



ECONOMIC AFFAIRS COMMITTEE

MEETING PACKET

**Wednesday, April 8, 2015
10:00 AM – 12:00 PM
Reed Hall (102 HOB)**

**Steve Crisafulli
Speaker**

**Jose Oliva
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Economic Affairs Committee

Start Date and Time: Wednesday, April 08, 2015 10:00 am
End Date and Time: Wednesday, April 08, 2015 12:00 pm
Location: Reed Hall (102 HOB)
Duration: 2.00 hrs

Consideration of the following proposed committee substitute(s):

PCS for CS/HB 595 -- Air Carriers

Consideration of the following bill(s):

CS/CS/HB 451 Entertainment Industry by Finance & Tax Committee, Economic Development & Tourism Subcommittee, Miller

HB 621 Voluntary Contributions to End Breast Cancer by Fitzenhagen

HB 7039 Department of Transportation by Transportation & Ports Subcommittee, Rooney

HB 7055 Highway Safety and Motor Vehicles by Highway & Waterway Safety Subcommittee, Steube

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., Tuesday, April 7, 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., Tuesday, April 7, 2015.

NOTICE FINALIZED on 04/06/2015 15:38 by Manning.Karen

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for CS/HB 595 Air Carriers
SPONSOR(S): Economic Affairs Committee
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Economic Affairs Committee		Lukis AL	Creamer <i>JC</i>

SUMMARY ANALYSIS

Florida law imposes an excise tax of 6.9 cents on every gallon of aviation fuel sold in the state or brought into the state for use. Florida law also imposes an excise tax of 6.9 cents on each gallon of kerosene and aviation gasoline sold in the state in certain circumstances.

The bill amends s. 206.9825, F.S., repealing an aviation fuel tax credit for "any licensed wholesaler or terminal supplier that delivers aviation fuel to an air carrier offering transcontinental jet service and that, after January 1, 1996, increases the air carrier's Florida workforce by more than 1000 percent and by 250 or more full-time equivalent employee positions."

The bill also reduces the aviation fuel, kerosene, and aviation gasoline tax rates, as provided in s. 206.9825, F.S., from 6.9 cents per gallon to 5.4 cents per gallon.

In addition, the bill directs the Department of Economic Opportunity (department) to conduct a study of intrastate commercial air service and flight training and education and develop recommendations for policies that are likely to improve the quality of such service, training, and education. The study must include an analysis of trends in intrastate commercial air service and must identify factors that have affected prices and the frequency of flights between destinations in this state. The study must also compare the incentives provided by this state to the commercial airline industry, generally, and to specific air carriers with similar incentives that have been provided by other states and must evaluate the effect that these incentives have had on commercial air service in this state and other states. The department must submit a report on the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 13, 2015.

See FISCAL COMMENTS.

The bill provides an effective date of July 1, 2015; however, the abovementioned removal of the aviation fuel tax credit and reduction in the aviation fuel, kerosene, and aviation gasoline tax rates would not be effective until July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida Aviation Fuel Tax

Florida law imposes an excise tax of 6.9 cents on every gallon of aviation fuel sold in the state or brought into the state for use.¹ However, Florida law also provides for a refund or credit of the aviation fuel tax paid as follows:

Any licensed wholesaler or terminal supplier that delivers aviation fuel to an air carrier offering transcontinental jet service and that, after January 1, 1996, increases the air carrier's Florida workforce by more than 1000 percent and by 250 or more full-time equivalent employee positions may receive a credit or refund as the ultimate vendor of the aviation fuel for the 6.9 cents excise tax previously paid.²

Any employees that existed before January 1, 1996 are not counted toward reaching the employment threshold, and the wholesaler or terminal supplier can only receive the credit or refund if the air carrier has no facility for fueling highway vehicles from the tank in which the aviation fuel is stored.³ Further, if before July 1, 2001, the number of full-time equivalent employee positions created or added to the air carrier's Florida workforce fell below the additional 250, the exemption granted would cease to apply as long as the number of employees remains below the additional 250.⁴

Accordingly, in practice, any air carrier offering transcontinental jet service that is able to meet the employment and other criteria described above, can purchase aviation fuel from a wholesaler or terminal supplier without having to pay the wholesaler or terminal supplier tax on the fuel.⁵ The wholesaler or terminal supplier, in turn, receives a credit or refund on the tax amount that it would otherwise have passed along to the air carrier as a result of its tax payment due on the sale of the fuel or tax amount previously paid.⁶

The Legislature first established the aviation fuel tax credit in 1996⁷ to attract new airlines to Florida. The provisions of the original fuel tax credit expired on July 1, 2001; however, following the events of September 11, 2001, the 2002 Legislature decided to reenact the tax credit policy and did so without providing for an expiration date.⁸

The following chart illustrates data relating to the aviation fuel tax from June 2013, through July 2014.⁹

¹ Section 206.9825, F.S. (Such fuel is not subject to taxes imposed by ss. 206.41(1)(d), (e), and (f) or 206.87(1)(b), (c), and (d), F.S., relating to motor fuel and diesel fuel, respectively.)

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ See s. 206.9825(1)(a), F.S.

⁷ Section 21, Ch. 96-323, L.O.F.

⁸ See s. 5, Ch. 2002-2, L.O.F.

⁹ The data in the chart was provided by the Department of Revenue to the Economic Development and Tourism Subcommittee via e-mail on Feb. 26, 2015 (e-mail on file with staff). The data does not include sales from fixed based operators or jobbers to commercial air carriers. Further, all returns have not been processed through July 2014. Sales reported on unworked returns are not included and the data does not contemplate any potential airline mergers currently in progress. Lastly, tax due does not include reduction due to collection allowance.

**Sales of Aviation Fuel to Commercial Air Carriers
June 2013-July 2014**

Carrier	Sum of Gallons	% of Total Sales	Tax Due (Includes Tax Exempt Disbursements)
American Airlines	202,050,355.00	22.24%	\$13,941,474.50
Southwest Airlines	142,227,745.00	15.66%	\$9,813,714.41 ¹⁰
Delta Airlines	137,858,527.00	15.17%	\$9,512,238.36
JetBlue Airways	116,415,416.00	12.81%	\$8,032,663.70 ¹¹
Continental Airlines	77,802,200.00	8.56%	\$5,368,351.80
US Airways	52,751,086.00	5.81%	\$3,639,824.93
Allegiant Air	49,826,891.00	5.48%	\$3,438,055.48
Spirit Airlines	43,622,669.00	4.80%	\$3,009,964.16 ¹²
AirTran Airways	40,516,854.00	4.46%	\$2,795,662.93 ¹³
Federal Express Corporation	19,010,670.00	2.09%	\$1,311,736.23
United Airlines	5,009,154.00	0.55%	\$345,631.63
Air Berlin PLC & CO	4,370,595.00	0.48%	\$301,571.06
Virgin America	3,327,819.00	0.37%	\$229,619.51
Frontier Airlines	3,029,215.00	0.33%	\$209,015.84
National Jets	2,933,507.00	0.32%	\$202,411.98
United Parcel Service	2,138,690.00	0.24%	\$147,569.61
Envoy Air	1,967,678.00	0.22%	\$135,769.78
Silver Airways	1,653,121.00	0.18%	\$114,065.35
Miami Air International	1,329,196.00	0.15%	\$91,714.52
Atlas Air	473,891.00	0.05%	\$32,698.48
Amerijet International	75,931.00	0.01%	\$5,239.24
Hyannis Air Service	23,621.00	0.00%	\$1,629.85
Aero Jet International	16,943.00	0.00%	\$1,169.07
Presidential Aviation	13,509.00	0.00%	\$932.12
ABX Air	11,982.00	0.00%	\$826.76
Professional Flight Transport	11,002.00	0.00%	\$759.14
Air Transport International	3,446.00	0.00	\$237.77
Grand Total	908,471,713.00	100.00	\$62,684,548.20

Florida Kerosene and Aviation Gasoline Tax

¹⁰ Section 206.9825, F.S. exempts Southwest Airlines from these taxes.

¹¹ Section 206.9825, F.S. exempts JetBlue Airways from these taxes.

¹² Section 206.9825, F.S. exempts Spirit Airlines these taxes.

¹³ Section 206.9825, F.S. exempts AirTran Airways from these taxes.

Section 206.9825, F.S., also imposes an excise tax of 6.9 cents per gallon of kerosene and aviation gasoline sold, removed or brought into the state under certain circumstances. Certain blends and certain amounts of kerosene sold are exempt from the tax.

Federal Policy Regarding Aviation Fuel Tax Usage

The federal government imposes on airport “sponsors” restrictions on the uses of certain airport revenues.¹⁴ Airport sponsors include any public agency that submits to the United States Department of Transportation an application for financial assistance.¹⁵ The term “sponsor” also includes a private owner of a public use airport.¹⁶

The federal government first placed restrictions on the use of airport revenue in the Airport and Airway Improvement Act of 1982.¹⁷ However, it was not until the passage of The Airport and Airway Safety and Capacity Expansion Act of 1987 (Act) that the federal government subjected revenue from state and local taxes on aviation fuel to such restrictions. Currently, revenues from state and local taxes on aviation fuel may generally only be used for certain aviation-related purposes such as airport operating costs, or in the case of state taxes, a “state aviation program.”¹⁸ The revenue from state and local taxes on aviation fuel, which were in effect prior to the Act, is eligible for use for otherwise impermissible expenditures.¹⁹ Such taxes are considered “grandfathered.”²⁰

The Federal Aviation Administration (FAA) is the agency within the United States Department of Transportation (USDOT) that, among other things, regulates the air transportation system in the United States.²¹ On November 7, 2014, the FAA adopted an amendment to the FAA *Policy and Procedures Concerning the Use of Airport Revenue*, which was published in the Federal Register at 64 FR 7696 on February 16, 1999. The amendment provides certain clarifications to FAA’s interpretation of the Federal Requirements for the use of revenue derived from taxes on aviation fuel.²² The amendment applies prospectively to the use of proceeds from both new taxes and to existing taxes that do not qualify for grandfathering²³ from revenue use requirements.²⁴ For existing taxes that do not qualify for grandfathering, the FAA will allow for a transition period of up to three years from the amendment’s effective date.²⁵

Effect of Proposed Changes

The bill amends s. 206.9825, F.S., repealing the abovementioned aviation fuel tax credit for “any licensed wholesaler or terminal supplier that delivers aviation fuel to an air carrier offering transcontinental jet service and that, after January 1, 1996, increases the air carrier’s Florida workforce by more than 1000 percent and by 250 or more full-time equivalent employee positions.”

¹⁴ 49 U.S.C. §§ 47107(b) and 47133.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Public Law No. 97-248.

¹⁸ FAA, Policy and Procedures Concerning the use of Airport Revenue: Proceeds from Taxes on Aviation Fuel, 79 FR 66282, available at: https://www.faa.gov/airports/resources/publications/federal_register_notices/ (last visited April 6, 2015).

¹⁹ December 30, 1987, is the “grandfather” deadline because The Airport and Airway Safety and Capacity Expansion Act of 1987, Public Law 100–223, passed on that date, which first required state and local taxes on aviation fuel to be spent on airport-related purposes.

²⁰ *Id.*

²¹ USDOT, Administrations, available at: <http://www.dot.gov/administrations> (last visited April 6, 2015).

²² See FAA, Policy and Procedures Concerning the use of Airport Revenue: Proceeds from Taxes on Aviation Fuel, 79 FR 66282, available at: https://www.faa.gov/airports/resources/publications/federal_register_notices/ (last visited April 6, 2015).

²³ Certain state or local taxes on aviation fuel in effect prior to December 30, 1987, qualify for grandfathering.

²⁴ FAA, Policy and Procedures Concerning the use of Airport Revenue: Proceeds from Taxes on Aviation Fuel, 79 FR 66282, available at: https://www.faa.gov/airports/resources/publications/federal_register_notices/ (last visited April 6, 2015).

²⁵ FAA, Policy and Procedures Concerning the use of Airport Revenue: Proceeds from Taxes on Aviation Fuel, 79 FR 66282, available at: https://www.faa.gov/airports/resources/publications/federal_register_notices/ (last visited April 6, 2015).

The bill also reduces the aviation fuel, kerosene, and aviation gasoline tax rates, as provided in s. 206.9825, F.S., from 6.9 cents per gallon to 5.4 cents per gallon.

In addition, the bill directs the Department of Economic Opportunity (department) to conduct a study of intrastate commercial air service and flight training and education and develop recommendations for policies that are likely to improve the quality of such service, training, and education. The study must include an analysis of historic trends in intrastate commercial air service and must identify factors that have affected prices and the frequency of flights between destinations in this state. The study must also compare the incentives provided by this state to the commercial airline industry, generally, and to specific air carriers with similar incentives that have been provided by other states and must evaluate the effect that these incentives have had on commercial air service in this state and other states. The department must submit a report on the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 13, 2015.

The bill provides an effective date of July 1, 2015; however, the repeal of the aviation fuel tax credit and reduction of the aviation fuel, kerosene, and aviation gasoline tax rates would not be effective until July 1, 2017.

B. SECTION DIRECTORY:

Section 1: Amends s. 206.9825, F.S., removing an exemption from the aviation fuel tax and reducing the aviation fuel, kerosene, and aviation gasoline tax rates from 6.9 cents per gallon to 5.4 cents per gallon.

Section 2: Directs the department to conduct and study and submit a report on the study.

Section 3: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See FISCAL COMMENTS.

2. Expenditures:

See FISCAL COMMENTS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill's repeal of the aviation fuel tax credit and reduction of the aviation fuel, kerosene, and aviation gasoline tax rates will increase the expenditures of air carriers that benefit from the tax credit and reduce the expenditures of air carriers that do not benefit from the tax credit.

D. FISCAL COMMENTS:

The bill has not been scored by the Revenue Estimating Conference.

The Department of Revenue (DOR) determined the originally filed bill would have an insignificant negative fiscal impact to DOR's expenditures.²⁶

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

²⁶ DOR, Agency Bill Analysis of HB 595 (February 23, 2015).
STORAGE NAME: pcs0595.EAC.DOCX
DATE: 4/3/2015

1 A bill to be entitled
 2 An act relating to aviation; amending s. 206.9825,
 3 F.S.; revising the tax rate of the excise tax on
 4 certain aviation fuels; deleting an excise tax
 5 exemption for certain aviation fuel delivered by
 6 wholesalers or terminal suppliers that increase the
 7 state's workforce by certain amounts; requiring the
 8 Department of Economic Opportunity to conduct a study
 9 on specified issues relating to intrastate commercial
 10 air service and flight training and education;
 11 requiring the department to submit a report on the
 12 study to the Governor and the Legislature by a
 13 specified date; providing an effective date.

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

16
 17 Section 1. Effective July 1, 2017, subsection (1),
 18 paragraph (a) of subsection (2), and subsections (3), (4), and
 19 (5) of section 206.9825, Florida Statutes, are amended to read:
 20 206.9825 Aviation fuel tax.—

21 (1)~~(a)~~ Except as otherwise provided in this part, an
 22 excise tax of 5.4 ~~6.9~~ cents per gallon of aviation fuel is
 23 imposed upon every gallon of aviation fuel sold in this state,
 24 or brought into this state for use, upon which such tax has not
 25 been paid or the payment thereof has not been lawfully assumed
 26 by some person handling the same in this state. Fuel taxed

27 pursuant to this part shall not be subject to the taxes imposed
 28 by ss. 206.41(1)(d), (e), and (f) and 206.87(1)(b), (c), and
 29 (d).

30 ~~(b) Any licensed wholesaler or terminal supplier that~~
 31 ~~delivers aviation fuel to an air carrier offering~~
 32 ~~transcontinental jet service and that, after January 1, 1996,~~
 33 ~~increases the air carrier's Florida workforce by more than 1000~~
 34 ~~percent and by 250 or more full-time equivalent employee~~
 35 ~~positions, may receive a credit or refund as the ultimate vendor~~
 36 ~~of the aviation fuel for the 6.9 cents excise tax previously~~
 37 ~~paid, provided that the air carrier has no facility for fueling~~
 38 ~~highway vehicles from the tank in which the aviation fuel is~~
 39 ~~stored. In calculating the new or additional Florida full-time~~
 40 ~~equivalent employee positions, any full-time equivalent employee~~
 41 ~~positions of parent or subsidiary corporations which existed~~
 42 ~~before January 1, 1996, shall not be counted toward reaching the~~
 43 ~~Florida employment increase thresholds. The refund allowed under~~
 44 ~~this paragraph is in furtherance of the goals and policies of~~
 45 ~~the State Comprehensive Plan set forth in s. 187.201(16)(a),~~
 46 ~~(b)1., 2., (17)(a), (b)1., 4., (19)(a), (b)5., (21)(a), (b)1.,~~
 47 ~~2., 4., 7., 9., and 12.~~

48 ~~(c) If, before July 1, 2001, the number of full-time~~
 49 ~~equivalent employee positions created or added to the air~~
 50 ~~carrier's Florida workforce falls below 250, the exemption~~
 51 ~~granted pursuant to this section shall not apply during the~~
 52 ~~period in which the air carrier has fewer than the 250~~

53 ~~additional employees.~~

54 ~~(d) The exemption taken by credit or refund pursuant to~~
55 ~~paragraph (b) shall apply only under the terms and conditions~~
56 ~~set forth therein. If any part of that paragraph is judicially~~
57 ~~declared to be unconstitutional or invalid, the validity of any~~
58 ~~provisions taxing aviation fuel shall not be affected and all~~
59 ~~fuel exempted pursuant to paragraph (b) shall be subject to tax~~
60 ~~as if the exemption was never enacted. Every person benefiting~~
61 ~~from such exemption shall be liable for and make payment of all~~
62 ~~taxes for which a credit or refund was granted.~~

63 (2) (a) An excise tax of 5.4 ~~6.9~~ cents per gallon is
64 imposed on each gallon of kerosene in the same manner as
65 prescribed for diesel fuel under ss. 206.87(2) and 206.872.

66 (3) An excise tax of 5.4 ~~6.9~~ cents per gallon is imposed
67 on each gallon of aviation gasoline in the manner prescribed by
68 paragraph (2) (a). However, the exemptions allowed by paragraph
69 (2) (b) do not apply to aviation gasoline.

70 (4) Any licensed wholesaler or terminal supplier that
71 delivers undyed kerosene to a residence for home heating or
72 cooking may receive a credit or refund as the ultimate vendor of
73 the kerosene for the 5.4 ~~6.9~~ cents excise tax previously paid.

74 (5) Any licensed wholesaler or terminal supplier that
75 delivers undyed kerosene to a retail dealer not licensed as a
76 wholesaler or terminal supplier for sale as a home heating or
77 cooking fuel may receive a credit or refund as the ultimate
78 vendor of the kerosene for the 5.4 ~~6.9~~ cents excise tax

79 | previously paid, provided the retail dealer has no facility for
80 | fueling highway vehicles from the tank in which the kerosene is
81 | stored.

82 | Section 2. The Department of Economic Opportunity shall
83 | conduct a study of intrastate commercial air service and flight
84 | training and education and develop recommendations for policies
85 | that are likely to improve the quality of such service,
86 | training, and education. The study must include an analysis of
87 | historic trends in intrastate commercial air service and must
88 | identify factors that have affected prices and the frequency of
89 | flights between destinations in this state. The study must also
90 | compare the incentives provided by this state to the commercial
91 | airline industry, generally, and to specific air carriers with
92 | similar incentives that have been provided by other states and
93 | must evaluate the effect that these incentives have had on
94 | commercial air service in this state and other states. The
95 | department shall submit a report on the study to the Governor,
96 | the President of the Senate, and the Speaker of the House of
97 | Representatives on or before November 13, 2015.

98 | Section 3. Except as otherwise expressly provided in this
99 | act, this act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 451 Entertainment Industry

SPONSOR(S): Economic Development & Tourism Subcommittee, Finance and Tax Committee; Miller and others

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Finance & Tax Committee	12 Y, 5 N, As CS	Pewitt	Langston
2) Economic Affairs Committee		Lukis AL	Creamer JA

SUMMARY ANALYSIS

The bill proposes significant modifications to the current incentives and benefits the state offers for companies within the film and entertainment industry. Florida law currently offers such companies, pending qualification, certain tax credits and certain tax exemptions. The bill modifies the processes by which companies may receive such tax credits.

Division of Film and Entertainment

Currently, the Office of Film and Entertainment ("office") is housed within the Department of Economic Opportunity ("department"). The bill changes the name of the office to the "Division of Film and Entertainment" ("division") and houses the division within the Enterprise Florida, Inc. In addition, among other modifications, the bill proposes changes relating to the hiring of the division's commissioner and the requirements of the division's strategic plan, and repeals the Florida Film and Entertainment Advisory Council.

Entertainment Industry Financial Incentive Economic Development Tax Credit Program

The bill proposes many changes to the current Entertainment Industry Financial Incentive Program. Some of the proposed changes include the following:

- amending the application and certification process for tax credits to be prioritized based on the expected economic benefit of an applicant's production;
- creating two application cycles per fiscal year, which consist of an application deadline and review period;
- limiting the certification of credits to up to 50 percent for the first application cycle of a fiscal year;
- limiting the department's ability to certify tax credits for a fiscal year to no more than the allocated tax credits for that fiscal year; and
- removing availability for certain additional tax credit awards.

Qualified Production Company Sales and Use Tax Exemption

The bill modifies and clarifies certain aspects and requirements related to sales and use tax exemptions for qualified production companies.

The bill has no fiscal impact.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Background on Florida's Film and Entertainment Industry

Florida has a long history in hosting film and television productions—from film productions like *Where the Boys Are*, *Tarzan*, *Days of Thunder*, *The Truman Show*, *Scarface*, *Caddyshack*, *Indiana Jones and the Temple of Doom*, *Armageddon*, *The Birdcage*, and *2 Fast 2 Furious*, to television productions like *Miami Vice*, *Flipper*, *CSI: Miami*, *Dexter*, *Miami Ink*, *Burn Notice*, *8th and Ocean*, *Kourtney & Kim Take Miami*, *The Real Housewives of Miami*, and *The Glades*.¹ Florida has also hosted the production of various television episodes, commercials, telenovelas, and award shows.

In addition, Florida is host to many Univision and Telemundo studios and production facilities.² Univision is the largest Spanish-speaking television network in the world, and Telemundo is one of the nation's fastest growing Spanish-language broadcast networks. Telemundo also produces original theatrical motion pictures, news and sports broadcasts.³

Further, Florida is home to numerous digital media developers and publishers, including Electronic Arts ("EA") Tiburon, a major studio for the world's largest video game developer, as well as 360ed, n-SPACE, and Firebrand Games.⁴ Many digital media developers and publishers occupy Florida's "high-tech corridor," which comprises of 23 counties and is connected by research universities, economic development organizations, educational institutions, workforce boards, industry groups, and innovative gaming companies.⁵ Notably, the corridor is home to the University of Central Florida's graduate video game design school.⁶

Presently, Florida ranks third in the nation for its number of film and television productions.⁷ Additionally, in 2013, the Department of Economic Opportunity's ("department" or "DEO") Bureau of Labor Market Statistics collected the following employment information about Florida's film and entertainment industry:⁸

- in 2013, there were 4,446 established businesses in Florida's film and entertainment industry employing 22,545 individuals;
- the average wage of such employees was \$70,996, which exceeds the state's annual average wage for all industries of \$43,651 by 62.6 percent;
- the largest sector of the film and entertainment industry was television broadcasting with 8,212 Floridians employed; and
- the sector of the film and entertainment industry with the highest annual average wage (\$98,764) was motion picture and video distribution.

¹ Motion Picture Association of America, *Economic and Social Impacts of the Florida Film and Entertainment Industry Financial Incentive Program* at 11. March 2013. On file with staff.

² *Id.*

³ *Id.*

⁴ *Id.* (For more information on Florida's high-tech corridor, visit: www.floridahightech.com.)

⁵ *Id.*

⁶ *Id.*

⁷ Office of Economic and Demographic Research, *Return on Investment for the Entertainment Industry Incentive Programs*, at 4. (January 2015). On file with staff.

⁸ Florida Office of Film and Entertainment, *Fiscal Year 2013-2014 Annual Report*, at 3. (November 1, 2014). On file with staff.

The Office of Film and Entertainment

The Office of Film and Entertainment (“OFE”), which is administratively housed within DEO, serves to develop, market, and promote Florida’s entertainment industry.⁹ In doing so, some of OFE’s responsibilities include the following:

- developing a five-year strategic plan to guide its activities, which OFE updates annually and aligns with DEO’s Strategic Plan for Economic Development;
- serving as a liaison between the industry and government entities;
- assisting in facilitating access to filming locations;
- gathering statistical information related to the state’s entertainment industry;
- providing information and services to businesses, communities, organizations, and individuals engaged in entertainment industry activities;
- administering field offices outside the state; and
- coordinating with the over 60 local film offices throughout the state, which are predominantly organized and maintained by county and municipal governments, local chambers of commerce, economic development councils, convention and visitors’ bureaus, and tourist development councils.^{10, 11}

The Commissioner of Film and Entertainment (“Commissioner”) leads OFE and is hired by DEO’s executive director pursuant to a national search for the most qualified candidate.¹² Among other qualifications, the Commissioner must have a working knowledge of the day-to-day production operations of the film and entertainment industries, possess marketing and promotion experience related to such industries, have experience working with a variety of individuals representing large and small entertainment-related entities, and have experience working with state and local governmental agencies.¹³

To assist OFE and its Commissioner, the Florida Legislature created the Florida Film and Entertainment Advisory Council (“advisory council”),¹⁴ which is composed of 17 members and three ex officio nonvoting members.¹⁵ Of the 17 voting members, the Governor appoints seven, and the President of the Senate and Speaker of the House of Representatives each appoint five.¹⁶ The three ex officio nonvoting members each represent Enterprise Florida, Inc., Workforce Florida, Inc. (now “CareerSource Florida, Inc.”), and the Florida Tourism Industry Marketing Corporation (commonly referred to as “VISIT Florida”), respectively.¹⁷ The advisory council provides OFE and DEO with industry insight and assists in the creation of OFE’s five-year strategic plan.¹⁸

OFE has an operating budget of \$400,000 and employs five full-time staff members, including a Los Angeles-based liaison.¹⁹

⁹ Section 288.1251, F.S. *See also* OFE’s website at <http://www.filmflorida.com/about/vm.asp> (last visited March 12, 2015).

¹⁰ *Id.*

¹¹ A list of the Florida film commissions is provided on OFE’s website at http://www.filminflorida.com/lr/local_film_commissions.asp (last visited March 16, 2015).

¹² Section 288.1251(1), F.S.

¹³ *Id.*

¹⁴ Section 4, Ch. 99-251, L.O.F.

¹⁵ Section 288.1252, F.S.

¹⁶ Section 288.1252(3), F.S.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Department of Economic Opportunity Office of Film and Entertainment, *Five-Year Strategic Plan for Economic Development, 2013-2018*, at 10. On file with staff.

Entertainment Industry Financial Incentive Program

Overview

Florida's Entertainment Industry Financial Incentive Program ("FTC program" or "program"), which is administered by OFE, provides tax credits for qualified expenditures related to filming and production activities in Florida. The Florida Legislature created the program to encourage the use of Florida "as a site for filming, for the digital production of films, and to develop and sustain the workforce and infrastructure for film, digital media, and entertainment production."²⁰

The program began as a cash refund incentive subject to an annual appropriation,²¹ but in 2010 the Legislature replaced the refund incentive with a transferable tax credit program, available as an offset against liability for the sales and use tax and corporate income tax.²² These tax credits provide a reduction in taxes due, after verification that statutory or contractual terms have been met.²³

If recipients of the tax credits are unable to benefit from the credits due to a lack of tax obligation, incentive recipients have the option to monetize the credits by selling them to an entity that does have a tax obligation, either directly or through an intermediary (tax broker), and typically at a discount.²⁴ Florida law also authorizes the transfer of the credit back to the state for 90 percent of the credit's face value (though this option is currently unavailable as no state funds have been appropriated for this purpose).²⁵

Annual credit caps were initially set for five years, from FY 2010-11 through 2014-15, for a total of \$242 million. In 2011, the Legislature increased the total to \$254 million.²⁶ In 2012, the Legislature extended the program through FY 2015-16 and authorized an additional \$42 million in credits, for a total of \$296 million for the six-year period.²⁷ OFE reports that all of the credits have been certified, and as of September 30, 2014, \$119 million of the \$296 million have been awarded.²⁸

Eligibility and Application

Generally, a production company producing a qualified production in this state may submit an application to OFE for a certification of tax credits based upon estimated qualified expenditures.

Qualified productions are productions that meet the Florida residency requirements provided in s. 288.1251(1)(j), F.S., and do not contain obscene content as defined in s. 847.001(10), F.S. Such productions may include, but are not limited to, the following:

- motion pictures;
- commercials;
- music videos;
- industrial or educational films;
- infomercials;
- documentary films;
- television series; and

²⁰ Section 288.1254(2), F.S.

²¹ Section 2, Ch. 2003-81, L.O.F.

²² Section 28, Ch. 2010-147, L.O.F.

²³ Office of Economic and Demographic Research, *Return on Investment for the Entertainment Industry Incentive Programs*, at 5. (January 2015).

²⁴ See *supra* note 23. See s. 288.1254(5), F.S.

²⁵ See *supra* note 23. See s. 288.1254(6)(a), F.S.

²⁶ Section 26, Ch. 2011-76, L.O.F.

²⁷ Section 15, Ch. 2012-32, L.O.F.

²⁸ See *supra* note 23.

- digital media projects (interactive games, digital animation and visual effects).²⁹

Qualified expenditures include production expenditures³⁰ incurred by a qualified production in Florida for goods purchased or leased from, or services provided by, a vendor or supplier in Florida that is registered with the Department of State (“DOS”) or the Department of Revenue (“DOR”) and is doing business in Florida.³¹ The vendor or supplier must also have a physical location in the state and employ one or more legal residents of the state. Qualified expenditures also include payments to legal residents of the state in the form of salary, wages, or other compensation up to \$400,000 per resident (with certain exceptions).³²

The applicant for an award of tax credits may not submit its application earlier than 180 days before the first day of principal photography or project start date.³³ The applicant must provide OFE with information required to determine whether the production is a qualified production and to determine the qualified expenditures and other information necessary for the office to determine eligibility for the tax credit.³⁴ OFE must review the application within 15 days after receipt, and upon determining the application contains all required information, OFE must then qualify the applicant and recommend to the department that the applicant be certified for the maximum tax credit award amount. Within five business days after receiving such recommendation, the department must either reject the recommendation or certify the tax credit award to the applicant and to submit the certification to the executive director of DOR.³⁵

In addition, within 90 days after submitting a program application, except with respect to applications in the independent and emerging media queue (explained below), a production must provide proof of project financing to the Office of Film and Entertainment, otherwise the project is deemed denied and withdrawn.³⁶

Lastly, current law directs OFE to ensure, as a condition for receiving tax credits, that applicants include in their applications, when appropriate and at no cost to the state, marketing proposals to promote Florida as a tourist destination and entertainment production destination.³⁷

FTC Program “Queues”

Priority for tax credit certifications is made on a first-come, first-served based within the appropriate “queue.”³⁸ There are three queues of eligible production: general production queue, commercial and music video queue, and independent and emerging media production queue.³⁹ The queues are funded as follows:

- 94 percent of the state incentive funding is dedicated to the general production queue;
- three percent is dedicated to the commercial and music video queue; and
- three percent is dedicated to the independent and emerging media production queue.⁴⁰

The following chart demonstrates the basic incentive information relative to each queue.⁴¹

²⁹ Section 288.1254(1), F.S.

³⁰ Section 288.1254, F.S. defines “production expenditures,” which may or may not be “qualified.”

³¹ *Id.*

³² Section 288.1254(1)(i)2., F.S.

³³ Section 288.1254(3), F.S.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ Section 288.1254(4), F.S.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

	General Production Queue⁴²	Commercial & Music Video Queue	Independent and Emerging Media Production Queue
Minimum amount of qualified expenditures	\$625,000	\$100,000 per commercial or video <i>and</i> exceeds \$500,000 combined per FY year	At least \$100,000, but not more than \$625,000
Amount of basic incentive	20% of qualified expenditures, up to \$8 million	20% of qualified expenditures, up to \$500,000	20% of qualified expenditures, up to \$125,000

In addition to the basic incentives, the program provides for the availability of further tax credits for general production queue projects as listed below.⁴³ However, notwithstanding any additional credit awards, a production is not eligible for tax credits totaling more than 30 percent of its actual qualified expenses.⁴⁴

- A five percent additional tax credit is available for feature films, independent films, or television series pilots that are “off-season certified,” including those that are not able to complete 75 percent of their principal photography due to a hurricane or tropical storm. “Off-season certified” means that the production films 75 percent or more of its principal photography from June 1 to November 30.⁴⁵
- A five percent additional tax credit is available for a production that incurs at least 67 percent of its principal photography days in an “underutilized region,” as defined in s. 288.1254(p), F.S.⁴⁶
- A 15 percent additional tax credit is available for productions that employ students enrolled full-time in a film and entertainment-related or digital media related course of study in Florida or recent graduates of such a course of study. The additional 15 percent may only be applied to qualified expenditures related to the wages, salaries, or other compensation paid to such students or graduates for one year after the date of hire.⁴⁷
- A five percent additional tax credit is available for productions that conduct at least 50 percent of their principal photography at a “qualified production facility” as defined in s. 288.1254(m), F.S. The additional five percent may be applied to any qualified expenditures related to production activity at such facility.⁴⁸
- A five percent additional tax credit is available for certain digital media projects or digital animation components of productions, for which 50 percent of the project’s qualified expenditures relate to a “qualified digital media production facility” as defined in s. 288.1254(1)(l), F.S. The additional five percent may be applied to any qualified expenditures related to production activity at such facility.⁴⁹

⁴² Under the general production queue, no more than 45 percent of the tax credits can be awarded to television series. First priority in the general production queue for tax credits not yet certified is given to high-impact television series and high-impact digital media projects, in alternating order, depending on the type of the first application received.

⁴³ *Id.*

⁴⁴ Section 288.1254(4)(b)1.g., F.S.

⁴⁵ Section 288.1254(4)(b)1.a., F.S.

⁴⁶ Section 288.1254(4)(b)1.d., F.S.

⁴⁷ Section 288.1254(4)(b)1.e., F.S.

⁴⁸ Section 288.1254(4)(b)1.f., F.S.

⁴⁹ *Id.*

The program also provides for one “additional” tax credit that applies to all three queues—a credit for “family-friendly” productions.⁵⁰ A “family friendly” production is a theatrical or direct-to-video motion picture or video game that has cross-generational appeal, is suitable for viewing by a child age five and older, embodies a responsible resolution of issues, is appropriate for a broad family audience, and does not exhibit any act of smoking, sex, nudity, or vulgar or profane language.⁵¹ OFE, with advice from the advisory council, determines if a production is family friendly.⁵² Family-friendly productions are eligible for an additional tax credit equal to five percent of the production’s actual qualified expenditures.⁵³

Award of Tax Credits

After production ends and all certified expenditures are made, the production company must have an independent certified public accountant licensed in Florida conduct a compliance audit.⁵⁴ OFE reviews the audit and reports to DEO the final verified amount of actual qualified expenditures. DEO then reviews and approves the final tax credit award and notifies DOR.⁵⁵

Additionally, after production the law requires the production company to make an irrevocable election to apply the tax credits to corporate income taxes or sales and use taxes or a combination of both.⁵⁶ The decision is binding on any distributee, successor, transferee, or purchaser.⁵⁷ Tax credits that are unused in any year may be carried forward to the next for a maximum of five years.⁵⁸

Sales Tax Exemption Certificate for a Qualified Production Company

Florida law provides that any production company in this state engaged in the production of motion pictures, made-for-TV motion pictures, television series, commercial advertising, music videos, or sound recordings may submit an application to receive a sales and use tax certificate of exemption from DOR.⁵⁹

The information a production company has to submit on its application must include the following:

- production-related information on employment;
- proposed budgets;
- planned purchases of items exempted from sales and use taxes;
- a signed affirmation from the applicant that any items purchased for which the applicant is seeking a tax exemption are intended for use as an integral part of preproduction, production, or postproduction activities engaged in Florida; and
- a signed affirmation from OFE that the information on the application form has been verified and is correct.⁶⁰

Once DOR awards a certificate of exemption to a production company, the company is exempt from paying sales and use taxes on certain purchases, leases, and sales that relate to the company’s

⁵⁰ Section 288.1254(4)(b)4., F.S.

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ Section 288.1254(2)(f), F.S.

⁵⁵ *Id.*

⁵⁶ Section 288.1254(4)(d), F.S.

⁵⁷ *Id.*

⁵⁸ Section 288.1254(4)(e), F.S.

⁵⁹ Section 288.1258(1), F.S.

⁶⁰ Section 288.1258(2), F.S.

productions, which were the basis for the company's eligibility to apply for the certificate.⁶¹ Generally, a certificate is valid for one year with the availability of annual renewal up to five years.⁶² Once the five year period expires, the production company must re-apply for the certificate.⁶³

OFE's Annual Report for Fiscal Year 2013-2014

OFE is required to submit an annual report each November 1 to the Governor, the President of the Senate, and the Speaker of the House of Representatives, which outlines the incentive program's economic benefits to the state.⁶⁴ The report must include an estimate of the full-time equivalent positions created by each production that received tax credits under the program and information relating to the distribution of productions receiving credits by geographic region and type of production.⁶⁵ The report must also include OFE's expenditures under s. 288.1253, F.S., and information describing the relationship between tax exemptions and incentives to industry growth.⁶⁶

The 2013-2014 annual report includes an analysis of Florida's Entertainment Industry Financial Incentive Program for FY 2013-2014 and for the first four years of the program.⁶⁷

Four-Year Aggregate Program Performance Summary as of June 30, 2014

OFE found the following data about the program for the first four years of the program, from July 1, 2010 to June 30, 2014:

- OFE received and processed 689 applications;
- DEO certified 342 productions for tax credits with projected Florida expenditures of approximately \$1.5 billion;
- more than \$926 million in wages is associated with the 342 productions;
- the 342 productions created an estimated 171,922 Florida jobs; and
- of the 342 productions, there were 74 motion pictures, 59 digital media productions, 154 television productions, and 55 commercials.⁶⁸

Fiscal Year 2013-2014 Annual Performance Summary

For FY 2013-2014, 146 certified projects completed production, provided OFE with the required audit, or were awarded tax credits. The projected outcomes for the 146 projects include the following:

- 51,130 Florida jobs;
- \$275,218,148 in wages for Floridians;
- \$483,917,322 in Florida qualified expenditures;
- 77,634 lodging/hotel room nights; and
- 8,927 production days.⁶⁹

The Office of Economic and Demographic Research's Return on Investment Report

⁶¹ See ss. 212.06 and 212.08, F.S.

⁶² A production company may also apply for a single 90-day certificate. Section 288.1258(3), F.S.

⁶³ Section 288.1258(3), F.S.

⁶⁴ Section 288.1254(10), F.S.

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ Florida Office of Film and Entertainment, Fiscal Year 2013-2014 Annual Report, at 5-6. (November 1, 2014). On file with staff.

⁶⁸ *Id.*

⁶⁹ *Id.*

As provided by law, the Office of Economic and Demographic Research (“EDR”) developed an economic analysis of both the Florida Entertainment Industry Financial Incentive Program (“FTC program”) established under s. 288.1254, F.S., and the entertainment industry sales tax exemption program (“STE program”) established under s. 288.1258, F.S.⁷⁰ The analyses reviewed each program for Fiscal Year 2010-2011 through 2012-2013.⁷¹

Florida Entertainment Industry Financial Incentive Program

In its analysis, EDR conducted two scenarios for the FTC program. Under the first scenario, the FTC program generated a positive return on investment (“ROI”) of 0.43.⁷² That is, the state recovered \$0.43 for every dollar it spends on the program.⁷³ EDR determined the ROI for the first scenario by calculating the tax revenues that resulted from the activity associated with the film and digital media projects that were awarded credits, but included only the cost to the state of those credits redeemed.⁷⁴

Under the second scenario, the FTC program generated a positive ROI of 0.25.⁷⁵ EDR determined the ROI for the second scenario by calculating the tax revenues that resulted from the activity associated with the film and digital media projects that were awarded credits, but included the *full cost of the credits to the state*, whether or not they were redeemed during the three year period.⁷⁶

Entertainment Industry Sales Tax Exemption Program

In its analysis, EDR concluded that the STE program generated a positive ROI to the state of 0.54.⁷⁷ EDR generated the ROI by calculating the tax revenues that resulted from the activity associated with the film-related, music video and sound recording projects that were awarded credits within the three-year window of the analysis.⁷⁸

Effect of Proposed Changes

Division of Film and Entertainment

The bill renames the Office of Film and Entertainment (“office”) to the “Division of Film and Entertainment” (“division”) and transfers the office from the Department of Economic Opportunity to Enterprise Florida, Inc.

The bill also makes the following changes related to the Division:

- specifies that the division will serve as a liaison between the entertainment industry and other state and local governmental agencies, local film commissions, and labor organizations;
- specifies that the Governor is responsible for appointing the film and entertainment commissioner;
- specifies that the Enterprise Florida, Inc. board of directors must annually review and approve the office/division’s five-year strategic plan;
- makes other modifications to the office/division’s strategic plan;
- requires the division to coordinate with EDR when conducting any economic impact analyses; and

⁷⁰ Section 288.0001, F.S.

⁷¹ See *supra* note 23 at 1.

⁷² See *supra* note 23 at 2.

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ See *supra* note 23 at 3.

⁷⁶ *Id.*

⁷⁷ See *supra* note 23 at 2.

⁷⁸ *Id.*

- repeals the “Florida Film and Entertainment Advisory Council,” the office’s primary advisory council.

Entertainment Industry Financial Incentive Economic Development Tax Credit Program

The bill makes significant changes to the Entertainment Industry Financial Incentive Program, including renaming the program to the “Entertainment Industry Financial Incentive Economic Development Tax Credit Program” (“tax credit program”).

The following subheadings and accompanying descriptions detail such changes.

Definitions

The bill makes the following changes to definitions of terms used in the tax credit program:

- amends the definition of “high-impact television production” to mean either a production series created to run multiple seasons, which has qualified expenditures of at least \$1 million per episode, or a telenovela that has qualified expenditures of more than \$4.5 million along with a minimum of 45 principal photography days filmed in this state and which has a production cast of which at least 90 percent are legal residents of the state;
- adds “a direct-to-Internet television series” to the definition of “production”; and
- removes from current statutory definitions, “regional population ratio,” “regional tax credit ratio,” and “underutilized region.”

Application Process

The bill provides the following related to the tax credit program’s application process:

- The division must establish a process to review and receive applications.
- The Office of Economic and Demographic Research (“EDR”) must create or approve a model to be used by the division to determine the expected economic benefit of the proposed production in each application. The expected economic benefit derived from such model must be quantified in a numerical score awarded to the application. Such score will be known as the “production priority score.”
- The division must designate two application cycles—application cycle A and application cycle B—for each fiscal year. The application cycles must be at least four months apart and must designate both an application deadline and a review period to immediately follow the deadline.
- During the review period, the division must review each timely received application to ensure such applications are complete. The division must also use the model created or approved by EDR to determine each application’s production priority score. Lastly, the division must submit each complete and timely received application along with its production priority score to the Department of Economic Opportunity (“department”). Applications that are not timely received may not carry forward to a subsequent application cycle.
- Within five business days after the completion of an application cycle review period, the department must certify the maximum tax credit award available to each applicant, with priority given to applicants that received the highest production priority score. However, the department may only compare an application’s production priority score to applications of the same queue pursuant to s. 288.1254(4).
- The department may only certify up to 50 percent of the credits available in a fiscal year for application cycle A of such fiscal year. The department may certify all remaining tax credits in the fiscal year in application cycle B. In any fiscal year, the department may only certify the amount of tax credits allocated for that fiscal year.

- Upon certification by the department, a production company must provide the division with a single point of contact and information related to the production's need for Florida workforce services. The division must, in turn, publish such information on its website, including the name and location of the production.
- A qualified production company that receives certification for tax credits must include, at no additional cost to the state, a link to the Florida Tourism Industry Marketing Corporation website or another website designated by the department.

Eligibility for Tax Credit Award and Queues

The bill removes the current provision in law that determines priority of tax credit awards on a first-come first-served basis, including the alternate priority given between high-impact television series and high-impact digital media within the general production queue. The bill also does the following:

- removes from statute the availability for an additional five percent tax credit award for a qualified production for which at least 67 percent of its principal photography days occur within a designated underutilized region;
- specifies that a qualified production may receive an additional 15 percent tax credits on qualified expenditures on wages, salaries, or other compensation paid to individuals participating in the road-to-independence program under s. 409.1451, individuals with developmental disabilities as defined in s. 393.063 who reside in this state, and veterans residing in the state; and
- removes the current provision of law which treats applied for credits in a fiscal year in excess of credits available for such fiscal year as having been applied for in the next fiscal year.

Qualified Production Company Sales and Use Tax Exemption

The bill also clarifies and modifies certain application processes for a qualified production to receive a certificate of exemption for the sales and use tax exemptions under ss. 212.031, 212.06, and 212.08.

Under the bill, a qualified production company may submit a new application for a 1-year certificate of exemption upon the expiration of that company's previous certificate of exemption. In addition, upon approval of the department, such qualified production company may annually renew its one-year certificate of exemption for a period of up to five years without submitting a new application during that five-year period. The qualified production company must submit to the department aggregate data for production-related information on employment, expenditures in this state, capital investment, and purchases of items exempted from sales and use taxes under ss. 212.031, 212.06, and 212.08, F.S.

Further, a production company that is qualified for an exemption and which has submitted an application for a 90-day certificate of exemption, may re-submit an application for a 90-day exemption each quarter. In addition, upon approval by the department, a production company that has received a 90-day exemption may renew the exemption for a period of up to one-year without submitting a new application during that one-year period. Each 90 days, production companies that have received 90-day certificate of exemptions, must submit to the department aggregate data for production-related information on employment, expenditures in the state, capital investment, and purchases of items exempted from sales and use taxes under ss. 212.031, 212.06, and 212.08, F.S.

In addition, the bill requires qualified production companies to submit to the department aggregate data for production-related information on employment, expenditures in the state, capital investment, and purchases of items exempted from sales and use taxes under ss. 212.031, 212.06, and 212.08, F.S., all for inclusion in the division's annual report.

B. SECTION DIRECTORY:

Section 1: Amends s. 288.125, F.S., making technical changes to conform the section to new sections of statute created by the bill.

- Section 2: Transfers, renumbers, and amends s. 288.1251, F.S., creating the Division of Film and Entertainment within Enterprise Florida, Inc., pursuant to the newly created s. 288.914, F.S.
- Section 3: Repeals s. 288.1252, F.S., relating to the Florida Film and Entertainment Advisory Council.
- Section 4: Transfers, renumbers, and amends s. 288.1253, F.S., relating to the creation of the Division of Film and Entertainment and the conduct of its employees.
- Section 5: Amends s. 288.1254, F.S., significantly modifying the Entertainment Industry Financial Incentive Program pursuant to the newly created s. 288.915, F.S.
- Section 6: Amends s. 288.1258, F.S., relating to exemptions for certain sales and use taxes by a qualified production company.
- Section 7: Amends s. 288.92, F.S., relating to the addition of Film and Entertainment as a division of Enterprise Florida, Inc.
- Section 8: Amends s. 477.0135, F.S., relating to the transfer to Enterprise Florida, Inc. and name change of the Office of Film and Entertainment.
- Section 9: Amends s. 212.08(5), F.S., relating to specified exemptions to conform a cross reference.
- Section 10: Amends s. 220.1899(3), F.S., relating to the entertainment industry tax credit to conform a cross reference.
- Section 11: 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:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill aims to further develop the film and entertainment industry in Florida.

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:

The bill allows the Department of Economic Opportunity to adopt rules to implement the various provisions in the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

27 production companies to provide specified workforce
 28 data; requiring certified production companies to
 29 contribute a specific percentage of awards to certain
 30 entities; requiring certain production companies to
 31 provide internship opportunities; prohibiting certain
 32 production companies from submitting tax credit
 33 application under certain circumstances; requiring
 34 certain production companies to take specified actions
 35 to promote the state; revising provisions related to
 36 distributions of tax credits; revising provisions for
 37 certification of tax credits in excess of allocated
 38 amounts; revising dates for the repeal of certain tax
 39 credits; redefining terms; requiring the Department of
 40 Economic Opportunity, rather than the Office of Film
 41 and Entertainment, to be responsible for applications
 42 for the entertainment industry financial incentive
 43 program; revising provisions relating to the
 44 application process, tax credit eligibility, transfer
 45 of tax credits, election and distribution of tax
 46 credits, allocation of tax credits, forfeiture of tax
 47 credits, and annual report; revising the repeal date
 48 for the program; conforming provisions to changes made
 49 by the act; specifying a date on which the
 50 applications on file with the department and not yet
 51 certified are deemed denied; amending s. 288.1258,
 52 F.S.; conforming provisions to changes made by the

53 act; prohibiting an approved production company from
 54 simultaneously receiving benefits under specified
 55 provisions for the same production while protecting
 56 other specified benefits; requiring the department to
 57 develop a standardized application form in cooperation
 58 with the division and other agencies; requiring the
 59 qualified production company to submit aggregate data
 60 on specified topics; authorizing a qualified
 61 production company to renew its certificate of
 62 exemption for a specified period; amending s. 288.92,
 63 F.S.; requiring Enterprise Florida, Inc., to have a
 64 division relating to film and entertainment; amending
 65 s. 477.0135, F.S.; conforming a provision to changes
 66 made by the act; amending ss. 212.08 and 220.1899;
 67 conforming cross-references; providing an effective
 68 date.

69
 70 Be It Enacted by the Legislature of the State of Florida:

71
 72 Section 1. Section 288.125, Florida Statutes, is amended
 73 to read:

74 288.125 Definition of "entertainment industry."—For the
 75 purposes of ss. 288.1254, 288.1258, 288.914, and 288.915,
 76 ~~288.1251–288.1258,~~ the term "entertainment industry" means those
 77 persons or entities engaged in the operation of motion picture
 78 or television studios or recording studios; those persons or

79 entities engaged in the preproduction, production, or
 80 postproduction of motion pictures, made-for-television movies,
 81 television programming, digital media projects, commercial
 82 advertising, music videos, or sound recordings; and those
 83 persons or entities providing products or services directly
 84 related to the preproduction, production, or postproduction of
 85 motion pictures, made-for-television movies, television
 86 programming, digital media projects, commercial advertising,
 87 music videos, or sound recordings, including, but not limited
 88 to, the broadcast industry.

89 Section 2. Section 288.1251, Florida Statutes, is
 90 transferred, renumbered as section 288.914, Florida Statutes,
 91 and amended to read:

92 288.914 ~~288.1251~~ Promotion and development of
 93 entertainment industry; Division ~~Office~~ of Film and
 94 Entertainment; creation; purpose; powers and duties.—

95 (1) CREATION.—

96 ~~(a)~~ The Division of Film and Entertainment is ~~There is~~
 97 ~~hereby~~ created within Enterprise Florida, Inc., ~~the department~~
 98 ~~the Office of Film and Entertainment~~ for the purpose of
 99 developing, recruiting, marketing, promoting, and providing
 100 services to the state's entertainment industry. The division
 101 shall serve as a liaison between the entertainment industry and
 102 other state and local governmental agencies, local film
 103 commissions, and labor organizations.

104 (2) ~~(b)~~ COMMISSIONER.—The Governor shall appoint a film and

105 entertainment commissioner, who shall serve at the pleasure of
 106 the Governor and is subject to confirmation by the Senate
 107 ~~department shall conduct a national search for a qualified~~
 108 ~~person to fill the position of Commissioner of Film and~~
 109 ~~Entertainment when the position is vacant. The executive~~
 110 ~~director of the department has the responsibility to hire the~~
 111 ~~film commissioner.~~ Qualifications for the film and entertainment
 112 commissioner include, but are not limited to, the following:

113 (a)1. A working knowledge of and experience with the
 114 equipment, personnel, financial, and day-to-day production
 115 operations of the industries to be served by the division.
 116 ~~Office of Film and Entertainment;~~

117 (b)2. Marketing and promotion experience related to the
 118 film and entertainment industries to be served.+

119 (c)3. Experience working with a variety of individuals
 120 representing large and small entertainment-related businesses,
 121 industry associations, local community entertainment industry
 122 liaisons, and labor organizations.+~~and~~

123 (d)4. Experience working with a variety of state and local
 124 governmental agencies.

125 (3)(2) POWERS AND DUTIES.-

126 (a) The division ~~Office of Film and Entertainment,~~ in
 127 performance of its duties, shall develop and+

128 ~~1. In consultation with the Florida Film and Entertainment~~
 129 ~~Advisory Council,~~ annually update a 5-year the strategic plan
 130 ~~every 5 years~~ to guide the activities of the division ~~Office of~~

131 ~~Film and Entertainment~~ in the areas of entertainment industry
 132 development, recruitment, marketing, promotion, liaison
 133 services, field office administration, and information. The plan
 134 shall:

135 ~~a.~~ be ~~annual in construction and~~ ongoing in nature.

136 ~~b.~~ At a minimum, the plan must provide the following:

137 1. The ~~Include recommendations relating to the~~
 138 organizational structure of the ~~division, including any field~~
 139 offices outside the state ~~office.~~

140 2. ~~e.~~ The coordination of the division with local or
 141 regional offices maintained by counties and regions of the
 142 state, local film commissions, and labor organizations, and the
 143 coordination of such entities with each other to facilitate a
 144 working relationship.

145 3. Strategies to identify, solicit, and recruit
 146 entertainment production opportunities for the state, including
 147 implementation of programs for rural and urban areas designed to
 148 develop and promote the state's entertainment industry.

149 4. ~~Include~~ An annual budget projection for the division
 150 office for each year of the plan.

151 ~~d.~~ ~~Include an operational model for the office to use in~~
 152 ~~implementing programs for rural and urban areas designed to:~~

153 ~~(I) Develop and promote the state's entertainment~~
 154 ~~industry.~~

155 ~~(II) Have the office serve as a liaison between the~~
 156 ~~entertainment industry and other state and local governmental~~

157 ~~agencies, local film commissions, and labor organizations.~~

158 ~~(III) Gather statistical information related to the~~
 159 ~~state's entertainment industry.~~

160 5.(IV) Provide Information and services service to
 161 businesses, communities, organizations, and individuals engaged
 162 in entertainment industry activities.

163 ~~(V) Administer field offices outside the state and~~
 164 ~~coordinate with regional offices maintained by counties and~~
 165 ~~regions of the state, as described in sub-sub-subparagraph (II),~~
 166 ~~as necessary.~~

167 6.e. Include Performance standards and measurable outcomes
 168 for the programs to be implemented by the division office.

169
 170 The plan shall be reviewed annually and approved by the board of
 171 directors of Enterprise Florida, Inc.

172 ~~f. Include an assessment of, and make recommendations on,~~
 173 ~~the feasibility of creating an alternative public-private~~
 174 ~~partnership for the purpose of contracting with such a~~
 175 ~~partnership for the administration of the state's entertainment~~
 176 ~~industry promotion, development, marketing, and service~~
 177 ~~programs.~~

178 ~~2. Develop, market, and facilitate a working relationship~~
 179 ~~between state agencies and local governments in cooperation with~~
 180 ~~local film commission offices for out-of-state and indigenous~~
 181 ~~entertainment industry production entities.~~

182 ~~3. Implement a structured methodology prescribed for~~

183 ~~coordinating activities of local offices with each other and the~~
 184 ~~commissioner's office.~~

185 (b) The division shall also:

186 1.4. Represent the state's indigenous entertainment
 187 industry to key decisionmakers within the national and
 188 international entertainment industry, and to state and local
 189 officials.

190 2.5. Prepare an inventory and analysis of the state's
 191 entertainment industry, including, but not limited to,
 192 information on crew, related businesses, support services, job
 193 creation, talent, and economic impact and coordinate with local
 194 offices to develop an information tool for common use. Any
 195 economic impact analysis created pursuant to this paragraph
 196 shall be made in coordination with the Office of Economic and
 197 Demographic Research.

198 3.6. Identify, solicit, and recruit entertainment
 199 production opportunities for the state.

200 4.7. Assist rural communities and other small communities
 201 in the state in developing the expertise and capacity necessary
 202 for such communities to develop, market, promote, and provide
 203 services to the state's entertainment industry.

204 ~~(c)(b)~~ The division ~~Office of Film and Entertainment~~, in
 205 the performance of its duties, may:

206 1. Conduct or contract for specific promotion and
 207 marketing functions, including, but not limited to, production
 208 of a statewide directory, production and maintenance of an

209 Internet website, establishment and maintenance of a toll-free
 210 telephone number, organization of trade show participation, and
 211 appropriate cooperative marketing opportunities.

212 2. Conduct its affairs, carry on its operations, establish
 213 offices, and exercise the powers granted by this act in any
 214 state, territory, district, or possession of the United States.

215 3. Carry out any program of information, special events,
 216 or publicity designed to attract entertainment industry to
 217 Florida.

218 4. Develop relationships and leverage resources with other
 219 public and private organizations or groups in their efforts to
 220 publicize to the entertainment industry in this state, other
 221 states, and other countries the depth of Florida's entertainment
 222 industry talent, crew, production companies, production
 223 equipment resources, related businesses, and support services,
 224 including the establishment of and expenditure for a program of
 225 cooperative advertising with these public and private
 226 organizations and groups in accordance with the provisions of
 227 chapter 120.

228 5. Provide and arrange for reasonable and necessary
 229 promotional items and services for such persons as the division
 230 ~~office~~ deems proper in connection with the performance of the
 231 promotional and other duties of the division ~~office~~.

232 6. Prepare an ~~annual~~ economic impact analysis in
 233 coordination with the Office of Economic and Demographic
 234 Research on entertainment industry-related activities in the

235 state.

236 7. Request or accept any grant, payment, or gift of funds
 237 or property made by this state, the United States, or any
 238 department or agency thereof, or by any individual, firm,
 239 corporation, municipality, county, or organization, for ~~any or~~
 240 ~~all of~~ the purposes of the ~~Office of Film and Entertainment's~~ 5-
 241 year strategic plan or those permitted activities enumerated in
 242 this paragraph. Such funds shall be deposited in a separate
 243 account ~~the Grants and Donations Trust Fund of the Executive~~
 244 ~~Office of the Governor~~ for use by the division ~~Office of Film~~
 245 ~~and Entertainment~~ in carrying out its responsibilities and
 246 duties as delineated in law. The division ~~office~~ may expend such
 247 funds in accordance with the terms and conditions of any such
 248 grant, payment, or gift in the pursuit of its administration or
 249 in support of fulfilling its duties and responsibilities. The
 250 division ~~office~~ shall separately account for the public funds
 251 and the private funds deposited into the account ~~trust fund~~.

252 Section 3. Section 288.1252, Florida Statutes, is
 253 repealed.

254 Section 4. Section 288.1253, Florida Statutes, is
 255 transferred, renumbered as section 288.915, Florida Statutes,
 256 and amended to read:

257 288.915 ~~288.1253~~ Travel and entertainment expenses.—

258 (1) As used in this section, the term "travel expenses"
 259 means the actual, necessary, and reasonable costs of
 260 transportation, meals, lodging, and incidental expenses normally

261 incurred by an employee of the Division Office of Film and
 262 Entertainment within Enterprise Florida, Inc., as which costs
 263 ~~are~~ defined and prescribed by ~~rules adopted by the~~ department
 264 rule, subject to approval by the Chief Financial Officer.

265 (2) Notwithstanding ~~the provisions of~~ s. 112.061, the
 266 department shall adopt rules by which the Division of Film and
 267 Entertainment ~~it~~ may make expenditures by reimbursement to+ the
 268 Governor, the Lieutenant Governor, security staff of the
 269 Governor or Lieutenant Governor, the Commissioner of Film and
 270 Entertainment, or staff of the division Office of Film and
 271 ~~Entertainment~~ for travel expenses or entertainment expenses
 272 incurred by such individuals solely and exclusively in
 273 connection with the performance of the statutory duties of the
 274 division Office of Film and Entertainment. The rules are subject
 275 to approval by the Chief Financial Officer before adoption. The
 276 rules shall require the submission of paid receipts, or other
 277 proof of expenditure prescribed by the Chief Financial Officer,
 278 with any claim for reimbursement.

279 (3) The Division Office of Film and Entertainment shall
 280 include in the annual report for the entertainment industry
 281 ~~financial incentive~~ program required under s. 288.1254
 282 ~~288.1254(10)~~ a report of the division's office's expenditures
 283 for the previous fiscal year. The report must summarize ~~consist~~
 284 ~~of a summary of~~ all travel, entertainment, and incidental
 285 expenses incurred within the United States and all travel,
 286 entertainment, and incidental expenses incurred outside the

287 United States, as well as summarize ~~a summary~~ of all successful
 288 projects that developed from such travel.

289 (4) The Division ~~Office~~ of Film and Entertainment and its
 290 employees and representatives, when authorized, may accept and
 291 use complimentary travel, accommodations, meeting space, meals,
 292 equipment, transportation, and any other goods or services
 293 necessary for or beneficial to the performance of the division's
 294 ~~office's~~ duties and purposes, so long as such acceptance or use
 295 is not in conflict with part III of chapter 112. The department
 296 shall, by rule, develop internal controls to ensure that such
 297 goods or services accepted or used pursuant to this subsection
 298 are limited to those that will assist solely and exclusively in
 299 the furtherance of the division's ~~office's~~ goals and are in
 300 compliance with part III of chapter 112.

301 (5) Any claim submitted under this section is not required
 302 to be sworn to before a notary public or other officer
 303 authorized to administer oaths, but any claim authorized or
 304 required to be made under any provision of this section shall
 305 contain a statement that the expenses were actually incurred as
 306 necessary travel or entertainment expenses in the performance of
 307 official duties of the Division ~~Office~~ of Film and Entertainment
 308 and shall be verified by written declaration that it is true and
 309 correct as to every material matter. Any person who willfully
 310 makes and subscribes to any claim that ~~which~~ he or she does not
 311 believe to be true and correct as to every material matter or
 312 who willfully aids or assists in, procures, or counsels or

313 | advises with respect to, the preparation or presentation of a
 314 | claim pursuant to this section that is fraudulent or false as to
 315 | any material matter, whether such falsity or fraud is with the
 316 | knowledge or consent of the person authorized or required to
 317 | present the claim, commits a misdemeanor of the second degree,
 318 | punishable as provided in s. 775.082 or s. 775.083. Whoever
 319 | receives a reimbursement by means of a false claim is civilly
 320 | liable, in the amount of the overpayment, for the reimbursement
 321 | of the public fund from which the claim was paid.

322 | Section 5. Subsections (1) through (7) and (11) of section
 323 | 288.1254, Florida Statutes, are amended to read:

324 | 288.1254 Entertainment industry financial incentive
 325 | economic development tax credit program.—

326 | (1) DEFINITIONS.—As used in this section, the term:
 327 | (a) "Certified production" means a qualified production
 328 | that has tax credits allocated to it by the department based on
 329 | the production's estimated qualified expenditures, up to the
 330 | production's maximum certified amount of tax credits, by the
 331 | department. The term does not include a production if its first
 332 | day of principal photography or project start date in this state
 333 | occurs before the production is certified by the department,
 334 | unless the production spans more than 1 fiscal year, was a
 335 | certified production on its first day of principal photography
 336 | or project start date in this state, and submits an application
 337 | for continuing the same production for the subsequent fiscal
 338 | year.

339 (b) "Digital media project" means a production of
 340 interactive entertainment that is produced for distribution in
 341 commercial or educational markets. The term includes a video
 342 game or production intended for Internet or wireless
 343 distribution, an interactive website, digital animation, and
 344 visual effects, including, but not limited to, three-dimensional
 345 movie productions and movie conversions. The term does not
 346 include a production that contains content that is obscene as
 347 defined in s. 847.001.

348 (c) "High-impact digital media project" means a digital
 349 media project that has qualified expenditures greater than \$4.5
 350 million.

351 (d) "High-impact television production series" means:

352 1. A production series created to run multiple production
 353 seasons which has ~~and having~~ an estimated order of at least
 354 seven episodes per season and qualified expenditures of at least
 355 \$1 million ~~\$625,000~~ per episode; or

356 2. A telenovela that has qualified expenditures of more
 357 than \$4.5 million; a minimum of 45 principal photography days
 358 filmed in this state; a production cast, including background
 359 actors and crew, of which at least 90 percent are legal
 360 residents of the state; and at least 90 percent of the
 361 production occurring in this state.

362 (e) "Off-season certified production" means a feature
 363 film, independent film, or television series or pilot that films
 364 75 percent or more of its principal photography days from June 1

365 through November 30.

366 (f) "Principal photography" means the filming of major or
367 significant components of the qualified production which involve
368 lead actors.

369 (g) "Production" means a theatrical or direct-to-video
370 motion picture; a made-for-television motion picture; visual
371 effects or digital animation sequences produced in conjunction
372 with a motion picture; a commercial; a music video; an
373 industrial or educational film; an infomercial; a documentary
374 film; a television pilot program; a presentation for a
375 television pilot program; a television series, including, but
376 not limited to, a drama, a reality show, a comedy, a soap opera,
377 a telenovela, a game show, an awards show, or a miniseries
378 production; a direct-to-Internet television series; or a digital
379 media project by the entertainment industry. One season of a
380 television series is considered one production. The term does
381 not include a weather or market program; a sporting event or a
382 sporting event broadcast; a gala; a production that solicits
383 funds; a home shopping program; a political program; a political
384 documentary; political advertising; a gambling-related project
385 or production; a concert production; a local, regional, or
386 Internet-distributed-only news show or current-events show; a
387 sports news or sports recap show; a pornographic production; or
388 any production deemed obscene under chapter 847. A production
389 may be produced on or by film, tape, or otherwise by means of a
390 motion picture camera; electronic camera or device; tape device;

391 computer; any combination of the foregoing; or any other means,
 392 method, or device.

393 (h) "Production expenditures" means the costs of tangible
 394 and intangible property used for, and services performed
 395 primarily and customarily in, production, including
 396 preproduction and postproduction, but excluding costs for
 397 development, marketing, and distribution. The term includes, but
 398 is not limited to:

399 1. Wages, salaries, or other compensation paid to legal
 400 residents of this state, including amounts paid through payroll
 401 service companies, for technical and production crews,
 402 directors, producers, and performers.

403 2. Net expenditures for sound stages, backlots, production
 404 editing, digital effects, sound recordings, sets, and set
 405 construction.

406 3. Net expenditures for rental equipment, including, but
 407 not limited to, cameras and grip or electrical equipment.

408 4. Up to \$300,000 of the costs of newly purchased computer
 409 software and hardware unique to the project, including servers,
 410 data processing, and visualization technologies, which are
 411 located in and used exclusively in the state for the production
 412 of digital media.

413 5. Expenditures for meals, travel, and accommodations. For
 414 purposes of this paragraph, the term "net expenditures" means
 415 the actual amount of money a qualified production spent for
 416 equipment or other tangible personal property, after subtracting

417 any consideration received for reselling or transferring the
 418 item after the qualified production ends, if applicable.

419 (i) "Qualified expenditures" means production expenditures
 420 incurred in this state by a qualified production for:

421 1. Goods purchased or leased from, or services, including,
 422 but not limited to, insurance costs and bonding, payroll
 423 services, and legal fees, which are provided by, a vendor or
 424 supplier in this state that is registered with the Department of
 425 State or the Department of Revenue, has a physical location in
 426 this state, and employs one or more legal residents of this
 427 state. This does not include rebilled goods or services provided
 428 by an in-state company from out-of-state vendors or suppliers.
 429 When services provided by the vendor or supplier include
 430 personal services or labor, only personal services or labor
 431 provided by residents of this state, evidenced by the required
 432 documentation of residency in this state, qualify.

433 2. Payments to legal residents of this state in the form
 434 of salary, wages, or other compensation up to a maximum of
 435 \$400,000 per resident unless otherwise specified in subsection
 436 (4). A completed declaration of residency in this state must
 437 accompany the documentation submitted to the office for
 438 reimbursement.

439

440 For a qualified production involving an event, such as an awards
 441 show, the term does not include expenditures solely associated
 442 with the event itself and not directly required by the

443 production. The term does not include expenditures incurred
 444 before certification, with the exception of those incurred for a
 445 commercial, a music video, or the pickup of additional episodes
 446 of a high-impact television series within a single season. Under
 447 no circumstances may the qualified production include in the
 448 calculation of ~~for~~ qualified expenditures the original purchase
 449 price for equipment or other tangible property that is later
 450 sold or transferred by the qualified production for
 451 consideration. In such cases, the qualified expenditure is the
 452 net of the original purchase price minus the consideration
 453 received upon sale or transfer.

454 (j) "Qualified production" means a production in this
 455 state meeting the requirements of this section. The term does
 456 not include a production:

457 1. In which, for the first 2 years of the incentive
 458 program, less than 50 percent, and thereafter, less than 60
 459 percent, of the positions that make up its production cast and
 460 below-the-line production crew, or, in the case of digital media
 461 projects, less than 75 percent of such positions, are filled by
 462 legal residents of this state, whose residency is demonstrated
 463 by a valid Florida driver license or other state-issued
 464 identification confirming residency, or students enrolled full-
 465 time in a film-and-entertainment-related course of study at an
 466 institution of higher education in this state; or

467 2. That contains obscene content as defined in s.
 468 847.001(10).

469 (k) "Qualified production company" means a corporation,
 470 limited liability company, partnership, or other legal entity
 471 engaged in one or more productions in this state.

472 (l) "Qualified digital media production facility" means a
 473 building or series of buildings and their improvements in which
 474 data processing, visualization, and sound synchronization
 475 technologies are regularly applied for the production of
 476 qualified digital media projects or the digital animation
 477 components of qualified productions.

478 (m) "Qualified production facility" means a building or
 479 complex of buildings and their improvements and associated
 480 backlot facilities in which regular filming activity for film or
 481 television has occurred for a period of no less than 1 year and
 482 which contain at least one sound stage of at least 7,800 square
 483 feet.

484 ~~(n) "Regional population ratio" means the ratio of the~~
 485 ~~population of a region to the population of this state. The~~
 486 ~~regional population ratio applicable to a given fiscal year is~~
 487 ~~the regional population ratio calculated by the Office of Film~~
 488 ~~and Entertainment using the latest official estimates of~~
 489 ~~population certified under s. 186.901, available on the first~~
 490 ~~day of that fiscal year.~~

491 ~~(o) "Regional tax credit ratio" means a ratio the~~
 492 ~~numerator of which is the sum of tax credits awarded to~~
 493 ~~productions in a region to date plus the tax credits certified,~~
 494 ~~but not yet awarded, to productions currently in that region and~~

495 ~~the denominator of which is the sum of all tax credits awarded~~
 496 ~~in the state to date plus all tax credits certified, but not yet~~
 497 ~~awarded, to productions currently in the state. The regional tax~~
 498 ~~credit ratio applicable to a given year is the regional tax~~
 499 ~~credit ratio calculated by the Office of Film and Entertainment~~
 500 ~~using credit award and certification information available on~~
 501 ~~the first day of that fiscal year.~~

502 ~~(p) "Underutilized region" for a given state fiscal year~~
 503 ~~means a region with a regional tax credit ratio applicable to~~
 504 ~~that fiscal year that is lower than its regional population~~
 505 ~~ratio applicable to that fiscal year. The following regions are~~
 506 ~~established for purposes of making this determination:~~

507 ~~1. North Region, consisting of Alachua, Baker, Bay,~~
 508 ~~Bradford, Calhoun, Clay, Columbia, Dixie, Duval, Escambia,~~
 509 ~~Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson,~~
 510 ~~Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau,~~
 511 ~~Okaloosa, Putnam, Santa Rosa, St. Johns, Suwannee, Taylor,~~
 512 ~~Union, Wakulla, Walton, and Washington Counties.~~

513 ~~2. Central East Region, consisting of Brevard, Flagler,~~
 514 ~~Indian River, Lake, Okeechobee, Orange, Osceola, Seminole, St.~~
 515 ~~Lucie, and Volusia Counties.~~

516 ~~3. Central West Region, consisting of Citrus, Hernando,~~
 517 ~~Hillsborough, Manatee, Marion, Polk, Pasco, Pinellas, Sarasota,~~
 518 ~~and Sumter Counties.~~

519 ~~4. Southwest Region, consisting of Charlotte, Collier,~~
 520 ~~DeSoto, Glades, Hardee, Hendry, Highlands, and Lee Counties.~~

521 ~~5. Southeast Region, consisting of Broward, Martin, Miami-~~
 522 ~~Dade, Monroe, and Palm Beach Counties.~~

523 (n) ~~(q)~~ "Interactive website" means a website or group of
 524 websites that includes interactive and downloadable content, and
 525 creates 25 new Florida full-time equivalent positions operating
 526 from a principal place of business located within Florida. An
 527 interactive website or group of websites must provide
 528 documentation to the Division of Film and Entertainment that
 529 those jobs were created ~~to the Office of Film and Entertainment~~
 530 prior to the award of tax credits. Each subsequent program
 531 application must provide proof that 25 Florida full-time
 532 equivalent positions are maintained.

533 (2) CREATION AND PURPOSE OF PROGRAM.—The entertainment
 534 industry financial incentive program is created within the
 535 Division ~~Office~~ of Film and Entertainment. The purpose of this
 536 program is to encourage the use of this state as a site for
 537 filming, for the digital production of films, and to develop and
 538 sustain the workforce and infrastructure for film, digital
 539 media, and entertainment production.

540 (3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

541 (a) Program application.—A qualified production company
 542 producing a qualified production in this state may submit a
 543 program application to the Division ~~Office~~ of Film and
 544 Entertainment for the purpose of determining qualification for
 545 an award of tax credits authorized by this section no earlier
 546 than 180 days before the first day of principal photography or

547 project start date in this state. The applicant shall provide
 548 the division ~~Office of Film and Entertainment~~ with information
 549 required to determine whether the production is a qualified
 550 production and to determine the qualified expenditures and other
 551 information necessary for the division ~~office~~ to determine
 552 eligibility for the tax credit.

553 (b) Required documentation.—The Division ~~Office~~ of Film
 554 and Entertainment shall develop an application form for
 555 qualifying an applicant as a qualified production. The form must
 556 include, but need not be limited to, production-related
 557 information concerning employment of residents in this state, a
 558 detailed budget of planned qualified expenditures and
 559 nonqualified expenditures in this state, and the applicant's
 560 signed affirmation that the information on the form has been
 561 verified and is correct. The Division ~~Office~~ of Film and
 562 Entertainment and local film commissions shall distribute the
 563 form.

564 (c) Application process.—

565 1. The Division of Film and Entertainment shall establish
 566 a process to receive and review applications.

567 2. The Office of Economic and Demographic Research shall
 568 create or approve a model to be used by the Division of Film and
 569 Entertainment to determine the expected economic benefit of the
 570 proposed production in each application. The expected economic
 571 benefit derived from such model shall be quantified in a numeric
 572 score awarded to the application. That score is the "production

573 priority score."

574 3. The Division of Film and Entertainment shall designate
 575 two application cycles per fiscal year for qualified production
 576 companies to submit applications pursuant to this section. Each
 577 application cycle shall consist of an application submittal
 578 deadline and a review period. The two application deadlines
 579 shall be separated by at least 4 months. The first application
 580 cycle shall be application cycle "A" and the second cycle shall
 581 be application cycle "B." Each applicant must designate the
 582 cycle for which the applicant is applying.

583 4. The Division of Film and Entertainment shall determine
 584 the length of the review period for each application cycle, not
 585 to exceed 30 days, and must immediately follow its corresponding
 586 deadline. During each review period, the Division of Film and
 587 Entertainment shall:

588 a. Review each timely received application to ensure that
 589 the application is complete and label each application according
 590 to its queue as set forth in subsection (4).

591 b. Use the model created or approved by the Office of
 592 Economic and Demographic Research to determine each
 593 application's production priority score.

594 c. Submit each complete and timely received application,
 595 along with its production priority score, to the department.

596 5. Applications not timely received may not carry forward
 597 to a subsequent application cycle. ~~The Office of Film and~~
 598 ~~Entertainment shall establish a process by which an application~~

599 ~~is accepted and reviewed and by which tax credit eligibility and~~
 600 ~~award amount are determined. The Office of Film and~~
 601 ~~Entertainment may request assistance from a duly appointed local~~
 602 ~~film commission in determining compliance with this section.~~

603 6. A certified high-impact television series may submit an
 604 initial application for no more than two successive seasons,
 605 notwithstanding the fact that the successive seasons have not
 606 been ordered. The successive season's qualified expenditure
 607 amounts shall be based on the current season's estimated
 608 qualified expenditures. Upon the completion of production of
 609 each season, a high-impact television series may submit an
 610 application for no more than one additional season.

611 (d) Certification. ~~The Office of Film and Entertainment~~
 612 ~~shall review the application within 15 business days after~~
 613 ~~receipt. Upon its determination that the application contains~~
 614 ~~all the information required by this subsection and meets the~~
 615 ~~criteria set out in this section, the Office of Film and~~
 616 ~~Entertainment shall qualify the applicant and recommend to the~~
 617 ~~department that the applicant be certified for the maximum tax~~
 618 ~~credit award amount.~~

619 1. Within 5 business days after the end of an application
 620 cycle review period, ~~receipt of the recommendation,~~ the
 621 department shall ~~reject the recommendation or~~ certify the
 622 maximum ~~recommended~~ tax credit award, if any, to each ~~the~~
 623 applicant and give priority to applicants that received the
 624 highest production priority score. The department may only

625 compare an application's production priority score to
 626 applications of the same queue pursuant to subsection (4). The
 627 department shall submit certified applications to the executive
 628 director of the Department of Revenue.

629 2. The department may only certify up to 50 percent of the
 630 credits available in a fiscal year for application cycle "A" of
 631 such fiscal year. All remaining tax credits in a fiscal year may
 632 be certified in application cycle "B."

633 3. In any fiscal year, the department may only certify the
 634 amount of tax credits allocated for that fiscal year.

635 (e) Employment.—

636 1. Upon certification by the department, the production
 637 company must provide the Division of Film and Entertainment with
 638 a single point of contact and information related to the
 639 production's need for Florida workforce, goods, and services.
 640 The division shall publish this information on its website,
 641 including the type of production, the project's anticipated
 642 start date, and anticipated principal photography locations. The
 643 department may adopt rules to implement this paragraph.

644 2. A production company, upon receiving the tax credit
 645 award, shall contribute 5 percent of the award to a workforce
 646 training program or an institution of higher education in this
 647 state that is designated by the department as an approved
 648 recipient of workforce development funds under this paragraph.

649 3. A production company that has entered into a high-
 650 impact production commitment shall provide internship

651 opportunities for at least five Florida residents from an
 652 approved recipient of workforce development funds under this
 653 paragraph. Such internship opportunities shall be advertised on
 654 the state's job bank system.

655 (f) Grounds for denial.—The Division Office of Film and
 656 Entertainment shall deny an application if it determines that
 657 the application is not complete or the production or application
 658 does not meet the requirements of this section. Within 90 days
 659 after submitting a program application, except with respect to
 660 applications in the independent and emerging media queue, a
 661 production must provide proof of project financing to the
 662 Division Office of Film and Entertainment, otherwise the project
 663 is deemed denied and withdrawn. A project that has been
 664 withdrawn may submit a new application upon providing the
 665 Division Office of Film and Entertainment proof of financing.

666 (g)~~(f)~~ Verification of actual qualified expenditures.—

667 1. The Division Office of Film and Entertainment shall
 668 develop a process to verify the actual qualified expenditures of
 669 a certified production. The process must require:

670 a. A certified production to submit, in a timely manner
 671 after production ends in this state and after making all of its
 672 qualified expenditures in this state, data substantiating each
 673 qualified expenditure, including documentation on the net
 674 expenditure on equipment and other tangible personal property by
 675 the qualified production, to an independent certified public
 676 accountant licensed in this state.†

677 b. Such accountant to conduct a compliance audit, at the
 678 certified production's expense, to substantiate each qualified
 679 expenditure and submit the results as a report, along with the
 680 required substantiating data, to the Division ~~Office~~ of Film and
 681 Entertainment. ~~and~~

682 c. The Division ~~Office~~ of Film and Entertainment to review
 683 the accountant's submittal and report to the department the
 684 final verified amount of actual qualified expenditures made by
 685 the certified production.

686 2. The department shall determine and approve the final
 687 tax credit award amount to each certified applicant based on the
 688 final verified amount of actual qualified expenditures and shall
 689 notify the executive director of the Department of Revenue in
 690 writing that the certified production has met the requirements
 691 of the incentive program and of the final amount of the tax
 692 credit award. The final tax credit award amount may not exceed
 693 the maximum tax credit award amount certified under paragraph
 694 (d).

695 ~~(h)-(g)~~ Promoting Florida.—The Division ~~Office~~ of Film and
 696 Entertainment shall ensure that, as a condition of receiving a
 697 tax credit under this section, marketing materials promoting
 698 this state as a tourist destination or film and entertainment
 699 production destination are included, when appropriate, at no
 700 cost to the state, which must, at a minimum, include placement
 701 of a "Filmed in Florida" or "Produced in Florida" logo in the
 702 end credits. The placement of a "Filmed in Florida" or "Produced

703 in Florida" logo on all packaging material and hard media is
 704 also required, unless such placement is prohibited by licensing
 705 or other contractual obligations. The size and placement of such
 706 logo shall be commensurate to other logos used. If no logos are
 707 used, the statement "Filmed in Florida using Florida's
 708 Entertainment Industry Financial Incentive," or a similar
 709 statement approved by the Division Office of Film and
 710 Entertainment, shall be used. The Division Office of Film and
 711 Entertainment shall provide a logo and supply it for the
 712 purposes specified in this paragraph. A 30-second "Visit
 713 Florida" promotional video must also be included on all optical
 714 disc formats of a film, unless such placement is prohibited by
 715 licensing or other contractual obligations. The 30-second
 716 promotional video shall be approved and provided by the Florida
 717 Tourism Industry Marketing Corporation in consultation with the
 718 Commissioner of Film and Entertainment. A qualified production
 719 company that receives certification for tax credits under this
 720 section shall include, at no additional cost to the state, a
 721 link to the Florida Tourism Industry Marketing Corporation
 722 website or another website designated by the department on the
 723 company's website for the entire term of the commitment. If the
 724 company is unable to provide such link on its website, it must
 725 provide a promotional opportunity of equal or greater value as
 726 approved by and at the sole discretion of the department.

727 (4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES;
 728 ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS;

729 PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND
 730 ACQUISITIONS.—

731 ~~(a) Priority for tax credit award. The priority of a~~
 732 ~~qualified production for tax credit awards must be determined on~~
 733 ~~a first come, first served basis within its appropriate queue.~~
 734 ~~Each qualified production must be placed into the appropriate~~
 735 ~~queue and is subject to the requirements of that queue.~~

736 (a)(b) Tax credit eligibility.—Each qualified production
 737 must be placed into the appropriate queue and is subject to the
 738 requirements of that queue.

739 1. General production queue.—Ninety-four percent of tax
 740 credits authorized pursuant to subsection (6) in any state
 741 fiscal year must be dedicated to the general production queue.
 742 The general production queue consists of all qualified
 743 productions other than those eligible for the commercial and
 744 music video queue or the independent and emerging media
 745 production queue. A qualified production that demonstrates a
 746 minimum of \$625,000 in qualified expenditures is eligible for
 747 tax credits equal to 20 percent of its actual qualified
 748 expenditures, up to a maximum of \$8 million. A qualified
 749 production that incurs qualified expenditures during multiple
 750 state fiscal years may combine those expenditures to satisfy the
 751 \$625,000 minimum threshold.

752 a. An off-season certified production that is a feature
 753 film, independent film, or television series or pilot is
 754 eligible for an additional 5 percent tax credit on actual

755 qualified expenditures. An off-season certified production that
 756 does not complete 75 percent of principal photography due to a
 757 disruption caused by a hurricane or tropical storm may not be
 758 disqualified from eligibility for the additional 5 percent
 759 credit as a result of the disruption.

760 ~~b. If more than 45 percent of the sum of total tax credits~~
 761 ~~initially certified and awarded after April 1, 2012, total tax~~
 762 ~~credits initially certified after April 1, 2012, but not yet~~
 763 ~~awarded, and total tax credits available for certification after~~
 764 ~~April 1, 2012, but not yet certified has been awarded for high-~~
 765 ~~impact television series, then no high-impact television series~~
 766 ~~is eligible for tax credits under this subparagraph. Tax credits~~
 767 ~~initially certified for a high-impact television series after~~
 768 ~~April 1, 2012, may not be awarded if the award will cause the~~
 769 ~~percentage threshold in this sub-subparagraph to be exceeded.~~
 770 ~~This sub-subparagraph does not prohibit the award of tax credits~~
 771 ~~certified before April 1, 2012, for high-impact television~~
 772 ~~series.~~

773 ~~e. Subject to sub-subparagraph b., first priority in the~~
 774 ~~queue for tax credit awards not yet certified shall be given to~~
 775 ~~high-impact television series and high-impact digital media~~
 776 ~~projects. For the purposes of determining priority between a~~
 777 ~~high-impact television series and a high-impact digital media~~
 778 ~~project, the first position must go to the first application~~
 779 ~~received. Thereafter, priority shall be determined by~~
 780 ~~alternating between a high-impact television series and a high-~~

781 ~~impact digital media project on a first-come, first-served~~
 782 ~~basis. However, if the Office of Film and Entertainment receives~~
 783 ~~an application for a high-impact television series or high-~~
 784 ~~impact digital media project that would be certified but for the~~
 785 ~~alternating priority, the office may certify the project as~~
 786 ~~being in the priority position if an application that would~~
 787 ~~normally be the priority position is not received within 5~~
 788 ~~business days.~~

789 ~~d. A qualified production for which at least 67 percent of~~
 790 ~~its principal photography days occur within a region designated~~
 791 ~~as an underutilized region at the time that the production is~~
 792 ~~certified is eligible for an additional 5 percent tax credit.~~

793 b.e. A qualified production may receive an additional 15-
 794 percent tax credit on qualified expenditures on wages, salaries,
 795 or other compensation paid to the following individuals employed
 796 by the qualified production: ~~that employs~~ students enrolled
 797 full-time in a film and entertainment-related or digital media-
 798 related course of study at an institution of higher education in
 799 this state, individuals participating in the road-to-
 800 independence program under s. 409.1451, individuals with
 801 developmental disabilities as defined in s. 393.063 who reside
 802 in the state, and veterans residing in the state ~~is eligible for~~
 803 an additional 15 percent tax credit on qualified expenditures
 804 that are wages, salaries, or other compensation paid to such
 805 students. The additional 15 percent tax credit is also
 806 applicable to persons hired within 12 months after graduating

807 | from a film and entertainment-related or digital media-related
 808 | course of study at an institution of higher education in this
 809 | state. The additional 15 percent tax credit applies to qualified
 810 | expenditures that are wages, salaries, or other compensation
 811 | paid to such recent graduates for 1 year after the date of
 812 | hiring.

813 | ~~c.f.~~ A qualified production for which 50 percent or more
 814 | of its principal photography occurs at a qualified production
 815 | facility, or a qualified digital media project or the digital
 816 | animation component of a qualified production for which 50
 817 | percent or more of the project's or component's qualified
 818 | expenditures are related to a qualified digital media production
 819 | facility, is eligible for an additional 5 percent tax credit on
 820 | actual qualified expenditures for production activity at that
 821 | facility.

822 | ~~d.g.~~ A qualified production is not eligible for tax
 823 | credits provided under this paragraph totaling more than 25 ~~30~~
 824 | percent of its actual qualified expenses.

825 | 2. Commercial and music video queue.—Three percent of tax
 826 | credits authorized pursuant to subsection (6) in any state
 827 | fiscal year must be dedicated to the commercial and music video
 828 | queue. A qualified production company that produces national or
 829 | regional commercials or music videos may be eligible for a tax
 830 | credit award if it demonstrates a minimum of \$100,000 in
 831 | qualified expenditures per national or regional commercial or
 832 | music video and exceeds a combined threshold of \$500,000 after

833 combining actual qualified expenditures from qualified
 834 commercials and music videos during a single state fiscal year.
 835 After a qualified production company that produces commercials,
 836 music videos, or both reaches the threshold of \$500,000, it is
 837 eligible to apply for certification for a tax credit award. The
 838 maximum credit award shall be equal to 20 percent of its actual
 839 qualified expenditures up to a maximum of \$500,000. If there is
 840 a surplus at the end of a fiscal year after the department
 841 ~~Office of Film and Entertainment~~ certifies and determines the
 842 tax credits for all qualified commercial and video projects,
 843 such surplus tax credits shall be carried forward to the
 844 following fiscal year and are available to any eligible
 845 qualified productions under the general production queue.

846 3. Independent and emerging media production queue.—Three
 847 percent of tax credits authorized pursuant to subsection (6) in
 848 any state fiscal year must be dedicated to the independent and
 849 emerging media production queue. This queue is intended to
 850 encourage independent film and emerging media production in this
 851 state. Any qualified production, excluding commercials,
 852 infomercials, or music videos, which demonstrates at least
 853 \$100,000, but not more than \$625,000, in total qualified
 854 expenditures is eligible for tax credits equal to 20 percent of
 855 its actual qualified expenditures. If a surplus exists at the
 856 end of a fiscal year after the department ~~Office of Film and~~
 857 ~~Entertainment~~ certifies and determines the tax credits for all
 858 qualified independent and emerging media production projects,

859 such surplus tax credits shall be carried forward to the
 860 following fiscal year and are available to any eligible
 861 qualified productions under the general production queue.

862 4. Family-friendly productions.—A certified theatrical or
 863 direct-to-video motion picture production or video game
 864 determined by the Commissioner of Film and Entertainment, ~~with~~
 865 ~~the advice of the Florida Film and Entertainment Advisory~~
 866 ~~Council~~, to be family-friendly, based on review of the script
 867 and review of the final release version, is eligible for an
 868 additional tax credit equal to 5 percent of its actual qualified
 869 expenditures. Family-friendly productions are those that have
 870 cross-generational appeal; would be considered suitable for
 871 viewing by children age 5 or older; are appropriate in theme,
 872 content, and language for a broad family audience; embody a
 873 responsible resolution of issues; and do not exhibit or imply
 874 any act of smoking, sex, nudity, or vulgar or profane language.

875 (b) ~~(e)~~ Withdrawal of tax credit eligibility.—A qualified or
 876 certified production must continue on a reasonable schedule,
 877 which includes beginning principal photography or the production
 878 project in this state no more than 45 calendar days before or
 879 after the principal photography or project start date provided
 880 in the production's program application. The department shall
 881 withdraw the eligibility of a qualified or certified production
 882 that does not continue on a reasonable schedule.

883 (c) ~~(d)~~ Election and distribution of tax credits.—

884 1. A certified production company receiving a tax credit

885 | award under this section shall, at the time the credit is
 886 | awarded by the department after production is completed and all
 887 | requirements to receive a credit award have been met, make an
 888 | irrevocable election to apply the credit against taxes due under
 889 | chapter 220, against state taxes collected or accrued under
 890 | chapter 212, or against a stated combination of the two taxes.
 891 | The election is binding upon any distributee, successor,
 892 | transferee, or purchaser. The department shall notify the
 893 | Department of Revenue of any election made pursuant to this
 894 | paragraph.

895 | 2. A qualified production company is eligible for tax
 896 | credits against its sales and use tax liabilities and corporate
 897 | income tax liabilities as provided in this section. However, tax
 898 | credits awarded under this section may not be claimed against
 899 | sales and use tax liabilities or corporate income tax
 900 | liabilities for any tax period beginning before July 1, 2011,
 901 | regardless of when the credits are applied for or awarded.

902 | ~~(d)~~(e) Tax credit carryforward.—If the certified
 903 | production company cannot use the entire tax credit in the
 904 | taxable year or reporting period in which the credit is awarded,
 905 | any excess amount may be carried forward to a succeeding taxable
 906 | year or reporting period. A tax credit applied against taxes
 907 | imposed under chapter 212 may be carried forward for a maximum
 908 | of 5 years after the date the credit is awarded. A tax credit
 909 | applied against taxes imposed under chapter 220 may be carried
 910 | forward for a maximum of 5 years after the date the credit is

911 awarded, after which the credit expires and may not be used.

912 (e)~~(f)~~ Consolidated returns.—A certified production
 913 company that files a Florida consolidated return as a member of
 914 an affiliated group under s. 220.131(1) may be allowed the
 915 credit on a consolidated return basis up to the amount of the
 916 tax imposed upon the consolidated group under chapter 220.

917 (f)~~(g)~~ Partnership and noncorporate distributions.—A
 918 qualified production company that is not a corporation as
 919 defined in s. 220.03 may elect to distribute tax credits awarded
 920 under this section to its partners or members in proportion to
 921 their respective distributive income or loss in the taxable year
 922 in which the tax credits were awarded.

923 (g)~~(h)~~ Mergers or acquisitions.—Tax credits available
 924 under this section to a certified production company may succeed
 925 to a surviving or acquiring entity subject to the same
 926 conditions and limitations as described in this section;
 927 however, they may not be transferred again by the surviving or
 928 acquiring entity.

929 (5) TRANSFER OF TAX CREDITS.—

930 (a) Authorization.—Upon application to ~~the Office of Film~~
 931 ~~and Entertainment~~ and approval by the department, a certified
 932 production company, or a partner or member that has received a
 933 distribution under paragraph (4)(g), may elect to transfer, in
 934 whole or in part, any unused credit amount granted under this
 935 section. An election to transfer any unused tax credit amount
 936 under chapter 212 or chapter 220 must be made no later than 5

937 | years after the date the credit is awarded, after which period
 938 | the credit expires and may not be used. The department shall
 939 | notify the Department of Revenue of the election and transfer.

940 | (b) Number of transfers permitted.—A certified production
 941 | company that elects to apply a credit amount against taxes
 942 | remitted under chapter 212 is permitted a one-time transfer of
 943 | unused credits to one transferee. A certified production company
 944 | that elects to apply a credit amount against taxes due under
 945 | chapter 220 is permitted a one-time transfer of unused credits
 946 | to no more than four transferees, and such transfers must occur
 947 | in the same taxable year.

948 | (c) Transferee rights and limitations.—The transferee is
 949 | subject to the same rights and limitations as the certified
 950 | production company awarded the tax credit, except that the
 951 | initial transferee shall be permitted a one-time transfer of
 952 | unused credits to no more than two subsequent transferees, and
 953 | such transfers must occur in the same taxable year as the
 954 | credits were received by the initial transferee, after which the
 955 | subsequent transferees may not sell or otherwise transfer the
 956 | tax credit.

957 | (6) RELINQUISHMENT OF TAX CREDITS.—

958 | (a) Beginning July 1, 2011, a certified production
 959 | company, or any person who has acquired a tax credit from a
 960 | certified production company pursuant to subsections (4) and
 961 | (5), may elect to relinquish the tax credit to the Department of
 962 | Revenue in exchange for 90 percent of the amount of the

963 | relinquished tax credit.

964 | (b) The Department of Revenue may approve payments to
965 | persons relinquishing tax credits pursuant to this subsection.

966 | (c) Subject to legislative appropriation, the Department
967 | of Revenue shall request the Chief Financial Officer to issue
968 | warrants to persons relinquishing tax credits. Payments under
969 | this subsection shall be made from the funds from which the
970 | proceeds from the taxes against which the tax credits could have
971 | been applied pursuant to the irrevocable election made by the
972 | certified production company under subsection (4) are deposited.

973 | (7) ANNUAL ALLOCATION OF TAX CREDITS.—

974 | (a) The aggregate amount of the tax credits that may be
975 | certified pursuant to paragraph (3)(d) may not exceed:

- 976 | 1. For fiscal year 2010-2011, \$53.5 million.
977 | 2. For fiscal year 2011-2012, \$74.5 million.
978 | 3. For fiscal years 2012-2013, 2013-2014, 2014-2015, and
979 | 2015-2016, \$42 million per fiscal year.

980 | (b) Any portion of the maximum amount of tax credits
981 | established per fiscal year in paragraph (a) that is not
982 | certified as of the end of a fiscal year shall be carried
983 | forward and made available for certification during the
984 | following 2 fiscal years in addition to the amounts available
985 | for certification under paragraph (a) for those fiscal years.

986 | (c) Upon approval of the final tax credit award amount
987 | pursuant to subparagraph (3)(f)2., an amount equal to the
988 | difference between the maximum tax credit award amount

989 previously certified under paragraph (3)(d) and the approved
 990 final tax credit award amount shall immediately be available for
 991 recertification during the current and following fiscal years in
 992 addition to the amounts available for certification under
 993 paragraph (a) for those fiscal years.

994 ~~(d) If, during a fiscal year, the total amount of credits~~
 995 ~~applied for, pursuant to paragraph (3)(a), exceeds the amount of~~
 996 ~~credits available for certification in that fiscal year, such~~
 997 ~~excess shall be treated as having been applied for on the first~~
 998 ~~day of the next fiscal year in which credits remain available~~
 999 ~~for certification.~~

1000 (11) REPEAL.—This section is repealed July 1, 2016, except
 1001 that:

1002 (a) Tax credits certified under paragraph (3)(d) before
 1003 July 1, 2016, may be awarded under paragraph (3)(f) on or after
 1004 July 1, 2016, if the other requirements of this section are met.

1005 (b) Tax credits carried forward under paragraph (4)(d)
 1006 ~~(4)(e)~~ remain valid for the period specified.

1007 (c) Subsections (5), (8), and (9) shall remain in effect
 1008 until July 1, 2021.

1009 Section 6. Section 288.1258, Florida Statutes, is amended
 1010 to read:

1011 288.1258 Entertainment industry qualified production
 1012 companies; application procedure; categories; duties of the
 1013 Department of Revenue; records and reports.—

1014 (1) PRODUCTION COMPANIES AUTHORIZED TO APPLY.—

1015 (a) Any production company engaged in this state in the
 1016 production of motion pictures, made-for-TV motion pictures,
 1017 television series, commercial advertising, music videos, or
 1018 sound recordings may submit an application to the Department of
 1019 Revenue to be approved by the Department of Economic Opportunity
 1020 ~~Office of Film and Entertainment~~ as a qualified production
 1021 company for the purpose of receiving a sales and use tax
 1022 certificate of exemption from the Department of Revenue to
 1023 exempt purchases on or after the date on which a complete
 1024 application is filed with the Department of Revenue for
 1025 exemptions under ss. 212.031, 212.06, and 212.08.

1026 (b) As used in ~~For the purposes of~~ this section,
 1027 "qualified production company" means any production company that
 1028 has submitted a properly completed application to the Department
 1029 of Revenue and that is subsequently qualified by the Department
 1030 of Economic Opportunity ~~Office of Film and Entertainment~~.

1031 (2) APPLICATION PROCEDURE.—

1032 (a) The Department of Revenue shall ~~will~~ review all
 1033 submitted applications for the required information. Within 10
 1034 working days after the receipt of a properly completed
 1035 application, the Department of Revenue shall ~~will~~ forward the
 1036 completed application to the Department of Economic Opportunity
 1037 ~~Office of Film and Entertainment~~ for approval.

1038 (b)1. The Department of Economic Opportunity ~~Office of~~
 1039 ~~Film and Entertainment~~ shall establish a process by which an
 1040 entertainment industry production company may be approved by the

1041 department office as a qualified production company and may
 1042 receive a certificate of exemption from the Department of
 1043 Revenue for the sales and use tax exemptions under ss. 212.031,
 1044 212.06, and 212.08.

1045 2. Upon determination by the department Office of Film and
 1046 ~~Entertainment~~ that a production company meets the established
 1047 approval criteria and qualifies for exemption, the department
 1048 ~~Office of Film and Entertainment~~ shall return the approved
 1049 application or application renewal or extension to the
 1050 Department of Revenue, which shall issue a certificate of
 1051 exemption.

1052 3. The department Office of Film and Entertainment shall
 1053 deny an application or application for renewal or extension from
 1054 a production company if it determines that the production
 1055 company does not meet the established approval criteria.

1056 (c) The department Office of Film and Entertainment shall
 1057 develop, with the cooperation of the Department of Revenue, the
 1058 Division of Film and Entertainment within Enterprise Florida,
 1059 Inc., and local government entertainment industry promotion
 1060 agencies, a standardized application form for use in approving
 1061 qualified production companies.

1062 1. The application form shall include, but not be limited
 1063 to, production-related information on employment, proposed
 1064 budgets, planned purchases of items exempted from sales and use
 1065 taxes under ss. 212.031, 212.06, and 212.08, a signed
 1066 affirmation from the applicant that any items purchased for

1067 | which the applicant is seeking a tax exemption are intended for
 1068 | use exclusively as an integral part of entertainment industry
 1069 | preproduction, production, or postproduction activities engaged
 1070 | in primarily in this state, and a signed affirmation from the
 1071 | department ~~Office of Film and Entertainment~~ that the information
 1072 | on the application form has been verified and is correct. In
 1073 | lieu of information on projected employment, proposed budgets,
 1074 | or planned purchases of exempted items, a production company
 1075 | seeking a 1-year certificate of exemption may submit summary
 1076 | historical data on employment, production budgets, and purchases
 1077 | of exempted items related to production activities in this
 1078 | state. Any information gathered from production companies for
 1079 | the purposes of this section shall be considered confidential
 1080 | taxpayer information and shall be disclosed only as provided in
 1081 | s. 213.053.

1082 | 2. The application form may be distributed to applicants
 1083 | by the department, the Division ~~Office~~ of Film and Entertainment
 1084 | or local film commissions.

1085 | (d) All applications, renewals, and extensions for
 1086 | designation as a qualified production company shall be processed
 1087 | by the department ~~Office of Film and Entertainment~~.

1088 | (e) If ~~In the event that~~ the Department of Revenue
 1089 | determines that a production company no longer qualifies for a
 1090 | certificate of exemption, or has used a certificate of exemption
 1091 | for purposes other than those authorized by this section and
 1092 | chapter 212, the Department of Revenue shall revoke the

1093 certificate of exemption of that production company, and any
 1094 sales or use taxes exempted on items purchased or leased by the
 1095 production company during the time such company did not qualify
 1096 for a certificate of exemption or improperly used a certificate
 1097 of exemption shall become immediately due to the Department of
 1098 Revenue, along with interest and penalty as provided by s.
 1099 212.12. In addition to the other penalties imposed by law, any
 1100 person who knowingly and willfully falsifies an application, or
 1101 uses a certificate of exemption for purposes other than those
 1102 authorized by this section and chapter 212, commits a felony of
 1103 the third degree, punishable as provided in ss. 775.082,
 1104 775.083, and 775.084.

1105 (3) CATEGORIES.—

1106 (a)1. A production company may be qualified for
 1107 designation as a qualified production company for a period of 1
 1108 year if the company has operated a business in Florida at a
 1109 permanent address for a period of 12 consecutive months. Such a
 1110 qualified production company shall receive a single 1-year
 1111 certificate of exemption from the Department of Revenue for the
 1112 sales and use tax exemptions under ss. 212.031, 212.06, and
 1113 212.08, which certificate shall expire 1 year after issuance or
 1114 upon the cessation of business operations in the state, at which
 1115 time the certificate shall be surrendered to the Department of
 1116 Revenue.

1117 2. ~~The Office of Film and Entertainment shall develop a~~
 1118 ~~method by which~~ A qualified production company may submit a new

1119 application for annually renew a 1-year certificate of exemption
 1120 upon expiration of that company's certificate of exemption;
 1121 however, upon approval by the department, such qualified
 1122 production company may annually renew the 1-year certificate of
 1123 exemption for a period of up to 5 years without submitting
 1124 ~~requiring the production company to resubmit~~ a new application
 1125 during that 5-year period.

1126 3. Each year, or upon surrender of the certificate of
 1127 exemption to the Department of Revenue, the Any qualified
 1128 production company shall may submit to the department aggregate
 1129 data for production-related information on employment,
 1130 expenditures in this state, capital investment, and purchases of
 1131 items exempted from sales and use taxes under ss. 212.031,
 1132 212.06, and 212.08 for inclusion in the annual report required
 1133 under subsection (5) a new application for a 1-year certificate
 1134 ~~of exemption upon the expiration of that company's certificate~~
 1135 ~~of exemption.~~

1136 (b)1. A production company may be qualified for
 1137 designation as a qualified production company for a period of 90
 1138 days. Such production company shall receive a single 90-day
 1139 certificate of exemption from the Department of Revenue for the
 1140 sales and use tax exemptions under ss. 212.031, 212.06, and
 1141 212.08, which certificate shall expire 90 days after issuance or
 1142 upon the cessation of business operations in the state, at which
 1143 ~~time, with extensions contingent upon approval of the Office of~~
 1144 ~~Film and Entertainment.~~ the certificate shall be surrendered to

1145 the Department of Revenue ~~upon its expiration.~~

1146 2. A qualified production company may submit a new
 1147 application for a 90-day certificate of exemption each quarter
 1148 upon expiration of that company's certificate of exemption;
 1149 however, upon approval of the department, such qualified
 1150 production company may renew the 90-day certificate of exemption
 1151 for up to 1 year without submitting a new application during
 1152 that 1-year period.

1153 3.2. Each 90 days, or upon surrender of the certificate of
 1154 exemption to the Department of Revenue, the qualified ~~Any~~
 1155 production company shall ~~may~~ submit to the department aggregate
 1156 data for production-related information on employment,
 1157 expenditures in this state, capital investment, and purchases of
 1158 items exempted from sales and use taxes under ss. 212.031,
 1159 212.06, and 212.08 for inclusion in the annual report required
 1160 under subsection (5) ~~a new application for a 90-day certificate~~
 1161 ~~of exemption upon the expiration of that company's certificate~~
 1162 ~~of exemption.~~

1163 (4) DUTIES OF THE DEPARTMENT OF REVENUE.—

1164 (a) The Department of Revenue shall review the initial
 1165 application and notify the applicant of any omissions and
 1166 request additional information if needed. An application shall
 1167 be complete upon receipt of all requested information. The
 1168 Department of Revenue shall forward all complete applications to
 1169 the department ~~Office of Film and Entertainment~~ within 10
 1170 working days.

1171 (b) The Department of Revenue shall issue a numbered
 1172 certificate of exemption to a qualified production company
 1173 within 5 working days of the receipt of an approved application,
 1174 application renewal, or application extension from the
 1175 department ~~Office of Film and Entertainment~~.

1176 (c) The Department of Revenue may adopt ~~promulgate~~ such
 1177 rules and shall prescribe and publish such forms as may be
 1178 necessary to effectuate the purposes of this section or any of
 1179 the sales tax exemptions which are reasonably related to the
 1180 provisions of this section.

1181 (d) The Department of Revenue is authorized to establish
 1182 audit procedures in accordance with the provisions of ss.
 1183 212.12, 212.13, and 213.34 which relate to the sales tax
 1184 exemption provisions of this section.

1185 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO
 1186 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The department
 1187 ~~Office of Film and Entertainment~~ shall keep annual records from
 1188 the information provided on taxpayer applications for tax
 1189 exemption certificates ~~beginning January 1, 2001~~. These records
 1190 also must reflect a ratio of the annual amount of sales and use
 1191 tax exemptions under this section, plus the tax credits
 1192 ~~incentives~~ awarded pursuant to s. 288.1254 to the estimated
 1193 amount of funds expended by certified productions. In addition,
 1194 the department ~~office~~ shall maintain data showing annual growth
 1195 in Florida-based entertainment industry companies and
 1196 entertainment industry employment and wages. The employment

1197 information must include ~~an estimate of~~ the full-time equivalent
 1198 positions created by each production that received tax credits
 1199 pursuant to s. 288.1254. The department ~~Office of Film and~~
 1200 ~~Entertainment~~ shall include this information in the annual
 1201 report for the entertainment industry ~~financial incentive~~
 1202 program required under s. 288.1254 ~~288.1254(10)~~.

1203 Section 7. Subsection (1) of section 288.92, Florida
 1204 Statutes, is amended to read:

1205 288.92 Divisions of Enterprise Florida, Inc.—

1206 (1) Enterprise Florida, Inc., may create and dissolve
 1207 divisions as necessary to carry out its mission. Each division
 1208 shall have distinct responsibilities and complementary missions.
 1209 At a minimum, Enterprise Florida, Inc., shall have divisions
 1210 related to the following areas:

- 1211 (a) International Trade and Business Development.†
- 1212 (b) Business Retention and Recruitment.†
- 1213 (c) Tourism Marketing.†
- 1214 (d) Minority Business Development.† ~~and~~
- 1215 (e) Sports Industry Development~~†~~
- 1216 (f) Film and Entertainment.

1217 Section 8. Subsection (5) of section 477.0135, Florida
 1218 Statutes, is amended to read:

1219 477.0135 Exemptions.—

1220 (5) A license is not required of any individual providing
 1221 makeup, special effects, or cosmetology services to an actor,
 1222 stunt person, musician, extra, or other talent during a

1223 production recognized by the Department of Economic Opportunity
 1224 ~~Office of Film and Entertainment~~ as a qualified production as
 1225 defined in s. 288.1254(1). Such services are not required to be
 1226 performed in a licensed salon. Individuals exempt under this
 1227 subsection may not provide such services to the general public.

1228 Section 9. Paragraph (q) of subsection (5) of section
 1229 212.08, Florida Statutes, is amended to read:

1230 212.08 Sales, rental, use, consumption, distribution, and
 1231 storage tax; specified exemptions.—The sale at retail, the
 1232 rental, the use, the consumption, the distribution, and the
 1233 storage to be used or consumed in this state of the following
 1234 are hereby specifically exempt from the tax imposed by this
 1235 chapter.

1236 (5) EXEMPTIONS; ACCOUNT OF USE.—

1237 (q) Entertainment industry tax credit; authorization;
 1238 eligibility for credits.—The credits against the state sales tax
 1239 authorized pursuant to s. 288.1254 shall be deducted from any
 1240 sales and use tax remitted by the dealer to the department by
 1241 electronic funds transfer and may only be deducted on a sales
 1242 and use tax return initiated through electronic data
 1243 interchange. The dealer shall separately state the credit on the
 1244 electronic return. The net amount of tax due and payable must be
 1245 remitted by electronic funds transfer. If the credit for the
 1246 qualified expenditures is larger than the amount owed on the
 1247 sales and use tax return that is eligible for the credit, the
 1248 unused amount of the credit may be carried forward to a

1249 succeeding reporting period as provided in s. 288.1254(4)(d)
 1250 ~~288.1254(4)(e)~~. A dealer may only obtain a credit using the
 1251 method described in this subparagraph. A dealer is not
 1252 authorized to obtain a credit by applying for a refund.

1253 Section 10. Paragraph (3) of section 220.1899, Florida
 1254 Statutes, is amended to read:

1255 220.1899 Entertainment industry tax credit.—

1256 (3) To the extent that the amount of a tax credit exceeds
 1257 the amount due on a return, the balance of the credit may be
 1258 carried forward to a succeeding taxable year pursuant to s.
 1259 288.1254(4)(d) ~~288.1254(4)(e)~~.


1260 Section 11. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 621 Voluntary Contributions to End Breast Cancer

SPONSOR(S): Fitzenhagen

TIED BILLS: IDEN./SIM. **BILLS:** SB 676

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	10 Y, 0 N	Whittaker	Smith
2) Transportation & Economic Development Appropriations Subcommittee	8 Y, 0 N	Cobb	Davis
3) Economic Affairs Committee		Whittaker	Cremerer 

SUMMARY ANALYSIS

The bill directs the Department of Highway Safety and Motor Vehicles (DHSMV) to include language permitting a voluntary contribution of \$1 or more on a motor vehicle registration and driver license application listed as "End Breast Cancer." Such contributions will be distributed by the DHSMV to the Florida Breast Cancer Coalition Research Foundation, Inc., and shall be used for breast cancer research and education.

The organization has met all requirements to pursue legislation to establish a voluntary contribution by submitting a letter of request, \$20,000 application fee (\$10,000 for motor vehicle registration and \$10,000 for driver license renewal notices), and a marketing strategy outlining short-term and long-term plans.¹

This bill will have an insignificant, negative fiscal impact to the DHSMV that will be absorbed within existing resources.

The bill will become effective July 1, 2015.

¹ Letter from DHSMV on file with the Highway and Waterway Safety Subcommittee

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Establishing a Voluntary Contribution Check-off

Florida Statutes 320.023 and 322.081 provides requirements that must be met by an organization seeking authorization to establish a voluntary contribution on either a motor vehicle registration or driver license application or renewal. The organization must submit all of the following to DHSMV:

- A request for the particular voluntary contribution being sought, describing the proposed voluntary contribution in general terms.
- An application fee, not to exceed \$10,000 to defray the department's cost for reviewing the application and developing the voluntary contribution check-off, if authorized. State funds may not be used to pay the application fee.
- A marketing strategy outlining short-term and long-term marketing plans for the requested voluntary contribution and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contribution.

The information must be submitted to DHSMV at least 90 days before the convening of the next regular session of the Legislature.

Currently, there are 26 different voluntary contribution options on a motor vehicle registration application and 19 different voluntary contribution options on a driver license and identification card application.²

The department is authorized to discontinue the voluntary contribution if less than \$25,000 has been contributed by the end of the 5th year or less than \$25,000 is contributed during any subsequent 5-year period.

Proposed Change

Florida Breast Cancer Foundation

The bill amends s. 320.02 and s. 322.08, F.S., directing DHSMV to include language permitting a voluntary contribution of \$1 or more on a motor vehicle registration and driver license application listed as "End Breast Cancer." Such contributions will be distributed by the department to the Florida Breast Cancer Coalition Research Foundation, Inc., and shall be used for breast cancer research and education.

The Florida Breast Cancer Foundation organization has met all of the requirements to pursue legislation to establish a voluntary contribution on both a vehicle registration and driver license application and renewal.³

The Florida Breast Cancer Foundation was founded by 3 Miami women in 1993. Originally named The South Florida Breast Cancer Coalition, the organization began as a nonprofit, grassroots organization dedicated to ending breast cancer through advocacy, education, and research. With the introduction of the specialty End Breast Cancer license plate in 2002, a second organization was formed and named the Florida Breast Cancer Coalition Research Foundation, created to receive the funds from the sale of the plate. A few years later the official name changed to the Florida Breast Cancer Foundation.⁴

² Email from DHSMV on file with Highway and Waterway Safety Subcommittee

³ Letter from DHSMV on file with the Highway and Waterway Safety Subcommittee

⁴ Florida Breast Cancer Foundation, *Together we WILL end Breast Cancer*, <http://www.floridabreastcancer.org/> (last viewed 2/5/15)

B. SECTION DIRECTORY:

- Section 1 Amends s. 320.02, F.S., directing DHSMV to include language permitting a voluntary contribution of \$1 or more on a motor vehicle registration application and renewal listed as "End Breast Cancer." Such contributions will be distributed by the department to the Florida Breast Cancer Coalition Research Foundation, Inc., and shall be used for breast cancer research and education.
- Section 2 Amends s. 322.08, F.S., directing DHSMV to include language permitting a voluntary contribution of \$1 or more on a driver license and identification card application and renewal listed as "End Breast Cancer." Such contributions will be distributed by the department to the Florida Breast Cancer Coalition Research Foundation, Inc., and shall be used for breast cancer research and education.
- 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:

The DHSMV will bear the estimated cost of \$55,000⁵ to redesign and develop the new application forms. This cost is partially offset by the \$20,000 application fee paid by the Florida Breast Cancer Foundation. The department will absorb the remaining costs within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Voluntary contributions collected will benefit the Florida Breast Cancer Coalition Research Foundation, Inc. The total amount of proceeds from contributions is unknown.

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 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

None

A bill to be entitled

An act relating to voluntary contributions to End Breast Cancer; amending s. 320.02, F.S.; requiring the application forms for motor vehicle registration and renewal of registration to include language permitting the applicant to make a voluntary contribution to End Breast Cancer to be distributed to a specified organization and used for specified purposes; amending s. 322.08, F.S.; requiring an application form for a driver license or identification card to include language permitting the applicant to make a voluntary contribution to End Breast Cancer to be distributed to a specified organization; providing an effective date.

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

Section 1. Paragraph (u) is added to subsection (15) of section 320.02, Florida Statutes, to read:

320.02 Registration required; application for registration; forms.—

(15)

(u) The application form for motor vehicle registration and renewal of registration must include language permitting a voluntary contribution of \$1 or more per applicant to End Breast Cancer. Such contributions shall be distributed by the department to the Florida Breast Cancer Coalition Research

27 Foundation, Inc., an organization not-for-profit under s.
 28 501(c)(3) of the Internal Revenue Code, and shall be used for
 29 breast cancer research and education.

30
 31 For the purpose of applying the service charge provided in s.
 32 215.20, contributions received under this subsection are not
 33 income of a revenue nature.

34 Section 2. Subsection (7) of section 322.08, Florida
 35 Statutes, is amended to read:

36 322.08 Application for license; requirements for license
 37 and identification card forms.—

38 (7) The application form for an original, renewal, or
 39 replacement driver license or identification card must include
 40 language permitting the following:

41 (a) A voluntary contribution of \$1 per applicant, which
 42 contribution shall be deposited into the Health Care Trust Fund
 43 for organ and tissue donor education and for maintaining the
 44 organ and tissue donor registry.

45 (b) A voluntary contribution of \$1 per applicant, which
 46 shall be distributed to the Florida Council of the Blind.

47 (c) A voluntary contribution of \$2 per applicant, which
 48 shall be distributed to the Hearing Research Institute,
 49 Incorporated.

50 (d) A voluntary contribution of \$1 per applicant, which
 51 shall be distributed to the Juvenile Diabetes Foundation
 52 International.

53 (e) A voluntary contribution of \$1 per applicant, which
 54 shall be distributed to the Children's Hearing Help Fund.

55 (f) A voluntary contribution of \$1 per applicant, which
 56 shall be distributed to Family First, a nonprofit organization.

57 (g) A voluntary contribution of \$1 per applicant to Stop
 58 Heart Disease, which shall be distributed to the Florida Heart
 59 Research Institute, a nonprofit organization.

60 (h) A voluntary contribution of \$1 per applicant to Senior
 61 Vision Services, which shall be distributed to the Florida
 62 Association of Agencies Serving the Blind, Inc., a not-for-
 63 profit organization.

64 (i) A voluntary contribution of \$1 per applicant for
 65 services for persons with developmental disabilities, which
 66 shall be distributed to The Arc of Florida.

67 (j) A voluntary contribution of \$1 to the Ronald McDonald
 68 House, which shall be distributed each month to Ronald McDonald
 69 House Charities of Tampa Bay, Inc.

70 (k) Notwithstanding s. 322.081, a voluntary contribution
 71 of \$1 per applicant, which shall be distributed to the League
 72 Against Cancer/La Liga Contra el Cancer, a not-for-profit
 73 organization.

74 (l) A voluntary contribution of \$1 per applicant to
 75 Prevent Child Sexual Abuse, which shall be distributed to
 76 Lauren's Kids, Inc., a nonprofit organization.

77 (m) A voluntary contribution of \$1 per applicant, which
 78 shall be distributed to Prevent Blindness Florida, a not-for-

79 | profit organization, to prevent blindness and preserve the sight
 80 | of the residents of this state.

81 | (n) Notwithstanding s. 322.081, a voluntary contribution
 82 | of \$1 per applicant to the state homes for veterans, to be
 83 | distributed on a quarterly basis by the department to the State
 84 | Homes for Veterans Trust Fund, which is administered by the
 85 | Department of Veterans' Affairs.

86 | (o) A voluntary contribution of \$1 per applicant to the
 87 | Disabled American Veterans, Department of Florida, which shall
 88 | be distributed quarterly to Disabled American Veterans,
 89 | Department of Florida, a nonprofit organization.

90 | (p) A voluntary contribution of \$1 per applicant for
 91 | Autism Services and Supports, which shall be distributed to
 92 | Achievement and Rehabilitation Centers, Inc., Autism Services
 93 | Fund.

94 | (q) A voluntary contribution of \$1 per applicant to
 95 | Support Our Troops, which shall be distributed to Support Our
 96 | Troops, Inc., a Florida not-for-profit organization.

97 | (r) A voluntary contribution of \$1 or more per applicant,
 98 | which shall be distributed to the Auto Club Group Traffic Safety
 99 | Foundation, Inc., a not-for-profit organization.

100 | (s) Notwithstanding s. 322.081, a voluntary contribution
 101 | of \$1 per applicant to aid the homeless. Contributions made
 102 | pursuant to this paragraph shall be deposited into the Grants
 103 | and Donations Trust Fund of the Department of Children and
 104 | Families and used by the State Office on Homelessness to

105 supplement grants made under s. 420.622(4) and (5), provide
 106 information to the public about homelessness in the state, and
 107 provide literature for homeless persons seeking assistance.



108 (t) A voluntary contribution of \$1 or more per applicant
 109 to End Breast Cancer, which shall be distributed to the Florida
 110 Breast Cancer Coalition Research Foundation, Inc., a not-for-
 111 profit organization.

112
 113 A statement providing an explanation of the purpose of the trust
 114 funds shall also be included. For the purpose of applying the
 115 service charge provided under s. 215.20, contributions received
 116 under paragraphs (b)-(t) ~~(b)-(s)~~ are not income of a revenue
 117 nature.

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

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 	Creamer 

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 an each public airport licensed by DOT prepare an airport master plan.

Proposed Changes

The bill amends s. 333.06, F.S. deleting the term "runway clear zone" and replacing it with "runway protection zone."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)1.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 sunseting 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.

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.

1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 amending s. 20.23, F.S.; removing the Secretary of
4 Transportation's authority to appoint an inspector
5 general; removing responsibilities of the Fort Myers
6 Urban Office; amending ss. 311.07 and 311.09, F.S.;
7 revising the minimum amount of funds that the
8 department must request for the Florida Seaport
9 Transportation and Economic Development Program;
10 amending s. 316.003, F.S.; revising definitions and
11 defining the term "port-of-entry" for purposes of the
12 Florida Uniform Traffic Control Law; amending s.
13 316.081, F.S.; revising provisions that require
14 driving on the right side of the roadway; amending s.
15 316.130, F.S.; revising provisions relating to right-
16 of-way when a pedestrian is crossing the roadway;
17 amending s. 316.2065, F.S.; revising provisions for
18 operating a bicycle on a roadway; removing the
19 definition of "substandard-width lane"; amending s.
20 316.545, F.S.; revising provisions for fines for
21 certain commercial motor vehicles that obtain a
22 temporary registration permit; amending s. 333.01,
23 F.S.; revising definitions for purposes of airport
24 zoning provisions; amending s. 333.025, F.S.; revising
25 provisions for permits issued by the department for
26 construction or alteration of a structure hazardous to

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

553 (f)-(d) Federal airways, visual flight rules, flyways and
 554 corridors, and instrument approaches as designated by the Federal
 555 Aviation Administration.

556 (g)-(e) 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 ~~No~~ 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.



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 Rooney offered the following:

Amendment (with directory and title amendments)

Between lines 1239 and 1240, insert:

6 (34) To assume responsibilities of the United States
 7 Department of Transportation with respect to highway projects
 8 within the state under the National Environmental Policy Act of
 9 1969, 42 U.S.C. s. 4321 et seq., and with respect to related
 10 responsibilities for environmental review, consultation, or
 11 other action required under any federal environmental law
 12 pertaining to review or approval of a highway project within the
 13 state. The department may assume responsibilities under 23
 14 U.S.C. s. 327 and enter into one or more agreements, including
 15 memoranda of understanding, with the United States Secretary of
 16 Transportation related to the federal surface transportation
 17 project delivery program for the delivery of highway projects,



Amendment No. 1.

18 as provided by 23 U.S.C. s. 327. The department may adopt rules
 19 to implement this subsection and may adopt relevant federal
 20 environmental standards as the standards for this state for a
 21 program described in this subsection. Sovereign immunity to
 22 civil suit in federal court is waived consistent with 23 U.S.C.
 23 s. 327 and limited to the compliance, discharge, or enforcement
 24 of a responsibility assumed by the department under this
 25 subsection.

27 -----
 28 **D I R E C T O R Y A M E N D M E N T**

29 Remove lines 1228-1229 and insert:

30 Section 26. Subsection (31) of section 334.044, Florida
 31 Statutes, is amended, and subsection (34) of that section is
 32 created, to read:

34 -----
 35 **T I T L E A M E N D M E N T**

36 Remove lines 80-82 and insert:

37 response"; amending s. 334.044, F.S., revising the department's
 38 duty to provide oversight of traveler information systems;
 39 authorizing the department to assume certain responsibilities of
 40 the United States Department of Transportation with respect to
 41 highway projects within the state; authorizing the department to
 42 enter into certain agreements related to the federal surface
 43 transportation project delivery program under specified federal



Amendment No. 1.

44 law; authorizing the department to adopt rules and relevant
45 federal environmental standards; providing a limited waiver of
46 sovereign immunity to civil suit in federal court; amending s.
47 334.60, F.S. revising the department's duty to provide oversight
48 of traveler information systems; amending s. 338.165,



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 Rooney offered the following:

Amendment (with title amendment)

5 Between lines 1336 and 1337, insert:

6 Section 32. Subsection (2) of section 339.2818, Florida
 7 Statutes, is amended to read:

8 339.2818 Small County Outreach Program.—

9 (2) For the purposes of this section, the term "small
 10 county" means any county that has a population of 165,000
 11 ~~150,000~~ or less as determined by the most recent official
 12 estimate pursuant to s. 186.901.

13
 14
 15 -----
 16 **T I T L E A M E N D M E N T**

17 Remove line 94 and insert:



Amendment No. 2.

18 the Legislative Budget Commission; amending s. 339.2818, F.S.;

19 revising the definition of the term "small county" for purposes

20 of the Small County Outreach Program; providing that a



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 Rooney offered the following:

Amendment (with title amendment)

Remove line 1352 and insert:

6 (5) A municipality or county may, by majority vote of its
 7 governing

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

Remove line 99 and insert:

12 providing for a municipality or county to exempt itself from

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7055 PCB HWSS 15-01 Highway Safety and Motor Vehicles
SPONSOR(S): Highway & Waterway Safety Subcommittee, Steube
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Highway & Waterway Safety Subcommittee	13 Y, 0 N	Whittaker	Smith
1) Transportation & Economic Development Appropriations Subcommittee	8 Y, 0 N	Cobb	Davis
2) Economic Affairs Committee		Whittaker	Cremer

SUMMARY ANALYSIS

The bill makes various changes to current law related to The Department of Highway Safety and Motor Vehicles (DHSMV). In summary, the bill:

- Authorizes the employing agency to pay up to \$5,000 directly to a venue to cover funeral and burial expenses of a law enforcement officer killed in the line of duty.
- Requires an 18 inch square, red flag on all loads that extend four feet or more beyond a vehicle's perimeter.
- Increases the fine from \$100 to \$500 for a violation of unlawfully displaying vehicles for sale, hire, or rental.
- Directs DHSMV to include language permitting a voluntary contribution of \$1 or more on a motor vehicle registration and driver license application listed as "End Breast Cancer." Such contributions will be distributed by the department to the Florida Breast Cancer Foundation.
- Removes requirements for establishing a specialty license plate that were declared unconstitutional in 2011 by the U.S. Middle District Court in Orlando, Florida.
- Removes provisions for the issuance of the Corrections Foundation license plate, the Children First license plate, and the Veterans of Foreign Wars license plate which are no longer in circulation.
- Provides for Major League Soccer to be included as part of Florida's professional sports team for specialty license plate purposes.
- Revises the identification of a motor vehicles ancient and antique status to model year instead of manufactured year and discontinues verification of the age of the engine.
- Requires the DHSMV, and their authorized agents, to provide each applicant for a motor vehicle registration or driver license the option to register emergency contact information and the option to be contacted with information about state and federal benefits available as a result of military service.
- Expands existing public record exemption for personal injury protection and property damage liability insurance policies to allow the Department of Highway Safety and Motor Vehicles to provide personal injury protection and property damage liability insurance policy numbers to department approved third parties that provide data collection services to an insurer of any person involved in such accident.

The bill has an indeterminate fiscal impact on state revenues and expenditures. See fiscal section for additional detail.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Funeral Expense Flexibility for Law Enforcement Officers (Section 1)

Present Situation

Beneficiaries of full-time law enforcement, correctional, or probation officers employed by the state that are killed in the line of duty are eligible to receive \$1,000 to assist with funeral and burial expenses. This is in addition to other benefits entitled to beneficiaries and dependents under the Workers' Compensation Law or other state or federal statutes.¹

Proposed Change

The bill amends s. 112.19(2)(f), F.S., authorizing the employing agency to pay up to \$5,000 directly to a venue to cover funeral and burial expenses of an officer killed in the line of duty. This authorization is in addition to the \$1,000 provided in statute.

Hazard Flags on Projecting Loads (Section 2)

Present Situation

Florida law requires red flags not less than 12 inches square be attached to a load projecting past the perimeter of a vehicle to alert surrounding drivers of the hazard.

Federal regulations require the flag to be 18 inches square. Commercial motor vehicle carriers that obtain dimension/size permits issued by the Florida Department of Transportation are required by the terms of the permit to obtain 18 inch flags.

Proposed Change

The bill amends s. 316.228(1), F.S., revising requirements from a 12 inch square flag to an 18 inch square flag on all loads that extend four feet or more beyond a vehicles perimeter.

Unlawful Display of Vehicle for Sale, Hire, or Rental (Section 3)

Present Situation

In 2010, s. 318.18(21), F.S., was passed into law imposing a \$100 fine for the unlawful display of vehicles for sale, hire or rental.

The DHSMV enforced this statutory provision 148 times in fiscal year 2013-14, resulting in \$14,800 in fines collected.²

Proposed Change

The bill amends s. 318.18(21), F.S., increasing the fine from \$100 to \$500 for a violation of unlawfully displaying vehicles for sale, hire, or rental.

¹ s. 112.19(2)(f), F.S.

² Letter from the DHSMV on file with the Transportation and Economic Development Appropriations Subcommittee

Establishing a Voluntary Contribution (Sections 4 and 10)

Present Situation

Sections 320.023 and 322.081, F.S., provide requirements that must be met by an organization seeking authorization to establish a voluntary contribution on either a motor vehicle registration or driver license application or renewal. The organization must submit all of the following to DHSMV:

- A request for the particular voluntary contribution being sought, describing the proposed voluntary contribution in general terms.
- An application fee, not to exceed \$10,000 to defray the DHSMV's cost for reviewing the application and developing the voluntary contribution checkoff, if authorized. State funds may not be used to pay the application fee.
- A marketing strategy outlining short-term and long-term marketing plans for the requested voluntary contribution and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contribution.

The information must be submitted to DHSMV at least 90 days before the convening of the next regular session of the Legislature.

Currently, there are 26 different voluntary contribution options on a motor vehicle registration application and 19 different voluntary contribution options on a driver license and identification card application.³

The department is authorized to discontinue the voluntary contribution if less than \$25,000 has been contributed by the end of the 5th year or less than \$25,000 is contributed during any subsequent 5-year period.

Proposed Change

The Florida Breast Cancer Foundation organization has met all of the requirements to pursue legislation to establish a voluntary contribution on both the vehicle registration and driver license application and renewal application forms.⁴

The bill amends s. 320.02, F.S., and s. 322.08, F.S., directing DHSMV to include language permitting a voluntary contribution of \$1 or more on a motor vehicle registration and driver license application listed as "End Breast Cancer." Such contributions will be distributed by the DHSMV to the Florida Breast Cancer Foundation.

Emergency Contact Information and Military Service Benefits (Sections 5 and 10)

The bill amends s. 320.03, F.S., and s. 322.08, F.S., requiring the DHSMV, and its authorized agents, to provide each applicant for a motor vehicle registration or driver license the option to register emergency contact information and the option to be contacted with information about state and federal benefits available as a result of military service.

³ Email from DHSMV on file with Highway and Waterway Safety Subcommittee

⁴ Letter from DHSMV on file with the Highway and Waterway Safety Subcommittee

Specialty Plate Requirement Clean-up (Section 6)

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 specialty plates.

The pre-sale methodology, created in 2010, replaced the application process. However, the application process, application fee, and marketing strategy language still exists 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.

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.

Specialty Plates (Sections 7 and 8)

Present Situation

Three specialty plates referenced in ss. 320.08056 and 320.08058, F.S., are no longer in circulation. They are the Corrections Foundation license plate, the Children First license plate, and the Veterans of Foreign Wars license plate.

The department is authorized to develop specialty license plates for Florida professional sports teams domiciled in this state that comply with the specialty license plate requirements. Team plates may come from the following professional sports: Major League Baseball, the National Basketball Association, the National Football League, the Arena Football League, and the National Hockey League. Reference to Major League Soccer is not provided, and Florida has one Major League Soccer team, the Orlando City Soccer Club.

Proposed Change

The bill amends ss. 320.08056 and 320.08058, F.S., removing provisions for the distribution of funds for the Corrections Foundation license plate, the Children First license plate, and the Veterans of Foreign Wars license plate.

The bill also amends s. 320.08058(9)(a), F.S., to include Major League Soccer as part of Florida's professional sports teams.

Technical changes are also made for the reference and renumbering of sections.

Ancient or Antique Motor Vehicles (Section 9)

Present Situation

Ancient motor vehicle is identified in s. 320.086(1), F.S., as a motor vehicle for private use manufactured in 1945 or earlier, equipped with an engine manufactured in 1945 or earlier or manufactured to the specifications of the original engine.

Antique motor vehicle is identified in s. 320.086(2)(a), F.S., as a motor vehicle for private use manufactured after 1945 and of the age of 30 years or more after the manufacture, equipped with an engine of the age of 30 years or more after the date of manufacture.

Section 320.08, F.S., allows owners of motor vehicles, mopeds, and motorcycles to pay a reduced registration annual license tax when the vehicle is considered ancient or antique.

Advisory Memorandum 201314-44, issued by DHSMV's Inspector General noted that motor vehicle antique status was determined using the model date of the vehicle contrary to Florida Statutes. This is due to the manufacture date not being captured in motor vehicle records, but instead the model year as indicated in the Vehicle Identification Number.

Proposed Change

The bill amends ss. 320.086(1) and 320.086(2)(a), F.S., revising the identification of a motor vehicle's ancient or antique status to model year instead of manufactured year and discontinuing verification of the age of the engine.

Public Record Exemption Expansion – Insurance Policy (Section 11)

Present Situation

Under s. 324.242, F.S., the department is authorized to release the personal injury protection and property damage liability policy number for a vehicle involved in an accident to any person involved in the accident, the attorney of any person involved in the accident, or a representative of the insurer of any person in the accident. Such information can only be released upon written request.

Proposed Change

The bill amends s. 324.242, F.S., expanding authorization of the department to provide personal injury protection and property damage liability insurance policy numbers to department-approved third parties that provide data collection services to an insurer of any person involved in such accident.

The bill clarifies that prior to the department's release of a policy number, an insurer's representative, contracted third party or an attorney for a person involved in an accident, must provide the department documentation confirming proof of representation.

The bill further allows for information made exempt to be disclosed to another governmental entity without a written request or copy of the crash report if disclosure is necessary for the receiving government entity to perform its duties and responsibilities.

"Governmental entity" is defined as any federal, state, county, district, authority, or municipal officer, department, division, board, bureau, or commission created or established by law.

Conforming Amendments (Sections 12 and 13)

The bill reenacts ss. 319.23(3)(c), 320.08(2)(a) and 320.08(3)(e), F.S., relating to motor vehicle certificates of title and motor vehicle license taxes, respectively, to incorporate the amendments made by the bill to s. 320.086, F.S., in reference to ancient and antique motor vehicles.

Effective Date (Section 14)

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

B. SECTION DIRECTORY:

- Section 1 Amends s. 112.19(2)(f), F.S., authorizing the employing agency to pay up to \$5,000 directly to a venue to cover funeral and burial expenses of a law enforcement officer killed in the line of duty.
- Section 2 Amends s. 316.228(1), F.S., revising requirements from a 12 inch square flag to an 18 inch square flag on all loads that extend four feet or more beyond a vehicles perimeter.
- Section 3 Amends s. 318.18(21), F.S., increasing the fine from \$100 to \$500 for a violation of unlawfully displaying vehicles for sale, hire, or rental.
- Section 4 Amends s. 320.02, F.S., requiring the motor vehicle registration form and registration renewal form to include an option to make a voluntary contribution to the Florida Breast Cancer Foundation.
- Section 5 Amends s. 320.03, F.S., providing that registration applications shall include the option to register emergency contact information and the option to be contacted with information about state and federal benefits available as a result of military service.
- Section 6 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.
- Section 7 Amends s. 320.08056, F.S., removing provisions for the issuance of the Corrections Foundation license plate, the Children First license plate, and the Veterans of Foreign Wars license plate which are no longer in circulation.
- Section 8 Amends s. 320.08058, F.S., removing provisions for distribution of funds for the Corrections Foundation license plate, the Children First license plate, and the Veterans of Foreign Wars license plate; amends s. 320.08058(9)(a), F.S., to include Major League Soccer as part of Florida's professional sports teams; makes technical changes for the reference and renumbering of sections.
- Section 9 Amends s. 320.086(1) and 320.086(2)(a), F.S., revising the identification of a motor vehicles ancient and antique status to model year instead of manufactured year and discontinuing verification of the age of the engine.
- Section 10 Amends s. 322.08, F.S., requiring the driver license application form to include an option to make a voluntary contribution to the Florida Breast Cancer Foundation; providing that contributions received are not income of a revenue nature; providing that applications for driver licenses shall include the option to register emergency contact information and the option to be contacted with information about state and federal benefits available as a result of military service.
- Section 11 Amends s. 324.242, F.S., expanding authorization of the Department of Highway Safety and Motor Vehicles to provide personal injury protection and property damage liability insurance policy numbers to department-approved third parties under certain circumstances; providing requirements to obtain specified insurance policy information;

authorizing the disclosure of certain exempted information to governmental entities under certain circumstances; providing a definition.

- Section 12 Reenacts ss. 319.23(3)(c), F.S., to conform with amendments made to s. 320.086, F.S. by the bill.
- Section 13 Reenacts ss. 320.08(2)(a) and 320.08(3)(e), F.S., to conform with amendments made to s. 320.086, F.S. by the bill.
- Section 14 Provides an effective date of October 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The provision increasing the required size of the flag displayed by a vehicle bearing a load that exceeds more than 4 feet beyond its perimeter may result in additional revenues from nonmoving violations if certain motorists are unaware of the change in law. The number of potential violations cannot be quantified.

The increase in the fine from \$100 to \$500 for a violation of unlawfully displayed vehicles for sale, hire, or rent (curbstoning) will result in a minimal, positive fiscal impact to revenues for the Highway Safety Operating Trust Fund. In Fiscal Year 2013-14, the DHSMV collected \$14,800 based on the \$100 fine. Additional revenues based on the increased fine cannot be quantified.

Revenues generated from sales from the new Major League Soccer plate will be deposited into the Professional Sports Development Trust Fund within the Department of Economic Opportunity. This will have an indeterminate, positive impact on the trust fund.

2. Expenditures:

The bill authorizes any state law enforcement agency be permitted to pay up to \$5,000 directly toward funeral expenses for an officer killed in the line of duty. This provision may result in an insignificant, negative fiscal impact to state funds, but cannot be quantified.

The DHSMV will bear the estimated cost of \$55,000⁵ for the development of both the motor vehicle registration and driver license application forms to allow a voluntary contribution to the Florida Breast Cancer Foundation, Inc. This will be partially offset by the organization's \$20,000 application fee.

The bill amends s. 320.08058, F.S., requiring the DHSMV to develop a Florida Professional Sports Team license plate for Major League Soccer (MLS) teams. Currently, there is only one MLS team, the Orlando City Soccer Club. Approximately 130 nonrecurring programming hours are required by the department for special use license plates at an estimated cost of \$5,200 for this provision.

The provision that changes the method of determining antique vehicle status by using the model year instead of the manufacturing date will require minor, indeterminate programming costs.

The provision authorizing the DHSMV to provide personal injury protection and property damage liability insurance policies to Department approved third parties that provide data collection services

to an insurer of any person involved in an accident will require minor, indeterminate programming costs.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The provision that increases the fine from \$100 to \$500 for unlawfully displaying a vehicle for hire, sale, or rent will result in a positive fiscal impact for the enforcing authority. This will have an indeterminate impact.

2. Expenditures:

The provision allowing a law enforcement agency to pay up to \$5,000 for funeral costs for an officer killed in the line of duty may result in an insignificant, negative fiscal impact to the local law enforcement agency.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Indeterminate.

The provision increasing the required size of the flag displayed by a vehicle bearing a load that exceeds its perimeter may cause an increase in violations from unaware motorists, resulting in a negative fiscal impact to the private sector.

The provision increasing the fine for curbstoning from \$100 to \$500 may result in a negative fiscal impact to the private sector.

The Florida Breast Cancer Foundation, Inc., will incur a cost for the application fee of \$20,000. The voluntary contributions to the Florida Breast Cancer Foundation, Inc., will result in an indeterminate, positive fiscal impact.

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 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 4, 2015, the Highway & Waterway Safety Subcommittee adopted one amendment to PCB HWSS 15-01 and reported the proposed committee bill favorably. The amendment:

- Requires the Department of Highway Safety and Motor Vehicles to provide each applicant for a motor vehicle registration or driver license the option to register emergency contact information and the option to be contacted with information about state and federal benefits available as a result of military service.

This analysis is drafted to the proposed committee bill as amended and reported favorably by the Highway & Waterway Safety Subcommittee.

1 A bill to be entitled
2 An act relating to highway safety and motor vehicles;
3 amending s. 112.19, F.S.; authorizing an employing
4 agency to pay a certain amount of funeral expenses for
5 certain officers killed in the line of duty; amending
6 s. 316.228, F.S.; revising requirements for a flag
7 displayed when a load extends beyond a vehicle;
8 amending s. 318.18, F.S.; revising a penalty for a
9 violation of specified provisions prohibiting parking
10 a motor vehicle in certain locations to display the
11 vehicle for sale, hire, or rent; amending s. 320.02,
12 F.S.; requiring the motor vehicle registration form
13 and registration renewal form to include an option to
14 make a voluntary contribution to the Florida Breast
15 Cancer Foundation; amending s. 320.03, F.S.; directing
16 certain agents of the Department of Highway Safety and
17 Motor Vehicles to provide certain applicants with the
18 option to register contact information and the option
19 to be contacted with information regarding certain
20 benefits; amending s. 320.08053, F.S.; revising
21 requirements for establishing a specialty license
22 plate; amending ss. 320.08056 and 320.08058, F.S.;
23 providing for an authorized agent of the department to
24 receive requests for a specialty license plate;
25 revising provisions for Florida Professional Sports
26 Team license plates; revising the definition of the

27 | term "major sports events" for purposes of
 28 | distribution of specialty license plate annual use
 29 | fees; removing provisions for issuance of certain
 30 | specialty license plates and annual use fees for such
 31 | plates; amending s. 320.086, F.S.; revising provisions
 32 | for issuance of special license plates for specified
 33 | ancient and antique motor vehicles; amending s.
 34 | 322.08, F.S.; requiring the application form for a
 35 | driver license to provide applicants with the option
 36 | to register contact information and the option to be
 37 | contacted with information regarding certain benefits;
 38 | requiring the application form for an original,
 39 | renewal, or replacement driver license or
 40 | identification card to include an option to make a
 41 | voluntary contribution to the Florida Breast Cancer
 42 | Foundation; providing that contributions received are
 43 | not income of a revenue nature; amending s. 324.242,
 44 | F.S.; revising conditions under which the department
 45 | is required to release certain policy numbers;
 46 | requiring the department to provide personal injury
 47 | protection and property damage liability insurance
 48 | policy numbers to department-approved third parties
 49 | under certain circumstances; providing requirements to
 50 | obtain specified insurance policy information;
 51 | authorizing the disclosure of certain exempted
 52 | information to governmental entities under certain

53 | circumstances; providing a definition; reenacting ss.
 54 | 319.23(3)(c) and 320.08(2)(a) and (3)(e), F.S.,
 55 | relating to motor vehicle certificates of title and
 56 | motor vehicle license taxes, respectively, to
 57 | incorporate the amendments made by the act to s.
 58 | 320.086, F.S., in references thereto; providing an
 59 | effective date.

60 |

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

62 |

63 | Section 1. Paragraph (f) of subsection (2) of section
 64 | 112.19, Florida Statutes, is amended to read:

65 | 112.19 Law enforcement, correctional, and correctional
 66 | probation officers; death benefits.—

67 | (2)

68 | (f) If a full-time law enforcement, correctional, or
 69 | correctional probation officer who is certified pursuant to
 70 | chapter 943 and employed by a state agency is killed in the line
 71 | of duty ~~as a result of an act of violence inflicted by another~~
 72 | ~~person~~ while the officer is engaged in the performance of law
 73 | enforcement duties or as a result of an assault against the
 74 | officer under riot conditions:7

75 | 1. The sum of \$1,000 shall be paid, as provided for in
 76 | paragraph (d), toward the funeral and burial expenses of such
 77 | officer. Such benefits are in addition to any other benefits to
 78 | which employee beneficiaries and dependents are entitled ~~to~~

79 | under ~~the provisions of~~ the Workers' Compensation Law or any
 80 | other state or federal statutes; and

81 | 2. The officer's employing agency may pay up to \$5,000
 82 | directly toward the venue expenses associated with the funeral
 83 | and burial services of such officer.

84 | Section 2. Subsection (1) of section 316.228, Florida
 85 | Statutes, is amended to read:

86 | 316.228 Lamps or flags on projecting load.—

87 | (1) Except as provided in subsection (2), whenever the
 88 | load upon any vehicle extends to the rear 4 feet or more beyond
 89 | the bed or body of such vehicle, there shall be displayed at the
 90 | extreme rear end of the load, at the times specified in s.
 91 | 316.217, two red lamps visible from a distance of at least 500
 92 | feet to the rear, two red reflectors visible at night from all
 93 | distances within 600 feet to 100 feet to the rear when directly
 94 | in front of lawful lower beams of headlamps and located so as to
 95 | indicate maximum width, and on each side one red lamp visible
 96 | from a distance of at least 500 feet to the side and located so
 97 | as to indicate maximum overhang. There shall be displayed at all
 98 | other times on any vehicle having a load which extends beyond
 99 | its sides or more than 4 feet beyond its rear, red flags, not
 100 | less than 18 ~~12~~ inches square, marking the extremities of such
 101 | load, at each point where a lamp would otherwise be required by
 102 | this section. A violation of this section is a noncriminal
 103 | traffic infraction punishable as a nonmoving violation as
 104 | provided in chapter 318.

105 Section 3. Subsection (21) of section 318.18, Florida
 106 Statutes, is amended to read:

107 318.18 Amount of penalties.—The penalties required for a
 108 noncriminal disposition pursuant to s. 318.14 or a criminal
 109 offense listed in s. 318.17 are as follows:

110 (21) Five ~~One~~ hundred dollars for a violation of s.
 111 316.1951 for a vehicle that is unlawfully displayed for sale,
 112 hire, or rental. Notwithstanding any other law to the contrary,
 113 fines collected under this subsection shall be retained by the
 114 governing authority that authorized towing of the vehicle. Fines
 115 collected by the department shall be deposited into the Highway
 116 Safety Operating Trust Fund.

117 Section 4. Paragraph (u) is added to subsection (15) of
 118 section 320.02, Florida Statutes, to read:

119 320.02 Registration required; application for
 120 registration; forms.—

121 (15)

122 (u) The application form for motor vehicle registration
 123 and renewal of registration must include language permitting a
 124 voluntary contribution of \$1 or more per applicant to End Breast
 125 Cancer. Such contributions shall be distributed by the
 126 department to the Florida Breast Cancer Foundation.

127
 128 For the purpose of applying the service charge provided in s.
 129 215.20, contributions received under this subsection are not
 130 income of a revenue nature.

131 Section 5. Subsection (1) of section 320.03, Florida
 132 Statutes, is amended to read:

133 320.03 Registration; duties of tax collectors;
 134 International Registration Plan.—

135 (1) The tax collectors in the several counties of the
 136 state, as authorized agents of the department, shall issue
 137 registration certificates, registration license plates,
 138 validation stickers, and mobile home stickers to applicants, and
 139 shall provide to applicants for each the option to register
 140 emergency contact information and the option to be contacted
 141 with information about state and federal benefits available as a
 142 result of military service, subject to the requirements of law,
 143 in accordance with rules of the department. Any person, firm, or
 144 corporation representing itself, through advertising or naming
 145 of the business, to be an authorized agent of the department
 146 shall be deemed guilty of an unfair and deceptive trade practice
 147 as defined in part II of chapter 501. No such person, firm, or
 148 corporation shall use either the state or county name as a part
 149 of their business name when such use can reasonably be
 150 interpreted as an official state or county office.

151 Section 6. Section 320.08053, Florida Statutes, is amended
 152 to read:

153 320.08053 Requirements for requests to establish specialty
 154 license plates.—

155 ~~(1) An organization that seeks authorization to establish~~
 156 ~~a new specialty license plate for which an annual use fee is to~~

157 | ~~be charged must submit to the department:~~

158 | ~~(a) A request for the particular specialty license plate~~
 159 | ~~being sought, describing the proposed specialty license plate in~~
 160 | ~~specific terms, including a sample plate that conforms to the~~
 161 | ~~specifications set by the department and this chapter, and that~~
 162 | ~~is in substantially final form.~~

163 | ~~(b) An application fee, not to exceed \$60,000, to defray~~
 164 | ~~the department's cost for reviewing the application and~~
 165 | ~~developing the specialty license plate, if authorized. State~~
 166 | ~~funds may not be used to pay the application fee, except for~~
 167 | ~~collegiate specialty license plates authorized in s.~~
 168 | ~~320.08058(3) and (13). All applications requested on or after~~
 169 | ~~the effective date of this act must meet the requirements of~~
 170 | ~~this act.~~

171 | ~~(c) A marketing strategy outlining short term and long-~~
 172 | ~~term marketing plans for the requested specialty license plate~~
 173 | ~~and a financial analysis outlining the anticipated revenues and~~
 174 | ~~the planned expenditures of the revenues to be derived from the~~
 175 | ~~sale of the requested specialty license plates.~~

176 |
 177 | ~~The information required under this subsection must be submitted~~
 178 | ~~to the department at least 90 days before the convening of the~~
 179 | ~~next regular session of the Legislature.~~

180 | ~~(1)(2)~~ If a the specialty license plate requested by an
 181 | ~~the~~ organization is approved by law, the organization must
 182 | submit the proposed art design for the specialty license plate

183 to the department, in a medium prescribed by the department, as
 184 soon as practicable, but no later than 60 days after the act
 185 approving the specialty license plate becomes a law. ~~If the~~
 186 ~~specialty license plate requested by the organization is not~~
 187 ~~approved by the Legislature or does not meet the presale~~
 188 ~~requirements in subsection (3), the application fee shall be~~
 189 ~~refunded to the requesting organization.~~

190 (2)~~(3)~~(a) Within 120 days following the specialty license
 191 plate becoming law, the department shall establish a method to
 192 issue a specialty license plate voucher to allow for the presale
 193 of the specialty license plate. The processing fee as prescribed
 194 in s. 320.08056, the service charge and branch fee as prescribed
 195 in s. 320.04, and the annual use fee as prescribed in s.
 196 320.08056 shall be charged for the voucher. All other applicable
 197 fees shall be charged at the time of issuance of the license
 198 plates.

199 (b) Within 24 months after the presale specialty license
 200 plate voucher is established, the approved specialty license
 201 plate organization must record with the department a minimum of
 202 1,000 voucher sales before manufacture of the license plate may
 203 commence. If, at the conclusion of the 24-month presale period,
 204 the minimum sales requirements have not been met, the specialty
 205 plate is deauthorized and the department shall discontinue
 206 development of the plate and discontinue issuance of the presale
 207 vouchers. Upon deauthorization of the license plate, a purchaser
 208 of the license plate voucher may use the annual use fee

209 collected as a credit towards any other specialty license plate
 210 or apply for a refund on a form prescribed by the department.

211 ~~(c) An organization that meets the requirements of this~~
 212 ~~subsection shall be deemed to have submitted a valid survey for~~
 213 ~~purposes of s. 45, chapter 2008-176, Laws of Florida, as~~
 214 ~~amended.~~

215 Section 7. Subsection (3), paragraphs (iii), (ttt), and
 216 (uuu) of subsection (4), paragraph (b) of subsection (8), and
 217 paragraph (a) of subsection (10) of section 320.08056, Florida
 218 Statutes, are amended to read:

219 320.08056 Specialty license plates.—

220 (3) Each request must be made annually to the department
 221 or an authorized agent serving on behalf of the department,
 222 accompanied by the following tax and fees:

223 (a) The license tax required for the vehicle as set forth
 224 in s. 320.08.

225 (b) A processing fee of \$5, to be deposited into the
 226 Highway Safety Operating Trust Fund.

227 (c) A license plate fee as required by s. 320.06(1)(b).

228 (d) A license plate annual use fee as required in
 229 subsection (4).

230
 231 A request may be made any time during a registration period. If
 232 a request is made for a specialty license plate to replace a
 233 current valid license plate, the specialty license plate must be
 234 issued with appropriate decals attached at no tax for the plate,

235 but all fees and service charges must be paid. If a request is
 236 made for a specialty license plate at the beginning of the
 237 registration period, the tax, together with all applicable fees
 238 and service charges, must be paid.

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

- 241 ~~(iii) Corrections Foundation license plate, \$25.~~
- 242 ~~(ttt) Children First license plate, \$25.~~
- 243 ~~(uuu) Veterans of Foreign Wars license plate, \$25.~~

244 (8)

245 (b) The department is authorized to discontinue the
 246 issuance of a specialty license plate and distribution of
 247 associated annual use fee proceeds if the organization no longer
 248 exists, if the organization has stopped providing services that
 249 are authorized to be funded from the annual use fee proceeds, if
 250 the organization does not meet the presale requirements as
 251 prescribed in s. 320.08053 ~~320.08053(3)~~, or pursuant to an
 252 organizational recipient's request. Organizations shall notify
 253 the department immediately to stop all warrants for plate sales
 254 if any of the conditions in this section exist and must meet the
 255 requirements of s. 320.08062 for any period of operation during
 256 a fiscal year.

257 (10)(a) A specialty license plate annual use fee collected
 258 and distributed under this chapter, or any interest earned from
 259 those fees, may not be used for commercial or for-profit
 260 activities nor for general or administrative expenses, except as

261 authorized by s. 320.08058 or to pay the cost of the audit or
 262 report required by s. 320.08062(1). The fees and any interest
 263 earned from the fees may be expended only for use in this state
 264 unless the annual use fee is derived from the sale of United
 265 States Armed Forces and veterans-related specialty license
 266 plates pursuant to paragraphs (4)(d), (bb), (ll), (kkk), and
 267 (yyy) ~~(lll)~~, ~~(uuu)~~, and ~~(bbb)~~ and s. 320.0891.

268 Section 8. Subsection (9), subsection (61), paragraph (b)
 269 of subsection (70), paragraph (d) of subsection (71),
 270 subsections (72) and (73), paragraph (a) of subsection (79),
 271 paragraph (a) of subsection (80), paragraph (a) of subsection
 272 (81), paragraph (a) of subsection (82), paragraph (a) of
 273 subsection (83), paragraph (a) of subsection (84), paragraph (a)
 274 of subsection (85), and paragraph (a) of subsection (86) of
 275 section 320.08058, Florida Statutes, are amended to read:

276 320.08058 Specialty license plates.—

277 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

278 (a) The Department of Highway Safety and Motor Vehicles
 279 shall develop a Florida Professional Sports Team license plate
 280 as provided in this section for Major League Baseball, National
 281 Basketball Association, National Football League, Arena Football
 282 League Teams, and National Hockey League, and Major League
 283 Soccer teams domiciled in this state. However, any Florida
 284 Professional Sports Team license plate created or established
 285 after January 1, 1997, must comply with the requirements of s.
 286 320.08053 and be specifically authorized by an act of the

287 Legislature. Florida Professional Sports Team license plates
 288 must bear the colors and design approved by the department and
 289 must include the official league or team logo, or both, as
 290 appropriate for each team. The word "Florida" must appear at the
 291 top of the plate.

292 (b) The license plate annual use fees are to be annually
 293 distributed as follows:

294 1. Fifty-five percent of the proceeds from the Florida
 295 Professional Sports Team plate must be deposited into the
 296 Professional Sports Development Trust Fund within the Department
 297 of Economic Opportunity. These funds must be used solely to
 298 attract and support major sports events in this state. As used
 299 in this subparagraph, the term "major sports events" means, but
 300 is not limited to, championship or all-star contests of Major
 301 League Baseball, the National Basketball Association, the
 302 National Football League, the National Hockey League, Major
 303 League Soccer, the men's and women's National Collegiate
 304 Athletic Association Final Four basketball championship, or a
 305 horseracing or dogracing Breeders' Cup. All funds must be used
 306 to support and promote major sporting events, and the uses must
 307 be approved by the Department of Economic Opportunity.

308 2. The remaining proceeds of the Florida Professional
 309 Sports Team license plate must be allocated to Enterprise
 310 Florida, Inc. These funds must be deposited into the
 311 Professional Sports Development Trust Fund within the Department
 312 of Economic Opportunity. These funds must be used by Enterprise

313 Florida, Inc., to promote the economic development of the sports
 314 industry; to distribute licensing and royalty fees to
 315 participating professional sports teams; to promote education
 316 programs in Florida schools that provide an awareness of the
 317 benefits of physical activity and nutrition standards; to
 318 partner with the Department of Education and the Department of
 319 Health to develop a program that recognizes schools whose
 320 students demonstrate excellent physical fitness or fitness
 321 improvement; to institute a grant program for communities
 322 bidding on minor sporting events that create an economic impact
 323 for the state; to distribute funds to Florida-based charities
 324 designated by Enterprise Florida, Inc., and the participating
 325 professional sports teams; and to fulfill the sports promotion
 326 responsibilities of the Department of Economic Opportunity.

327 3. Enterprise Florida, Inc., shall provide an annual
 328 financial audit in accordance with s. 215.981 of its financial
 329 accounts and records by an independent certified public
 330 accountant pursuant to the contract established by the
 331 Department of Economic Opportunity. The auditor shall submit the
 332 audit report to the Department of Economic Opportunity for
 333 review and approval. If the audit report is approved, the
 334 Department of Economic Opportunity shall certify the audit
 335 report to the Auditor General for review.

336 4. Notwithstanding the provisions of subparagraphs 1. and
 337 2., proceeds from the Professional Sports Development Trust Fund
 338 may also be used for operational expenses of Enterprise Florida,

339 Inc., and financial support of the Sunshine State Games.

340 ~~(61) CORRECTIONS FOUNDATION LICENSE PLATES.—~~

341 ~~(a) The department shall develop a Corrections Foundation~~
 342 ~~license plate as provided in this section. The word "Florida"~~
 343 ~~must appear at the top of the plate, the words "Corrections~~
 344 ~~Foundation" must appear at the bottom of the plate, and the~~
 345 ~~Corrections Foundation logo must appear to the left of the~~
 346 ~~numerals.~~

347 ~~(b) The annual use fees shall be distributed to~~
 348 ~~Corrections Foundation, Inc., a direct support organization~~
 349 ~~created pursuant to s. 944.802, and shall be used to continue~~
 350 ~~and expand the charitable work of the foundation, as provided in~~
 351 ~~s. 944.802 and the articles of incorporation of the foundation.~~

352 (69) ~~(70)~~ ST. JOHNS RIVER LICENSE PLATES.—

353 (b) The requirements of s. 320.08053 must be met prior to
 354 the issuance of the plate. Thereafter, the license plate annual
 355 use fees shall be distributed to the St. Johns River Alliance,
 356 Inc., a s. 501(c)(3) nonprofit organization, which shall
 357 administer the fees as follows:

358 1. The St. Johns River Alliance, Inc., shall retain the
 359 first \$60,000 of the annual use fees as direct reimbursement for
 360 administrative costs, startup costs, and costs incurred in the
 361 development and approval process. Thereafter, up to 10 percent
 362 of the annual use fee revenue may be used for administrative
 363 costs directly associated with education programs, conservation,
 364 research, and grant administration of the organization, and up

365 to 10 percent may be used for promotion and marketing of the
 366 specialty license plate.

367 2. At least 30 percent of the fees shall be available for
 368 competitive grants for targeted community-based or county-based
 369 research or projects for which state funding is limited or not
 370 currently available. The remaining 50 percent shall be directed
 371 toward community outreach and access programs. The competitive
 372 grants shall be administered and approved by the board of
 373 directors of the St. Johns River Alliance, Inc. A grant advisory
 374 committee shall be composed of six members chosen by the St.
 375 Johns River Alliance board members.

376 3. Any remaining funds shall be distributed with the
 377 approval of and accountability to the board of directors of the
 378 St. Johns River Alliance, Inc., and shall be used to support
 379 activities contributing to education, outreach, and springs
 380 conservation.

381 4. Effective July 1, 2014, the St. Johns River license
 382 plate will shift into the presale voucher phase, as provided in
 383 s. 320.08053(2)(b) ~~320.08053(3)(b)~~. The St. Johns River
 384 Alliance, Inc., shall have 24 months to record a minimum of
 385 1,000 sales of the license plates. Sales include existing active
 386 plates and vouchers sold subsequent to July 1, 2014. During the
 387 voucher period, new plates may not be issued, but existing
 388 plates may be renewed. If, at the conclusion of the 24-month
 389 presale period, the requirement of a minimum of 1,000 sales has
 390 been met, the department shall resume normal distribution of the

391 St. Johns River specialty plate. If, after 24 months, the
 392 minimum of 1,000 sales has not been met, the department shall
 393 discontinue the development and issuance of the plate. This
 394 subparagraph is repealed June 30, 2016.

395 (70)~~(71)~~ HISPANIC ACHIEVERS LICENSE PLATES.—

396 (d) Effective July 1, 2014, the Hispanic Achievers license
 397 plate will shift into the presale voucher phase, as provided in
 398 s. 320.08053(2)(b) ~~320.08053(3)(b)~~. National Hispanic Corporate
 399 Achievers, Inc., shall have 24 months to record a minimum of
 400 1,000 sales. Sales include existing active plates and vouchers
 401 sold subsequent to July 1, 2014. During the voucher period, new
 402 plates may not be issued, but existing plates may be renewed.
 403 If, at the conclusion of the 24-month presale period, the
 404 requirement of a minimum of 1,000 sales has been met, the
 405 department shall resume normal distribution of the Hispanic
 406 Achievers license plate. If, after 24 months, the minimum of
 407 1,000 sales has not been met, the department shall discontinue
 408 the Hispanic Achievers license plate. This subsection is
 409 repealed June 30, 2016.

410 ~~(72) CHILDREN FIRST LICENSE PLATES.—~~

411 ~~(a) Upon Children First Florida, Inc., meeting the~~
 412 ~~requirements of s. 320.08053, the department shall develop a~~
 413 ~~Children First license plate as provided in this section. The~~
 414 ~~plate must bear the colors and design approved by the~~
 415 ~~department. The word "Florida" must appear at the top of the~~
 416 ~~plate, and the words "Children First" must appear at the bottom~~

417 ~~of the plate.~~

418 ~~(b) The proceeds from the license plate annual use fee~~
 419 ~~shall be distributed to Children First Florida, Inc., which~~
 420 ~~shall retain all proceeds until the startup costs to develop and~~
 421 ~~establish the plates have been recovered. Thereafter, the~~
 422 ~~proceeds shall be used as follows:~~

423 ~~1. A maximum of 10 percent of the proceeds may be used to~~
 424 ~~administer the license plate program, for direct administrative~~
 425 ~~costs associated with the operations of Children First Florida,~~
 426 ~~Inc., and to promote and market the license plates.~~

427 ~~2. The remaining fees shall be used by Children First~~
 428 ~~Florida, Inc., to fund public schools in this state, including~~
 429 ~~teacher salaries.~~

430 ~~(73) VETERANS OF FOREIGN WARS LICENSE PLATES.—~~

431 ~~(a) Upon Veterans of Foreign Wars, Department of Florida,~~
 432 ~~meeting the requirements of s. 320.08053, the department shall~~
 433 ~~develop a Veterans of Foreign Wars license plate as provided in~~
 434 ~~this section. The plates must bear the colors and design~~
 435 ~~approved by the department and must incorporate the Great Seal~~
 436 ~~of the Veterans of Foreign Wars of the United States as~~
 437 ~~described in Art. VIII, s. 801 of the Congressional Charter and~~
 438 ~~By-Laws of the Veterans of Foreign Wars of the United States.~~
 439 ~~The word "Florida" must appear at the top of the plate, and the~~
 440 ~~words "Veterans of Foreign Wars" must appear at the bottom of~~
 441 ~~the plate.~~

442 ~~(b) The Veterans of Foreign Wars, Department of Florida~~

443 ~~shall retain all revenues from the sale of such plates until all~~
 444 ~~startup costs for developing and issuing the plates have been~~
 445 ~~recovered. Thereafter, 60 percent of the annual revenues shall~~
 446 ~~be distributed to the Veterans of Foreign Wars, Department of~~
 447 ~~Florida to support the Voice of Democracy and Patriots' Pen~~
 448 ~~Scholarship programs, to support high school and college ROTC~~
 449 ~~programs, and for administration and marketing the plate; 20~~
 450 ~~percent of the annual revenues shall be distributed to the~~
 451 ~~direct support organization created under s. 292.055 under the~~
 452 ~~Florida Department of Veterans' Affairs; and 20 percent of the~~
 453 ~~annual revenues shall be distributed to the direct support~~
 454 ~~organization created under s. 250.115 under the Department of~~
 455 ~~Military Affairs. From the funds distributed to the Veterans of~~
 456 ~~Foreign Wars, Department of Florida, an amount not to exceed 10~~
 457 ~~percent of the annual revenues received from the sale of the~~
 458 ~~plate may be used for administration and marketing the plate.~~

459 (76)~~(79)~~ FREEMASONRY LICENSE PLATES.-

460 (a) Notwithstanding s. 45, 2008-176, Laws of Florida, as
 461 amended by s. 21, chapter 2010-223, Laws of Florida, ~~and s.~~
 462 ~~320.08053(1)~~, the department shall develop a Freemasonry license
 463 plate as provided in this section and s. 320.08053(1) and (2)
 464 ~~320.08053(2) and (3)~~. The word "Florida" must appear at the top
 465 of the plate, and the words "In God We Trust" must appear at the
 466 bottom of the plate.

467 (77)~~(80)~~ AMERICAN LEGION LICENSE PLATES.-

468 (a) Notwithstanding ~~s. 320.08053(1)~~ and s. 45, chapter

469 2008-176, Laws of Florida, as amended by s. 21, chapter 2010-
 470 223, Laws of Florida, the department shall develop an American
 471 Legion license plate as provided in s. 320.08053(1) and (2)
 472 ~~320.08053(2) and (3)~~ and this section. The plate must bear the
 473 colors and design approved by the department. The word "Florida"
 474 must appear at the top of the plate, and the words "American
 475 Legion" must appear at the bottom of the plate.

476 (78)~~(81)~~ LAUREN'S KIDS LICENSE PLATES.—

477 (a) Notwithstanding ~~s. 320.08053(1) and~~ s. 45, chapter
 478 2008-176, Laws of Florida, as amended by s. 21, chapter 2010-
 479 223, Laws of Florida, the department shall develop a Lauren's
 480 Kids, Prevent Child Sexual Abuse license plate as provided in s.
 481 320.08053(1) and (2) ~~320.08053(2) and (3)~~, and this section. The
 482 plate must bear the colors and design approved by the
 483 department. The word "Florida" must appear at the top of the
 484 plate, and the words "Lauren's Kids" must appear at the bottom
 485 of the plate.

486 (79)~~(82)~~ BIG BROTHERS BIG SISTERS LICENSE PLATES.—

487 (a) Notwithstanding ~~s. 320.08053(1) and~~ s. 45, chapter
 488 2008-176, Laws of Florida, as amended by s. 21, chapter 2010-
 489 223, Laws of Florida, the department shall develop a Big
 490 Brothers Big Sisters license plate as provided in s.
 491 320.08053(1) and (2) ~~320.08053(2) and (3)~~, and this section. The
 492 plate must bear the colors and design approved by the
 493 department. The word "Florida" must appear at the top of the
 494 plate, and the words "Big Brothers Big Sisters" must appear at

495 | the bottom of the plate.

496 | (80)~~(83)~~ FALLEN LAW ENFORCEMENT OFFICERS LICENSE PLATES.-

497 | (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 498 | Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
 499 | ~~and s. 320.08053(1)~~, the department shall develop a Fallen Law
 500 | Enforcement Officers license plate as provided in s.
 501 | 320.08053(1) and (2) ~~320.08053(2)~~ and ~~(3)~~ and this section. The
 502 | plate must bear the colors and design approved by the
 503 | department. The word "Florida" must appear at the top of the
 504 | plate, and the words "A Hero Remembered Never Dies" must appear
 505 | at the bottom of the plate.

506 | (81)~~(84)~~ FLORIDA SHERIFFS ASSOCIATION LICENSE PLATES.-

507 | (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 508 | Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
 509 | ~~and s. 320.08053(1)~~, the department shall develop a Florida
 510 | Sheriffs Association license plate as provided in s.
 511 | 320.08053(1) and (2) ~~320.08053(2)~~ and ~~(3)~~ and this section. The
 512 | plate must bear the colors and design approved by the
 513 | department. A sheriff's star must appear on the left side of the
 514 | plate, the word "Florida" must appear at the top of the plate,
 515 | and the words "Florida Sheriffs Association" must appear at the
 516 | bottom of the plate.

517 | (82)~~(85)~~ KEISER UNIVERSITY LICENSE PLATES.-

518 | (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 519 | Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
 520 | ~~and s. 320.08053(1)~~, the department shall develop a Keiser

521 University license plate as provided in s. 320.08053(1) and (2)
 522 ~~320.08053(2) and (3)~~ and this section. The plate must bear the
 523 colors and design approved by the department. The word "Florida"
 524 must appear at the top of the plate, and the words "Keiser
 525 University" must appear at the bottom of the plate.

526 ~~(83)-(86)~~ MOFFITT CANCER CENTER LICENSE PLATES.-

527 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 528 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
 529 ~~and s. 320.08053(1)~~, the department shall develop a Moffitt
 530 Cancer Center license plate as provided in s. 320.08053(1) and
 531 (2) ~~320.08053(2) and (3)~~ and this section. The word "Florida"
 532 must appear at the top of the plate, and the words "Moffitt
 533 Cancer Center" must appear at the bottom of the plate.

534 Section 9. Subsection (1) and paragraph (a) of subsection
 535 (2) of section 320.086, Florida Statutes, are amended to read:

536 320.086 Ancient or antique motor vehicles; horseless
 537 carriage, antique, or historical license plates; former military
 538 vehicles.-

539 (1) The owner of a motor vehicle for private use
 540 manufactured in model year 1945 or earlier, ~~equipped with an~~
 541 ~~engine manufactured in 1945 or earlier or manufactured to the~~
 542 ~~specifications of the original engine~~, and operated on the
 543 streets and highways of this state shall, upon application in
 544 the manner and at the time prescribed by the department and upon
 545 payment of the license tax for an ancient motor vehicle
 546 prescribed by s. 320.08(1)(d), (2)(a), or (3)(e), be issued a

547 special license plate for such motor vehicle. The license plate
 548 shall be permanent and valid for use without renewal so long as
 549 the vehicle is in existence. In addition to the payment of all
 550 other fees required by law, the applicant shall pay such fee for
 551 the issuance of the special license plate as may be prescribed
 552 by the department commensurate with the cost of its manufacture.
 553 The registration numbers and special license plates assigned to
 554 such motor vehicles shall run in a separate numerical series,
 555 commencing with "Horseless Carriage No. 1," and the plates shall
 556 be of a distinguishing color.

557 (2)(a) The owner of a motor vehicle for private use
 558 manufactured in a model year after 1945 and of the age of 30
 559 years or more after the model year ~~date of manufacture, equipped~~
 560 ~~with an engine of the age of 30 years or more after the date of~~
 561 ~~manufacture,~~ and operated on the streets and highways of this
 562 state may, upon application in the manner and at the time
 563 prescribed by the department and upon payment of the license tax
 564 prescribed by s. 320.08(1)(d), (2)(a), or (3)(e), be issued a
 565 special license plate for such motor vehicle. In addition to the
 566 payment of all other fees required by law, the applicant shall
 567 pay the fee for the issuance of the special license plate
 568 prescribed by the department, commensurate with the cost of its
 569 manufacture. The registration numbers and special license plates
 570 assigned to such motor vehicles shall run in a separate
 571 numerical series, commencing with "Antique No. 1," and the
 572 plates shall be of a distinguishing color. The owner of the

573 | motor vehicle may, upon application and payment of the license
 574 | tax prescribed by s. 320.08, be issued a regular Florida license
 575 | plate or specialty license plate in lieu of the special
 576 | "Antique" license plate.

577 | Section 10. Subsections (4) through (8) of section 322.08,
 578 | Florida Statutes, are renumbered as subsections (5) through (9),
 579 | respectively, present subsection (7) is amended, and a new
 580 | subsection (4) is added to that section, to read:

581 | 322.08 Application for license; requirements for license
 582 | and identification card forms.—

583 | (4) Each such application shall include the option for the
 584 | applicant to register emergency contact information and the
 585 | option to be contacted with information about state and federal
 586 | benefits available as a result of military service.

587 | (8)~~(7)~~ The application form for an original, renewal, or
 588 | replacement driver license or identification card must include
 589 | language permitting the following:

590 | (a) A voluntary contribution of \$1 per applicant, which
 591 | contribution shall be deposited into the Health Care Trust Fund
 592 | for organ and tissue donor education and for maintaining the
 593 | organ and tissue donor registry.

594 | (b) A voluntary contribution of \$1 per applicant, which
 595 | shall be distributed to the Florida Council of the Blind.

596 | (c) A voluntary contribution of \$2 per applicant, which
 597 | shall be distributed to the Hearing Research Institute,
 598 | Incorporated.

599 (d) A voluntary contribution of \$1 per applicant, which
 600 shall be distributed to the Juvenile Diabetes Foundation
 601 International.

602 (e) A voluntary contribution of \$1 per applicant, which
 603 shall be distributed to the Children's Hearing Help Fund.

604 (f) A voluntary contribution of \$1 per applicant, which
 605 shall be distributed to Family First, a nonprofit organization.

606 (g) A voluntary contribution of \$1 per applicant to Stop
 607 Heart Disease, which shall be distributed to the Florida Heart
 608 Research Institute, a nonprofit organization.

609 (h) A voluntary contribution of \$1 per applicant to Senior
 610 Vision Services, which shall be distributed to the Florida
 611 Association of Agencies Serving the Blind, Inc., a not-for-
 612 profit organization.

613 (i) A voluntary contribution of \$1 per applicant for
 614 services for persons with developmental disabilities, which
 615 shall be distributed to The Arc of Florida.

616 (j) A voluntary contribution of \$1 to the Ronald McDonald
 617 House, which shall be distributed each month to Ronald McDonald
 618 House Charities of Tampa Bay, Inc.

619 (k) Notwithstanding s. 322.081, a voluntary contribution
 620 of \$1 per applicant, which shall be distributed to the League
 621 Against Cancer/La Liga Contra el Cancer, a not-for-profit
 622 organization.

623 (l) A voluntary contribution of \$1 per applicant to
 624 Prevent Child Sexual Abuse, which shall be distributed to

625 Lauren's Kids, Inc., a nonprofit organization.

626 (m) A voluntary contribution of \$1 per applicant, which
 627 shall be distributed to Prevent Blindness Florida, a not-for-
 628 profit organization, to prevent blindness and preserve the sight
 629 of the residents of this state.

630 (n) Notwithstanding s. 322.081, a voluntary contribution
 631 of \$1 per applicant to the state homes for veterans, to be
 632 distributed on a quarterly basis by the department to the State
 633 Homes for Veterans Trust Fund, which is administered by the
 634 Department of Veterans' Affairs.

635 (o) A voluntary contribution of \$1 per applicant to the
 636 Disabled American Veterans, Department of Florida, which shall
 637 be distributed quarterly to Disabled American Veterans,
 638 Department of Florida, a nonprofit organization.

639 (p) A voluntary contribution of \$1 per applicant for
 640 Autism Services and Supports, which shall be distributed to
 641 Achievement and Rehabilitation Centers, Inc., Autism Services
 642 Fund.

643 (q) A voluntary contribution of \$1 per applicant to
 644 Support Our Troops, which shall be distributed to Support Our
 645 Troops, Inc., a Florida not-for-profit organization.

646 (r) A voluntary contribution of \$1 or more per applicant,
 647 which shall be distributed to the Auto Club Group Traffic Safety
 648 Foundation, Inc., a not-for-profit organization.

649 (s) Notwithstanding s. 322.081, a voluntary contribution
 650 of \$1 per applicant to aid the homeless. Contributions made

651 pursuant to this paragraph shall be deposited into the Grants
 652 and Donations Trust Fund of the Department of Children and
 653 Families and used by the State Office on Homelessness to
 654 supplement grants made under s. 420.622(4) and (5), provide
 655 information to the public about homelessness in the state, and
 656 provide literature for homeless persons seeking assistance.

657 (t) A voluntary contribution of \$1 or more per applicant
 658 to End Breast Cancer, which shall be distributed to the Florida
 659 Breast Cancer Foundation.

660

661 A statement providing an explanation of the purpose of the trust
 662 funds shall also be included. For the purpose of applying the
 663 service charge provided under s. 215.20, contributions received
 664 under paragraphs (b)-(t) ~~(b)-(s)~~ are not income of a revenue
 665 nature.

666 Section 11. Section 324.242, Florida Statutes, is amended
 667 to read:

668 324.242 Personal injury protection and property damage
 669 liability insurance policies; public records exemption.-

670 (1) The following information regarding personal injury
 671 protection and property damage liability insurance policies held
 672 by the department is confidential and exempt from s. 119.07(1)
 673 and s. 24(a), Art. I of the State Constitution:

674 (a) Personal identifying information of an insured or
 675 former insured; and

676 (b) An insurance policy number.

677 (2) Upon receipt of a ~~written~~ request and proof ~~a copy~~ of
 678 a crash report as required under s. 316.065, s. 316.066, or s.
 679 316.068, or a crash report created pursuant to the laws of
 680 another state, the department shall release the policy number
 681 for a policy covering a vehicle involved in a motor vehicle
 682 accident to:

- 683 (a) Any person involved in such accident;
- 684 (b) The attorney of any person involved in such accident;
- 685 or

- 686 (c) A representative of the insurer of any person involved
 687 in such accident.

688 (3) The department shall provide personal injury
 689 protection and property damage liability insurance policy
 690 numbers to department-approved third parties that provide data
 691 collection services to an insurer of any person involved in such
 692 accident.

693 (4) Before the department's release of an insurance policy
 694 number in accordance with subsection (2) or subsection (3), an
 695 insurer's representative, contracted third party, or an attorney
 696 for a person involved in an accident must provide the department
 697 documentation confirming proof of representation.

698 (5) Information made exempt by this section may be
 699 disclosed to another governmental entity without a written
 700 request or copy of the crash report if disclosure is necessary
 701 for the receiving government entity to perform its duties and
 702 responsibilities. For purposes of this subsection, the term

703 "governmental entity" means any federal, state, county,
 704 district, authority, or municipal officer, department, division,
 705 board, bureau, or commission created or established by law.

706 (6)~~(3)~~ This exemption applies to personal identifying
 707 information of an insured or former insured and insurance policy
 708 numbers held by the department before, on, or after October 11,
 709 2007.

710 Section 12. For the purpose of incorporating the
 711 amendments made by this act to section 320.086, Florida
 712 Statutes, in a reference thereto, paragraph (c) of subsection
 713 (3) of section 319.23, Florida Statutes, is reenacted to read:

714 319.23 Application for, and issuance of, certificate of
 715 title.—

716 (3) If a certificate of title has not previously been
 717 issued for a motor vehicle or mobile home in this state, the
 718 application, unless otherwise provided for in this chapter,
 719 shall be accompanied by a proper bill of sale or sworn statement
 720 of ownership, or a duly certified copy thereof, or by a
 721 certificate of title, bill of sale, or other evidence of
 722 ownership required by the law of the state or county from which
 723 the motor vehicle or mobile home was brought into this state.
 724 The application shall also be accompanied by:

725 (c) If the vehicle is an ancient or antique vehicle, as
 726 defined in s. 320.086, the application shall be accompanied by a
 727 certificate of title; a bill of sale and a registration; or a
 728 bill of sale and an affidavit by the owner defending the title

729 | from all claims. The bill of sale must contain a complete
 730 | vehicle description to include the vehicle identification or
 731 | engine number, year make, color, selling price, and signatures
 732 | of the seller and purchaser.

733 |
 734 | Verification of the vehicle identification number is not
 735 | required for any new motor vehicle; any mobile home; any trailer
 736 | or semitrailer with a net weight of less than 2,000 pounds; or
 737 | any travel trailer, camping trailer, truck camper, or fifth-
 738 | wheel recreation trailer.

739 | Section 13. For the purpose of incorporating the
 740 | amendments made by this act to section 320.086, Florida
 741 | Statutes, in references thereto, paragraph (a) of subsection (2)
 742 | and paragraph (e) of subsection (3) of section 320.08, Florida
 743 | Statutes, are reenacted to read:

744 | 320.08 License taxes.—Except as otherwise provided herein,
 745 | there are hereby levied and imposed annual license taxes for the
 746 | operation of motor vehicles, mopeds, motorized bicycles as
 747 | defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,
 748 | and mobile homes, as defined in s. 320.01, which shall be paid
 749 | to and collected by the department or its agent upon the
 750 | registration or renewal of registration of the following:

- 751 | (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—
- 752 | (a) An ancient or antique automobile, as defined in s.
- 753 | 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.
- 754 | (3) TRUCKS.—

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755 | (e) An ancient or antique truck, as defined in s. 320.086:
756 | \$7.50 flat.
757 | Section 14. This act shall take effect October 1, 2015.