Florida Statutes, and s. 24(a), Article I of the State

HB 7041

2015

53 Constitution. The federal Driver's Privacy Protection Act of
54 1994, 18 U.S.C. ss. 2721 et seq., did not include e-mail
55 addresses among the types of personal information protected from
56 disclosure when enacted in 1994. Customer use of e-mail
57 addresses in conducting motor vehicle and driver license record
58 transactions electronically with the department has
59 significantly increased during the past two decades. Under
60 current law, e-mail addresses collected by the department are
61 public records and can be obtained by anyone for any purpose.
62 However, such e-mail addresses are unique to the individual and,
63 when combined with other personal identifying information, can
64 be used for identity theft, customer scams, unwanted
65 solicitations, or other invasive contacts. The public
66 availability of personal e-mail addresses puts the department's
67 customers at increased risk of these activities. Such risk may
68 be significantly limited by permitting the department to keep
69 customer e-mail addresses exempt.

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



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Steube offered the following:

3


4 **Amendment**

5 Remove line 42 and insert:

6 Constitution. This exemption applies retroactively.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7079 PCB HWSS 15-04 Specialty License Plates
SPONSOR(S): Highway & Waterway Safety Subcommittee, Perry
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Highway & Waterway Safety Subcommittee	13 Y, 0 N	Whittaker	Smith
1) Economic Affairs Committee		Whittaker	Cremer 

SUMMARY ANALYSIS

The bill removes requirements for an application, application fee, and marketing strategy to be submitted to the Department of Highway Safety and Motor Vehicles (DHSMV) for establishing a specialty license plate. This application process was replaced by the pre-sale methodology in 2010 and is no longer enforced.

The bill raises the minimum pre-sale requirement for a specialty plate to 4,000 before manufacturing of that specialty plate can begin.

The bill further provides that, beginning July 1, 2017, the department must discontinue the issuance of a specialty plate if the number of valid specialty plate registrations falls below 4,000 for at least 12 consecutive months. An exemption from this requirement is provided for Marine Corps, Military Services, Special Olympics, Autism, and Florida Professional Sports Team license plates.

The bill directs DHSMV to develop certain specialty plates with an established annual use fee for each plate, and provides for the distribution of the annual use fees.

Other conforming cross-references are provided.

There is a negative but indeterminate cost to DHSMV for the programming of new specialty license plates. These costs will be absorbed within existing resources.

The bill, except as otherwise expressly provided, becomes effective July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Background

In 2011, the U.S. Middle District Court in Orlando declared the specialty plate application process as it existed in 2009 to be unconstitutional. That process included an application process, an application fee, and a marketing strategy outlining short and long term marketing plans for the specialty plate.

The pre-sale methodology, created in 2010, replaced the application process. However, the application process, application fee, and marketing strategy language still exist in statute.

The recognized process to establish a specialty plate requires the plate to first be approved by law. After a new specialty plate becomes law the following requirements must be met:

- Within 60 days, the organization must submit an art design, in a medium prescribed by DHSMV.
- Within 120 days, DHSMV must establish a method to issue a specialty license plate voucher to allow for the pre-sale of the specialty plate.
- Within 24 months after the voucher is established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing may begin. If this requirement is not met, the plate is deauthorized and DHSMV must discontinue development of the plate and issuance of the vouchers.

DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations falls below 1,000 plates (does not apply to collegiate license plates).¹

Organizations must also adhere to certain accountability requirements found in statute. These requirements include an annual attestation document affirming, under penalty of perjury, that funds received have been spent in accordance with applicable statutes.²

There are currently over 120 specialty plates available.³

A moratorium on the issuance of specialty license plates was imposed by lawmakers in 2008, originally set to expire in 2011; it has been extended to July 1, 2016.

Proposed Changes

The bill amends s. 320.08053, F.S., removing requirements for establishing a specialty license plate that were declared unconstitutional in 2011 by the U.S. Middle District Court in Orlando. Also increases the minimum voucher sales to 4,000 before manufacturing of a specialty plate may begin.

The bill further provides that beginning July 1, 2017; the department must discontinue the issuance of a specialty plate if the number of valid specialty plate registrations falls below 4,000 for at least 12 consecutive months. An exemption from this requirement is provided for Marine Corps, Military Services, Special Olympics, Autism, and Florida Professional Sports Team license plates.

¹ s. 320.08056 (8)(a), F.S.

² s. 320.08062, F. S.

³ Florida Department of Highway Safety and Motor Vehicles, *Specialty License Plates Index*, <http://www.flhsmv.gov/dmv/specialtytags/> (last viewed 2/16/15).

The bill directs DHSMV to develop certain specialty plates with an established annual use fee for each plate, and provides for the distribution of the annual use fees. These newly created plates are the:

Bonefish and Tarpon Trust license plate, \$25.

Distributed to the Bonefish and Tarpon Trust to conserve and enhance Florida bonefish and tarpon fisheries and their respective environments.

Rotary's Camp Florida license plate, \$25.

Distributed to Rotary's Camp Florida to provide grants and direct support to the programs and services provided to children who attend the camp.

Support Down Syndrome license plate, \$25.

Distributed to Olivia's Angels Foundation, Inc., to fund its activities, programs, and projects within the state.

Safe and Free Florida license plate, \$25.

Distributed to the Statewide Council on Human Trafficking, to distribute to nongovernmental, not for profit agencies within each county in this state which assist sexually abused, exploited, or trafficked victims for certain purposes.

Support Our Constitution license plate, \$25.

Distributed to The Constitution Foundation, Inc., to fund activities, programs, and projects of The Constitution Foundation, Inc.

Sun Sea Smiles license plate, \$25.

Distributed to the Florida Caribbean Charitable Foundation, Inc., for various purposes including scholarship programs and distribution to various other organizations.

Take Stock in Children license plate, \$25.

Distributed to Take Stock in Children, Inc., to fund its activities, scholarships and mentoring programs, and projects.

Paddle Florida license plate, \$25.

Distributed to Paddle Florida, Inc., to be used by the Florida Forever grant program to support activities that further outdoor recreation and natural resource protection.

Orlando City Soccer Club license plate, \$25.

Distributed to the Department of Economic Opportunity to attract and support major sports events in the state.

Dogs Making a Difference license plate, \$25.

Distributed to Southeastern Guide Dogs for the training of dogs for use by veterans and citizens who are blind.

Ducks Unlimited Inc., license plate, \$25.

Distributed to Ducks Unlimited, Inc. for marketing and administrative expense and to support Ducks Unlimited's mission and conservation, restoration and management efforts of Florida's wetlands and associated habitats for the benefit of waterfowl, other wildlife and people

Conforming cross-references are also provided in the bill.

The bill has an effective date of July 1, 2015, except where expressly provided.

B. SECTION DIRECTORY:

- Section 1 Amends s. 320.08053, F.S., relating to requirements for requests to establish a specialty plate; deleting application requirements; revising presale requirements.
- Section 2 Amends s. 320.08056, F.S., revising the minimum requirements to continue issuance of certain specialty plates.
- Section 3 Amends s. 320.08058, F.S., conforming cross-references.
- Section 4 Amends s. 320.08056, F.S., establishing an annual use fee for new specialty plates.
- Section 5 Amends s. 320.08058, F.S., directing the Department of Highway Safety and Motor Vehicles to develop certain specialty plates; providing for distribution and use of fees collected from the sale of the plates.
- Section 6 Except as otherwise expressly provided the bill will become effective July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

There is a negative but indeterminate cost to DHSMV for the programming of new specialty license plates. These costs will be absorbed within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Revenues generated from the sale of specialty plates are distributed to various organizations.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 11, 2015, The Highway & Waterway Safety Subcommittee adopted two amendments to PCB HWSS 15-04 and reported the proposed committee bill favorably. The amendments:

- Direct DHSMV to develop a Ducks Unlimited, Inc., specialty plate with an established annual use fee of \$25 and provides for distribution of the annual use fees.
- Provide that the annual use fees for the Safe and Free Florida license plate will be distributed to the Statewide Council on Human Trafficking.

This analysis is drafted to the proposed committee bill as reported favorably, with amendments, by the Highway & Waterway Safety Subcommittee.

1 A bill to be entitled
 2 An act relating to specialty license plates; amending
 3 s. 320.08053, F.S., relating to requirements for
 4 requests to establish a specialty plate; deleting
 5 application requirements; revising presale
 6 requirements; amending s. 320.08056, F.S.; revising
 7 the minimum requirements to continue issuance of
 8 certain specialty plates; amending s. 320.08058, F.S.;
 9 conforming cross-references; amending ss. 320.08056
 10 and 320.08058, F.S.; directing the Department of
 11 Highway Safety and Motor Vehicles to develop certain
 12 specialty license plates; establishing an annual use
 13 fee for the plates; providing for distribution and use
 14 of fees collected from the sale of the plates;
 15 providing effective dates.

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

18
 19 Section 1. Section 320.08053, Florida Statutes, is amended
 20 to read:

21 320.08053 Establishment of Requirements for requests to
 22 ~~establish~~ specialty license plates.—

23 ~~(1) An organization that seeks authorization to establish~~
 24 ~~a new specialty license plate for which an annual use fee is to~~
 25 ~~be charged must submit to the department:~~

26 ~~(a) A request for the particular specialty license plate~~

27 ~~being sought, describing the proposed specialty license plate in~~
 28 ~~specific terms, including a sample plate that conforms to the~~
 29 ~~specifications set by the department and this chapter, and that~~
 30 ~~is in substantially final form.~~

31 ~~(b) An application fee, not to exceed \$60,000, to defray~~
 32 ~~the department's cost for reviewing the application and~~
 33 ~~developing the specialty license plate, if authorized. State~~
 34 ~~funds may not be used to pay the application fee, except for~~
 35 ~~collegiate specialty license plates authorized in s.~~
 36 ~~320.08058(3) and (13). All applications requested on or after~~
 37 ~~the effective date of this act must meet the requirements of~~
 38 ~~this act.~~

39 ~~(c) A marketing strategy outlining short-term and long-~~
 40 ~~term marketing plans for the requested specialty license plate~~
 41 ~~and a financial analysis outlining the anticipated revenues and~~
 42 ~~the planned expenditures of the revenues to be derived from the~~
 43 ~~sale of the requested specialty license plates.~~

44
 45 ~~The information required under this subsection must be submitted~~
 46 ~~to the department at least 90 days before the convening of the~~
 47 ~~next regular session of the Legislature.~~

48 ~~(1)(2)~~ If a the specialty license plate requested by an
 49 the organization is approved by law, the organization must
 50 submit the proposed art design for the specialty license plate
 51 to the department, in a medium prescribed by the department, as
 52 soon as practicable, but no later than 60 days after the act

53 approving the specialty license plate becomes a law. ~~If the~~
 54 ~~specialty license plate requested by the organization is not~~
 55 ~~approved by the Legislature or does not meet the presale~~
 56 ~~requirements in subsection (3), the application fee shall be~~
 57 ~~refunded to the requesting organization.~~

58 (2)~~(3)~~(a) Within 120 days following the specialty license
 59 plate becoming law, the department shall establish a method to
 60 issue a specialty license plate voucher to allow for the presale
 61 of the specialty license plate. The processing fee as prescribed
 62 in s. 320.08056, the service charge and branch fee as prescribed
 63 in s. 320.04, and the annual use fee as prescribed in s.
 64 320.08056 shall be charged for the voucher. All other applicable
 65 fees shall be charged at the time of issuance of the license
 66 plates.

67 (b) Within 24 months after the presale specialty license
 68 plate voucher is established, the approved specialty license
 69 plate organization must record with the department a minimum of
 70 4,000 ~~1,000~~ voucher sales before manufacture of the license
 71 plate may commence. If, at the conclusion of the 24-month
 72 presale period, the minimum sales requirements have not been
 73 met, the specialty plate is deauthorized and the department
 74 shall discontinue development of the plate and discontinue
 75 issuance of the presale vouchers. Upon deauthorization of the
 76 license plate, a purchaser of the license plate voucher may use
 77 the annual use fee collected as a credit towards any other
 78 specialty license plate or apply for a refund on a form

79 prescribed by the department.

80 ~~(c) An organization that meets the requirements of this~~
 81 ~~subsection shall be deemed to have submitted a valid survey for~~
 82 ~~purposes of s. 45, chapter 2008-176, Laws of Florida, as~~
 83 ~~amended.~~

84 Section 2. Subsection (8) of section 320.08056, Florida
 85 Statutes, is amended to read:

86 320.08056 Specialty license plates.—

87 (8) (a) The department must discontinue the issuance of an
 88 approved specialty license plate if the number of valid
 89 specialty plate registrations falls below 1,000 plates for at
 90 least 12 consecutive months. A warning letter shall be mailed to
 91 the sponsoring organization following the first month in which
 92 the total number of valid specialty plate registrations is below
 93 1,000 plates. Beginning July 1, 2017, the department must
 94 discontinue the issuance of an approved specialty license plate
 95 if the number of valid specialty plate registrations falls below
 96 4,000 for at least 12 consecutive months. A warning letter shall
 97 be mailed to the sponsoring organization following the first
 98 month in which the total number of valid specialty plate
 99 registrations is below 4,000 plates. This paragraph does not
 100 apply to collegiate license plates established under s.
 101 320.08058(3), Special Olympics Florida license plates
 102 established under s. 320.08058(7), Florida Professional Sports
 103 Team license plates established under s. 320.08058(9), United
 104 States Marine Corps license plates established under s.

105 320.08058(28), Military Services license plates established
 106 under s. 320.08058(38), and Autism license plates established
 107 under s. 320.08058(69).

108 (b) The department is authorized to discontinue the
 109 issuance of a specialty license plate and distribution of
 110 associated annual use fee proceeds if the organization no longer
 111 exists, if the organization has stopped providing services that
 112 are authorized to be funded from the annual use fee proceeds, if
 113 the organization does not meet the presale requirements as
 114 prescribed in s. 320.08053(2) ~~320.08053(3)~~, or pursuant to an
 115 organizational recipient's request. Organizations shall notify
 116 the department immediately to stop all warrants for plate sales
 117 if any of the conditions in this section exist and must meet the
 118 requirements of s. 320.08062 for any period of operation during
 119 a fiscal year.

120 Section 3. Paragraph (b) of subsection (70), paragraph (d)
 121 of subsection (71), paragraph (a) of subsection (79), paragraph
 122 (a) of subsection (80), paragraph (a) of subsection (81),
 123 paragraph (a) of subsection (82), paragraph (a) of subsection
 124 (83), paragraph (a) of subsection (84), paragraph (a) of
 125 subsection (85), and paragraph (a) of subsection (86) of section
 126 320.08058, Florida Statutes, are amended to read:

127 320.08058 Specialty license plates.—

128 (70) ST. JOHNS RIVER LICENSE PLATES.—

129 (b) The requirements of s. 320.08053 must be met prior to
 130 the issuance of the plate. Thereafter, the license plate annual

131 use fees shall be distributed to the St. Johns River Alliance,
 132 Inc., a s. 501(c)(3) nonprofit organization, which shall
 133 administer the fees as follows:

134 1. The St. Johns River Alliance, Inc., shall retain the
 135 first \$60,000 of the annual use fees as direct reimbursement for
 136 administrative costs, startup costs, and costs incurred in the
 137 development and approval process. Thereafter, up to 10 percent
 138 of the annual use fee revenue may be used for administrative
 139 costs directly associated with education programs, conservation,
 140 research, and grant administration of the organization, and up
 141 to 10 percent may be used for promotion and marketing of the
 142 specialty license plate.

143 2. At least 30 percent of the fees shall be available for
 144 competitive grants for targeted community-based or county-based
 145 research or projects for which state funding is limited or not
 146 currently available. The remaining 50 percent shall be directed
 147 toward community outreach and access programs. The competitive
 148 grants shall be administered and approved by the board of
 149 directors of the St. Johns River Alliance, Inc. A grant advisory
 150 committee shall be composed of six members chosen by the St.
 151 Johns River Alliance board members.

152 3. Any remaining funds shall be distributed with the
 153 approval of and accountability to the board of directors of the
 154 St. Johns River Alliance, Inc., and shall be used to support
 155 activities contributing to education, outreach, and springs
 156 conservation.

157 4. Effective July 1, 2014, the St. Johns River license
 158 plate will shift into the presale voucher phase, as provided in
 159 s. 320.08053(2)(b) ~~320.08053(3)(b)~~. The St. Johns River
 160 Alliance, Inc., shall have 24 months to record a minimum of
 161 1,000 sales of the license plates. Sales include existing active
 162 plates and vouchers sold subsequent to July 1, 2014. During the
 163 voucher period, new plates may not be issued, but existing
 164 plates may be renewed. If, at the conclusion of the 24-month
 165 presale period, the requirement of a minimum of 1,000 sales has
 166 been met, the department shall resume normal distribution of the
 167 St. Johns River specialty plate. If, after 24 months, the
 168 minimum of 1,000 sales has not been met, the department shall
 169 discontinue the development and issuance of the plate. This
 170 subparagraph is repealed June 30, 2016.

171 (71) HISPANIC ACHIEVERS LICENSE PLATES.—

172 (d) Effective July 1, 2014, the Hispanic Achievers license
 173 plate will shift into the presale voucher phase, as provided in
 174 s. 320.08053(2)(b) ~~320.08053(3)(b)~~. National Hispanic Corporate
 175 Achievers, Inc., shall have 24 months to record a minimum of
 176 1,000 sales. Sales include existing active plates and vouchers
 177 sold subsequent to July 1, 2014. During the voucher period, new
 178 plates may not be issued, but existing plates may be renewed.
 179 If, at the conclusion of the 24-month presale period, the
 180 requirement of a minimum of 1,000 sales has been met, the
 181 department shall resume normal distribution of the Hispanic
 182 Achievers license plate. If, after 24 months, the minimum of

183 1,000 sales has not been met, the department shall discontinue
 184 the Hispanic Achievers license plate. This subsection is
 185 repealed June 30, 2016.

186 (79) FREEMASONRY LICENSE PLATES.—

187 (a) Notwithstanding s. 45, 2008-176, Laws of Florida, as
 188 amended by s. 21, chapter 2010-223, Laws of Florida, ~~and s.~~
 189 ~~320.08053(1)~~, the department shall develop a Freemasonry license
 190 plate as provided in this section and s. 320.08053 ~~320.08053(2)~~
 191 ~~and (3)~~. The word "Florida" must appear at the top of the plate,
 192 and the words "In God We Trust" must appear at the bottom of the
 193 plate.

194 (80) AMERICAN LEGION LICENSE PLATES.—

195 (a) Notwithstanding ~~s. 320.08053(1)~~ and s. 45, chapter
 196 2008-176, Laws of Florida, as amended by s. 21, chapter 2010-
 197 223, Laws of Florida, the department shall develop an American
 198 Legion license plate as provided in s. 320.08053 ~~320.08053(2)~~
 199 ~~and (3)~~ and this section. The plate must bear the colors and
 200 design approved by the department. The word "Florida" must
 201 appear at the top of the plate, and the words "American Legion"
 202 must appear at the bottom of the plate.

203 (81) LAUREN'S KIDS LICENSE PLATES.—

204 (a) Notwithstanding ~~s. 320.08053(1)~~ and s. 45, chapter
 205 2008-176, Laws of Florida, as amended by s. 21, chapter 2010-
 206 223, Laws of Florida, the department shall develop a Lauren's
 207 Kids, Prevent Child Sexual Abuse license plate as provided in s.
 208 320.08053 ~~320.08053(2)~~ ~~and (3)~~, and this section. The plate must

209 bear the colors and design approved by the department. The word
 210 "Florida" must appear at the top of the plate, and the words
 211 "Lauren's Kids" must appear at the bottom of the plate.

212 (82) BIG BROTHERS BIG SISTERS LICENSE PLATES.—

213 (a) Notwithstanding ~~s. 320.08053(1)~~ and s. 45, chapter
 214 2008-176, Laws of Florida, as amended by s. 21, chapter 2010-
 215 223, Laws of Florida, the department shall develop a Big
 216 Brothers Big Sisters license plate as provided in s. 320.08053
 217 ~~320.08053(2) and (3)~~, and this section. The plate must bear the
 218 colors and design approved by the department. The word "Florida"
 219 must appear at the top of the plate, and the words "Big Brothers
 220 Big Sisters" must appear at the bottom of the plate.

221 (83) FALLEN LAW ENFORCEMENT OFFICERS LICENSE PLATES.—

222 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 223 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
 224 and ~~s. 320.08053(1)~~, the department shall develop a Fallen Law
 225 Enforcement Officers license plate as provided in s. 320.08053
 226 ~~320.08053(2) and (3)~~ and this section. The plate must bear the
 227 colors and design approved by the department. The word "Florida"
 228 must appear at the top of the plate, and the words "A Hero
 229 Remembered Never Dies" must appear at the bottom of the plate.

230 (84) FLORIDA SHERIFFS ASSOCIATION LICENSE PLATES.—

231 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 232 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
 233 and ~~s. 320.08053(1)~~, the department shall develop a Florida
 234 Sheriffs Association license plate as provided in s. 320.08053

235 ~~320.08053(2) and (3)~~ and this section. The plate must bear the
 236 colors and design approved by the department. A sheriff's star
 237 must appear on the left side of the plate, the word "Florida"
 238 must appear at the top of the plate, and the words "Florida
 239 Sheriffs Association" must appear at the bottom of the plate.

240 (85) KEISER UNIVERSITY LICENSE PLATES.—

241 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 242 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
 243 ~~and s. 320.08053(1)~~, the department shall develop a Keiser
 244 University license plate as provided in s. 320.08053
 245 ~~320.08053(2) and (3)~~ and this section. The plate must bear the
 246 colors and design approved by the department. The word "Florida"
 247 must appear at the top of the plate, and the words "Keiser
 248 University" must appear at the bottom of the plate.

249 (86) MOFFITT CANCER CENTER LICENSE PLATES.—

250 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 251 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
 252 ~~and s. 320.08053(1)~~, the department shall develop a Moffitt
 253 Cancer Center license plate as provided in s. 320.08053
 254 ~~320.08053(2) and (3)~~ and this section. The word "Florida" must
 255 appear at the top of the plate, and the words "Moffitt Cancer
 256 Center" must appear at the bottom of the plate.

257 Section 4. Effective October 1, 2015, paragraphs (iiii)
 258 through (ssss) are added to subsection (4) of section 320.08056,
 259 Florida Statutes, to read:

260 320.08056 Specialty license plates.—

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

263 (iiii) Bonefish and Tarpon Trust license plate, \$25.

264 (jjjj) Rotary's Camp Florida license plate, \$25.

265 (kkkk) Support Down Syndrome license plate, \$25.

266 (llll) Safe and Free Florida license plate, \$25.

267 (mmmm) Support Our Constitution license plate, \$25.

268 (nnnn) Sun Sea Smiles license plate, \$25.

269 (oooo) Take Stock in Children license plate, \$25.

270 (pppp) Paddle Florida license plate, \$25.

271 (qqqq) Orlando City Soccer Club license plate, \$25.

272 (rrrr) Dogs Making a Difference license plate, \$25.

273 (ssss) Ducks Unlimited license plate, \$25.

274 Section 5. Effective October 1, 2015, subsection (9) of
 275 section 320.08058, Florida Statutes, is amended, and subsections
 276 (87) through (97) are added to that section, to read:

277 320.08058 Specialty license plates.—

278 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

279 (a) The Department of Highway Safety and Motor Vehicles
 280 shall develop a Florida Professional Sports Team license plate
 281 as provided in this section for Major League Baseball, National
 282 Basketball Association, National Football League, Arena Football
 283 League Teams, ~~and National Hockey League~~, and Major League
 284 Soccer teams domiciled in this state. However, any Florida
 285 Professional Sports Team license plate created or established
 286 after January 1, 1997, must comply with the requirements of s.

287 | 320.08053 and be specifically authorized by an act of the
 288 | Legislature. Florida Professional Sports Team license plates
 289 | must bear the colors and design approved by the department and
 290 | must include the official league or team logo, or both, as
 291 | appropriate for each team. The word "Florida" must appear at the
 292 | top of the plate.

293 | (b) The license plate annual use fees are to be annually
 294 | distributed as follows:

295 | 1. Fifty-five percent of the proceeds from the Florida
 296 | Professional Sports Team plate must be deposited into the
 297 | Professional Sports Development Trust Fund within the Department
 298 | of Economic Opportunity. These funds must be used solely to
 299 | attract and support major sports events in this state. As used
 300 | in this subparagraph, the term "major sports events" means, but
 301 | is not limited to, championship or all-star contests of Major
 302 | League Baseball, the National Basketball Association, the
 303 | National Football League, the National Hockey League, Major
 304 | League Soccer, the men's and women's National Collegiate
 305 | Athletic Association Final Four basketball championship, or a
 306 | horseracing or dogracing Breeders' Cup. All funds must be used
 307 | to support and promote major sporting events, and the uses must
 308 | be approved by the Department of Economic Opportunity.

309 | 2. The remaining proceeds of the Florida Professional
 310 | Sports Team license plate must be allocated to Enterprise
 311 | Florida, Inc. These funds must be deposited into the
 312 | Professional Sports Development Trust Fund within the Department

313 of Economic Opportunity. These funds must be used by Enterprise
 314 Florida, Inc., to promote the economic development of the sports
 315 industry; to distribute licensing and royalty fees to
 316 participating professional sports teams; to promote education
 317 programs in Florida schools that provide an awareness of the
 318 benefits of physical activity and nutrition standards; to
 319 partner with the Department of Education and the Department of
 320 Health to develop a program that recognizes schools whose
 321 students demonstrate excellent physical fitness or fitness
 322 improvement; to institute a grant program for communities
 323 bidding on minor sporting events that create an economic impact
 324 for the state; to distribute funds to Florida-based charities
 325 designated by Enterprise Florida, Inc., and the participating
 326 professional sports teams; and to fulfill the sports promotion
 327 responsibilities of the Department of Economic Opportunity.

328 3. Enterprise Florida, Inc., shall provide an annual
 329 financial audit in accordance with s. 215.981 of its financial
 330 accounts and records by an independent certified public
 331 accountant pursuant to the contract established by the
 332 Department of Economic Opportunity. The auditor shall submit the
 333 audit report to the Department of Economic Opportunity for
 334 review and approval. If the audit report is approved, the
 335 Department of Economic Opportunity shall certify the audit
 336 report to the Auditor General for review.

337 4. Notwithstanding the provisions of subparagraphs 1. and
 338 2., proceeds from the Professional Sports Development Trust Fund

339 may also be used for operational expenses of Enterprise Florida,
 340 Inc., and financial support of the Sunshine State Games.

341 (87) BONEFISH AND TARPON TRUST LICENSE PLATES.—

342 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 343 Florida, as amended by s. 21, chapter 2010-223 and s. 45,
 344 chapter 2014-216, Laws of Florida, the department shall develop
 345 a Bonefish and Tarpon Trust license plate as provided in this
 346 section and s. 320.08053. The word "Florida" must appear at the
 347 top of the plate, and the words "Bonefish and Tarpon Trust" must
 348 appear at the bottom of the plate.

349 (b) The department shall retain all annual use fees from
 350 the sale of such plates until all startup costs for developing
 351 and issuing the plates have been recovered. Thereafter, the
 352 annual use fees from the sale of the plate shall be distributed
 353 to the Bonefish and Tarpon Trust, which:

354 1. May use a maximum of 10 percent of the proceeds to
 355 promote and market the Bonefish and Tarpon Trust license plate.

356 2. Shall invest and reinvest the remainder of the proceeds
 357 and use the interest thereon to conserve and enhance Florida
 358 bonefish and tarpon fisheries and their respective environments
 359 through stewardship, research, education, and advocacy.

360 (88) ROTARY'S CAMP FLORIDA LICENSE PLATES.—

361 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 362 Florida, as amended by s. 21, chapter 2010-223 and s. 45,
 363 chapter 2014-216, Laws of Florida, the department shall develop
 364 a Rotary's Camp Florida license plate as provided in this

365 section and s. 320.08053. The plate must bear the colors and
 366 design approved by the department. The word "Florida" must
 367 appear at the top of the plate, and the words "Rotary's Camp
 368 Florida" must appear at the bottom of the plate.

369 (b) The license plate annual use fees shall be distributed
 370 to Rotary's Camp Florida, which may use a maximum of 10 percent
 371 of the proceeds for administrative costs and for marketing the
 372 plate. Up to 23 percent shall be distributed as grants for
 373 Florida Rotary Districts that provide camp services to children
 374 throughout Florida, and the balance of the proceeds shall be
 375 used by Rotary's Camp Florida for direct support to the programs
 376 and services provided to children who attend the camp.

377 (89) SUPPORT DOWN SYNDROME LICENSE PLATES.-

378 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 379 Florida, as amended by s. 21, chapter 2010-223 and s. 45,
 380 chapter 2014-216, Laws of Florida, the department shall develop
 381 a Support Down Syndrome license plate as provided in this
 382 section and s. 320.08053. Support Down Syndrome license plates
 383 must bear the colors and design approved by the department. The
 384 word "Florida" must appear at the top of the plate, and the
 385 words "Support Down Syndrome" must appear at the bottom of the
 386 plate.

387 (b) The license plate annual use fees shall be distributed
 388 to Olivia's Angels Foundation, Inc., to fund its activities,
 389 programs, and projects within the state. Olivia's Angels
 390 Foundation, Inc., may retain all revenue from the annual use

391 fees until all startup costs for developing and establishing the
 392 plate have been recovered. Thereafter, up to 10 percent of the
 393 annual use fee revenue may be used for administrative costs and
 394 promotion and marketing of the specialty license plate.

395 (90) SAFE AND FREE FLORIDA LICENSE PLATES.-

396 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 397 Florida, as amended by s. 21, chapter 2010-223 and s. 45,
 398 chapter 2014-216, Laws of Florida, the department shall develop
 399 a Safe and Free Florida license plate as provided in this
 400 section and s. 320.08053. Safe and Free Florida license plates
 401 must bear the colors and design approved by the department. The
 402 word "Florida" must appear at the bottom of the plate, and the
 403 words "End Human Trafficking" must appear at the top of the
 404 plate.

405 (b) The license plate annual use fees shall be distributed
 406 to the Statewide Council on Human Trafficking, with a report
 407 that specifies the ratio that the annual use fees collected by
 408 each county bear to the total fees collected for the plates
 409 statewide. The council may retain all revenue from the annual
 410 use fees until all startup costs for developing and establishing
 411 the plate have been recovered. Thereafter, up to 15 percent of
 412 the annual use fee revenue may be used for administrative costs
 413 and for promotion and marketing of the specialty license plate.
 414 The council shall distribute the remaining funds to
 415 nongovernmental, not-for-profit agencies within each county in
 416 this state which assist sexually abused, exploited, or

417 trafficked victims. Funds may not be distributed to an agency
 418 that charges victims for services received.

419 1. An agency that receives the funds must use the funds:

420 a. To provide for the material needs of sexually abused,
 421 exploited, or trafficked victims, including, but not limited to,
 422 clothing, housing, medical care, food, utilities, and
 423 transportation.

424 b. For detoxification services.

425 c. For prenatal and postnatal care and to provide services
 426 for infants awaiting placement with adoptive parents.

427 d. To purchase real estate to facilitate a safe house or a
 428 transitional care or recovery care center.

429 e. For counseling, training, awareness, and prevention
 430 programs and advertising.

431 2. An agency that receives the funds may not use the funds
 432 for administrative or legal expenses or capital expenditures.

433 3. Each year, any unused funds that exceed 10 percent of
 434 the total amount received by an agency must be returned to the
 435 Statewide Council on Human Trafficking to be redistributed by
 436 the council to other qualified agencies.

437 4. Each agency that receives funds from the Statewide
 438 Council on Human Trafficking must submit an annual attestation
 439 to the council.

440 5. If no qualified agency applies to receive funds in a
 441 county in any year, that county's share of the funds shall be
 442 distributed pro rata to the qualified agencies that apply and

443 maintain a place of business within a 100-mile radius of the
 444 county seat of that county. If no qualified agency within the
 445 100-mile radius applies, the funds shall be distributed to other
 446 qualified agencies within the state.

447 (91) SUPPORT OUR CONSTITUTION LICENSE PLATES.-

448 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 449 Florida, as amended by s. 21, chapter 2010-223 and s. 45,
 450 chapter 2014-216, Laws of Florida, the department shall develop
 451 a Support Our Constitution license plate as provided in this
 452 section and s. 320.08053. Support Our Constitution license
 453 plates must bear the colors and design approved by the
 454 department. The word "Florida" must appear at the top of the
 455 plate, and the words "Support Our Constitution" must appear at
 456 the bottom of the plate.

457 (b) The annual use fees shall be distributed to The
 458 Constitution Foundation, Inc., which may retain all proceeds
 459 from the annual use fees until the startup costs for developing
 460 and issuing the license plates have been recovered. Thereafter,
 461 The Constitution Foundation, Inc., may use the proceeds as
 462 follows:

463 1. A maximum of 15 percent may be used for administrative
 464 costs of the organization.

465 2. A maximum of 10 percent may be used for promotion and
 466 marketing costs of the license plate.

467 3. The remainder shall be used to fund the activities,
 468 programs, and projects of The Constitution Foundation, Inc.

469 (92) SUN SEA SMILES LICENSE PLATES.—

470 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 471 Florida, as amended by s. 21, chapter 2010-223 and s. 45,
 472 chapter 2014-216, Laws of Florida, the department shall develop
 473 a Sun Sea Smiles license plate as provided in this section and
 474 s. 320.08053. The plate must bear the colors and design approved
 475 by the department. The word "Florida" must appear at the top of
 476 the plate, and the words "Sun Sea Smiles" must appear at the
 477 bottom of the plate.

478 (b) The department shall retain all annual use fees from
 479 the sale of such plates until all startup costs for developing
 480 and issuing the plates have been recovered. Thereafter, the
 481 annual use fees from the sale of the plate shall be distributed
 482 as follows:

483 1. Five percent shall be distributed to the Florida
 484 Caribbean Charitable Foundation, Inc., strictly for marketing of
 485 the Sun Sea Smiles license plate.

486 2. Thirty percent shall be distributed to the Florida
 487 Caribbean Charitable Foundation, Inc. Of this amount, up to 5
 488 percent may be used for administrative expenses, and the
 489 remainder shall be used as follows:

490 a. Sixty percent shall be used for a college scholarship
 491 program.

492 b. Fifteen percent shall be used to promote health and
 493 wellness among Florida residents of Caribbean descent.

494 c. Twenty-five percent shall be used to promote awareness
 495 of Caribbean culture within the state.

496 3. Twenty percent shall be distributed to the American
 497 Friends of Jamaica, Inc., a charitable, not-for-profit
 498 organization under s. 501(c)(3) of the Internal Revenue Code
 499 registered with the Department of Agriculture and Consumer
 500 Services and incorporated in New York, for use as grants to
 501 promote social and community development among Florida
 502 residents. Of this amount, up to 5 percent may be used for
 503 administrative and marketing expenses.

504 4. Ten percent shall be distributed to Haitian
 505 Neighborhood Center Sant La, Inc., to promote social and
 506 community development. Of this amount, up to 5 percent may be
 507 used for administrative expenses.

508 5. Ten percent shall be distributed to Fanm Ayisyen Nan
 509 Miyami, Inc., to promote social and community development. Of
 510 this amount, up to 10 percent may be used for administrative
 511 expenses.

512 6. Twenty percent shall be distributed to Greater
 513 Caribbean American Cultural Coalition, Inc., to promote
 514 awareness of Caribbean culture within the state. Of this amount,
 515 up to 5 percent may be used for administrative expenses.

516 7. Five percent shall be distributed to Little Haiti
 517 Optimist Foundation, Inc., to promote awareness of Caribbean
 518 culture and youth development within the state. Of this amount,
 519 up to 5 percent may be used for administrative expenses.

520 (93) TAKE STOCK IN CHILDREN LICENSE PLATES.-
 521 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 522 Florida, as amended by s. 21, chapter 2010-223 and s. 45,
 523 chapter 2014-216, Laws of Florida, the department shall develop
 524 a Take Stock in Children license plate as provided in this
 525 section and s. 320.08053. Take Stock in Children license plates
 526 must bear the colors and design approved by the department. The
 527 word "Florida" must appear at the top of the plate, and the
 528 words "Take Stock in Children" must appear at the bottom of the
 529 plate.

530 (b) The license plate annual use fees shall be distributed
 531 to Take Stock in Children, Inc., to fund its activities,
 532 scholarship and mentoring programs, and projects. Take Stock in
 533 Children, Inc., may retain all revenue from the annual use fees
 534 until all startup costs for developing and establishing the
 535 plate have been recovered. Thereafter, up to 10 percent of the
 536 annual use fee revenue may be used for administrative costs
 537 directly associated with the corporation's programs and the
 538 specialty license plate and up to 15 percent may be used for
 539 promotion and marketing of the specialty license plate.

540 (94) PADDLE FLORIDA LICENSE PLATES.-
 541 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 542 Florida, as amended by s. 21, chapter 2010-223 and s. 45,
 543 chapter 2014-216, Laws of Florida, the department shall develop
 544 a Paddle Florida license plate as provided in this section and
 545 s. 320.08053. The word "Florida" must appear at the top of the

546 plate, and words approved by the department must appear at the
 547 bottom of the plate.

548 (b) The department shall retain all annual use fees from
 549 the sale of such plates until the startup costs for developing
 550 and issuing the plates have been recovered. Thereafter, the
 551 annual use fees shall be distributed to Paddle Florida, Inc.,
 552 which may use up to 10 percent of the proceeds for
 553 administrative costs and marketing of the plate. The balance of
 554 the fees shall be used by the Florida Forever grant program to
 555 support activities that further outdoor recreation and natural
 556 resource protection.

557 (95) ORLANDO CITY SOCCER CLUB LICENSE PLATES.-
 558 Notwithstanding s. 45, chapter 2008-176, Laws of Florida, as
 559 amended by s. 21, chapter 2010-223 and s. 45, chapter 2014-216,
 560 Laws of Florida, the department shall develop a Orlando City
 561 Soccer Club license plate as provided in subsection (9).

562 (96) DOGS MAKING A DIFFERENCE LICENSE PLATES.-
 563 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 564 Florida, as amended by s. 21, chapter 2010-223 and s. 45,
 565 chapter 2014-216, Laws of Florida, the department shall develop
 566 a Dogs Making a Difference license plate as provided in this
 567 section and s. 320.08053. The plate must bear the colors and
 568 design approved by the department. The word "Florida" must
 569 appear at the top of the plate, and the words "Dogs Making a
 570 Difference" must appear at the bottom of the plate.

571 (b) The department may retain all annual use fees from
 572 the sale of such plates until the startup costs for developing
 573 and issuing the plates have been recovered. Thereafter, the
 574 annual use fees shall be distributed to Southeastern Guide Dogs,
 575 which may use up to 10 percent of the proceeds for
 576 administrative costs and marketing of the plate. The balance of
 577 the fees shall be used by Southeastern Guide Dogs for the
 578 training and promotion of dogs for use by veterans and citizens
 579 who are blind.

580 (97) DUCKS UNLIMITED LICENSE PLATES.—

581 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 582 Florida, as amended by s. 21, chapter 2010-223 and s. 45,
 583 chapter 2014-216, Laws of Florida, the department shall develop
 584 a Ducks Unlimited license plate as provided in this section and
 585 s. 320.08053. Ducks Unlimited license plates must bear the
 586 colors and design approved by the department. The word "Florida"
 587 must appear at the top of the plate, and the words "Conserving
 588 Florida's Wetlands" must appear at the bottom of the plate.

589 (b) The license plate annual use fees shall be distributed
 590 to Ducks Unlimited, Inc., a nonprofit corporation under s.
 591 501(c)(3) of the Internal Revenue Code. The proceeds must be
 592 used to support Ducks Unlimited's mission and conservation
 593 efforts in the state as follows:

594 1. Up to 5 percent may be used for administrative costs
 595 and marketing of the plate.

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596 | 2. A minimum of 95 percent shall be used to support Ducks
597 | Unlimited's mission and efforts for the conservation,
598 | restoration, and management of Florida wetlands and associated
599 | habitats for the benefit of waterfowl, other wildlife, and
600 | people.

601 | Section 6. Except as otherwise expressly provided in this
602 | act, this act shall take effect July 1, 2015.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representative Sullivan offered the following:

Amendment

Remove lines 406-446 and insert:

6 to the Selah Freedom, Inc., not-for-profit organization under s.
 7 501(c)(3) of the Internal Revenue Code. Up to 15 percent of the
 8 annual use fee revenue may be used for administrative costs and
 9 for promotion and marketing of the specialty license plate. The
 10 remaining funds must be used to:

11 a. To provide for the material needs of sexually abused,
 12 exploited, or trafficked victims, including, but not limited to,
 13 clothing, housing, medical care, food, utilities, and
 14 transportation.

15 b. For detoxification services.

16 c. For prenatal and postnatal care and to provide services



Amendment No. 1

17 for infants awaiting placement with adoptive parents.

18 d. To purchase real estate to facilitate a safe house or a
19 transitional care or recovery care center.

20 e. For counseling, training, awareness, and prevention
21 programs and advertising.

22

23



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	_____	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representative Ingram offered the following:

Amendment

3
4
5 Between lines 273 and 274, insert:

6 (tttt) Dan Marino Foundation license plate, \$25.

7 Between lines 600 and 601, insert:

8 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 9 Florida, as amended by s. 21, chapter 2010-223 and s. 45,
 10 chapter 2014-216, Laws of Florida, the department shall develop
 11 a Dan Marino Foundation license plate as provided in this
 12 section and s. 320.08053. The word "Florida" must appear at the
 13 top of the plate, and the words "Support Special Needs
 14 Kids" must appear at the bottom of the plate.

15 (b) The department shall retain all annual use fees from
 16 the sale of such plates until all startup costs for developing
 17 and issuing the plates have been recovered. Thereafter, the



Amendment No. 2

18 annual use fees from the sale of the plate shall be distributed
19 to the Dan Marino Foundation, which:

20 1. May use a maximum of 10 percent of the proceeds to
21 promote and market the Dan Marino Foundation license plate.

22 2. Shall invest and reinvest the remainder of the
23 proceeds and use the interest thereon to assist Floridians with
24 developmental and intellectual disabilities by funding
25 scholarships, job placement, and promoting education,
26 independence and awareness.

27
28



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	_____	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representative Williams, A. offered the following:

Amendment

Between lines 273 and 274, insert:

6 (tttt) Alpha Phi Alpha Fraternity, Inc. license plate, \$25.

7 (uuuu) Omega Psi Phi Fraternity, Inc. license plate, \$25.

8 (vvvv) Kappa Alpha Psi Fraternity, Inc. license plate, \$25.

9 (wwww) Phi Beta Sigma Fraternity, Inc. license plate, \$25.

10 (xxxx) Zeta Phi Beta Sorority, Inc. license plate, \$25.

11 (yyyy) Delta Sigma Theta Sorority, Inc. license plate, \$25.

12 (zzzz) Alpha Kappa Alpha Sorority, Inc. license plate, \$25.

Between lines 600 and 601, insert:

14 (98) PAN-HELLENIC LICENSE PLATES.-

15 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 16 Florida, as amended by s. 21, chapter 2010-223 and s. 45,
 17 chapter 2014-216, Laws of Florida, the department shall develop



Amendment No. 3

18 a Pan-Hellenic Sorority and Fraternity license plate for each of
19 the following sororities and fraternities, subject to s.
20 320.08053, as provided in this section:

21 1. Alpha Phi Alpha Fraternity, Inc.

22 a. The department shall retain all annual use fees from
23 the sale of such plates until all startup costs for developing
24 and issuing plates have been recovered. Thereafter, the annual
25 use fees from the sale of the plate shall be distributed as
26 follows:

27 (1) 10 percent shall be distributed to the Florida
28 Federation of Alpha Phi Alpha Fraternity Foundation, Inc., a
29 charitable, not-for-profit organization under s. 501(c)(3) of
30 the Internal Revenue Code registered with the Department of
31 Agriculture and Consumer Services and incorporated in Florida,
32 strictly for marketing of the Alpha Phi Alpha Fraternity, Inc.
33 license plate.

34 (2) 85 percent shall be distributed to the Florida
35 Federation of Alpha Phi Alpha Fraternity Foundation to promote
36 community awareness and action through educational, economic,
37 and cultural service activities.

38 (3) 5 percent shall be distributed to the United Negro
39 College Fund to be used for college scholarships for Florida
40 residents attending Historically Black Colleges and
41 Universities.

42 2. Omega Psi Phi Fraternity, Inc.



Amendment No. 3

43 a. The department shall retain all annual use fees from
44 the sale of such plates until all startup costs for developing
45 and issuing plates have been recovered. Thereafter, the annual
46 use fees from the sale of the plate shall be distributed as
47 follows:

48 (1) 10 percent shall be distributed to Omega Friendship
49 Foundation, Inc., a charitable, not-for-profit organization
50 under s. 501(c)(3) of the Internal Revenue Code registered with
51 the Department of Agriculture and Consumer Services and
52 incorporated in Florida, strictly for marketing of the Omega Psi
53 Phi Fraternity, Inc. license plate.

54 (2) 85 percent shall be distributed to the Omega
55 Friendship Foundation, Inc. to promote community awareness and
56 action through educational, economic, and cultural service
57 activities.

58 (3) 5 percent shall be distributed to the United Negro
59 College Fund to be used for college scholarships for Florida
60 residents attending Historically Black Colleges and
61 Universities.

62 3. Kappa Alpha Psi Fraternity, Inc.

63 a. The department shall retain all annual use fees from
64 the sale of such plates until all startup costs for developing
65 and issuing plates have been recovered. Thereafter, the annual
66 use fees from the sale of the plate shall be distributed as
67 follows:



Amendment No. 3

68 (1) 10 percent shall be distributed to Southern Province
69 Kappa Alpha Psi Fraternity, Inc., a charitable, not-for-profit
70 organization under s. 501(c)(3) of the Internal Revenue Code
71 registered with the Department of Agriculture and Consumer
72 Services and incorporated in Florida, strictly for marketing of
73 the Kappa Alpha Psi Fraternity, Inc. license plate.

74 (2) 85 percent shall be distributed to the Southern
75 Province Kappa Alpha Psi Fraternity, Inc. to promote community
76 awareness and action through educational, economic, and cultural
77 service activities.

78 (3) 5 percent shall be distributed to the United Negro
79 College Fund to be used for college scholarships for Florida
80 residents attending Historically Black Colleges and
81 Universities.

82 4. Phi Beta Sigma Fraternity, Inc.

83 a. The department shall retain all annual use fees from
84 the sale of such plates until all startup costs for developing
85 and issuing plates have been recovered. Thereafter, the annual
86 use fees from the sale of the plate shall be distributed as
87 follows:

88 (1) 10 percent shall be distributed to TMB Charitable
89 Foundation, Inc., a charitable, not-for-profit organization
90 under s. 501(c)(3) of the Internal Revenue Code registered with
91 the Department of Agriculture and Consumer Services and
92 incorporated in Florida, strictly for marketing of the Phi Beta
93 Sigma Fraternity, Inc. license plate.



Amendment No. 3

94 (2) 85 percent shall be distributed to the TMB Charitable
95 Foundation, Inc. to promote community awareness and action
96 through educational, economic, and cultural service activities.

97 (3) 5 percent shall be distributed to the United Negro
98 College Fund to be used for college scholarships for Florida
99 residents attending Historically Black Colleges and
100 Universities.

101 5. Zeta Phi Beta Sorority, Inc.

102 a. The department shall retain all annual use fees from
103 the sale of such plates until all startup costs for developing
104 and issuing plates have been recovered. Thereafter, the annual
105 use fees from the sale of the plate shall be distributed as
106 follows:

107 (1) 10 percent shall be distributed to Florida Pearls,
108 Inc., a charitable, not-for-profit organization under s.
109 501(c)(3) of the Internal Revenue Code registered with the
110 Department of Agriculture and Consumer Services and incorporated
111 in Florida, strictly for marketing of the Zeta Phi Beta
112 Sorority, Inc. license plate.

113 (2) 85 percent shall be distributed to the Florida Pearls,
114 Inc. to promote community awareness and action through
115 educational, economic, and cultural service activities.

116 (3) 5 percent shall be distributed to the United Negro
117 College Fund to be used for college scholarships for Florida
118 residents attending Historically Black Colleges and
119 Universities.



Amendment No. 3

6. Delta Sigma Theta Sorority, Inc.

a. The department shall retain all annual use fees from the sale of such plates until all startup costs for developing and issuing plates have been recovered. Thereafter, the annual use fees from the sale of the plate shall be distributed as follows:

(1) 10 percent shall be distributed to Delta Research and Educational Foundation, a charitable, not-for-profit organization under s. 501(c)(3) of the Internal Revenue Code, strictly for marketing of the Delta Sigma Theta Sorority, Inc. license plate.

(2) 85 percent shall be distributed to the Delta Research and Educational Foundation to promote community awareness and action through educational, economic, and cultural service activities.

(3) 5 percent shall be distributed to the United Negro College Fund to be used for college scholarships for Florida residents attending Historically Black Colleges and Universities.

7. Alpha Kappa Alpha Sorority, Inc.

a. The department shall retain all annual use fees from the sale of such plates until all startup costs for developing and issuing plates have been recovered. Thereafter, the annual use fees from the sale of the plate shall be distributed as follows:



Amendment No. 3

145 (1) 10 percent shall be distributed to Alpha Kappa Alpha
146 Sorority Foundation, Inc., a charitable, not-for-profit
147 organization under s. 501(c)(3) of the Internal Revenue Code
148 registered with the Department of Agriculture and Consumer
149 Services and incorporated in Florida, strictly for marketing of
150 the Alpha Kappa Alpha Sorority, Inc. license plate.

151 (2) 85 percent shall be distributed to the Alpha Kappa
152 Alpha Sorority Foundation, Inc. to promote community awareness
153 and action through educational, economic, and cultural service
154 activities.

155 (3) 5 percent shall be distributed to the United Negro
156 College Fund to be used for college scholarships for Florida
157 residents attending Historically Black Colleges and
158 Universities.

159



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	_____	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representatives Fresen and Williams, A. offered the following:

Amendment

Remove line 106 and insert:

6 under s. 320.08058(38), Florida NASCAR license plates
 7 established under s. 320.08058(60), and Autism license plates
 8 established