

**By** the Committees on Appropriations; and Transportation; and  
Senator Brandes

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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

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32 is prohibited from approving a permit; providing that  
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

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61 of airspace obstructions; requiring a person proposing  
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

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90 subdivision or its administrative agency, or a  
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

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119 environmental standards; providing a limited waiver of  
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 Office 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, the Navarre Bridge, and the  
138 Pinellas Bayway; authorizing the department's Pinellas  
139 Bayway System to be transferred by the department and  
140 become part of the turnpike system under the Florida  
141 Turnpike Enterprise Law; providing applicability;  
142 repealing chapter 85-364, Laws of Florida, as amended,  
143 relating to the Pinellas Bayway; amending s. 338.231,  
144 F.S.; increasing the number of years before an  
145 inactive prepaid toll account is presumed unclaimed;  
146 creating s. 339.0809, F.S.; creating a nonprofit  
147 corporation to be known as the "Florida Department of

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148 Transportation Financing Corporation"; defining the  
149 term "corporation"; providing for membership of a  
150 governing board of directors; providing certain powers  
151 and duties; authorizing the corporation to enter into  
152 service contracts with the Department of  
153 Transportation subject to certain requirements;  
154 authorizing the corporation to issue and incur notes,  
155 bonds, certificates of indebtedness, or other  
156 obligations or evidences of indebtedness under certain  
157 circumstances; providing that the fulfillment of the  
158 purposes of the corporation promotes the health,  
159 safety, and general welfare of the people of the state  
160 and serves essential governmental functions and a  
161 paramount public purpose; providing certain exemptions  
162 from taxation and assessments; authorizing the  
163 corporation to validate certain obligations subject to  
164 certain requirements; providing applicability;  
165 prohibiting the benefits and earnings of the  
166 corporation from inuring to any private person;  
167 requiring title to all property owned by the  
168 corporation to revert to the state upon dissolution of  
169 the corporation; authorizing the corporation to  
170 contract with the State Board of Administration to  
171 perform certain services; authorizing the board to  
172 contract with others to provide such services and to  
173 recover certain costs; authorizing the department to  
174 enter into a service contract in conjunction with the  
175 issuance of debt obligations which provides for  
176 certain periodic payments; amending s. 343.922, F.S.;

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177 increasing the period of time in which a master plan  
178 must be updated; amending s. 348.0004, F.S.;  
179 conforming a cross-reference; providing an effective  
180 date.

181

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

183

184 Section 1. Subsection (2) of section 311.07, Florida  
185 Statutes, is amended to read:

186 311.07 Florida seaport transportation and economic  
187 development funding.—

188 (2) A minimum of \$25 ~~\$15~~ million per year shall be made  
189 available from the State Transportation Trust Fund to fund the  
190 Florida Seaport Transportation and Economic Development Program.  
191 The Florida Seaport Transportation and Economic Development  
192 Council created in s. 311.09 shall develop guidelines for  
193 project funding. Council staff, the Department of  
194 Transportation, and the Department of Economic Opportunity shall  
195 work in cooperation to review projects and allocate funds in  
196 accordance with the schedule required for the Department of  
197 Transportation to include these projects in the tentative work  
198 program developed pursuant to s. 339.135(4).

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

201 311.09 Florida Seaport Transportation and Economic  
202 Development Council.—

203 (9) The Department of Transportation shall include at least  
204 \$25 ~~no less than \$15~~ million per year in its annual legislative  
205 budget request for the Florida Seaport Transportation and

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206 Economic Development Program funded under s. 311.07. Such budget  
207 must ~~shall~~ include funding for projects approved by the council  
208 which have been determined by each agency to be consistent. The  
209 department shall include the specific approved Florida Seaport  
210 Transportation and Economic Development Program projects to be  
211 funded under s. 311.07 during the ensuing fiscal year in the  
212 tentative work program developed pursuant to s. 339.135(4). The  
213 total amount of funding to be allocated to Florida Seaport  
214 Transportation and Economic Development Program projects under  
215 s. 311.07 during the successive 4 fiscal years shall also be  
216 included in the tentative work program developed pursuant to s.  
217 339.135(4). The council may submit to the department a list of  
218 approved projects that could be made production-ready within the  
219 next 2 years. The list shall be submitted by the department as  
220 part of the needs and project list prepared pursuant to s.  
221 339.135(2)(b). However, the department shall, upon written  
222 request of the Florida Seaport Transportation and Economic  
223 Development Council, submit work program amendments pursuant to  
224 s. 339.135(7) to the Governor within 10 days after the later of  
225 the date the request is received by the department or the  
226 effective date of the amendment, termination, or closure of the  
227 applicable funding agreement between the department and the  
228 affected seaport, as required to release the funds from the  
229 existing commitment. Notwithstanding s. 339.135(7)(c), any work  
230 program amendment to transfer prior year funds from one approved  
231 seaport project to another seaport project is subject to the  
232 procedures in s. 339.135(7)(d). Notwithstanding any provision of  
233 law to the contrary, the department may transfer unexpended  
234 budget between the seaport projects as identified in the



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235 approved work program amendments.

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

238 316.003 Definitions.—The following words and phrases, when  
239 used in this chapter, shall have the meanings respectively  
240 ascribed to them in this section, except where the context  
241 otherwise requires:

242 (94) PORT OF ENTRY.—A designated location that allows  
243 drivers of commercial motor vehicles to purchase temporary  
244 registration permits necessary to operate legally within the  
245 state. The locations and the designated routes to such locations  
246 shall be determined by the Department of Transportation.

247 Section 4. Paragraph (b) of subsection (2) of section  
248 316.545, Florida Statutes, is amended to read:

249 316.545 Weight and load unlawful; special fuel and motor  
250 fuel tax enforcement; inspection; penalty; review.—

251 (2)

252 (b) The officer or inspector shall inspect the license  
253 plate or registration certificate of the commercial vehicle, as  
254 defined in s. 316.003(66), to determine if its gross weight is  
255 in compliance with the declared gross vehicle weight. If its  
256 gross weight exceeds the declared weight, the penalty shall be 5  
257 cents per pound on the difference between such weights. In those  
258 cases when the commercial vehicle, as defined in s. 316.003(66),  
259 is being operated over the highways of the state with an expired  
260 registration or with no registration from this or any other  
261 jurisdiction or is not registered under the applicable  
262 provisions of chapter 320, the penalty herein shall apply on the  
263 basis of 5 cents per pound on that scaled weight which exceeds

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264 35,000 pounds on laden truck tractor-semitrailer combinations or  
265 tandem trailer truck combinations, 10,000 pounds on laden  
266 straight trucks or straight truck-trailer combinations, or  
267 10,000 pounds on any unladen commercial motor vehicle. A driver  
268 of a commercial motor vehicle entering the state at a designated  
269 port-of-entry location, as defined in s. 316.003(94), or  
270 operating on designated routes to a port-of-entry location, who  
271 obtains a temporary registration permit shall be assessed a  
272 penalty limited to the difference between its gross weight and  
273 the declared gross vehicle weight at 5 cents per pound. If the  
274 license plate or registration has not been expired for more than  
275 90 days, the penalty imposed under this paragraph may not exceed  
276 \$1,000. In the case of special mobile equipment as defined in s.  
277 316.003(48), which qualifies for the license tax provided for in  
278 s. 320.08(5)(b), being operated on the highways of the state  
279 with an expired registration or otherwise not properly  
280 registered under the applicable provisions of chapter 320, a  
281 penalty of \$75 shall apply in addition to any other penalty  
282 which may apply in accordance with this chapter. A vehicle found  
283 in violation of this section may be detained until the owner or  
284 operator produces evidence that the vehicle has been properly  
285 registered. Any costs incurred by the retention of the vehicle  
286 shall be the sole responsibility of the owner. A person who has  
287 been assessed a penalty pursuant to this paragraph for failure  
288 to have a valid vehicle registration certificate pursuant to the  
289 provisions of chapter 320 is not subject to the delinquent fee  
290 authorized in s. 320.07 if such person obtains a valid  
291 registration certificate within 10 working days after such  
292 penalty was assessed.

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293 Section 5. Section 333.01, Florida Statutes, is amended to  
294 read:

295 333.01 Definitions.—~~As used in For the purpose of this~~  
296 chapter, the term ~~following words, terms, and phrases shall have~~  
297 ~~the meanings herein given, unless otherwise specifically~~  
298 ~~defined, or unless another intention clearly appears, or the~~  
299 ~~context otherwise requires:~~

300 (1) "Aeronautical study" means a Federal Aviation  
301 Administration study, conducted in accordance with the standards  
302 of 14 C.F.R. part 77, subpart C, and Federal Aviation  
303 Administration policy and guidance, on the effect of proposed  
304 construction or alteration upon the operation of air navigation  
305 facilities and the safe and efficient use of navigable airspace.

306 ~~(1) "Aeronautics" means transportation by aircraft; the~~  
307 ~~operation, construction, repair, or maintenance of aircraft,~~  
308 ~~aircraft power plants and accessories, including the repair,~~  
309 ~~packing, and maintenance of parachutes; the design,~~  
310 ~~establishment, construction, extension, operation, improvement,~~  
311 ~~repair, or maintenance of airports, restricted landing areas, or~~  
312 ~~other air navigation facilities, and air instruction.~~

313 (2) "Airport" means any area of land or water designed and  
314 set aside for the landing and taking off of aircraft and used  
315 ~~utilized~~ or to be used ~~utilized~~ in the interest of the public  
316 for such purpose.

317 (3) "Airport hazard" means an obstruction to air navigation  
318 which affects the safe and efficient use of navigable airspace  
319 or the operation of planned or existing air navigation and  
320 communication facilities ~~any structure or tree or use of land~~  
321 ~~which would exceed the federal obstruction standards as~~

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322 ~~contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29~~  
323 ~~and which obstructs the airspace required for the flight of~~  
324 ~~aircraft in taking off, maneuvering, or landing or is otherwise~~  
325 ~~hazardous to such taking off, maneuvering, or landing of~~  
326 ~~aircraft and for which no person has previously obtained a~~  
327 ~~permit or variance pursuant to s. 333.025 or s. 333.07.~~

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

331 (5) "Airport land use compatibility zoning" means airport  
332 zoning regulations governing ~~restricting~~ the use of land on,  
333 adjacent to, or in the immediate vicinity of airports ~~in the~~  
334 ~~manner enumerated in s. 333.03(2) to activities and purposes~~  
335 ~~compatible with the continuation of normal airport operations~~  
336 ~~including landing and takeoff of aircraft in order to promote~~  
337 ~~public health, safety, and general welfare.~~

338 (6) "Airport layout plan" means a set of scaled drawings  
339 that provide a graphic representation of the existing and future  
340 development plan for the airport and demonstrate the  
341 preservation and continuity of safety, utility, and efficiency  
342 of the airport detailed, scale engineering drawing, including  
343 ~~pertinent dimensions, of an airport's current and planned~~  
344 ~~facilities, their locations, and runway usage.~~

345 (7) "Airport master plan" means a comprehensive plan of an  
346 airport which typically describes current and future plans for  
347 airport development designed to support existing and future  
348 aviation demand.

349 (8) "Airport protection zoning regulations" means airport  
350 zoning regulations governing airport hazards.

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351 (9) "Department" means the Department of Transportation as  
352 created under s. 20.23.

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

358 (11) "Landfill" has the same meaning as provided in s.  
359 403.703.

360 (12)~~(7)~~ "Obstruction" means any existing or proposed  
361 manmade object or object, of natural growth or terrain, or  
362 structure construction or alteration that exceeds violates the  
363 federal obstruction standards contained in 14 C.F.R. part 77,  
364 subpart C ss. 77.21, 77.23, 77.25, 77.28, and 77.29. The term  
365 includes:

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

367 (b) Permanent or temporary construction or alteration,  
368 including equipment or materials used and any permanent or  
369 temporary apparatus; or

370 (c) Alteration of any permanent or temporary existing  
371 structure by a change in the structure's height, including  
372 appurtenances, lateral dimensions, and equipment or materials  
373 used in the structure.

374 (13)~~(8)~~ "Person" means any individual, firm, copartnership,  
375 corporation, company, association, joint-stock association, or  
376 body politic, and includes any trustee, receiver, assignee, or  
377 other similar representative thereof.

378 (14)~~(9)~~ "Political subdivision" means the local government  
379 of any county, municipality city, town, village, or other

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380 subdivision or agency thereof, or any district or special  
381 district, port commission, port authority, or other such agency  
382 authorized to establish or operate airports in the state.

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

386 (16)~~(10)~~ "Runway protection clear zone" means an area at  
387 ground level beyond the runway end to enhance the safety and  
388 protection of people and property on the ground ~~a runway clear~~  
389 ~~zone as defined in 14 C.F.R. s. 151.9(b).~~

390 (17)~~(11)~~ "Structure" means any object~~,~~ constructed,  
391 erected, altered, or installed by humans, including, but not  
392 limited to without limitation thereof, buildings, towers,  
393 smokestacks, utility poles, power generation equipment, and  
394 overhead transmission lines.

395 (18) "Substantial modification" means any repair,  
396 reconstruction, rehabilitation, or improvement of a structure  
397 when the actual cost of the repair, reconstruction,  
398 rehabilitation, or improvement of the structure equals or  
399 exceeds 50 percent of the market value of the structure.

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

401 Section 6. Section 333.025, Florida Statutes, is amended to  
402 read:

403 333.025 Permit required for obstructions ~~structures~~  
404 ~~exceeding federal obstruction standards.~~

405 (1) A person proposing the construction or alteration ~~In~~  
406 ~~order to prevent the erection of an obstruction must obtain a~~  
407 permit from the department ~~structures dangerous to air~~  
408 ~~navigation, subject to the provisions of subsections (2), (3),~~

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409 and (4), ~~each person shall secure from the Department of~~  
410 ~~Transportation a permit for the erection, alteration, or~~  
411 ~~modification of any structure the result of which would exceed~~  
412 ~~the federal obstruction standards as contained in 14 C.F.R. ss.~~  
413 ~~77.21, 77.23, 77.25, 77.28, and 77.29.~~ However, permits from the  
414 department ~~of Transportation~~ will be required only within an  
415 airport hazard area where federal obstruction standards are  
416 exceeded and if the proposed construction or alteration is  
417 within a 10-nautical-mile radius of the airport reference point,  
418 located at the approximate geometric ~~geographical~~ center of all  
419 usable runways of a public-use airport or a publicly owned or  
420 operated airport, a military airport, or an airport licensed by  
421 the state for public use.

422 (2) Existing, planned, and proposed ~~Affected airports will~~  
423 ~~be considered as having those facilities~~ on public-use airports  
424 contained in an ~~which are shown on the~~ airport master plan, in  
425 ~~or~~ an airport layout plan submitted to the Federal Aviation  
426 Administration, ~~Airport District Office~~ or in comparable  
427 military documents shall, ~~and will be so protected~~ from airport  
428 hazards. ~~Planned or proposed public-use airports which are the~~  
429 ~~subject of a notice or proposal submitted to the Federal~~  
430 ~~Aviation Administration or to the Department of Transportation~~  
431 ~~shall also be protected.~~

432 (3) A permit is not required for existing structures that  
433 ~~requirements of subsection (1) shall not apply to projects which~~  
434 received construction permits from the Federal Communications  
435 Commission for structures exceeding federal obstruction  
436 standards before ~~prior to~~ May 20, 1975, ~~provided such structures~~  
437 ~~now exist;~~ a permit is not required for ~~nor shall it apply to~~

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438 ~~previously approved structures now existing, or any necessary~~  
439 ~~replacement or repairs to such existing structures if, so long~~  
440 ~~as the height and location are is unchanged.~~

441 (4) ~~If~~ When political subdivisions have, in compliance with  
442 this chapter, adopted adequate airport airspace protection  
443 zoning regulations, placed in compliance with s. 333.03, and  
444 such regulations are on file with the department's aviation  
445 office, and established a permitting process ~~Department of~~  
446 ~~Transportation,~~ a permit for the construction or alteration of  
447 an obstruction is such structure shall not be required from the  
448 department of Transportation. Upon receipt of a complete permit  
449 application, the local government shall provide a copy of the  
450 application to the department's aviation office by certified  
451 mail, return receipt requested, or by a delivery service that  
452 provides a receipt evidencing delivery. To evaluate technical  
453 consistency with this subsection, the department shall have a  
454 15-day review period following receipt of the application, which  
455 must run concurrently with the local government permitting  
456 process. Cranes, construction equipment, and other temporary  
457 structures in use or in place for a period not to exceed 18  
458 consecutive months are exempt from the department's review,  
459 unless such review is requested by the department.

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



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

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

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

471 ~~(c) (a)~~ The nature of the terrain and height of existing  
472 structures.

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

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

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

479 ~~(f) (d)~~ Federal airways, visual flight rules, flyways and  
480 corridors, and instrument approaches as designated by the  
481 Federal Aviation Administration.

482 ~~(g) (e)~~ The effect of whether the construction or alteration  
483 of an obstruction on the proposed structure would cause an  
484 ~~increase in~~ the minimum descent altitude or the decision height  
485 at the affected airport.

486 ~~(f) Technological advances.~~

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

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

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

490 ~~(h) (j)~~ The cumulative effects on navigable airspace of all  
491 existing obstructions structures, ~~proposed structures identified~~  
492 ~~in the applicable jurisdictions' comprehensive plans,~~ and all  
493 ~~other~~ known proposed obstructions structures in the area.

494 (7) When issuing a permit under this section, the  
495 department ~~of Transportation~~ shall, ~~as a specific condition of~~

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496 ~~such permit, require the owner obstruction marking and lighting~~  
497 ~~of the obstruction to install, operate, and maintain, at the~~  
498 ~~owner's expense, marking and lighting in conformance with the~~  
499 ~~specific standards established by the Federal Aviation~~  
500 ~~Administration permitted structure as provided in s.~~  
501 ~~333.07(3)(b).~~

502 (8) The department ~~may~~ of Transportation shall not approve  
503 a permit for the construction or alteration ~~erection~~ of an  
504 obstruction ~~a structure~~ unless the applicant submits ~~both~~  
505 documentation showing both compliance with the federal  
506 requirement for notification of proposed construction or  
507 alteration and a valid aeronautical study. ~~A evaluation, and no~~  
508 ~~permit~~ may not ~~shall~~ be approved solely on the basis that the  
509 Federal Aviation Administration determined that the such  
510 proposed construction or alteration of an obstruction was not an  
511 airport hazard ~~structure will not exceed federal obstruction~~  
512 ~~standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25,~~  
513 ~~77.28, or 77.29, or any other federal aviation regulation.~~

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

516 Section 7. Section 333.03, Florida Statutes, is amended to  
517 read:

518 333.03 Requirement ~~Power~~ to adopt airport zoning  
519 regulations.-

520 (1) (a) ~~In order to prevent the creation or establishment of~~  
521 ~~airport hazards,~~ Every political subdivision having an airport  
522 hazard area within its territorial limits shall, ~~by October 1,~~  
523 ~~1977,~~ adopt, administer, and enforce, under the police power and  
524 in the manner and upon the conditions ~~hereinafter~~ prescribed in

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525 this section, airport protection zoning regulations for such  
526 airport hazard area.

527 (b) If ~~where~~ an airport is owned or controlled by a  
528 political subdivision and any other political subdivision has  
529 land, upon which an obstruction may be constructed or altered,  
530 underlying any of the 14 C.F.R. Part 77, subpart C surfaces of  
531 the airport, the political subdivisions ~~airport hazard area~~  
532 ~~appertaining to such airport is located wholly or partly outside~~  
533 ~~the territorial limits of said political subdivision, the~~  
534 ~~political subdivision owning or controlling the airport and the~~  
535 ~~political subdivision within which the airport hazard area is~~  
536 ~~located,~~ shall either:

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

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

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554 a nonvoting capacity.

555 (c) Airport protection zoning regulations adopted under  
556 paragraph (a) ~~must shall, at as~~ a minimum, require:

557 1. A permit ~~variance~~ for the construction or erection,  
558 ~~alteration, or modification~~ of any obstruction ~~structure which~~  
559 ~~would cause the structure to exceed the federal obstruction~~  
560 ~~standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25,~~  
561 ~~77.28, and 77.29;~~

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

564 3. Documentation showing compliance with the federal  
565 requirement for notification of proposed construction or  
566 alteration of structures and a valid aeronautical study  
567 ~~evaluation~~ submitted by each person applying for a permit  
568 ~~variance;~~

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

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

577 (d) The department shall be available to provide assistance  
578 to political subdivisions regarding federal obstruction  
579 standards ~~shall issue copies of the federal obstruction~~  
580 ~~standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25,~~  
581 ~~77.28, and 77.29 to each political subdivision having airport~~  
582 ~~hazard areas and, in cooperation with political subdivisions,~~

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583 ~~shall issue appropriate airport zoning maps depicting within~~  
584 ~~each county the maximum allowable height of any structure or~~  
585 ~~tree. Material distributed pursuant to this subsection shall be~~  
586 ~~at no cost to authorized recipients.~~

587 (2) In the manner provided in subsection (1), political  
588 subdivisions shall adopt, administer, and enforce interim  
589 airport land use compatibility zoning regulations shall be  
590 adopted. Airport land use compatibility zoning ~~When political~~  
591 ~~subdivisions have adopted land development regulations shall, at~~  
592 a minimum, in accordance with the provisions of chapter 163  
593 ~~which address the use of land in the manner consistent with the~~  
594 ~~provisions herein, adoption of airport land use compatibility~~  
595 ~~regulations pursuant to this subsection shall not be required.~~  
596 ~~Interim airport land use compatibility zoning regulations shall~~  
597 ~~consider the following:~~

598 (a) The prohibition of new landfills and the restriction of  
599 existing landfills ~~Whether sanitary landfills are located within~~  
600 ~~the following areas:~~

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

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

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

610 (b) Where ~~Whether~~ any landfill is located and constructed  
611 in a manner ~~so~~ that ~~it~~ attracts or sustains hazardous bird

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612 movements from feeding, water, or roosting areas into, or  
613 across, the runways or approach and departure patterns of  
614 aircraft. ~~The landfill operator must political subdivision shall~~  
615 ~~request from the airport authority or other governing body~~  
616 ~~operating the airport a report on such bird feeding or roosting~~  
617 ~~areas that at the time of the request are known to the airport.~~  
618 ~~In preparing its report, the authority, or other governing body,~~  
619 ~~shall consider whether the landfill will incorporate bird~~  
620 ~~management techniques or other practices to minimize bird~~  
621 ~~hazards to airborne aircraft. The airport authority or other~~  
622 ~~governing body shall respond to the political subdivision no~~  
623 ~~later than 30 days after receipt of such request.~~

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

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641 ~~150, Appendix A or an equivalent noise level as established by~~  
642 ~~other types of noise studies.~~

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

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

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670 such a location.

671 ~~(4) The procedures outlined in subsections (1), (2), and~~  
672 ~~(3) for the adoption of such regulations are supplemental to any~~  
673 ~~existing procedures utilized by political subdivisions in the~~  
674 ~~adoption of such regulations.~~

675 (3)(5) Political subdivisions shall provide ~~The Department~~  
676 ~~of Transportation shall provide technical assistance to any~~  
677 ~~political subdivision requesting assistance in the preparation~~  
678 ~~of an airport zoning code. a copy of all local airport~~  
679 protection zoning codes, rules, and regulations and airport land  
680 use compatibility zoning regulations, and any related amendments  
681 ~~and proposed and granted variances thereto, to shall be filed~~  
682 ~~with the department's aviation office within 30 days after~~  
683 adoption department.

684 ~~(4)(6) Nothing in Subsection (2) may not or subsection (3)~~  
685 ~~shall be construed to require the removal, alteration, sound~~  
686 ~~conditioning, or other change, or to interfere with the~~  
687 ~~continued use or adjacent expansion of any educational facility~~  
688 ~~structure or site in existence on July 1, 1993, or be construed~~  
689 ~~to prohibit the construction of any new structure for which a~~  
690 ~~site has been determined as provided in former s. 235.19, as of~~  
691 ~~July 1, 1993.~~

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

698 Section 8. Section 333.04, Florida Statutes, is amended to



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699 read:

700 333.04 Comprehensive zoning regulations; most stringent to  
701 prevail where conflicts occur.—

702 (1) INCORPORATION.—In the event that a political  
703 subdivision has adopted, or hereafter adopts, a comprehensive  
704 plan or policy ~~zoning ordinance~~ regulating, among other things,  
705 the height of buildings, structures, and natural objects, and  
706 uses of property, any airport zoning regulations applicable to  
707 the same area or portion thereof may be incorporated in and made  
708 a part of such comprehensive plan or policy ~~zoning regulations~~,  
709 and be administered and enforced in connection therewith.

710 (2) CONFLICT.—In the event of conflict between any airport  
711 zoning regulations adopted under this chapter and any other  
712 regulations applicable to the same area, whether the conflict be  
713 with respect to the height of structures or vegetation ~~trees~~,  
714 the use of land, or any other matter, and whether such  
715 regulations were adopted by the political subdivision that ~~which~~  
716 adopted the airport zoning regulations or by some other  
717 political subdivision, the more stringent limitation or  
718 requirement shall govern and prevail.

719 Section 9. Section 333.05, Florida Statutes, is amended to  
720 read:

721 333.05 Procedure for adoption of airport zoning  
722 regulations.—

723 (1) NOTICE AND HEARING.—~~No~~ Airport zoning regulations may  
724 not shall be adopted, amended, or repealed ~~changed~~ under this  
725 chapter except by action of the legislative body of the  
726 political subdivision or affected subdivisions ~~in question~~, or  
727 the joint board provided in s. 333.03(1)(b)2. ~~s. 333.03(1)(b)~~ by

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728 the political subdivisions ~~bodies~~ therein provided and set  
729 forth, after a public hearing in relation thereto, at which  
730 parties in interest and citizens shall have an opportunity to be  
731 heard. Notice of the hearing shall be published at least once a  
732 week for 2 consecutive weeks in a newspaper ~~an official paper,~~  
733 ~~or a paper~~ of general circulation, ~~in the political subdivision~~  
734 or subdivisions where ~~in which are located~~ the airport zoning  
735 regulations are areas to be adopted, amended, or repealed ~~zoned~~.

736 (2) AIRPORT ZONING COMMISSION.—~~Before~~ Prior to the initial  
737 zoning of any airport area under this chapter, the political  
738 subdivision or joint airport zoning board that ~~which~~ is to  
739 adopt, administer, and enforce the regulations must ~~shall~~  
740 appoint a commission, to be known as the airport zoning  
741 commission, to recommend the boundaries of the various zones to  
742 be established and the regulations to be adopted therefor. Such  
743 commission shall make a preliminary report and hold public  
744 hearings thereon before submitting its final report, and the  
745 legislative body of the political subdivision or the joint  
746 airport zoning board may ~~shall~~ not hold its public hearings or  
747 take any action until it has received the final report of such  
748 commission, and at least 15 days shall elapse between the  
749 receipt of the final report of the commission and the hearing to  
750 be held by the latter board. If ~~Where~~ a planning city plan  
751 commission, an airport commission, or a comprehensive zoning  
752 commission already exists, it may be appointed as the airport  
753 zoning commission.

754 Section 10. Section 333.06, Florida Statutes, is amended to  
755 read:

756 333.06 Airport zoning regulation requirements.—

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757 (1) REASONABLENESS.—All airport zoning regulations adopted  
758 under this chapter shall be reasonable and may not ~~none shall~~  
759 impose any requirement or restriction which is not reasonably  
760 necessary to effectuate the purposes of this chapter. In  
761 determining what regulations it may adopt, each political  
762 subdivision and joint airport zoning board shall consider, among  
763 other things, the character of the flying operations expected to  
764 be conducted at the airport, the nature of the terrain within  
765 the airport hazard area and runway protection ~~clear~~ zones, the  
766 character of the neighborhood, the uses to which the property to  
767 be zoned is put and adaptable, and the impact of any new use,  
768 activity, or construction on the airport's operating capability  
769 and capacity.

770 (2) INDEPENDENT JUSTIFICATION.—The purpose of all airport  
771 zoning regulations adopted under this chapter is to provide both  
772 airspace protection and land uses ~~use~~ compatible with airport  
773 operations. Each aspect of this purpose requires independent  
774 justification in order to promote the public interest in safety,  
775 health, and general welfare. Specifically, construction in a  
776 runway protection ~~clear~~ zone which does not exceed airspace  
777 height restrictions is not conclusive ~~evidence per se~~ that such  
778 use, activity, or construction is compatible with airport  
779 operations.

780 (3) NONCONFORMING USES.—An ~~No~~ airport protection zoning  
781 regulation ~~regulations~~ adopted under this chapter may not ~~shall~~  
782 require the removal, lowering, or other change or alteration of  
783 any obstruction ~~structure or tree~~ not conforming to the  
784 regulation ~~regulations~~ when adopted or amended, or otherwise  
785 interfere with the continuance of any nonconforming use, except

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786 as provided in s. 333.07(1) and (3).

787 (4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO AFFECTED  
788 LOCAL GOVERNMENTS.—An airport master plan shall be prepared by  
789 each public-use ~~publicly owned and operated~~ airport licensed by  
790 the department ~~of Transportation~~ under chapter 330. The  
791 authorized entity having responsibility for governing the  
792 operation of the airport, when either requesting from or  
793 submitting to a state or federal governmental agency with  
794 funding or approval jurisdiction a “finding of no significant  
795 impact,” an environmental assessment, a site-selection study, an  
796 airport master plan, or any amendment to an airport master plan,  
797 shall submit simultaneously a copy of said request, submittal,  
798 assessment, study, plan, or amendments by certified mail to all  
799 affected local governments. As used in ~~For the purposes of~~ this  
800 subsection, the term “affected local government” is defined as  
801 any municipality ~~city~~ or county having jurisdiction over the  
802 airport and any municipality ~~city~~ or county located within 2  
803 miles of the boundaries of the land subject to the airport  
804 master plan.

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

806 Section 12. Section 333.07, Florida Statutes, is amended to  
807 read:

808 333.07 Local government permitting of airspace obstructions  
809 Permits and variances.—

810 (1) PERMITS.—

811 (a) A person proposing to construct, alter, or allow an  
812 airport obstruction in an airport hazard area in violation of  
813 the airport protection zoning regulations adopted under this  
814 chapter must apply for a permit. A ~~Any airport zoning~~

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815 ~~regulations adopted under this chapter may require that a permit~~  
816 ~~be obtained before any new structure or use may be constructed~~  
817 ~~or established and before any existing use or structure may be~~  
818 ~~substantially changed or substantially altered or repaired. In~~  
819 ~~any event, however, all such regulations shall provide that~~  
820 ~~before any nonconforming structure or tree may be replaced,~~  
821 ~~substantially altered or repaired, rebuilt, allowed to grow~~  
822 ~~higher, or replanted, a permit must be secured from the~~  
823 ~~administrative agency authorized to administer and enforce the~~  
824 ~~regulations, authorizing such replacement, change, or repair. No~~  
825 ~~permit may not shall be issued if it granted that would allow~~  
826 ~~the establishment or creation of an airport hazard or if it~~  
827 ~~would permit a nonconforming obstruction ~~structure or tree or~~~~  
828 ~~nonconforming use to be made or become higher or to become a~~  
829 ~~greater hazard to air navigation than it was when the applicable~~  
830 ~~airport protection zoning regulation was adopted which allowed~~  
831 ~~the establishment or creation of the obstruction, or than it is~~  
832 ~~when the application for a permit is made.~~

833 (b) ~~If~~ Whenever the political subdivision or its  
834 administrative agency determines that a nonconforming  
835 obstruction ~~use or nonconforming structure or tree~~ has been  
836 abandoned or is more than 80 percent torn down, destroyed,  
837 deteriorated, or decayed, a ~~no~~ permit may not ~~shall~~ be granted  
838 if it ~~that~~ would allow the obstruction ~~said structure or tree~~ to  
839 exceed the applicable height limit or otherwise deviate from the  
840 airport protection zoning regulations. ~~;~~ and, Whether or not an  
841 application is made for a permit under this subsection ~~or not,~~  
842 ~~the said agency may by appropriate action, compel~~ the owner of  
843 the nonconforming obstruction ~~may be required~~ ~~structure or tree,~~

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844 at his or her own expense, to lower, remove, reconstruct, alter,  
845 or equip such obstruction ~~object~~ as may be necessary to conform  
846 to the current airport protection zoning regulations. If the  
847 owner of the nonconforming obstruction neglects or refuses  
848 ~~structure or tree shall neglect or refuse~~ to comply with such  
849 requirement ~~order~~ for 10 days after notice ~~thereof~~, the  
850 administrative ~~said~~ agency may report the violation to the  
851 political subdivision involved ~~therein~~, which subdivision,  
852 through its appropriate agency, may proceed to have the  
853 obstruction ~~object~~ so lowered, removed, reconstructed, altered,  
854 or equipped, and assess the cost and expense thereof upon the  
855 owner of the obstruction ~~object~~ or the land whereon it is or was  
856 located, ~~and, unless such an assessment is paid within 90 days~~  
857 ~~from the service of notice thereof on the owner or the owner's~~  
858 ~~agent, of such object or land, the sum shall be a lien on said~~  
859 ~~land, and shall bear interest thereafter at the rate of 6~~  
860 ~~percent per annum until paid, and shall be collected in the same~~  
861 ~~manner as taxes on real property are collected by said political~~  
862 ~~subdivision, or, at the option of said political subdivision,~~  
863 ~~said lien may be enforced in the manner provided for enforcement~~  
864 ~~of liens by chapter 85.~~

865 ~~(c) Except as provided herein, applications for permits~~  
866 ~~shall be granted, provided the matter applied for meets the~~  
867 ~~provisions of this chapter and the regulations adopted and in~~  
868 ~~force hereunder.~~

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

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- 873       (a) The safety of persons on the ground and in the air.  
874       (b) The safe and efficient use of navigable airspace.  
875       (c) The nature of the terrain and height of existing  
876 structures.  
877       (d) The effect of the construction or alteration on the  
878 state licensing standards for a public-use airport contained in  
879 chapter 330 and rules adopted thereunder.  
880       (e) The character of existing and planned flight operations  
881 and developments at public-use airports.  
882       (f) Federal airways, visual flight rules, flyways and  
883 corridors, and instrument approaches as designated by the  
884 Federal Aviation Administration.  
885       (g) The effect of the construction or alteration of the  
886 proposed structure on the minimum descent altitude or the  
887 decision height at the affected airport.  
888       (h) The cumulative effects on navigable airspace of all  
889 existing structures and all other known proposed structures in  
890 the area.  
891       (i) Additional requirements adopted by the political  
892 subdivision or administrative agency pertinent to evaluation and  
893 protection of airspace and airport operations.  
894       ~~(2) VARIANCES.—~~  
895       ~~(a) Any person desiring to erect any structure, increase~~  
896 ~~the height of any structure, permit the growth of any tree, or~~  
897 ~~otherwise use his or her property in violation of the airport~~  
898 ~~zoning regulations adopted under this chapter or any land~~  
899 ~~development regulation adopted pursuant to the provisions of~~  
900 ~~chapter 163 pertaining to airport land use compatibility, may~~  
901 ~~apply to the board of adjustment for a variance from the zoning~~

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902 ~~regulations in question. At the time of filing the application,~~  
903 ~~the applicant shall forward to the department by certified mail,~~  
904 ~~return receipt requested, a copy of the application. The~~  
905 ~~department shall have 45 days from receipt of the application to~~  
906 ~~comment and to provide its comments or waiver of that right to~~  
907 ~~the applicant and the board of adjustment. The department shall~~  
908 ~~include its explanation for any objections stated in its~~  
909 ~~comments. If the department fails to provide its comments within~~  
910 ~~45 days of receipt of the application, its right to comment is~~  
911 ~~waived. The board of adjustment may proceed with its~~  
912 ~~consideration of the application only upon the receipt of the~~  
913 ~~department's comments or waiver of that right as demonstrated by~~  
914 ~~the filing of a copy of the return receipt with the board.~~  
915 ~~Noncompliance with this section shall be grounds to appeal~~  
916 ~~pursuant to s. 333.08 and to apply for judicial relief pursuant~~  
917 ~~to s. 333.11. Such variances may only be allowed where a literal~~  
918 ~~application or enforcement of the regulations would result in~~  
919 ~~practical difficulty or unnecessary hardship and where the~~  
920 ~~relief granted would not be contrary to the public interest but~~  
921 ~~would do substantial justice and be in accordance with the~~  
922 ~~spirit of the regulations and this chapter. However, any~~  
923 ~~variance may be allowed subject to any reasonable conditions~~  
924 ~~that the board of adjustment may deem necessary to effectuate~~  
925 ~~the purposes of this chapter.~~

926 ~~(b) The Department of Transportation shall have the~~  
927 ~~authority to appeal any variance granted under this chapter~~  
928 ~~pursuant to s. 333.08, and to apply for judicial relief pursuant~~  
929 ~~to s. 333.11.~~

930 (3) OBSTRUCTION MARKING AND LIGHTING.-



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931       ~~(a) In issuing a granting any permit or variance under this~~  
932 ~~section, the political subdivision or its administrative agency~~  
933 ~~or board of adjustment shall require the owner of the~~  
934 ~~obstruction structure or tree in question to install, operate,~~  
935 ~~and maintain thereon, at his or her own expense, ~~such~~ marking~~  
936 ~~and lighting in conformance with the specific standards~~  
937 ~~established by the Federal Aviation Administration as may be~~  
938 ~~necessary to indicate to aircraft pilots the presence of an~~  
939 ~~obstruction.~~

940       ~~(b) Such marking and lighting shall conform to the specific~~  
941 ~~standards established by rule by the Department of~~  
942 ~~Transportation.~~

943       ~~(c) Existing structures not in compliance on October 1,~~  
944 ~~1988, shall be required to comply whenever the existing marking~~  
945 ~~requires refurbishment, whenever the existing lighting requires~~  
946 ~~replacement, or within 5 years of October 1, 1988, whichever~~  
947 ~~occurs first.~~

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

949       Section 14. Section 333.09, Florida Statutes, is amended to  
950 read:

951       333.09 Administration of airport protection zoning  
952 regulations.-

953       (1) ADMINISTRATION.-All airport protection zoning  
954 regulations adopted under this chapter shall provide for the  
955 administration and enforcement of such regulations by the  
956 political subdivision or its administrative agency ~~an~~  
957 ~~administrative agency which may be an agency created by such~~  
958 ~~regulations or any official, board, or other existing agency of~~  
959 ~~the political subdivision adopting the regulations or of one of~~

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960 ~~the political subdivisions which participated in the creation of~~  
961 ~~the joint airport zoning board adopting the regulations, if~~  
962 ~~satisfactory to that political subdivision, but in no case shall~~  
963 ~~such administrative agency be or include any member of the board~~  
964 ~~of adjustment.~~ The duties of any administrative agency  
965 designated pursuant to this chapter must ~~shall~~ include that of  
966 hearing and deciding all permits under s. 333.07 ~~s. 333.07(1),~~  
967 ~~deciding all matters under s. 333.07(3),~~ as they pertain to such  
968 agency, and all other matters under this chapter applying to  
969 said agency, ~~but such agency shall not have or exercise any of~~  
970 ~~the powers herein delegated to the board of adjustment.~~

971 (2) LOCAL GOVERNMENT PROCESS.—

972 (a) A political subdivision required to adopt airport  
973 zoning regulations under this chapter shall provide a process  
974 to:

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

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

978 3. Enforce the issuance or denial of a permit or other  
979 determination made by the administrative agency with respect to  
980 airport zoning regulations.

981 (b) If a zoning board or permitting body already exists  
982 within a political subdivision, the zoning board or permitting  
983 body may implement the airport zoning regulation permitting and  
984 appeals processes.

985 (3) APPEALS.—

986 (a) A person, a political subdivision or its administrative  
987 agency, or a joint airport zoning board that contends that a  
988 decision made by a political subdivision or its administrative

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989 agency is an improper application of airport zoning regulations  
990 may use the process established for an appeal.

991 (b) All appeals taken under this section must be taken  
992 within a reasonable time, as provided by the political  
993 subdivision or its administrative agency, by filing with the  
994 entity from which the appeal is taken a notice of appeal  
995 specifying the grounds for appeal.

996 (c) An appeal shall stay all proceedings in the underlying  
997 action appealed from, unless the entity from which the appeal is  
998 taken certifies pursuant to the rules for appeal that by reason  
999 of the facts stated in the certificate a stay would, in its  
1000 opinion, cause imminent peril to life or property. In such  
1001 cases, proceedings may not be stayed except by order of the  
1002 political subdivision or its administrative agency on notice to  
1003 the entity from which the appeal is taken and for good cause  
1004 shown.

1005 (d) The political subdivision or its administrative agency  
1006 shall set a reasonable time for the hearing of appeals, give  
1007 public notice and due notice to the parties in interest, and  
1008 decide the same within a reasonable time. Upon the hearing, any  
1009 party may appear in person, by agent, or by attorney.

1010 (e) The political subdivision or its administrative agency  
1011 may, in conformity with this chapter, affirm, reverse, or modify  
1012 the decision on the permit or other determination from which the  
1013 appeal is taken.

1014 Section 15. Section 333.10, Florida Statutes, is repealed.

1015 Section 16. Section 333.11, Florida Statutes, is amended to  
1016 read:

1017 333.11 Judicial review.—

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1018 (1) Any person, ~~aggrieved, or taxpayer affected, by any~~  
1019 ~~decision of a board of adjustment, or any governing body of a~~  
1020 ~~political subdivision, or the Department of Transportation or~~  
1021 ~~any joint airport zoning board~~ affected by a decision of a  
1022 political subdivision, or its ~~of any~~ administrative agency  
1023 ~~hereunder,~~ may apply for judicial relief to the circuit court in  
1024 the judicial circuit where the political subdivision ~~board of~~  
1025 ~~adjustment~~ is located within 30 days after rendition of the  
1026 decision ~~by the board of adjustment~~. Review shall be by petition  
1027 for writ of certiorari, which shall be governed by the Florida  
1028 Rules of Appellate Procedure.

1029 ~~(2) Upon presentation of such petition to the court, it may~~  
1030 ~~allow a writ of certiorari, directed to the board of adjustment,~~  
1031 ~~to review such decision of the board. The allowance of the writ~~  
1032 ~~shall not stay the proceedings upon the decision appealed from,~~  
1033 ~~but the court may, on application, on notice to the board, on~~  
1034 ~~due hearing and due cause shown, grant a restraining order.~~

1035 ~~(3) The board of adjustment shall not be required to return~~  
1036 ~~the original papers acted upon by it, but it shall be sufficient~~  
1037 ~~to return certified or sworn copies thereof or of such portions~~  
1038 ~~thereof as may be called for by the writ. The return shall~~  
1039 ~~concisely set forth such other facts as may be pertinent and~~  
1040 ~~material to show the grounds of the decision appealed from and~~  
1041 ~~shall be verified.~~

1042 ~~(2)(4)~~ The court has ~~shall have~~ exclusive jurisdiction to  
1043 affirm, reverse, or ~~modify, or set aside~~ the decision on the  
1044 permit or other determination from which the appeal is taken  
1045 ~~brought up for review, in whole or in part,~~ and, if appropriate  
1046 ~~need be,~~ to order further proceedings by the political

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1047 subdivision or its administrative agency board of adjustment.  
1048 The findings of fact by the political subdivision or its  
1049 administrative agency board, if supported by substantial  
1050 evidence, shall be accepted by the court as conclusive, and an  
1051 ~~no~~ objection to a decision of the political subdivision or its  
1052 administrative agency may not board shall be considered by the  
1053 court unless such objection was raised in the underlying  
1054 proceeding shall have been urged before the board, or, if it was  
1055 ~~not so urged, unless there were reasonable grounds for failure~~  
1056 ~~to do so.~~

1057 ~~(3)(5) If In any case in which~~ airport zoning regulations  
1058 adopted under this chapter, ~~although generally reasonable,~~ are  
1059 held by a court to interfere with the use and enjoyment of a  
1060 particular structure or parcel of land to such an extent, or to  
1061 be so onerous in their application to such a structure or parcel  
1062 of land, as to constitute a taking or deprivation of that  
1063 property in violation of the State Constitution or the  
1064 Constitution of the United States, such holding shall not affect  
1065 the application of such regulations to other structures and  
1066 parcels of land, or such regulations as are not involved in the  
1067 particular decision.

1068 ~~(4)(6) A judicial~~ No appeal to any court may not shall be  
1069 ~~or is~~ permitted under this section until the appellant has  
1070 exhausted all of its remedies through application for local  
1071 government permits, exceptions, and appeals, to any courts, as  
1072 ~~herein provided, save and except an appeal from a decision of~~  
1073 ~~the board of adjustment, the appeal herein provided being from~~  
1074 ~~such final decision of such board only, the appellant being~~  
1075 ~~hereby required to exhaust his or her remedies hereunder of~~

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1076 ~~application for permits, exceptions and variances, and appeal to~~  
1077 ~~the board of adjustment, and gaining a determination by said~~  
1078 ~~board, before being permitted to appeal to the court hereunder.~~

1079 Section 17. Section 333.12, Florida Statutes, is amended to  
1080 read:

1081 333.12 Acquisition of air rights.—~~If In any case which: it~~  
1082 ~~is desired to remove, lower or otherwise terminate a~~  
1083 ~~nonconforming obstruction is determined to be an airport hazard~~  
1084 ~~and the owner will not remove, lower, or otherwise eliminate it~~  
1085 ~~structure or use; or~~ the approach protection necessary cannot,  
1086 because of constitutional limitations, be provided by airport  
1087 zoning regulations under this chapter; or it appears advisable  
1088 that the necessary approach protection be provided by  
1089 acquisition of property rights rather than by airport zoning  
1090 regulations, the political subdivision within which the property  
1091 or nonconforming obstruction ~~use~~ is located, or the political  
1092 subdivision owning or operating the airport or being served by  
1093 it, may acquire, by purchase, grant, or condemnation in the  
1094 manner provided by chapter 73, such property, air right,  
1095 avigation ~~navigation~~ easement, or other estate, portion, or  
1096 interest in the property or nonconforming obstruction ~~structure~~  
1097 ~~or use~~ or such interest in the air above such property, ~~tree,~~  
1098 ~~structure, or use,~~ in question, as may be necessary to  
1099 effectuate the purposes of this chapter, and in so doing, if by  
1100 condemnation, to have the right to take immediate possession of  
1101 the property, interest in property, air right, or other right  
1102 sought to be condemned, at the time, and in the manner and form,  
1103 and as authorized by chapter 74. In the case of the purchase of  
1104 any property, or any easement, or estate or interest therein or

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1105 the acquisition of the same by the power of eminent domain, the  
1106 political subdivision making such purchase or exercising such  
1107 power shall, in addition to the damages for the taking, injury,  
1108 or destruction of property, also pay the cost of the removal and  
1109 relocation of any structure or any public utility that ~~which~~ is  
1110 required to be moved to a new location.

1111 Section 18. Section 333.13, Florida Statutes, is amended to  
1112 read:

1113 333.13 Enforcement and remedies.—

1114 (1) Each violation of this chapter or of any airport zoning  
1115 regulations, orders, or rulings adopted ~~promulgated~~ or made  
1116 pursuant to this chapter shall constitute a misdemeanor of the  
1117 second degree, punishable as provided in s. 775.082 or s.  
1118 775.083, and each day a violation continues to exist shall  
1119 constitute a separate offense.

1120 (2) In addition, the political subdivision or agency  
1121 adopting the airport zoning regulations under this chapter may  
1122 institute in any court of competent jurisdiction an action to  
1123 prevent, restrain, correct, or abate any violation of this  
1124 chapter or of airport zoning regulations adopted under this  
1125 chapter or of any order or ruling made in connection with their  
1126 administration or enforcement, and the court shall adjudge to  
1127 the plaintiff such relief, by way of injunction, ~~(which may be~~  
1128 ~~mandatory,)~~ or otherwise, as may be proper under all the facts  
1129 and circumstances of the case in order to fully effectuate the  
1130 purposes of this chapter and of the regulations adopted and  
1131 orders and rulings made pursuant thereto.

1132 (3) The department ~~of Transportation~~ may institute a civil  
1133 action for injunctive relief in the appropriate circuit court to

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1134 prevent violation of any provision of this chapter.

1135 Section 19. Section 333.135, Florida Statutes, is created  
1136 to read:

1137 333.135 Transition provisions.—

1138 (1) Any airport zoning regulation in effect on July 1,  
1139 2016, which includes provisions in conflict with this chapter  
1140 shall be amended to conform to the requirements of this chapter  
1141 by July 1, 2017.

1142 (2) Any political subdivision having an airport within its  
1143 territorial limits which has not adopted airport zoning  
1144 regulations shall, by July 1, 2017, adopt airport zoning  
1145 regulations consistent with this chapter.

1146 (3) For those political subdivisions that have not yet  
1147 adopted airport zoning regulations pursuant to this chapter, the  
1148 department shall administer the permitting process as provided  
1149 in s. 333.025.

1150 Section 20. Section 333.14, Florida Statutes, is repealed.

1151 Section 21. Subsection (34) is added to section 334.044,  
1152 Florida Statutes, to read:

1153 334.044 Department; powers and duties.—The department shall  
1154 have the following general powers and duties:

1155 (34) To assume responsibilities of the United States  
1156 Department of Transportation with respect to highway projects  
1157 within the state under the National Environmental Policy Act of  
1158 1969, 42 U.S.C. s. 4321 et seq., and with respect to related  
1159 responsibilities for environmental review, consultation, or  
1160 other action required under any federal environmental law  
1161 pertaining to review or approval of a highway project within the  
1162 state. The department may assume responsibilities under 23



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1163 U.S.C. s. 327 and enter into one or more agreements, including  
1164 memoranda of understanding, with the United States Secretary of  
1165 Transportation related to the federal surface transportation  
1166 project delivery program for the delivery of highway projects,  
1167 as provided by 23 U.S.C. s. 327. The department may adopt rules  
1168 to implement this subsection and may adopt relevant federal  
1169 environmental standards as the standards for this state for a  
1170 program described in this subsection. Sovereign immunity from  
1171 civil suit in federal court is waived consistent with 23 U.S.C.  
1172 s. 327 and limited to the compliance, discharge, or enforcement  
1173 of a responsibility assumed by the department under this  
1174 subsection.

1175 Section 22. Paragraph (d) of subsection (2) of section  
1176 334.30, Florida Statutes, is amended, current paragraph (e) of  
1177 subsection (6) of that section is redesignated as paragraph (f),  
1178 and new paragraph (e) is added to that section, to read:

1179 334.30 Public-private transportation facilities.—The  
1180 Legislature finds and declares that there is a public need for  
1181 the rapid construction of safe and efficient transportation  
1182 facilities for the purpose of traveling within the state, and  
1183 that it is in the public's interest to provide for the  
1184 construction of additional safe, convenient, and economical  
1185 transportation facilities.

1186 (2) Agreements entered into pursuant to this section may  
1187 authorize the private entity to impose tolls or fares for the  
1188 use of the facility. The following provisions shall apply to  
1189 such agreements:

1190 (d) The department shall provide the analysis required in  
1191 subparagraph (6) (f) 2. ~~(6) (e) 2.~~ to the Legislative Budget

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1192 Commission created pursuant to s. 11.90 for review and approval  
1193 prior to awarding a contract on a lease of an existing toll  
1194 facility.

1195 (6) The procurement of public-private partnerships by the  
1196 department shall follow the provisions of this section. Sections  
1197 337.025, 337.11, 337.14, 337.141, 337.145, 337.175, 337.18,  
1198 337.185, 337.19, 337.221, and 337.251 shall not apply to  
1199 procurements under this section unless a provision is included  
1200 in the procurement documents. The department shall ensure that  
1201 generally accepted business practices for exemptions provided by  
1202 this subsection are part of the procurement process or are  
1203 included in the public-private partnership agreement.

1204 (e) The department shall consult with staff of the Division  
1205 of Bond Finance of the State Board of Administration in  
1206 connection with a proposal to finance or refinance a  
1207 transportation facility pursuant to this section. The department  
1208 shall provide the division with the information necessary to  
1209 provide timely consultation and recommendations. The division  
1210 may make an independent recommendation to the Executive Office  
1211 of the Governor.

1212 Section 23. Section 337.027, Florida Statutes, is created  
1213 to read:

1214 337.027 Authority to implement a business development  
1215 program.—

1216 (1) The Department of Transportation may establish a  
1217 program for highway projects that would assist small businesses.  
1218 The purpose of this program is to increase competition, lower  
1219 prices, and provide increased support to meet the department's  
1220 future work program. The program may include, but is not limited

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1221 to, setting aside contracts, providing preference points for the  
1222 use of small businesses, providing special assistance in bidding  
1223 and contract completion, waiving bond requirements, and  
1224 implementing other strategies that would increase competition.

1225 (2) For purposes of this section, the term "small business"  
1226 means a business with average gross receipts of less than \$15  
1227 million for road and bridge contracts and less than \$6.5 million  
1228 for professional and nonprofessional services contracts. A  
1229 business determines its size by averaging its annual gross  
1230 receipts over the last 3 years, including the receipts of an  
1231 affiliate as defined in s. 337.165.

1232 (3) The department may adopt rules to implement this  
1233 section.

1234 Section 24. Subsection (4) of section 338.165, Florida  
1235 Statutes, is amended, and subsection (11) is added to that  
1236 section, to read:

1237 338.165 Continuation of tolls.—

1238 (4) Notwithstanding any other law to the contrary, pursuant  
1239 to s. 11, Art. VII of the State Constitution, and subject to the  
1240 requirements of subsection (2), the Department of Transportation  
1241 may request the Division of Bond Finance to issue bonds secured  
1242 by toll revenues collected on the Alligator Alley ~~and~~ the  
1243 Sunshine Skyway Bridge, ~~the Beeline East Expressway, the Navarre~~  
1244 ~~Bridge, and the Pinellas Bayway~~ to fund transportation projects  
1245 located within the county or counties in which the project is  
1246 located and contained in the adopted work program of the  
1247 department.

1248 (11) The department's Pinellas Bayway System may be  
1249 transferred by the department and become part of the turnpike

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1250 system under the Florida Turnpike Enterprise Law. The transfer  
1251 does not affect the rights of the parties, or their successors  
1252 in interest, under the settlement agreement and final judgment  
1253 in Leonard Lee Ratner, Esther Ratner, and Leeco Gas and Oil Co.  
1254 v. State Road Department of the State of Florida, No. 67-1081  
1255 (Fla. 2nd Cir. Ct. 1968). Upon transfer of the Pinellas Bayway  
1256 System to the turnpike system, the department shall also  
1257 transfer to the Florida Turnpike Enterprise the funds deposited  
1258 in the reserve account established by chapter 85-364, Laws of  
1259 Florida, as amended by chapters 95-382 and 2014-223, Laws of  
1260 Florida, which funds shall be used by the Florida Turnpike  
1261 Enterprise solely to help fund the costs of repair or  
1262 replacement of the transferred facilities.

1263 Section 25. Chapter 85-364, Laws of Florida, as amended by  
1264 chapters 95-382 and section 48 of 2014-223, Laws of Florida, is  
1265 repealed.

1266 Section 26. Paragraph (c) of subsection (3) of section  
1267 338.231, Florida Statutes, is amended to read:

1268 338.231 Turnpike tolls, fixing; pledge of tolls and other  
1269 revenues.—The department shall at all times fix, adjust, charge,  
1270 and collect such tolls and amounts for the use of the turnpike  
1271 system as are required in order to provide a fund sufficient  
1272 with other revenues of the turnpike system to pay the cost of  
1273 maintaining, improving, repairing, and operating such turnpike  
1274 system; to pay the principal of and interest on all bonds issued  
1275 to finance or refinance any portion of the turnpike system as  
1276 the same become due and payable; and to create reserves for all  
1277 such purposes.

1278 (3)

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1279 (c) Notwithstanding any other provision of law to the  
1280 contrary, any prepaid toll account of any kind which has  
1281 remained inactive for 10 ~~3~~ years shall be presumed unclaimed and  
1282 its disposition shall be handled by the Department of Financial  
1283 Services in accordance with all applicable provisions of chapter  
1284 717 relating to the disposition of unclaimed property, and the  
1285 prepaid toll account shall be closed by the department.

1286 Section 27. Section 339.0809, Florida Statutes, is created  
1287 to read:

1288 339.0809 Florida Department of Transportation Financing  
1289 Corporation.-

1290 (1) The Florida Department of Transportation Financing  
1291 Corporation is created as a nonprofit corporation for the  
1292 purpose of financing or refinancing projects for the department  
1293 as provided in subsection (5).

1294 (2) When used in this section, the term "corporation" means  
1295 the Florida Department of Transportation Financing Corporation.

1296 (3) The corporation shall be governed by a board of  
1297 directors consisting of the director of the Office of Policy and  
1298 Budget in the Executive Office of the Governor, the director of  
1299 the Division of Bond Finance, and the Secretary of  
1300 Transportation. The director of the Division of Bond Finance is  
1301 the chief executive officer of the corporation and shall direct  
1302 and supervise the administrative affairs of the corporation and  
1303 shall control, direct, and supervise the operation of the  
1304 corporation. The corporation shall have such other officers as  
1305 may be determined by the board of directors.

1306 (4) The corporation shall have all of the powers of a  
1307 corporate body under the laws of this state to the extent that

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1308 they are not inconsistent with or restricted by this section,  
1309 including, but not limited to, the power to:

1310 (a) Adopt, amend, and repeal bylaws not inconsistent with  
1311 this section.

1312 (b) Sue and be sued.

1313 (c) Adopt and use a common seal.

1314 (d) Acquire, purchase, hold, lease, and convey such real  
1315 and personal property as may be proper or expedient to carry out  
1316 the purposes of the corporation and this section and to sell,  
1317 lease, or otherwise dispose of such property.

1318 (e) Elect or appoint and employ such other officers,  
1319 agents, and employees as the corporation deems advisable to  
1320 operate and manage the affairs of the corporation, which  
1321 officers, agents, and employees may be officers or employees of  
1322 the department and the state agencies represented on the board  
1323 of directors of the corporation.

1324 (f) Borrow money and issue notes, bonds, certificates of  
1325 indebtedness, or other obligations or evidences of indebtedness  
1326 necessary to finance or refinance projects as provided in  
1327 subsection (5).

1328 (g) Make and execute any and all contracts, trust  
1329 agreements, and other instruments and agreements necessary or  
1330 convenient to accomplish the purposes of the corporation and  
1331 this section.

1332 (h) Select, retain, and employ professionals, contractors,  
1333 or agents, which may include the Division of Bond Finance, as  
1334 necessary or convenient to enable or assist the corporation in  
1335 carrying out the purposes of the corporation and this section.

1336 (i) Take any action necessary or convenient to carry out

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1337 the purposes of the corporation and this section and the powers  
1338 provided in this section.

1339 (5) The corporation may enter into one or more service  
1340 contracts with the department to provide services to the  
1341 department in connection with projects approved in the  
1342 department's work program, which approval specifically provides  
1343 that the department may enter into a service contract for the  
1344 project pursuant to this section. The department may enter into  
1345 one or more such service contracts with the corporation and  
1346 provide for payments under such contracts, subject to annual  
1347 appropriation by the Legislature. The proceeds from such service  
1348 contracts may be used for the corporation's administrative costs  
1349 and expenses after the payments specified in subsection (6).  
1350 Each service contract may have a term of up to 35 years. In  
1351 compliance with s. 287.0641 and other applicable law, the  
1352 obligations of the department under such service contracts do  
1353 not constitute a general obligation of the state or a pledge of  
1354 the full faith and credit or taxing power of the state, and such  
1355 obligations are not an obligation of the State Board of  
1356 Administration or entities for which it invests funds, other  
1357 than the department as provided in this section, but are payable  
1358 solely from amounts available in the State Transportation Trust  
1359 Fund, subject to annual appropriation. In compliance with this  
1360 subsection and s. 287.0582, the service contract must expressly  
1361 include the following statement: "The State of Florida's  
1362 performance and obligation to pay under this contract is  
1363 contingent upon an annual appropriation by the Legislature."

1364 (6) The corporation may issue and incur notes, bonds,  
1365 certificates of indebtedness, or other obligations or evidences

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1366 of indebtedness payable from and secured by amounts payable to  
1367 the corporation by the department under a service contract  
1368 entered into pursuant to subsection (5) for the purpose of  
1369 financing or refinancing projects approved as provided in that  
1370 subsection. The duration of any such note, bond, certificate of  
1371 indebtedness, or other obligation or evidence of indebtedness  
1372 may not exceed 30 annual maturities. The corporation may select  
1373 its financing team and issue its obligations through competitive  
1374 bidding or negotiated contracts, whichever is most cost-  
1375 effective. Indebtedness of the corporation does not constitute a  
1376 debt or obligation of the state or a pledge of the full faith  
1377 and credit or taxing power of the state, but is payable from and  
1378 secured by payments made by the department under the service  
1379 contract.

1380 (7) The fulfillment of the purposes of the corporation  
1381 promotes the health, safety, and general welfare of the people  
1382 of the state and serves essential governmental functions and a  
1383 paramount public purpose.

1384 (8) The corporation is exempt from taxation and assessments  
1385 on its income, property, and assets or revenues acquired,  
1386 received, or used in the furtherance of the purposes provided in  
1387 this chapter. The obligations of the corporation incurred  
1388 pursuant to subsection (6) and the interest and income on such  
1389 obligations and all security agreements, letters of credit,  
1390 liquidity facilities, or other obligations or instruments  
1391 arising out of, entered into in connection with, or given to  
1392 secure payment of such obligations are exempt from taxation;  
1393 however, such exemption does not apply to any tax imposed under  
1394 chapter 220 on the interest, income, or profits on debt



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1395 obligations owned by corporations.

1396 (9) The corporation may validate obligations to be incurred  
1397 pursuant to subsection (6) and the validity and enforceability  
1398 of any service contracts providing for payments pledged to the  
1399 payment of such obligations by proceedings under chapter 75. The  
1400 validation complaint may be filed only in the Circuit Court of  
1401 Leon County. The notice required to be published by s. 75.06  
1402 must be published in Leon County, and the complaint and order of  
1403 the circuit court may be served only on the State Attorney for  
1404 the Second Judicial Circuit. Sections 75.04(2) and 75.06(2) do  
1405 not apply to a complaint for validation filed under this  
1406 subsection.

1407 (10) The corporation is not a special district for the  
1408 purposes of chapter 189 or a unit of local government for the  
1409 purposes of part III of chapter 218. The provisions of chapters  
1410 120 and 215, except the limitation on the interest rates  
1411 provided by s. 215.84, which applies to obligations of the  
1412 corporation issued pursuant to this section, and part I of  
1413 chapter 287, except ss. 287.0582 and 287.0641, do not apply to  
1414 this section, the corporation, the service contracts entered  
1415 into pursuant to this section, or debt obligations issued by the  
1416 corporation as contemplated in this section.

1417 (11) The benefits and earnings of the corporation may not  
1418 inure to the benefit of any private person.

1419 (12) Upon dissolution of the corporation, title to all  
1420 property owned by the corporation reverts to the state.

1421 (13) The corporation may contract with the State Board of  
1422 Administration to serve as a trustee with respect to debt  
1423 obligations issued by the corporation as contemplated by this

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1424 section; to hold, administer, and invest proceeds of such debt  
1425 obligations and other funds of the corporation; and to perform  
1426 other services required by the corporation. The State Board of  
1427 Administration may perform such services and may contract with  
1428 others to provide all or a part of such services and to recover  
1429 its costs and other expenses thereof.

1430 (14) The department may enter into a service contract in  
1431 conjunction with the issuance of debt obligations as provided in  
1432 this section which provides for periodic payments for debt  
1433 service or other amounts payable with respect to debt  
1434 obligations, plus any administrative expenses of the  
1435 corporation.

1436 Section 28. Paragraph (d) of subsection (3) of section  
1437 343.922, Florida Statutes, is amended to read:

1438 343.922 Powers and duties.—

1439 (3)

1440 (d) After its adoption, the master plan shall be updated  
1441 every 5 ~~2~~ years before July 1.

1442 Section 29. Paragraph (a) of subsection (9) of section  
1443 348.0004, Florida Statutes, is amended to read:

1444 348.0004 Purposes and powers.—

1445 (9) The Legislature declares that there is a public need  
1446 for the rapid construction of safe and efficient transportation  
1447 facilities for traveling within the state and that it is in the  
1448 public's interest to provide for public-private partnership  
1449 agreements to effectuate the construction of additional safe,  
1450 convenient, and economical transportation facilities.

1451 (a) Notwithstanding any other provision of the Florida  
1452 Expressway Authority Act, any expressway authority,

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1453 transportation authority, bridge authority, or toll authority  
1454 may receive or solicit proposals and enter into agreements with  
1455 private entities, or consortia thereof, for the building,  
1456 operation, ownership, or financing of authority transportation  
1457 facilities or new transportation facilities within the  
1458 jurisdiction of the authority which increase transportation  
1459 capacity. An authority may not sell or lease any transportation  
1460 facility owned by the authority, without providing the analysis  
1461 required in s. 334.30(6) ~~s. 334.30(6)(e)2.~~ to the Legislative  
1462 Budget Commission created pursuant to s. 11.90 for review and  
1463 approval prior to awarding a contract on a lease of an existing  
1464 toll facility. An authority is authorized to adopt rules to  
1465 implement this subsection and shall, by rule, establish an  
1466 application fee for the submission of unsolicited proposals  
1467 under this subsection. The fee must be sufficient to pay the  
1468 costs of evaluating the proposals. An authority may engage  
1469 private consultants to assist in the evaluation. Before  
1470 approval, an authority must determine that a proposed project:

- 1471 1. Is in the public's best interest.
- 1472 2. Would not require state funds to be used unless the  
1473 project is on or provides increased mobility on the State  
1474 Highway System.
- 1475 3. Would have adequate safeguards to ensure that no  
1476 additional costs or service disruptions would be realized by the  
1477 traveling public and residents of the state in the event of  
1478 default or the cancellation of the agreement by the authority.
- 1479 4. Would have adequate safeguards in place to ensure that  
1480 the department, the authority, or the private entity has the  
1481 opportunity to add capacity to the proposed project and other

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1482 transportation facilities serving similar origins and  
1483 destinations.

1484         5. Would be owned by the authority upon completion or  
1485 termination of the agreement.

1486         Section 30. This act shall take effect July 1, 2016.