

By the Committee on Transportation; and Senator Brandes

596-01808-16

2016756c1

1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 amending s. 311.07, F.S.; increasing the minimum
4 amount that must be made available annually from the
5 State Transportation Trust Fund to fund the Florida
6 Seaport Transportation and Economic Development
7 Program; amending s. 311.09, F.S.; increasing the
8 amount per year the department must include in its
9 annual legislative budget request for the Florida
10 Seaport Transportation and Economic Development
11 Program; amending s. 316.003, F.S.; defining the term
12 "port of entry"; amending s. 316.545, F.S.; providing
13 a specified penalty for drivers of commercial motor
14 vehicles who obtain temporary registration permits
15 entering the state at, or operating on designated
16 routes to, a port-of-entry location; amending s.
17 333.01, F.S.; defining and redefining terms; amending
18 s. 333.025, F.S.; revising the requirements relating
19 to permits required for obstructions; requiring
20 certain existing, planned, and proposed facilities to
21 be protected from airport hazards; requiring the local
22 government to provide a copy of a complete permit
23 application to the Department of Transportation's
24 aviation office, subject to certain requirements;
25 requiring the department to have a specified review
26 period following receipt of such application;
27 providing exemptions from such review under certain
28 circumstances; revising the circumstances under which
29 the department issues or denies a permit; revising the
30 department's requirements before a permit is issued;
31 revising the circumstances under which the department
32 is prohibited from approving a permit; providing that

596-01808-16

2016756c1

33 the denial of a permit is subject to administrative
34 review; amending s. 333.03, F.S.; conforming
35 provisions to changes made by the act; revising the
36 circumstances under which a political subdivision
37 owning or controlling an airport and another political
38 subdivision adopt, administer, and enforce airport
39 zoning regulations or create a joint airport
40 protection zoning board; revising the provisions
41 relating to airport protection zoning regulations and
42 joint airport protection zoning boards; requiring the
43 department to be available to provide assistance to
44 political subdivisions regarding federal obstruction
45 standards; deleting provisions relating to certain
46 duties of the department; revising provisions relating
47 to airport land use compatibility zoning regulations;
48 revising construction; providing applicability;
49 amending s. 333.04, F.S.; authorizing certain airport
50 zoning regulations to be incorporated in and made a
51 part of comprehensive plans and policies, rather than
52 a part of comprehensive zoning regulations, under
53 certain circumstances; revising requirements relating
54 to applicability; amending s. 333.05, F.S.; revising
55 procedures for adoption of airport zoning regulations;
56 amending s. 333.06, F.S.; revising airport zoning
57 regulation requirements; repealing s. 333.065, F.S.,
58 relating to guidelines regarding land use near
59 airports; amending s. 333.07, F.S.; revising
60 requirements relating to local government permitting
61 of airspace obstructions; requiring a person proposing

596-01808-16

2016756c1

62 to construct, alter, or allow an airport obstruction
63 to apply for a permit under certain circumstances;
64 revising the circumstances under which a permit is
65 prohibited from being issued; revising the
66 circumstances under which the owner of a nonconforming
67 structure is required to alter such structure to
68 conform to the current airport protection zoning
69 regulations; deleting provisions relating to variances
70 from zoning regulations; requiring a political
71 subdivision or its administrative agency to consider
72 specified criteria in determining whether to issue or
73 deny a permit; revising the requirements for marking
74 and lighting in conformance with certain standards;
75 repealing s. 333.08, F.S., relating to appeals of
76 decisions concerning airport zoning regulations;
77 amending s. 333.09, F.S.; revising the requirements
78 relating to the administration of airport protection
79 zoning regulations; requiring all airport protection
80 zoning regulations to provide for the administration
81 and enforcement of such regulations by the political
82 subdivision or its administrative agency; requiring a
83 political subdivision adopting airport zoning
84 regulations to provide a permitting process, subject
85 to certain requirements; requiring a zoning board or
86 permitting body to implement the airport zoning
87 regulation permitting and appeals process if such
88 board or body already exists within a political
89 subdivision; authorizing a person, a political
90 subdivision or its administrative agency, or a

596-01808-16

2016756c1

91 specified joint zoning board to use the process
92 established for an appeal, subject to certain
93 requirements; repealing s. 333.10, F.S., relating to
94 boards of adjustment provided for by airport zoning
95 regulations; amending s. 333.11, F.S.; revising the
96 requirements relating to judicial review; amending s.
97 333.12, F.S.; revising requirements relating to the
98 acquisition of air rights; amending s. 333.13, F.S.;
99 conforming provisions to changes made by the act;
100 creating s. 333.135, F.S.; requiring conflicting
101 airport zoning regulations in effect on a specified
102 date to be amended to conform to certain requirements;
103 requiring certain political subdivisions to adopt
104 certain airport zoning regulations by a specified
105 date; requiring the department to administer a
106 specified permitting process for certain political
107 subdivisions; repealing s. 333.14, F.S., relating to a
108 short title; amending s. 334.044, F.S.; authorizing
109 the department to assume certain responsibilities
110 under the National Environmental Policy Act with
111 respect to highway projects within the state and
112 certain related responsibilities relating to review or
113 approval of a highway project; authorizing the
114 department to enter into certain agreements related to
115 the federal surface transportation project delivery
116 program under certain federal law; authorizing the
117 department to adopt implementing rules; authorizing
118 the department to adopt certain relevant federal
119 environmental standards; providing a limited waiver of

596-01808-16

2016756c1

120 sovereign immunity to civil suit in federal court
121 consistent with certain federal law; amending s.
122 334.30, F.S.; conforming a cross-reference; requiring
123 the department to consult with the Division of Bond
124 Finance in connection with a proposal to finance or
125 refinance a transportation facility; requiring the
126 department to provide the division with information
127 necessary to provide timely consultation and
128 recommendations; authorizing the division to make an
129 independent recommendation to the Executive Officer of
130 the Governor; creating s. 337.027, F.S.; authorizing
131 the department to establish a program for highway
132 projects that assist small businesses; providing a
133 program purpose; defining the term "small business";
134 authorizing the department to adopt rules; amending s.
135 338.165, F.S.; removing an option to issue certain
136 bonds secured by toll revenues collected on the
137 Beeline-East Expressway and the Navarre Bridge;
138 amending s. 338.231, F.S.; increasing the number of
139 years before an inactive prepaid toll account is
140 presumed unclaimed; creating s. 339.0809, F.S.;
141 creating a nonprofit corporation to be known as the
142 "Florida Department of Transportation Financing
143 Corporation"; defining the term "corporation";
144 providing for membership of a governing board of
145 directors; providing certain powers and duties;
146 authorizing the corporation to enter into service
147 contracts with the Department of Transportation
148 subject to certain requirements; authorizing the

596-01808-16

2016756c1

149 corporation to issue and incur notes, bonds,
150 certificates of indebtedness, or other obligations or
151 evidences of indebtedness under certain circumstances;
152 providing that the fulfillment of the purposes of the
153 corporation promotes the health, safety, and general
154 welfare of the people of the state and serves
155 essential governmental functions and a paramount
156 public purpose; providing certain exemptions from
157 taxation and assessments; authorizing the corporation
158 to validate certain obligations subject to certain
159 requirements; providing applicability; prohibiting the
160 benefits and earnings of the corporation from inuring
161 to any private person; requiring title to all property
162 owned by the corporation to revert to the state upon
163 dissolution of the corporation; authorizing the
164 corporation to contract with the State Board of
165 Administration to perform certain services;
166 authorizing the board to contract with others to
167 provide such services and to recover certain costs;
168 authorizing the department to enter into a service
169 contract in conjunction with the issuance of debt
170 obligations which provides for certain periodic
171 payments; providing an effective date.

172
173 Be It Enacted by the Legislature of the State of Florida:

174
175 Section 1. Subsection (2) of section 311.07, Florida
176 Statutes, is amended to read:

177 311.07 Florida seaport transportation and economic

596-01808-16

2016756c1

178 development funding.—

179 (2) A minimum of \$25 ~~\$15~~ million per year shall be made
180 available from the State Transportation Trust Fund to fund the
181 Florida Seaport Transportation and Economic Development Program.
182 The Florida Seaport Transportation and Economic Development
183 Council created in s. 311.09 shall develop guidelines for
184 project funding. Council staff, the Department of
185 Transportation, and the Department of Economic Opportunity shall
186 work in cooperation to review projects and allocate funds in
187 accordance with the schedule required for the Department of
188 Transportation to include these projects in the tentative work
189 program developed pursuant to s. 339.135(4).

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

192 311.09 Florida Seaport Transportation and Economic
193 Development Council.—

194 (9) The Department of Transportation shall include at least
195 \$25 ~~no less than \$15~~ million per year in its annual legislative
196 budget request for the Florida Seaport Transportation and
197 Economic Development Program funded under s. 311.07. Such budget
198 must ~~shall~~ include funding for projects approved by the council
199 which have been determined by each agency to be consistent. The
200 department shall include the specific approved Florida Seaport
201 Transportation and Economic Development Program projects to be
202 funded under s. 311.07 during the ensuing fiscal year in the
203 tentative work program developed pursuant to s. 339.135(4). The
204 total amount of funding to be allocated to Florida Seaport
205 Transportation and Economic Development Program projects under
206 s. 311.07 during the successive 4 fiscal years shall also be

596-01808-16

2016756c1

207 included in the tentative work program developed pursuant to s.
208 339.135(4). The council may submit to the department a list of
209 approved projects that could be made production-ready within the
210 next 2 years. The list shall be submitted by the department as
211 part of the needs and project list prepared pursuant to s.
212 339.135(2)(b). However, the department shall, upon written
213 request of the Florida Seaport Transportation and Economic
214 Development Council, submit work program amendments pursuant to
215 s. 339.135(7) to the Governor within 10 days after the later of
216 the date the request is received by the department or the
217 effective date of the amendment, termination, or closure of the
218 applicable funding agreement between the department and the
219 affected seaport, as required to release the funds from the
220 existing commitment. Notwithstanding s. 339.135(7)(c), any work
221 program amendment to transfer prior year funds from one approved
222 seaport project to another seaport project is subject to the
223 procedures in s. 339.135(7)(d). Notwithstanding any provision of
224 law to the contrary, the department may transfer unexpended
225 budget between the seaport projects as identified in the
226 approved work program amendments.

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

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

233 (94) PORT OF ENTRY.—A designated location that allows
234 drivers of commercial motor vehicles to purchase temporary
235 registration permits necessary to operate legally within the

596-01808-16

2016756c1

236 state. The locations and the designated routes to such locations
237 shall be determined by the Department of Transportation.

238 Section 4. Paragraph (b) of subsection (2) of section
239 316.545, Florida Statutes, is amended to read:

240 316.545 Weight and load unlawful; special fuel and motor
241 fuel tax enforcement; inspection; penalty; review.—

242 (2)

243 (b) The officer or inspector shall inspect the license
244 plate or registration certificate of the commercial vehicle, as
245 defined in s. 316.003(66), to determine if its gross weight is
246 in compliance with the declared gross vehicle weight. If its
247 gross weight exceeds the declared weight, the penalty shall be 5
248 cents per pound on the difference between such weights. In those
249 cases when the commercial vehicle, as defined in s. 316.003(66),
250 is being operated over the highways of the state with an expired
251 registration or with no registration from this or any other
252 jurisdiction or is not registered under the applicable
253 provisions of chapter 320, the penalty herein shall apply on the
254 basis of 5 cents per pound on that scaled weight which exceeds
255 35,000 pounds on laden truck tractor-semitrailer combinations or
256 tandem trailer truck combinations, 10,000 pounds on laden
257 straight trucks or straight truck-trailer combinations, or
258 10,000 pounds on any unladen commercial motor vehicle. A driver
259 of a commercial motor vehicle entering the state at a designated
260 port-of-entry location, as defined in s. 316.003(94), or
261 operating on designated routes to a port-of-entry location, who
262 obtains a temporary registration permit shall be assessed a
263 penalty limited to the difference between its gross weight and
264 the declared gross vehicle weight at 5 cents per pound. If the

596-01808-16

2016756c1

265 license plate or registration has not been expired for more than
266 90 days, the penalty imposed under this paragraph may not exceed
267 \$1,000. In the case of special mobile equipment as defined in s.
268 316.003(48), which qualifies for the license tax provided for in
269 s. 320.08(5)(b), being operated on the highways of the state
270 with an expired registration or otherwise not properly
271 registered under the applicable provisions of chapter 320, a
272 penalty of \$75 shall apply in addition to any other penalty
273 which may apply in accordance with this chapter. A vehicle found
274 in violation of this section may be detained until the owner or
275 operator produces evidence that the vehicle has been properly
276 registered. Any costs incurred by the retention of the vehicle
277 shall be the sole responsibility of the owner. A person who has
278 been assessed a penalty pursuant to this paragraph for failure
279 to have a valid vehicle registration certificate pursuant to the
280 provisions of chapter 320 is not subject to the delinquent fee
281 authorized in s. 320.07 if such person obtains a valid
282 registration certificate within 10 working days after such
283 penalty was assessed.

284 Section 5. Section 333.01, Florida Statutes, is amended to
285 read:

286 333.01 Definitions.—As used in ~~For the purpose of~~ this
287 chapter, the term ~~following words, terms, and phrases~~ shall have
288 the meanings herein given, ~~unless otherwise specifically~~
289 ~~defined, or unless another intention clearly appears, or the~~
290 ~~context otherwise requires:~~

291 (1) "Aeronautical study" means a Federal Aviation
292 Administration study, conducted in accordance with the standards
293 of 14 C.F.R. part 77, subpart C, and Federal Aviation

596-01808-16

2016756c1

294 Administration policy and guidance, on the effect of proposed
295 construction or alteration upon the operation of air navigation
296 facilities and the safe and efficient use of navigable airspace.

297 ~~(1) "Aeronautics" means transportation by aircraft; the~~
298 ~~operation, construction, repair, or maintenance of aircraft,~~
299 ~~aircraft power plants and accessories, including the repair,~~
300 ~~packing, and maintenance of parachutes; the design,~~
301 ~~establishment, construction, extension, operation, improvement,~~
302 ~~repair, or maintenance of airports, restricted landing areas, or~~
303 ~~other air navigation facilities, and air instruction.~~

304 (2) "Airport" means any area of land or water designed and
305 set aside for the landing and taking off of aircraft and used
306 utilized or to be used utilized in the interest of the public
307 for such purpose.

308 (3) "Airport hazard" means an obstruction to air navigation
309 which affects the safe and efficient use of navigable airspace
310 or the operation of planned or existing air navigation and
311 communication facilities ~~any structure or tree or use of land~~
312 ~~which would exceed the federal obstruction standards as~~
313 ~~contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29~~
314 ~~and which obstructs the airspace required for the flight of~~
315 ~~aircraft in taking off, maneuvering, or landing or is otherwise~~
316 ~~hazardous to such taking off, maneuvering, or landing of~~
317 ~~aircraft and for which no person has previously obtained a~~
318 ~~permit or variance pursuant to s. 333.025 or s. 333.07.~~

319 (4) "Airport hazard area" means any area of land or water
320 upon which an airport hazard might be established ~~if not~~
321 ~~prevented as provided in this chapter.~~

322 (5) "Airport land use compatibility zoning" means airport

596-01808-16

2016756c1

323 zoning regulations governing ~~restricting~~ the use of land on,
324 adjacent to, or in the immediate vicinity of airports ~~in the~~
325 ~~manner enumerated in s. 333.03(2) to activities and purposes~~
326 ~~compatible with the continuation of normal airport operations~~
327 ~~including landing and takeoff of aircraft in order to promote~~
328 ~~public health, safety, and general welfare.~~

329 (6) "Airport layout plan" means a set of scaled drawings
330 that provide a graphic representation of the existing and future
331 development plan for the airport and demonstrate the
332 preservation and continuity of safety, utility, and efficiency
333 of the airport detailed, scale engineering drawing, including
334 pertinent dimensions, of an airport's current and planned
335 facilities, their locations, and runway usage.

336 (7) "Airport master plan" means a comprehensive plan of an
337 airport which typically describes current and future plans for
338 airport development designed to support existing and future
339 aviation demand.

340 (8) "Airport protection zoning regulations" means airport
341 zoning regulations governing airport hazards.

342 (9) "Department" means the Department of Transportation as
343 created under s. 20.23.

344 (10) "Educational facility" means any structure, land, or
345 use that includes a public or private kindergarten through 12th
346 grade school, charter school, magnet school, college campus, or
347 university campus. The term does not include space used for
348 educational purposes within a multi-tenant building.

349 (11) "Landfill" has the same meaning as provided in s.
350 403.703.

351 (12) ~~(7)~~ "Obstruction" means any existing or proposed

596-01808-16

2016756c1

352 ~~manmade object or object, of natural growth or terrain, or~~
353 structure construction or alteration that exceeds ~~violates~~ the
354 federal obstruction standards contained in 14 C.F.R. part 77,
355 subpart C ss. 77.21, 77.23, 77.25, 77.28, and 77.29. The term
356 includes:

357 (a) Any object of natural growth or terrain;

358 (b) Permanent or temporary construction or alteration,
359 including equipment or materials used and any permanent or
360 temporary apparatus; or

361 (c) Alteration of any permanent or temporary existing
362 structure by a change in the structure's height, including
363 appurtenances, lateral dimensions, and equipment or materials
364 used in the structure.

365 (13)-(8) "Person" means any individual, firm, copartnership,
366 corporation, company, association, joint-stock association, or
367 body politic, and includes any trustee, receiver, assignee, or
368 other similar representative thereof.

369 (14)-(9) "Political subdivision" means the local government
370 of any county, municipality ~~city~~, town, village, or other
371 subdivision or agency thereof, or any district or special
372 district, port commission, port authority, or other such agency
373 authorized to establish or operate airports in the state.

374 (15) "Public-use airport" means an airport, publicly or
375 privately owned, licensed by the state, which is open for use by
376 the public.

377 (16)-(10) "Runway protection ~~clear~~ zone" means an area at
378 ground level beyond the runway end to enhance the safety and
379 protection of people and property on the ground ~~a runway clear~~
380 ~~zone as defined in 14 C.F.R. s. 151.9(b).~~

596-01808-16

2016756c1

381 ~~(17)~~(11) "Structure" means any object, constructed,
382 erected, altered, or installed by humans, including, but not
383 limited to without limitation thereof, buildings, towers,
384 smokestacks, utility poles, power generation equipment, and
385 overhead transmission lines.

386 (18) "Substantial modification" means any repair,
387 reconstruction, rehabilitation, or improvement of a structure
388 when the actual cost of the repair, reconstruction,
389 rehabilitation, or improvement of the structure equals or
390 exceeds 50 percent of the market value of the structure.

391 ~~(12) "Tree" includes any plant of the vegetable kingdom.~~

392 Section 6. Section 333.025, Florida Statutes, is amended to
393 read:

394 333.025 Permit required for obstructions ~~structures~~
395 ~~exceeding federal obstruction standards.~~

396 (1) A person proposing the construction or alteration ~~In~~
397 ~~order to prevent the erection of an obstruction must obtain a~~
398 permit from the department ~~structures dangerous to air~~
399 ~~navigation, subject to the provisions of subsections (2), (3),~~
400 ~~and (4), each person shall secure from the Department of~~
401 ~~Transportation a permit for the erection, alteration, or~~
402 ~~modification of any structure the result of which would exceed~~
403 ~~the federal obstruction standards as contained in 14 C.F.R. ss.~~
404 ~~77.21, 77.23, 77.25, 77.28, and 77.29. However, permits from the~~
405 ~~department of Transportation will be required only within an~~
406 ~~airport hazard area where federal~~ obstruction ~~standards are~~
407 ~~exceeded and if the proposed construction or alteration is~~
408 ~~within a 10-nautical-mile radius of the~~ airport reference point,
409 located at the approximate geometric ~~geographical~~ center of all

596-01808-16

2016756c1

410 ~~usable runways of a public-use airport or a publicly owned or~~
411 ~~operated airport, a military airport, or an airport licensed by~~
412 ~~the state for public use.~~

413 (2) Existing, planned, and proposed ~~Affected airports will~~
414 ~~be considered as having these~~ facilities on public-use airports
415 contained in an ~~which are shown on the~~ airport master plan, in
416 ~~or~~ an airport layout plan submitted to the Federal Aviation
417 Administration, ~~Airport District Office~~ or in comparable
418 military documents shall, ~~and will be so~~ protected from airport
419 hazards. ~~Planned or proposed public-use airports which are the~~
420 ~~subject of a notice or proposal submitted to the Federal~~
421 ~~Aviation Administration or to the Department of Transportation~~
422 ~~shall also be protected.~~

423 (3) A permit is not required for existing structures that
424 ~~requirements of subsection (1) shall not apply to projects which~~
425 received construction permits from the Federal Communications
426 Commission for structures exceeding federal obstruction
427 standards before ~~prior to~~ May 20, 1975, ~~provided such structures~~
428 ~~now exist; a permit is not required for~~ nor shall it apply to
429 ~~previously approved structures now existing, or any necessary~~
430 replacement or repairs to such existing structures if, ~~so long~~
431 ~~as~~ the height and location are ~~is~~ unchanged.

432 (4) If ~~When~~ political subdivisions have, in compliance with
433 this chapter, adopted adequate airport airspace protection
434 zoning regulations, placed in compliance with s. 333.03, and
435 such regulations ~~are~~ on file with the department's aviation
436 office, and established a permitting process ~~Department of~~
437 ~~Transportation~~, a permit for the construction or alteration of
438 an obstruction is ~~such structure shall not be~~ required from the

596-01808-16

2016756c1

439 department ~~of Transportation~~. Upon receipt of a complete permit
440 application, the local government shall provide a copy of the
441 application to the department's aviation office by certified
442 mail, return receipt requested, or by a delivery service that
443 provides a receipt evidencing delivery. To evaluate technical
444 consistency with this subsection, the department shall have a
445 15-day review period following receipt of the application, which
446 must run concurrently with the local government permitting
447 process. Cranes, construction equipment, and other temporary
448 structures in use or in place for a period not to exceed 18
449 consecutive months are exempt from the department's review,
450 unless such review is requested by the department.

451 (5) The department ~~of Transportation~~ shall, within 30 days
452 after ~~of the~~ receipt of an application for a permit, issue or
453 deny a permit for the construction or erection, alteration, ~~or~~
454 ~~modification of an obstruction any structure the result of which~~
455 ~~would exceed federal obstruction standards as contained in 14~~
456 ~~C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29.~~ The department
457 shall review permit applications in conformity with s. 120.60.

458 (6) In determining whether to issue or deny a permit, the
459 department shall consider:

460 (a) The safety of persons on the ground and in the air.

461 (b) The safe and efficient use of navigable airspace.

462 (c) ~~(a)~~ The nature of the terrain and height of existing
463 structures.

464 ~~(b) Public and private interests and investments.~~

465 (d) The effect of the construction or alteration of an
466 obstruction on the state licensing standards for a public-use
467 airport contained in chapter 330 and rules adopted thereunder.

596-01808-16

2016756c1

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

470 ~~(f)~~ ~~(d)~~ Federal airways, visual flight rules, flyways and
471 corridors, and instrument approaches as designated by the
472 Federal Aviation Administration.

473 ~~(g)~~ ~~(e)~~ The effect of ~~Whether~~ the construction or alteration
474 of an obstruction on ~~the proposed structure would cause an~~
475 ~~increase in~~ the minimum descent altitude or the decision height
476 at the affected airport.

477 ~~(f)~~ ~~Technological advances.~~

478 ~~(g)~~ ~~The safety of persons on the ground and in the air.~~

479 ~~(h)~~ ~~Land use density.~~

480 ~~(i)~~ ~~The safe and efficient use of navigable airspace.~~

481 ~~(h)~~ ~~(j)~~ The cumulative effects on navigable airspace of all
482 existing obstructions ~~structures, proposed structures identified~~
483 ~~in the applicable jurisdictions' comprehensive plans,~~ and all
484 ~~other~~ known proposed obstructions ~~structures~~ in the area.

485 (7) When issuing a permit under this section, the
486 department ~~of Transportation shall, as a specific condition of~~
487 ~~such permit,~~ require the owner ~~obstruction marking and lighting~~
488 of the obstruction to install, operate, and maintain, at the
489 owner's expense, marking and lighting in conformance with the
490 specific standards established by the Federal Aviation
491 Administration ~~permitted structure as provided in s.~~
492 ~~333.07(3)(b).~~

493 (8) The department may ~~of Transportation shall~~ not approve
494 a permit for the construction or alteration ~~erection~~ of an
495 obstruction ~~a structure~~ unless the applicant submits ~~both~~
496 documentation showing both compliance with the federal

596-01808-16

2016756c1

497 requirement for notification of proposed construction or
498 alteration and a valid aeronautical study. ~~A evaluation, and no~~
499 permit may not shall be approved solely on the basis that the
500 Federal Aviation Administration determined that the such
501 proposed construction or alteration of an obstruction was not an
502 airport hazard structure will not exceed federal obstruction
503 standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25,
504 77.28, or 77.29, or any other federal aviation regulation.

505 (9) The denial of a permit under this section is subject to
506 administrative review pursuant to chapter 120.

507 Section 7. Section 333.03, Florida Statutes, is amended to
508 read:

509 333.03 Requirement ~~Power~~ to adopt airport zoning
510 regulations.-

511 (1) (a) ~~In order to prevent the creation or establishment of~~
512 ~~airport hazards,~~ Every political subdivision having an airport
513 hazard area within its territorial limits shall, ~~by October 1,~~
514 ~~1977,~~ adopt, administer, and enforce, under the police power and
515 in the manner and upon the conditions ~~hereinafter~~ prescribed in
516 this section, airport protection zoning regulations for such
517 airport hazard area.

518 (b) If where an airport is owned or controlled by a
519 political subdivision and any other political subdivision has
520 land, upon which an obstruction may be constructed or altered,
521 underlying any of the 14 C.F.R. Part 77, subpart C surfaces of
522 the airport, the political subdivisions airport hazard area
523 ~~appertaining to such airport is located wholly or partly outside~~
524 ~~the territorial limits of said political subdivision, the~~
525 ~~political subdivision owning or controlling the airport and the~~

596-01808-16

2016756c1

526 ~~political subdivision within which the airport hazard area is~~
527 ~~located,~~ shall either:

528 1. By interlocal agreement, ~~in accordance with the~~
529 ~~provisions of chapter 163,~~ adopt, administer, and enforce a set
530 of airport protection zoning regulations ~~applicable to the~~
531 ~~airport hazard area in question;~~ or

532 2. By ordinance, regulation, or resolution duly adopted,
533 create a joint airport protection zoning board ~~that,~~ which board
534 ~~shall have the same power to~~ adopt, administer, and enforce a
535 set of airport protection zoning regulations ~~applicable to the~~
536 ~~airport hazard area in question as that vested in paragraph (a)~~
537 ~~in the political subdivision within which such area is located.~~
538 The Each such joint airport protection zoning board shall have
539 as voting members two representatives appointed by each
540 participating political subdivision ~~participating in its~~
541 ~~creation and in addition~~ a chair elected by a majority of the
542 members so appointed. ~~However,~~ The airport manager or a
543 representative of each airport in ~~managers of~~ the affected
544 participating political subdivisions shall serve on the board in
545 a nonvoting capacity.

546 (c) Airport protection zoning regulations adopted under
547 paragraph (a) must shall, at as a minimum, require:

548 1. A permit variance for the construction or erection,
549 ~~alteration, or modification~~ of any obstruction ~~structure which~~
550 ~~would cause the structure to exceed the federal obstruction~~
551 ~~standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25,~~
552 ~~77.28, and 77.29;~~

553 2. Obstruction marking and lighting for obstructions
554 ~~structures as specified in s. 333.07(3);~~

596-01808-16

2016756c1

555 3. Documentation showing compliance with the federal
556 requirement for notification of proposed construction or
557 alteration of structures and a valid aeronautical study
558 ~~evaluation~~ submitted by each person applying for a permit
559 ~~variance~~;

560 4. Consideration of the criteria in s. 333.025(6), when
561 determining whether to issue or deny a permit variance; and

562 5. That approval of a permit not be based no variance shall
563 ~~be approved~~ solely on the determination by the Federal Aviation
564 Administration basis that the such proposed structure is not an
565 airport hazard will not exceed federal obstruction standards as
566 contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, or 77.29,
567 ~~or any other federal aviation regulation.~~

568 (d) The department shall be available to provide assistance
569 to political subdivisions regarding federal obstruction
570 standards shall issue copies of the federal obstruction
571 ~~standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25,~~
572 ~~77.28, and 77.29 to each political subdivision having airport~~
573 ~~hazard areas and, in cooperation with political subdivisions,~~
574 ~~shall issue appropriate airport zoning maps depicting within~~
575 ~~each county the maximum allowable height of any structure or~~
576 ~~tree. Material distributed pursuant to this subsection shall be~~
577 ~~at no cost to authorized recipients.~~

578 (2) In the manner provided in subsection (1), political
579 subdivisions shall adopt, administer, and enforce interim
580 ~~airport land use compatibility zoning regulations shall be~~
581 ~~adopted. Airport land use compatibility zoning~~ When political
582 ~~subdivisions have adopted land development regulations shall, at~~
583 a minimum, in accordance with the provisions of chapter 163

596-01808-16

2016756c1

584 ~~which address the use of land in the manner consistent with the~~
585 ~~provisions herein, adoption of airport land use compatibility~~
586 ~~regulations pursuant to this subsection shall not be required.~~
587 ~~Interim airport land use compatibility zoning regulations shall~~
588 ~~consider the following:~~

589 (a) The prohibition of new landfills and the restriction of
590 existing landfills ~~Whether sanitary landfills are located within~~
591 ~~the following areas:~~

592 1. Within 10,000 feet from the nearest point of any runway
593 used or planned to be used by turbine ~~turbojet or turboprop~~
594 aircraft.

595 2. Within 5,000 feet from the nearest point of any runway
596 used ~~only~~ by only nonturbine ~~piston-type~~ aircraft.

597 3. Outside the perimeters defined in subparagraphs 1. and
598 2., but still within the lateral limits of the civil airport
599 imaginary surfaces defined in 14 C.F.R. s. 77.19 ~~part 77.25~~.
600 Case-by-case review of such landfills is advised.

601 (b) Where ~~Whether~~ any landfill is located and constructed
602 in a manner ~~so~~ that ~~it~~ attracts or sustains hazardous bird
603 movements from feeding, water, or roosting areas into, or
604 across, the runways or approach and departure patterns of
605 aircraft. The landfill operator must ~~political subdivision shall~~
606 ~~request from the airport authority or other governing body~~
607 ~~operating the airport a report on such bird feeding or roosting~~
608 ~~areas that at the time of the request are known to the airport.~~
609 ~~In preparing its report, the authority, or other governing body,~~
610 ~~shall consider whether the landfill will incorporate bird~~
611 ~~management techniques or other practices to minimize bird~~
612 ~~hazards to airborne aircraft. The airport authority or other~~

596-01808-16

2016756c1

613 ~~governing body shall respond to the political subdivision no~~
614 ~~later than 30 days after receipt of such request.~~

615 (c) Where an airport authority or other governing body
616 operating a ~~publicly owned~~, public-use airport has conducted a
617 noise study in accordance with ~~the provisions of~~ 14 C.F.R. part
618 150, or where a public-use airport owner has established noise
619 contours pursuant to another public study approved by the
620 Federal Aviation Administration, the prohibition of incompatible
621 uses, as established in the noise study in 14 C.F.R. part 150,
622 Appendix A or as a part of an alternative Federal Aviation
623 Administration-approved public study, within the noise contours
624 established by any of these studies, except if such uses are
625 specifically contemplated by such study with appropriate
626 mitigation or similar techniques described in the study ~~neither~~
627 ~~residential construction nor any educational facility as defined~~
628 ~~in chapter 1013, with the exception of aviation school~~
629 ~~facilities, shall be permitted within the area contiguous to the~~
630 ~~airport defined by an outer noise contour that is considered~~
631 ~~incompatible with that type of construction by 14 C.F.R. part~~
632 ~~150, Appendix A or an equivalent noise level as established by~~
633 ~~other types of noise studies.~~

634 (d) Where an airport authority or other governing body
635 operating a ~~publicly owned~~, public-use airport has not conducted
636 a noise study, the prohibition of ~~neither~~ residential
637 construction and ~~nor~~ any educational facility ~~as defined in~~
638 ~~chapter 1013, with the exception of aviation school facilities,~~
639 ~~shall be permitted~~ within an area contiguous to the airport
640 measuring one-half the length of the longest runway on either
641 side of and at the end of each runway centerline.

596-01808-16

2016756c1

642 (e)(3) The restriction of ~~In the manner provided in~~
643 ~~subsection (1), airport zoning regulations shall be adopted~~
644 ~~which restrict new incompatible uses, activities, or~~ substantial
645 modifications to existing incompatible uses ~~construction~~ within
646 ~~runway protection clear zones, including uses, activities, or~~
647 ~~construction in runway clear zones which are incompatible with~~
648 ~~normal airport operations or endanger public health, safety, and~~
649 ~~welfare by resulting in congregations of people, emissions of~~
650 ~~light or smoke, or attraction of birds. Such regulations shall~~
651 ~~prohibit the construction of an educational facility of a public~~
652 ~~or private school at either end of a runway of a publicly owned,~~
653 ~~public-use airport within an area which extends 5 miles in a~~
654 ~~direct line along the centerline of the runway, and which has a~~
655 ~~width measuring one-half the length of the runway. Exceptions~~
656 ~~approving construction of an educational facility within the~~
657 ~~delineated area shall only be granted when the political~~
658 ~~subdivision administering the zoning regulations makes specific~~
659 ~~findings detailing how the public policy reasons for allowing~~
660 ~~the construction outweigh health and safety concerns prohibiting~~
661 ~~such a location.~~

662 ~~(4) The procedures outlined in subsections (1), (2), and~~
663 ~~(3) for the adoption of such regulations are supplemental to any~~
664 ~~existing procedures utilized by political subdivisions in the~~
665 ~~adoption of such regulations.~~

666 (3)(5) Political subdivisions shall provide ~~The Department~~
667 ~~of Transportation shall provide technical assistance to any~~
668 ~~political subdivision requesting assistance in the preparation~~
669 ~~of an airport zoning code. a copy of all local airport~~
670 protection zoning codes, rules, and regulations and airport land

596-01808-16

2016756c1

671 use compatibility zoning regulations, and any related amendments
672 ~~and proposed and granted variances thereto, to shall be filed~~
673 ~~with the department's aviation office within 30 days after~~
674 ~~adoption department.~~

675 ~~(4)(6) Nothing in Subsection (2) may not or subsection (3)~~
676 ~~shall be construed to require the removal, alteration, sound~~
677 ~~conditioning, or other change, or to interfere with the~~
678 ~~continued use or adjacent expansion of any educational facility~~
679 ~~structure or site in existence on July 1, 1993, or be construed~~
680 ~~to prohibit the construction of any new structure for which a~~
681 ~~site has been determined as provided in former s. 235.19, as of~~
682 ~~July 1, 1993.~~

683 (5) This section does not prohibit an airport authority, a
684 political subdivision or its administrative agency, or any other
685 governing body operating a public-use airport from establishing
686 airport zoning regulations more restrictive than prescribed in
687 this section in order to protect the health, safety, and welfare
688 of the public in the air and on the ground.

689 Section 8. Section 333.04, Florida Statutes, is amended to
690 read:

691 333.04 Comprehensive zoning regulations; most stringent to
692 prevail where conflicts occur.—

693 (1) INCORPORATION.—In the event that a political
694 subdivision has adopted, or hereafter adopts, a comprehensive
695 plan or policy zoning ordinance regulating, among other things,
696 the height of buildings, structures, and natural objects, and
697 uses of property, any airport zoning regulations applicable to
698 the same area or portion thereof may be incorporated in and made
699 a part of such comprehensive plan or policy zoning regulations,

596-01808-16

2016756c1

700 and be administered and enforced in connection therewith.

701 (2) CONFLICT.—In the event of conflict between any airport
702 zoning regulations adopted under this chapter and any other
703 regulations applicable to the same area, whether the conflict be
704 with respect to the height of structures or vegetation ~~trees~~,
705 the use of land, or any other matter, and whether such
706 regulations were adopted by the political subdivision that ~~which~~
707 adopted the airport zoning regulations or by some other
708 political subdivision, the more stringent limitation or
709 requirement shall govern and prevail.

710 Section 9. Section 333.05, Florida Statutes, is amended to
711 read:

712 333.05 Procedure for adoption of airport zoning
713 regulations.—

714 (1) NOTICE AND HEARING.—~~No~~ Airport zoning regulations may
715 not shall be adopted, amended, or repealed ~~changed~~ under this
716 chapter except by action of the legislative body of the
717 political subdivision or affected subdivisions ~~in question~~, or
718 the joint board provided in s. 333.03(1)(b)2. ~~s. 333.03(1)(b)~~ by
719 the political subdivisions ~~bodies~~ therein provided and set
720 forth, after a public hearing in relation thereto, at which
721 parties in interest and citizens shall have an opportunity to be
722 heard. Notice of the hearing shall be published at least once a
723 week for 2 consecutive weeks in a newspaper ~~an official paper,~~
724 ~~or a paper~~ of general circulation, ~~in the political subdivision~~
725 or subdivisions where ~~in which are located~~ the airport zoning
726 regulations are areas to be adopted, amended, or repealed ~~zoned~~.

727 (2) AIRPORT ZONING COMMISSION.—Before ~~Prior to~~ the initial
728 zoning of any airport area under this chapter, the political

596-01808-16

2016756c1

729 subdivision or joint airport zoning board that ~~which~~ is to
 730 adopt, administer, and enforce the regulations must ~~shall~~
 731 appoint a commission, to be known as the airport zoning
 732 commission, to recommend the boundaries of the various zones to
 733 be established and the regulations to be adopted therefor. Such
 734 commission shall make a preliminary report and hold public
 735 hearings thereon before submitting its final report, and the
 736 legislative body of the political subdivision or the joint
 737 airport zoning board may ~~shall~~ not hold its public hearings or
 738 take any action until it has received the final report of such
 739 commission, and at least 15 days shall elapse between the
 740 receipt of the final report of the commission and the hearing to
 741 be held by the latter board. If ~~Where~~ a planning city plan
 742 commission, an airport commission, or a comprehensive zoning
 743 commission already exists, it may be appointed as the airport
 744 zoning commission.

745 Section 10. Section 333.06, Florida Statutes, is amended to
 746 read:

747 333.06 Airport zoning regulation requirements.—

748 (1) REASONABLENESS.—All airport zoning regulations adopted
 749 under this chapter shall be reasonable and may not ~~none shall~~
 750 impose any requirement or restriction which is not reasonably
 751 necessary to effectuate the purposes of this chapter. In
 752 determining what regulations it may adopt, each political
 753 subdivision and joint airport zoning board shall consider, among
 754 other things, the character of the flying operations expected to
 755 be conducted at the airport, the nature of the terrain within
 756 the airport hazard area and runway protection ~~clear~~ zones, the
 757 character of the neighborhood, the uses to which the property to

596-01808-16

2016756c1

758 be zoned is put and adaptable, and the impact of any new use,
759 activity, or construction on the airport's operating capability
760 and capacity.

761 (2) INDEPENDENT JUSTIFICATION.—The purpose of all airport
762 zoning regulations adopted under this chapter is to provide both
763 airspace protection and land uses ~~use~~ compatible with airport
764 operations. Each aspect of this purpose requires independent
765 justification in order to promote the public interest in safety,
766 health, and general welfare. Specifically, construction in a
767 runway protection ~~clear~~ zone which does not exceed airspace
768 height restrictions is not conclusive ~~evidence per se~~ that such
769 use, activity, or construction is compatible with airport
770 operations.

771 (3) NONCONFORMING USES.—An ~~No~~ airport protection zoning
772 regulation ~~regulations~~ adopted under this chapter may not ~~shall~~
773 require the removal, lowering, or other change or alteration of
774 any obstruction ~~structure or tree~~ not conforming to the
775 regulation ~~regulations~~ when adopted or amended, or otherwise
776 interfere with the continuance of any nonconforming use, except
777 as provided in s. 333.07(1) and (3).

778 (4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO AFFECTED
779 LOCAL GOVERNMENTS.—An airport master plan shall be prepared by
780 each public-use ~~publicly owned and operated~~ airport licensed by
781 the department ~~of Transportation~~ under chapter 330. The
782 authorized entity having responsibility for governing the
783 operation of the airport, when either requesting from or
784 submitting to a state or federal governmental agency with
785 funding or approval jurisdiction a "finding of no significant
786 impact," an environmental assessment, a site-selection study, an

596-01808-16

2016756c1

787 airport master plan, or any amendment to an airport master plan,
788 shall submit simultaneously a copy of said request, submittal,
789 assessment, study, plan, or amendments by certified mail to all
790 affected local governments. As used in ~~For the purposes of~~ this
791 subsection, the term "affected local government" is defined as
792 any municipality ~~city~~ or county having jurisdiction over the
793 airport and any municipality ~~city~~ or county located within 2
794 miles of the boundaries of the land subject to the airport
795 master plan.

796 Section 11. Section 333.065, Florida Statutes, is repealed.

797 Section 12. Section 333.07, Florida Statutes, is amended to
798 read:

799 333.07 Local government permitting of airspace obstructions
800 ~~Permits and variances.-~~

801 (1) PERMITS.-

802 (a) A person proposing to construct, alter, or allow an
803 airport obstruction in an airport hazard area in violation of
804 the airport protection zoning regulations adopted under this
805 chapter must apply for a permit. ~~Any airport zoning~~
806 ~~regulations adopted under this chapter may require that a permit~~
807 ~~be obtained before any new structure or use may be constructed~~
808 ~~or established and before any existing use or structure may be~~
809 ~~substantially changed or substantially altered or repaired. In~~
810 ~~any event, however, all such regulations shall provide that~~
811 ~~before any nonconforming structure or tree may be replaced,~~
812 ~~substantially altered or repaired, rebuilt, allowed to grow~~
813 ~~higher, or replanted, a permit must be secured from the~~
814 ~~administrative agency authorized to administer and enforce the~~
815 ~~regulations, authorizing such replacement, change, or repair. No~~

596-01808-16

2016756c1

816 permit may not ~~shall~~ be issued if it ~~granted that~~ would allow
817 the establishment or creation of an airport hazard or if it
818 would permit a nonconforming obstruction ~~structure or tree or~~
819 ~~nonconforming use to be made or become higher or~~ to become a
820 greater hazard to air navigation than it was when the applicable
821 airport protection zoning regulation was adopted which allowed
822 the establishment or creation of the obstruction, or than it is
823 when the application for a permit is made.

824 (b) If ~~Whenever~~ the political subdivision or its
825 administrative agency determines that a nonconforming
826 obstruction ~~use or nonconforming structure or tree~~ has been
827 abandoned or is more than 80 percent torn down, destroyed,
828 deteriorated, or decayed, a ~~no~~ permit may not ~~shall~~ be granted
829 if it ~~that~~ would allow the obstruction ~~said structure or tree~~ to
830 exceed the applicable height limit or otherwise deviate from the
831 airport protection zoning regulations. ~~and,~~ Whether or not an
832 application is made for a permit under this subsection ~~or not,~~
833 ~~the said agency may by appropriate action, compel~~ the owner of
834 the nonconforming obstruction ~~may be required~~ ~~structure or tree,~~
835 at his or her own expense, to lower, remove, reconstruct, alter,
836 or equip such obstruction ~~object~~ as may be necessary to conform
837 to the current airport protection zoning regulations. If the
838 owner of the nonconforming obstruction neglects or refuses
839 ~~structure or tree shall neglect or refuse~~ to comply with such
840 requirement ~~order~~ for 10 days after notice ~~thereof,~~ the
841 administrative ~~said~~ agency may report the violation to the
842 political subdivision involved ~~therein,~~ which subdivision,
843 through its appropriate agency, may proceed to have the
844 obstruction ~~object~~ so lowered, removed, reconstructed, altered,

596-01808-16

2016756c1

845 or equipped, and assess the cost and expense thereof upon the
846 owner of the obstruction ~~object~~ or the land whereon it is or was
847 located, and, ~~unless such an assessment is paid within 90 days~~
848 ~~from the service of notice thereof on the owner or the owner's~~
849 ~~agent, of such object or land, the sum shall be a lien on said~~
850 ~~land, and shall bear interest thereafter at the rate of 6~~
851 ~~percent per annum until paid, and shall be collected in the same~~
852 ~~manner as taxes on real property are collected by said political~~
853 ~~subdivision, or, at the option of said political subdivision,~~
854 ~~said lien may be enforced in the manner provided for enforcement~~
855 ~~of liens by chapter 85.~~

856 ~~(c) Except as provided herein, applications for permits~~
857 ~~shall be granted, provided the matter applied for meets the~~
858 ~~provisions of this chapter and the regulations adopted and in~~
859 ~~force hereunder.~~

860 (2) CONSIDERATIONS WHEN ISSUING OR DENYING PERMITS.-In
861 determining whether to issue or deny a permit, the political
862 subdivision or its administrative agency must consider the
863 following, as applicable:

864 (a) The safety of persons on the ground and in the air.

865 (b) The safe and efficient use of navigable airspace.

866 (c) The nature of the terrain and height of existing
867 structures.

868 (d) The effect of the construction or alteration on the
869 state licensing standards for a public-use airport contained in
870 chapter 330 and rules adopted thereunder.

871 (e) The character of existing and planned flight operations
872 and developments at public-use airports.

873 (f) Federal airways, visual flight rules, flyways and

596-01808-16

2016756c1

874 corridors, and instrument approaches as designated by the
875 Federal Aviation Administration.

876 (g) The effect of the construction or alteration of the
877 proposed structure on the minimum descent altitude or the
878 decision height at the affected airport.

879 (h) The cumulative effects on navigable airspace of all
880 existing structures and all other known proposed structures in
881 the area.

882 (i) Additional requirements adopted by the political
883 subdivision or administrative agency pertinent to evaluation and
884 protection of airspace and airport operations.

885 ~~(2) VARIANCES.—~~

886 ~~(a) Any person desiring to erect any structure, increase~~
887 ~~the height of any structure, permit the growth of any tree, or~~
888 ~~otherwise use his or her property in violation of the airport~~
889 ~~zoning regulations adopted under this chapter or any land~~
890 ~~development regulation adopted pursuant to the provisions of~~
891 ~~chapter 163 pertaining to airport land use compatibility, may~~
892 ~~apply to the board of adjustment for a variance from the zoning~~
893 ~~regulations in question. At the time of filing the application,~~
894 ~~the applicant shall forward to the department by certified mail,~~
895 ~~return receipt requested, a copy of the application. The~~
896 ~~department shall have 45 days from receipt of the application to~~
897 ~~comment and to provide its comments or waiver of that right to~~
898 ~~the applicant and the board of adjustment. The department shall~~
899 ~~include its explanation for any objections stated in its~~
900 ~~comments. If the department fails to provide its comments within~~
901 ~~45 days of receipt of the application, its right to comment is~~
902 ~~waived. The board of adjustment may proceed with its~~

596-01808-16

2016756c1

903 ~~consideration of the application only upon the receipt of the~~
904 ~~department's comments or waiver of that right as demonstrated by~~
905 ~~the filing of a copy of the return receipt with the board.~~
906 ~~Noncompliance with this section shall be grounds to appeal~~
907 ~~pursuant to s. 333.08 and to apply for judicial relief pursuant~~
908 ~~to s. 333.11. Such variances may only be allowed where a literal~~
909 ~~application or enforcement of the regulations would result in~~
910 ~~practical difficulty or unnecessary hardship and where the~~
911 ~~relief granted would not be contrary to the public interest but~~
912 ~~would do substantial justice and be in accordance with the~~
913 ~~spirit of the regulations and this chapter. However, any~~
914 ~~variance may be allowed subject to any reasonable conditions~~
915 ~~that the board of adjustment may deem necessary to effectuate~~
916 ~~the purposes of this chapter.~~

917 ~~(b) The Department of Transportation shall have the~~
918 ~~authority to appeal any variance granted under this chapter~~
919 ~~pursuant to s. 333.08, and to apply for judicial relief pursuant~~
920 ~~to s. 333.11.~~

921 (3) OBSTRUCTION MARKING AND LIGHTING.—

922 ~~(a) In issuing a granting any permit or variance under this~~
923 ~~section, the political subdivision or its administrative agency~~
924 ~~or board of adjustment shall require the owner of the~~
925 ~~obstruction structure or tree in question to install, operate,~~
926 ~~and maintain thereon, at his or her own expense, ~~such~~ marking~~
927 ~~and lighting in conformance with the specific standards~~
928 ~~established by the Federal Aviation Administration as may be~~
929 ~~necessary to indicate to aircraft pilots the presence of an~~
930 ~~obstruction.~~

931 ~~(b) Such marking and lighting shall conform to the specific~~

596-01808-16

2016756c1

932 ~~standards established by rule by the Department of~~
933 ~~Transportation.~~

934 ~~(c) Existing structures not in compliance on October 1,~~
935 ~~1988, shall be required to comply whenever the existing marking~~
936 ~~requires refurbishment, whenever the existing lighting requires~~
937 ~~replacement, or within 5 years of October 1, 1988, whichever~~
938 ~~occurs first.~~

939 Section 13. Section 333.08, Florida Statutes, is repealed.

940 Section 14. Section 333.09, Florida Statutes, is amended to
941 read:

942 333.09 Administration of airport protection zoning
943 regulations.—

944 (1) ADMINISTRATION.—All airport protection zoning
945 regulations adopted under this chapter shall provide for the
946 administration and enforcement of such regulations by the
947 political subdivision or its administrative agency ~~an~~
948 ~~administrative agency which may be an agency created by such~~
949 ~~regulations or any official, board, or other existing agency of~~
950 ~~the political subdivision adopting the regulations or of one of~~
951 ~~the political subdivisions which participated in the creation of~~
952 ~~the joint airport zoning board adopting the regulations, if~~
953 ~~satisfactory to that political subdivision, but in no case shall~~
954 ~~such administrative agency be or include any member of the board~~
955 ~~of adjustment. The duties of any administrative agency~~
956 ~~designated pursuant to this chapter must ~~shall~~ include that of~~
957 ~~hearing and deciding all permits under s. 333.07 ~~s. 333.07(1)~~,~~
958 ~~deciding all matters under s. 333.07(3), as they pertain to such~~
959 ~~agency, and all other matters under this chapter applying to~~
960 ~~said agency, but such agency shall not have or exercise any of~~

596-01808-16

2016756c1

961 ~~the powers herein delegated to the board of adjustment.~~

962 (2) LOCAL GOVERNMENT PROCESS.—

963 (a) A political subdivision required to adopt airport
964 zoning regulations under this chapter shall provide a process
965 to:

966 1. Issue or deny permits consistent with s. 333.07.

967 2. Provide the department with a copy of a complete
968 application consistent with s. 333.025(4).

969 3. Enforce the issuance or denial of a permit or other
970 determination made by the administrative agency with respect to
971 airport zoning regulations.

972 (b) If a zoning board or permitting body already exists
973 within a political subdivision, the zoning board or permitting
974 body may implement the airport zoning regulation permitting and
975 appeals processes.

976 (3) APPEALS.—

977 (a) A person, a political subdivision or its administrative
978 agency, or a joint airport zoning board that contends that a
979 decision made by a political subdivision or its administrative
980 agency is an improper application of airport zoning regulations
981 may use the process established for an appeal.

982 (b) All appeals taken under this section must be taken
983 within a reasonable time, as provided by the political
984 subdivision or its administrative agency, by filing with the
985 entity from which the appeal is taken a notice of appeal
986 specifying the grounds for appeal.

987 (c) An appeal shall stay all proceedings in the underlying
988 action appealed from, unless the entity from which the appeal is
989 taken certifies pursuant to the rules for appeal that by reason

596-01808-16

2016756c1

990 of the facts stated in the certificate a stay would, in its
991 opinion, cause imminent peril to life or property. In such
992 cases, proceedings may not be stayed except by order of the
993 political subdivision or its administrative agency on notice to
994 the entity from which the appeal is taken and for good cause
995 shown.

996 (d) The political subdivision or its administrative agency
997 shall set a reasonable time for the hearing of appeals, give
998 public notice and due notice to the parties in interest, and
999 decide the same within a reasonable time. Upon the hearing, any
1000 party may appear in person, by agent, or by attorney.

1001 (e) The political subdivision or its administrative agency
1002 may, in conformity with this chapter, affirm, reverse, or modify
1003 the decision on the permit or other determination from which the
1004 appeal is taken.

1005 Section 15. Section 333.10, Florida Statutes, is repealed.

1006 Section 16. Section 333.11, Florida Statutes, is amended to
1007 read:

1008 333.11 Judicial review.—

1009 (1) Any person, ~~aggrieved, or taxpayer affected, by any~~
1010 ~~decision of a board of adjustment, or any governing body of a~~
1011 ~~political subdivision, or the Department of Transportation or~~
1012 ~~any joint airport zoning board~~ affected by a decision of a
1013 political subdivision, or its ~~of any~~ administrative agency
1014 ~~hereunder,~~ may apply for judicial relief to the circuit court in
1015 the judicial circuit where the political subdivision ~~board of~~
1016 ~~adjustment~~ is located within 30 days after rendition of the
1017 decision ~~by the board of adjustment.~~ Review shall be by petition
1018 for writ of certiorari, which shall be governed by the Florida

596-01808-16

2016756c1

1019 Rules of Appellate Procedure.

1020 ~~(2) Upon presentation of such petition to the court, it may~~
1021 ~~allow a writ of certiorari, directed to the board of adjustment,~~
1022 ~~to review such decision of the board. The allowance of the writ~~
1023 ~~shall not stay the proceedings upon the decision appealed from,~~
1024 ~~but the court may, on application, on notice to the board, on~~
1025 ~~due hearing and due cause shown, grant a restraining order.~~

1026 ~~(3) The board of adjustment shall not be required to return~~
1027 ~~the original papers acted upon by it, but it shall be sufficient~~
1028 ~~to return certified or sworn copies thereof or of such portions~~
1029 ~~thereof as may be called for by the writ. The return shall~~
1030 ~~concisely set forth such other facts as may be pertinent and~~
1031 ~~material to show the grounds of the decision appealed from and~~
1032 ~~shall be verified.~~

1033 ~~(2)(4)~~ The court has ~~shall have~~ exclusive jurisdiction to
1034 affirm, reverse, or modify, ~~or set aside~~ the decision on the
1035 permit or other determination from which the appeal is taken
1036 ~~brought up for review, in whole or in part, and, if appropriate~~
1037 ~~need be, to order further proceedings by the~~ political
1038 subdivision or its administrative agency board of adjustment.
1039 The findings of fact by the political subdivision or its
1040 administrative agency board, if supported by substantial
1041 evidence, shall be accepted by the court as conclusive, and an
1042 ~~no~~ objection to a decision of the political subdivision or its
1043 administrative agency may not board shall be considered by the
1044 court unless such objection was raised in the underlying
1045 proceeding ~~shall have been urged before the board, or, if it was~~
1046 ~~not so urged, unless there were reasonable grounds for failure~~
1047 ~~to do so.~~

596-01808-16

2016756c1

1048 (3)~~(5)~~ If ~~In any case in which~~ airport zoning regulations
1049 adopted under this chapter, ~~although generally reasonable,~~ are
1050 held by a court to interfere with the use and enjoyment of a
1051 particular structure or parcel of land to such an extent, or to
1052 be so onerous in their application to such a structure or parcel
1053 of land, as to constitute a taking or deprivation of that
1054 property in violation of the State Constitution or the
1055 Constitution of the United States, such holding shall not affect
1056 the application of such regulations to other structures and
1057 parcels of land, or such regulations as are not involved in the
1058 particular decision.

1059 (4)~~(6)~~ A judicial ~~No~~ appeal to any court may not shall be
1060 ~~or is~~ permitted under this section until the appellant has
1061 exhausted all of its remedies through application for local
1062 government permits, exceptions, and appeals, ~~to any courts, as~~
1063 ~~herein provided, save and except an appeal from a decision of~~
1064 ~~the board of adjustment, the appeal herein provided being from~~
1065 ~~such final decision of such board only, the appellant being~~
1066 ~~hereby required to exhaust his or her remedies hereunder of~~
1067 ~~application for permits, exceptions and variances, and appeal to~~
1068 ~~the board of adjustment, and gaining a determination by said~~
1069 ~~board, before being permitted to appeal to the court hereunder.~~

1070 Section 17. Section 333.12, Florida Statutes, is amended to
1071 read:

1072 333.12 Acquisition of air rights. ~~—If In any case which: it~~
1073 ~~is desired to remove, lower or otherwise terminate a~~
1074 nonconforming obstruction is determined to be an airport hazard
1075 and the owner will not remove, lower, or otherwise eliminate it
1076 ~~structure or use; or~~ the approach protection necessary cannot,

596-01808-16

2016756c1

1077 because of constitutional limitations, be provided by airport
1078 zoning regulations under this chapter; or it appears advisable
1079 that the necessary approach protection be provided by
1080 acquisition of property rights rather than by airport zoning
1081 regulations, the political subdivision within which the property
1082 or nonconforming obstruction ~~use~~ is located, or the political
1083 subdivision owning or operating the airport or being served by
1084 it, may acquire, by purchase, grant, or condemnation in the
1085 manner provided by chapter 73, such property, air right,
1086 avigation ~~navigation~~ easement, or other estate, portion, or
1087 interest in the property or nonconforming obstruction ~~structure~~
1088 ~~or use~~ or such interest in the air above such property, ~~tree,~~
1089 ~~structure, or use,~~ in question, as may be necessary to
1090 effectuate the purposes of this chapter, and in so doing, if by
1091 condemnation, to have the right to take immediate possession of
1092 the property, interest in property, air right, or other right
1093 sought to be condemned, at the time, and in the manner and form,
1094 and as authorized by chapter 74. In the case of the purchase of
1095 any property, ~~or any~~ easement, or estate or interest therein or
1096 the acquisition of the same by the power of eminent domain, the
1097 political subdivision making such purchase or exercising such
1098 power shall, in addition to the damages for the taking, injury,
1099 or destruction of property, also pay the cost of the removal and
1100 relocation of any structure or any public utility that ~~which~~ is
1101 required to be moved to a new location.

1102 Section 18. Section 333.13, Florida Statutes, is amended to
1103 read:

1104 333.13 Enforcement and remedies.—

1105 (1) Each violation of this chapter or of any airport zoning

596-01808-16

2016756c1

1106 regulations, orders, or rulings adopted ~~promulgated~~ or made
1107 pursuant to this chapter shall constitute a misdemeanor of the
1108 second degree, punishable as provided in s. 775.082 or s.
1109 775.083, and each day a violation continues to exist shall
1110 constitute a separate offense.

1111 (2) In addition, the political subdivision or agency
1112 adopting the airport zoning regulations under this chapter may
1113 institute in any court of competent jurisdiction an action to
1114 prevent, restrain, correct, or abate any violation of this
1115 chapter or of airport zoning regulations adopted under this
1116 chapter or of any order or ruling made in connection with their
1117 administration or enforcement, and the court shall adjudge to
1118 the plaintiff such relief, by way of injunction, ~~which may be~~
1119 ~~mandatory,~~ or otherwise, as may be proper under all the facts
1120 and circumstances of the case in order to fully effectuate the
1121 purposes of this chapter and of the regulations adopted and
1122 orders and rulings made pursuant thereto.

1123 (3) The department ~~of Transportation~~ may institute a civil
1124 action for injunctive relief in the appropriate circuit court to
1125 prevent violation of any provision of this chapter.

1126 Section 19. Section 333.135, Florida Statutes, is created
1127 to read:

1128 333.135 Transition provisions.—

1129 (1) Any airport zoning regulation in effect on July 1,
1130 2016, which includes provisions in conflict with this chapter
1131 shall be amended to conform to the requirements of this chapter
1132 by July 1, 2017.

1133 (2) Any political subdivision having an airport within its
1134 territorial limits which has not adopted airport zoning

596-01808-16

2016756c1

1135 regulations shall, by July 1, 2017, adopt airport zoning
1136 regulations consistent with this chapter.

1137 (3) For those political subdivisions that have not yet
1138 adopted airport zoning regulations pursuant to this chapter, the
1139 department shall administer the permitting process as provided
1140 in s. 333.025.

1141 Section 20. Section 333.14, Florida Statutes, is repealed.

1142 Section 21. Subsection (34) is added to section 334.044,
1143 Florida Statutes, to read:

1144 334.044 Department; powers and duties.—The department shall
1145 have the following general powers and duties:

1146 (34) To assume responsibilities of the United States
1147 Department of Transportation with respect to highway projects
1148 within the state under the National Environmental Policy Act of
1149 1969, 42 U.S.C. s. 4321 et seq., and with respect to related
1150 responsibilities for environmental review, consultation, or
1151 other action required under any federal environmental law
1152 pertaining to review or approval of a highway project within the
1153 state. The department may assume responsibilities under 23
1154 U.S.C. s. 327 and enter into one or more agreements, including
1155 memoranda of understanding, with the United States Secretary of
1156 Transportation related to the federal surface transportation
1157 project delivery program for the delivery of highway projects,
1158 as provided by 23 U.S.C. s. 327. The department may adopt rules
1159 to implement this subsection and may adopt relevant federal
1160 environmental standards as the standards for this state for a
1161 program described in this subsection. Sovereign immunity from
1162 civil suit in federal court is waived consistent with 23 U.S.C.
1163 s. 327 and limited to the compliance, discharge, or enforcement

596-01808-16

2016756c1

1164 of a responsibility assumed by the department under this
1165 subsection.

1166 Section 22. Paragraph (d) of subsection (2) of section
1167 334.30, Florida Statutes, is amended, current paragraph (e) of
1168 subsection (6) of that section is redesignated as paragraph (f),
1169 and new paragraph (e) is added to that section, to read:

1170 334.30 Public-private transportation facilities.—The
1171 Legislature finds and declares that there is a public need for
1172 the rapid construction of safe and efficient transportation
1173 facilities for the purpose of traveling within the state, and
1174 that it is in the public's interest to provide for the
1175 construction of additional safe, convenient, and economical
1176 transportation facilities.

1177 (2) Agreements entered into pursuant to this section may
1178 authorize the private entity to impose tolls or fares for the
1179 use of the facility. The following provisions shall apply to
1180 such agreements:

1181 (d) The department shall provide the analysis required in
1182 subparagraph (6) (f) 2. ~~(6) (e) 2.~~ to the Legislative Budget
1183 Commission created pursuant to s. 11.90 for review and approval
1184 prior to awarding a contract on a lease of an existing toll
1185 facility.

1186 (6) The procurement of public-private partnerships by the
1187 department shall follow the provisions of this section. Sections
1188 337.025, 337.11, 337.14, 337.141, 337.145, 337.175, 337.18,
1189 337.185, 337.19, 337.221, and 337.251 shall not apply to
1190 procurements under this section unless a provision is included
1191 in the procurement documents. The department shall ensure that
1192 generally accepted business practices for exemptions provided by

596-01808-16

2016756c1

1193 this subsection are part of the procurement process or are
1194 included in the public-private partnership agreement.

1195 (e) The department shall consult with staff of the Division
1196 of Bond Finance of the State Board of Administration in
1197 connection with a proposal to finance or refinance a
1198 transportation facility pursuant to this section. The department
1199 shall provide the division with the information necessary to
1200 provide timely consultation and recommendations. The division
1201 may make an independent recommendation to the Executive Office
1202 of the Governor.

1203 Section 23. Section 337.027, Florida Statutes, is created
1204 to read:

1205 337.027 Authority to implement a business development
1206 program.-

1207 (1) The Department of Transportation may establish a
1208 program for highway projects that would assist small businesses.
1209 The purpose of this program is to increase competition, lower
1210 prices, and provide increased support to meet the department's
1211 future work program. The program may include, but is not limited
1212 to, setting aside contracts, providing preference points for the
1213 use of small businesses, providing special assistance in bidding
1214 and contract completion, waiving bond requirements, and
1215 implementing other strategies that would increase competition.

1216 (2) For purposes of this section, the term "small business"
1217 means a business with average gross receipts of less than \$15
1218 million for road and bridge contracts and less than \$6.5 million
1219 for professional and nonprofessional services contracts. A
1220 business determines its size by averaging its annual gross
1221 receipts over the last 3 years, including the receipts of an

596-01808-16

2016756c1

1222 affiliate as defined in s. 337.165.

1223 (3) The department may adopt rules to implement this
1224 section.

1225 Section 24. Subsection (4) of section 338.165, Florida
1226 Statutes, is amended to read:

1227 338.165 Continuation of tolls.—

1228 (4) Notwithstanding any other law to the contrary, pursuant
1229 to s. 11, Art. VII of the State Constitution, and subject to the
1230 requirements of subsection (2), the Department of Transportation
1231 may request the Division of Bond Finance to issue bonds secured
1232 by toll revenues collected on the Alligator Alley, the Sunshine
1233 Skyway Bridge, ~~the Beeline East Expressway, the Navarre Bridge,~~
1234 and the Pinellas Bayway to fund transportation projects located
1235 within the county or counties in which the project is located
1236 and contained in the adopted work program of the department.

1237 Section 25. Paragraph (c) of subsection (3) of section
1238 338.231, Florida Statutes, is amended to read:

1239 338.231 Turnpike tolls, fixing; pledge of tolls and other
1240 revenues.—The department shall at all times fix, adjust, charge,
1241 and collect such tolls and amounts for the use of the turnpike
1242 system as are required in order to provide a fund sufficient
1243 with other revenues of the turnpike system to pay the cost of
1244 maintaining, improving, repairing, and operating such turnpike
1245 system; to pay the principal of and interest on all bonds issued
1246 to finance or refinance any portion of the turnpike system as
1247 the same become due and payable; and to create reserves for all
1248 such purposes.

1249 (3)

1250 (c) Notwithstanding any other provision of law to the

596-01808-16

2016756c1

1251 contrary, any prepaid toll account of any kind which has
1252 remained inactive for 10 ~~3~~ years shall be presumed unclaimed and
1253 its disposition shall be handled by the Department of Financial
1254 Services in accordance with all applicable provisions of chapter
1255 717 relating to the disposition of unclaimed property, and the
1256 prepaid toll account shall be closed by the department.

1257 Section 26. Section 339.0809, Florida Statutes, is created
1258 to read:

1259 339.0809 Florida Department of Transportation Financing
1260 Corporation.-

1261 (1) The Florida Department of Transportation Financing
1262 Corporation is created as a nonprofit corporation for the
1263 purpose of financing or refinancing projects for the department
1264 as provided in subsection (5).

1265 (2) When used in this section, the term "corporation" means
1266 the Florida Department of Transportation Financing Corporation.

1267 (3) The corporation shall be governed by a board of
1268 directors consisting of the director of the Office of Policy and
1269 Budget in the Executive Office of the Governor, the director of
1270 the Division of Bond Finance, and the Secretary of
1271 Transportation. The director of the Division of Bond Finance is
1272 the chief executive officer of the corporation and shall direct
1273 and supervise the administrative affairs of the corporation and
1274 shall control, direct, and supervise the operation of the
1275 corporation. The corporation shall have such other officers as
1276 may be determined by the board of directors.

1277 (4) The corporation shall have all of the powers of a
1278 corporate body under the laws of this state to the extent that
1279 they are not inconsistent with or restricted by this section,

596-01808-16

2016756c1

- 1280 including, but not limited to, the power to:
- 1281 (a) Adopt, amend, and repeal bylaws not inconsistent with
1282 this section.
- 1283 (b) Sue and be sued.
- 1284 (c) Adopt and use a common seal.
- 1285 (d) Acquire, purchase, hold, lease, and convey such real
1286 and personal property as may be proper or expedient to carry out
1287 the purposes of the corporation and this section and to sell,
1288 lease, or otherwise dispose of such property.
- 1289 (e) Elect or appoint and employ such other officers,
1290 agents, and employees as the corporation deems advisable to
1291 operate and manage the affairs of the corporation, which
1292 officers, agents, and employees may be officers or employees of
1293 the department and the state agencies represented on the board
1294 of directors of the corporation.
- 1295 (f) Borrow money and issue notes, bonds, certificates of
1296 indebtedness, or other obligations or evidences of indebtedness
1297 necessary to finance or refinance projects as provided in
1298 subsection (5).
- 1299 (g) Make and execute any and all contracts, trust
1300 agreements, and other instruments and agreements necessary or
1301 convenient to accomplish the purposes of the corporation and
1302 this section.
- 1303 (h) Select, retain, and employ professionals, contractors,
1304 or agents, which may include the Division of Bond Finance, as
1305 necessary or convenient to enable or assist the corporation in
1306 carrying out the purposes of the corporation and this section.
- 1307 (i) Take any action necessary or convenient to carry out
1308 the purposes of the corporation and this section and the powers

596-01808-16

2016756c1

1309 provided in this section.

1310 (5) The corporation may enter into one or more service
1311 contracts with the department to provide services to the
1312 department in connection with projects approved in the
1313 department's work program, which approval specifically provides
1314 that the department may enter into a service contract for the
1315 project pursuant to this section. The department may enter into
1316 one or more such service contracts with the corporation and
1317 provide for payments under such contracts, subject to annual
1318 appropriation by the Legislature. The proceeds from such service
1319 contracts may be used for the corporation's administrative costs
1320 and expenses after the payments specified in subsection (6).
1321 Each service contract may have a term of up to 35 years. In
1322 compliance with s. 287.0641 and other applicable law, the
1323 obligations of the department under such service contracts do
1324 not constitute a general obligation of the state or a pledge of
1325 the full faith and credit or taxing power of the state, and such
1326 obligations are not an obligation of the State Board of
1327 Administration or entities for which it invests funds, other
1328 than the department as provided in this section, but are payable
1329 solely from amounts available in the State Transportation Trust
1330 Fund, subject to annual appropriation. In compliance with this
1331 subsection and s. 287.0582, the service contract must expressly
1332 include the following statement: "The State of Florida's
1333 performance and obligation to pay under this contract is
1334 contingent upon an annual appropriation by the Legislature."

1335 (6) The corporation may issue and incur notes, bonds,
1336 certificates of indebtedness, or other obligations or evidences
1337 of indebtedness payable from and secured by amounts payable to

596-01808-16

2016756c1

1338 the corporation by the department under a service contract
1339 entered into pursuant to subsection (5) for the purpose of
1340 financing or refinancing projects approved as provided in that
1341 subsection. The duration of any such note, bond, certificate of
1342 indebtedness, or other obligation or evidence of indebtedness
1343 may not exceed 30 annual maturities. The corporation may select
1344 its financing team and issue its obligations through competitive
1345 bidding or negotiated contracts, whichever is most cost-
1346 effective. Indebtedness of the corporation does not constitute a
1347 debt or obligation of the state or a pledge of the full faith
1348 and credit or taxing power of the state, but is payable from and
1349 secured by payments made by the department under the service
1350 contract.

1351 (7) The fulfillment of the purposes of the corporation
1352 promotes the health, safety, and general welfare of the people
1353 of the state and serves essential governmental functions and a
1354 paramount public purpose.

1355 (8) The corporation is exempt from taxation and assessments
1356 on its income, property, and assets or revenues acquired,
1357 received, or used in the furtherance of the purposes provided in
1358 this chapter. The obligations of the corporation incurred
1359 pursuant to subsection (6) and the interest and income on such
1360 obligations and all security agreements, letters of credit,
1361 liquidity facilities, or other obligations or instruments
1362 arising out of, entered into in connection with, or given to
1363 secure payment of such obligations are exempt from taxation;
1364 however, such exemption does not apply to any tax imposed under
1365 chapter 220 on the interest, income, or profits on debt
1366 obligations owned by corporations.

596-01808-16

2016756c1

1367 (9) The corporation may validate obligations to be incurred
1368 pursuant to subsection (6) and the validity and enforceability
1369 of any service contracts providing for payments pledged to the
1370 payment of such obligations by proceedings under chapter 75. The
1371 validation complaint may be filed only in the Circuit Court of
1372 Leon County. The notice required to be published by s. 75.06
1373 must be published in Leon County, and the complaint and order of
1374 the circuit court may be served only on the State Attorney for
1375 the Second Judicial Circuit. Sections 75.04(2) and 75.06(2) do
1376 not apply to a complaint for validation filed under this
1377 subsection.

1378 (10) The corporation is not a special district for the
1379 purposes of chapter 189 or a unit of local government for the
1380 purposes of part III of chapter 218. The provisions of chapters
1381 120 and 215, except the limitation on the interest rates
1382 provided by s. 215.84, which applies to obligations of the
1383 corporation issued pursuant to this section, and part I of
1384 chapter 287, except ss. 287.0582 and 287.0641, do not apply to
1385 this section, the corporation, the service contracts entered
1386 into pursuant to this section, or debt obligations issued by the
1387 corporation as contemplated in this section.

1388 (11) The benefits and earnings of the corporation may not
1389 inure to the benefit of any private person.

1390 (12) Upon dissolution of the corporation, title to all
1391 property owned by the corporation reverts to the state.

1392 (13) The corporation may contract with the State Board of
1393 Administration to serve as a trustee with respect to debt
1394 obligations issued by the corporation as contemplated by this
1395 section; to hold, administer, and invest proceeds of such debt

596-01808-16

2016756c1

1396 obligations and other funds of the corporation; and to perform
1397 other services required by the corporation. The State Board of
1398 Administration may perform such services and may contract with
1399 others to provide all or a part of such services and to recover
1400 its costs and other expenses thereof.

1401 (14) The department may enter into a service contract in
1402 conjunction with the issuance of debt obligations as provided in
1403 this section which provides for periodic payments for debt
1404 service or other amounts payable with respect to debt
1405 obligations, plus any administrative expenses of the
1406 corporation.

1407 Section 27. This act shall take effect July 1, 2016.