

Tab 1	SB 88 by Simpson ; (Similar to H 0435) Gold Star License Plates
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Tab 2	SB 196 by Hutson ; (Identical to H 0267) Public Records/State-funded Infrastructure Bank
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726854 A S L RCS TR, Simpson Delete L.20: 11/04 03:21 PM

Tab 3	SB 222 by Detert ; (Identical to H 0235) Parking for Disabled Veterans
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Tab 4	CS/SB 416 by CA, Flores ; (Identical to H 0461) Location of Utilities
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Brandes, Chair
Senator Bullard, Vice Chair

MEETING DATE: Wednesday, November 4, 2015
TIME: 2:00—4:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Office Building

MEMBERS: Senator Brandes, Chair; Senator Bullard, Vice Chair; Senators Braynon, Evers, Grimsley, Simpson, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 88 Simpson (Similar H 435)	Gold Star License Plates; Including certain individuals as qualified for issuance of a Gold Star license plate, etc. TR 11/04/2015 Favorable MS FP	Favorable Yeas 6 Nays 0
2	SB 196 Hutson (Identical H 267)	Public Records/State-funded Infrastructure Bank; Providing an exemption from public records requirements for any financial statement or other financial information of a private entity applicant that the Department of Transportation requires as part of an application to the state-funded infrastructure bank; providing an exception to the exemption, etc. TR 11/04/2015 Fav/CS GO RC	Fav/CS Yeas 6 Nays 0
3	SB 222 Detert (Identical H 235)	Parking for Disabled Veterans; Requiring the governing body of each publicly owned or publicly operated airport to grant free parking to any vehicle displaying specified license plates for disabled veterans; clarifying that such license plates, rather than "DV" license plates, are exempt from certain parking fees charged by a county, municipality, or an agency thereof, etc. TR 11/04/2015 Favorable CA FP	Favorable Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Wednesday, November 4, 2015, 2:00—4:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 416 Community Affairs / Flores (Identical H 461)	Location of Utilities; Revising the circumstances under which a board of county commissioners is authorized to grant to a person or private corporation a license for specified projects related to lines for the transmission of certain public utilities and communication services; authorizing the Department of Transportation and certain local governmental entities to prescribe and enforce rules or regulations regarding the placement and maintenance of specified structures and lines within the right-of-way limits of roads or publicly owned rail corridors under their respective jurisdictions, etc. CA 10/20/2015 Fav/CS TR 11/04/2015 Favorable FP	Favorable Yeas 5 Nays 1

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 88

INTRODUCER: Senator Simpson

SUBJECT: Gold Star License Plates

DATE: November 2, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	Favorable
2.			MS	
3.			FP	

I. Summary:

SB 88 allows additional family members related to service members who have been killed while serving in the U.S. Armed Forces to qualify for issuance of the Gold Star license plate upon payment of the appropriate license tax and fees.

II. Present Situation:

The Gold Star license plate is a special license plate developed to honor the family members of service members who have been killed while serving in the U.S. Armed Forces.¹ The plate is only available to a spouse, legal mother or father, or stepparent currently married to the mother or father of a fallen service member.²

The surviving spouse and a surviving parent of a service member who resided in Florida at the time of his or her death will be issued, upon application providing proof of relationship to the service member and proof from the U.S. Government that the service member was killed while serving, one Gold Star license plate per household at no charge.³

An additional parent or a stepparent currently married to the mother or father of the fallen service member, or a surviving spouse or legal parent of the fallen service member who is not eligible for the *free* Gold Star plate is eligible to receive a Gold Star plate upon application providing proof of the relationship to the service member, documentation that the service member was killed while serving, and payment of the appropriate license tax and fees.⁴

¹ Section 320.0894, F.S.

² *Id.*, The Gold Star plate is issued to the owner or lessee of an automobile or truck for private use, weighing not more than 7,999 pounds, or recreational vehicle, and may not be issued to for hire or commercial use vehicles.

³ Section 320.0894(3)(b), F.S.

⁴ Section 320.0894(4), F.S.

As of August 2015, there were 564 active Gold Star registrations statewide.⁵

III. Effect of Proposed Changes:

The bill adds, upon payment of the appropriate license tax and fees, a parent through adoption, foster parent, grandparent, child, stepchild, adopted child, brother, sister, half-brother, or half-sister of a fallen service member is eligible to be issued a Gold Star license plate upon application for the plate, providing proof of relationship to the service member, and documentation that the service member was killed while in service.

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

An eligible family member who chooses to receive a Gold Star license plate will pay the same tax and fees as he or she would if issued a standard license plate.⁶

An individual will pay a \$28 new license plate fee if a Gold Star plate is replacing any plate prior to the 10-year forced replacement of the license plate.⁷

C. Government Sector Impact:

The state will pay a \$2.82 manufacturing fee for each additional Gold Star license plate issued.⁸ The bill may result in significantly more individuals qualifying for and obtaining

⁵ Department of Highway Safety and Motor Vehicles, *SB 88 Agency Bill Analysis*, (Aug. 24, 2015) (on file with the Senate Committee on Transportation).

⁶ License taxes vary based on type and weight of vehicle. *See* s. 320.08, F.S.

⁷ Email from the DHSMV (Oct. 27, 2015) (on file with the Senate Committee on Transportation).

⁸ *See Id.* The cost for a regular graphic plate is \$1.57.

a Gold Star license plate, however the DHSMV is unable to forecast the potential increase.⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

Tax Collector offices issuing Gold Star license plates may find it difficult to verify some of the added family members' relationship to the deceased service member.¹⁰

VIII. Statutes Affected:

This bill substantially amends section 320.0894 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁹ DHSMV Analysis, *supra* note 5.

¹⁰ *Id.*

By Senator Simpson

18-00071-16

201688__

A bill to be entitled

An act relating to Gold Star license plates; amending s. 320.0894, F.S.; including certain individuals as qualified for issuance of a Gold Star license plate; providing an effective date.

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

Section 1. Paragraph (a) of subsection (4) of section 320.0894, Florida Statutes, is amended to read:

320.0894 Motor vehicle license plates to Gold Star family members.—The department shall develop a special license plate honoring the family members of servicemembers who have been killed while serving in the Armed Forces of the United States. The license plate shall be officially designated as the Gold Star license plate and shall be developed and issued as provided in this section.

(4) (a) 1.a. The Gold Star license plate shall be issued only to family members of a servicemember who resided in Florida at the time of the death of the servicemember.

b. Any family member, as defined in subparagraph 2., of a servicemember killed while serving may be issued a Gold Star license plate upon payment of the license tax and appropriate fees as provided in paragraph (3) (a) without regard to the state of residence of the servicemember.

2. To qualify for issuance of a Gold Star license plate, the applicant must be directly related to a fallen servicemember as spouse, legal mother or father, ~~or~~ stepparent, parent through adoption, foster parent, grandparent, child, stepchild, adopted

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child, brother, sister, half brother, or half sister ~~who is currently married to the mother or father~~ of the fallen servicemember.

3. A servicemember is deemed to have been killed while in service as listed by the United States Department of Defense and may be verified from documentation directly from the Department of Defense or from its subordinate agencies, such as the Coast Guard, Reserve, or National Guard.

Section 2. This act shall take effect July 1, 2016.

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THE FLORIDA SENATE

APPEARANCE RECORD

11/4/15

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 88

Bill Number (if applicable)

Topic Relating to Gold Star License Plates

Amendment Barcode (if applicable)

Name Col. Mike Prendergast

Job Title Executive Director

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Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The Florida Dept. of Veterans Affairs

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 196

INTRODUCER: Transportation Committee and Senator Hutson

SUBJECT: Public Records/State-funded Infrastructure Bank

DATE: November 4, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Fav/CS
2.			GO	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 196 creates a new exemption from the public records inspection and access requirements of Art. I, s. 24(a) of the State Constitution and s. 119.07(1), F.S., for certain financial information held by the Florida Department of Transportation (FDOT). Specifically, the bill creates an exemption for any financial statement or other financial information of a private entity required by the FDOT as part of an application process for assistance from the State-funded Infrastructure Bank (SIB). The exemption does not apply to records of private applicants in default of a SIB loan.

The bill provides for repeal of the exemption on October 2021, unless reviewed and reenacted by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

Because the bill creates a new public records exemption, a two-thirds vote of the members present and voting in each house of the Legislature is required for final passage.

II. Present Situation:

Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.³ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.⁴ The Public Records Act states that

it is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁵

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may create an exemption to public records requirements.⁹ An exemption must pass by a two-thirds vote of the House and the Senate.¹⁰ In addition, an exemption must explicitly lay out the public necessity justifying the exemption, and the exemption must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹ A statutory

¹ FLA. CONST., art. I, s. 24(a).

² FLA. CONST., art. I, s. 24(a).

³ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislatures are primarily located in s. 11.0431(2)-(3), F.S.

⁴ Public records laws are found throughout the Florida Statutes.

⁵ Section 119.01(1), F.S.

⁶ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” to mean “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ FLA. CONST., art. I, s. 24(c).

exemption which does not meet these criteria may be unconstitutional and may not be judicially saved.¹²

When creating a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’¹³ Records designated as ‘confidential and exempt’ may be released by the records custodian only under the circumstances defined by the Legislature. Records designated as ‘exempt’ may be released at the discretion of the records custodian.¹⁴

Open Government Sunset Review Act

In addition to the constitutional requirements relating to the enactment of a public records exemption, the Legislature may subject the new or broadened exemption to the Open Government Sunset Review Act (OGSR).

The OGSR prescribes a legislative review process for newly created or substantially amended public records.¹⁵ The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption.¹⁶ In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

Under the OGSR the purpose and necessity of reenacting the exemption are reviewed. The Legislature must consider the following questions during its review of an exemption:¹⁷

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

¹² *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So.2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

¹³ If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

¹⁴ A record classified as exempt from public disclosure may be disclosed under certain circumstances. *Williams v. City of Minneola*, 575 So. 2d 687 (Fla. 5th DCA 1991).

¹⁵ Section 119.15, F.S. According to s. 119.15(4)(b), F.S., a substantially amended exemption is one that is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S. The OGSR process is currently being followed; however, the Legislature is not required to continue to do so. The Florida Supreme Court has found that one legislature cannot bind a future legislature. *Scott v. Williams*, 107 So. 3d 379 (Fla. 2013).

¹⁶ Section 119.15(3), F.S.

¹⁷ Section 119.15(6)(a), F.S.

If the Legislature expands an exemption, then a public necessity statement and a two-thirds vote for passage are required.¹⁸ If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are not required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless otherwise provided for by law.¹⁹

State-funded Infrastructure Bank

The 2000 Legislature created the SIB within the FDOT to provide loans and credit enhancements for use in constructing and improving transportation facilities.²⁰ Government units and private entities may apply to the SIB for assistance. As outstanding obligations are repaid to the SIB, those repayments are made available for future lending on other eligible SIB projects. All proceeds are invested by the State Treasurer in accordance with established investment guidelines.²¹

The SIB consists of two separate escrow accounts established with the Department of Financial Services, one federally-funded and one state-funded. Projects eligible for assistance from the former account include those meeting all of the requirements of Title 23, U.S.C.;²² capital projects defined in s. 5302 of Title 49, U.S.C.;²³ and any other projects relating to surface transportation that the U.S.D.O.T. Secretary determines to be appropriate.²⁴

For assistance from the state-funded account, a project must:

- Be on the State Highway System;
- Provide for increased mobility on the state's transportation system; or
- Provide intermodal connectivity with airports, seaports, rail facilities, and other transportation terminals for the movement of people and goods.²⁵

Additionally, projects identified under the Transportation Regional Incentive Program are eligible for assistance from the state-funded account. The FDOT is authorized to match up to 50% of the cost for projects that, at a minimum:

- Serve national, statewide, or regional functions and function as part of an integrated regional transportation system;
- Are identified in the capital improvements element of a comprehensive plan and are in compliance with local government plan policies relative to corridor management;
- Are consistent with the Strategic Intermodal System Plan developed under s. 339.64; and
- Have a commitment for local, regional, or private financial matching funds as a percentage of the overall project cost.²⁶

¹⁸ FLA. CONST., art. I, s. 24(c).

¹⁹ Section 119.15(7), F.S.

²⁰ Section 339.55, F.S.

²¹ See the FDOT's website for further information describing the SIB, its history, and its capitalization: <http://www.dot.state.fl.us/officeofcomptroller/PFO/sibintro.shtm>.

²² See 23 U.S.C. s. 119 (2014). Generally, projects on the National Highway System.

²³ Generally, public transportation projects

²⁴ 23 U.S.C. s. 610 (2012).

²⁵ Section 339.55(2)(a), F.S.

²⁶ Section 339.55(2)(b) and see s. 339.2819, F.S.

Emergency loans for damages incurred to public-use seaports, airports, and other transit and intermodal facilities with an area that is part of an official state declaration of emergency are also authorized under specified conditions.²⁷

Applicants for assistance from either account must first submit to the FDOT a letter of interest (LOI) to ensure a potential SIB project meets eligibility, financial, and production criteria. Once the FDOT determines a given LOI is acceptable, the FDOT determines an interest rate for the application based on current market conditions, financial strength of the borrower, term, and risk of loan. Only then is an applicant invited to submit a form application.²⁸

As examples, some of the financial information items required in an LOI are a proposed financial plan, including details of the plan of finance sufficient in detail to assist in an assessment of creditworthiness (financial statements, operating revenues, and financial projections), details of the sources and uses of all funds, and a description of revenue sources pledged to repay the SIB loan.

Examples of financial information items required in a SIB loan application include funding sources, information regarding any anticipated bond issue or other debt instrument, loan term and amount, and primary and secondary repayment sources.

III. Effect of Proposed Changes:

The bill creates a public records exemption for any financial statement or other financial information of a *private* entity required by the FDOT as part of an application to the SIB, provides for inapplicability of the exemption under certain conditions, and includes a public necessity statement.²⁹

Section 1 creates subsection (10) of s. 339.55, F.S., to make exempt from the state's public records laws any financial statement or other financial information required of a private entity by the FDOT as part of an application process for assistance from the SIB. The exemption ceases if a private entity recipient of a SIB loan subsequently goes into default.

The bill provides a statement of public necessity as required by the State Constitution, stating disclosure of the specified information:

- Could harm a private entity by giving the private entity's competitors insights into its financial status and business plan, putting the private entity at a competitive disadvantage.
- Could create the opportunity for theft, identity theft, fraud, and other illegal activity, jeopardizing the financial security of the private entity and placing it at risk for substantial financial harm.

²⁷ Section 339.55(2)(c), F.S.

²⁸ See the FDOT's website for the LOI and application forms: <http://www.dot.state.fl.us/officeofcomptroller/PFO/sib-loi%20application%20and%20awards.shtm>.

²⁹ The right of the public to inspect or copy the financial information of a government-unit applicant for a SIB loan is unchanged by the bill.

The bill further states:

- Private entities may be unwilling to submit an application to the SIB for a loan without the exemption, which unwillingness could limit the FDOT's opportunities for cost-effective or strategic solutions for constructing and improving transportation facilities.
- The harm to a private entity in disclosing confidential³⁰ financial information significantly outweighs any public benefit derived from disclosure.

The exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2021, unless reviewed and reenacted by the Legislature.

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemption. The bill creates a public record exemption for any financial statement or other financial information of a private entity required by the FDOT as part of an application for a loan from the SIB; thus, it requires a two-thirds vote for final passage.

Public Necessity Statement

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

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires a newly created public record or public meeting exemption to be no broader than necessary to accomplish the stated purpose of the law. The bill creates a public record exemption for the financial statement or other financial information of a private entity SIB applicant, which exemption ceases if the private entity goes into default.

³⁰ See Technical Deficiencies analysis section below.

C. Trust Funds Restrictions:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The specified private entity financial information is exempt from public disclosure, unless the private entity goes into default.

C. Government Sector Impact:

The FDOT may experience insignificant administrative expenses in implementing the exemption, which expenses are expected to be absorbed within existing resources.

VI. **Technical Deficiencies:**

The bill provides that the specified information is exempt, but does not deem the information to be confidential, as well. Use of the word “confidential” on line 49 may create confusion. To avoid confusion, consideration of changing the word “confidential” on line 49 to “sensitive,” as is reflected on line 38, may be in order.

VII. **Related Issues:**

The value of providing public access to the financial information only after a private entity recipient goes into default is unclear.

VIII. **Statutes Affected:**

This bill substantially amends section 339.55 of the Florida Statutes:

IX. **Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on November 4, 2015:

The CS makes a technical change to reference the “application process,” rather than the “application,” as relevant financial information is required in the LOI as part of the application process.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



726854

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/04/2015	.	
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	.	

The Committee on Transportation (Simpson) recommended the following:

Senate Amendment (with title amendment)

Delete line 20
and insert:
requires as part of an application process for assistance from
the state-funded

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

And the title is amended as follows:

Delete line 7



726854

11 and insert:
12 of an application process for assistance from the
13 state-funded infrastructure

By Senator Hutson

6-00302-16

2016196__

A bill to be entitled

An act relating to public records; amending s. 339.55, F.S.; providing an exemption from public records requirements for any financial statement or other financial information of a private entity applicant that the Department of Transportation requires as part of an application to the state-funded infrastructure bank; providing an exception to the exemption; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Subsection (10) is added to section 339.55, Florida Statutes, to read:

339.55 State-funded infrastructure bank.—

(10) (a) Any financial statement or other financial information of a private entity applicant that the department requires as part of an application to the state-funded infrastructure bank is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption does not apply to records of an applicant who is in default of a loan issued under this section.

(b) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public

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6-00302-16

2016196__

necessity that any financial statement or other financial information of a private entity that the Department of Transportation requires as part of an application to the state-funded infrastructure bank be protected from disclosure. The disclosure of such information could harm a private entity in the marketplace by giving the private entity's competitors insights into its financial status and business plan, thereby putting the private entity at a competitive disadvantage. Additionally, the disclosure of sensitive financial information regarding a private entity could create the opportunity for theft, identity theft, fraud, and other illegal activity, thereby jeopardizing the financial security of the private entity and placing it at risk for substantial financial harm. Without this exemption, private entities might be unwilling to submit an application to the state-funded infrastructure bank. This unwillingness to submit applications could, in turn, limit opportunities the department might otherwise have for finding cost-effective or strategic solutions for constructing and improving transportation facilities. The Legislature also finds that the harm to a private entity in disclosing confidential financial information significantly outweighs any public benefit derived from the disclosure of such information. For these reasons, the Legislature declares that any financial statement or other financial information that the department requires as part of an application to the state-funded infrastructure bank is exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution.

Section 3. This act shall take effect July 1, 2016.

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

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/4/15
Meeting Date

S.B. 196
Bill Number (if applicable)

Topic Public Records / State Funded Infrastructure Amendment Barcode (if applicable)

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Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Association of Florida Community Developers

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/4/15

Meeting Date

SB 196

Bill Number (if applicable)

Topic Public Records/State funded infrastructure banks

Amendment Barcode (if applicable)

Name Brewster Bevis

Job Title Senior Vice President

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Speaking: [] For [] Against [] Information

Waive Speaking: [x] In Support [] Against (The Chair will read this information into the record.)

Representing Associated Industries of Florida

Appearing at request of Chair: [] Yes [x] No

Lobbyist registered with Legislature: [x] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 222

INTRODUCER: Senator Detert

SUBJECT: Parking for Disabled Veterans

DATE: November 2, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	Favorable
2.			CA	
3.			FP	

I. Summary:

SB 222 exempts vehicles displaying a Disabled Veteran license plate issued by this state from parking fees at publicly owned or publicly operated airports.

The bill adds that a vehicle displaying the Disabled Veteran license plate stamped with the international accessibility symbol or the Paralyzed Veterans of America license plate may not be charged for parking by a county, municipality, or any agency thereof, in a facility or lot that provides timed parking spaces.

II. Present Situation:

Section 316.1964, F.S., prohibits a state agency, county, municipality, or any agency thereof from charging a fee for parking on the public streets or highways or in any *metered* parking spaces if the vehicle displays:

- An out of state or out of county disabled license plate or disabled parking permit;¹
- A disabled parking permit;²
- A disabled veteran license plate;³
- A disabled veteran license plate stamped with the international accessibility symbol;⁴
- A license plate stamped with the international accessibility symbol;⁵ or
- A Paralyzed Veterans of America license plate.⁶

¹ Recognized under s. 316.1958, F.S.

² Issued under s. 320.0848, F.S.

³ Issued under s. 320.084, F.S.

⁴ Issued under s. 320.0842, F.S.

⁵ Issued under s. 320.0843, F.S.

⁶ Issued under s. 320.0845, F.S.

Exceptions

A parking facility or lot may charge parking fees to vehicles displaying disabled plates or permits if the facility or lot is being used in connection with an event at a convention center, cruise-port terminal, sports stadium or arena, coliseum, or auditorium.⁷

A parking facility that leases a parking space for a duration that exceeds one week may charge a lessee who is disabled.⁸

An airport that owns, operates, or leases parking facilities may charge for parking vehicles that display disabled parking permits or license plates. However, the governing body of a publicly owned and operated airport may not charge parking fees to any vehicle with specialized equipment, such as ramps, lifts, or foot or hand controls for utilization by a person who has a disability or whose vehicle is displaying the Florida Toll Exemption permit.⁹

Additionally, a local government may charge vehicles displaying disabled plates or permits for parking in a facility or lot that provides *timed* parking spaces, unless the vehicle is equipped with specialized equipment for use by a person who has a disability, is displaying the “DV” license plate issued under s. 320.084, F.S., or is displaying the Florida Toll Exemption permit.¹⁰

Disabled Veteran “DV” License Plate

Section 320.084, F.S., provides that a disabled veteran is eligible for one free “DV” license plate if he or she has been a resident of this state for the preceding five years or has established a domicile in this state, has been honorably discharged from the United States Armed Forces, and provides proof that he or she:

- Has a vehicle initially acquired through financial assistance by the United States Department of Veterans Affairs (VA) or its predecessor specifically for the purchase of an automobile;
- Has been determined by the VA or its predecessor to have a service-related one hundred percent disability rating for compensation; or
- Has been determined to have a service connected disability rating of one hundred percent and receives disability retirement pay from any branch of the United States Armed Forces.

As of October 9, 2015, there were 41,435 active Disabled Veteran license plates.¹¹

Disabled Veteran License Plate with the International Accessibility Symbol

Section 320.0842, F.S., provides that a disabled veteran is eligible for a free Disabled Veteran license plate stamped with the international symbol of accessibility if he or she is eligible for

⁷ Section 316.1964(3), F.S.

⁸ Section 316.1964(6), F.S.

⁹ Section 316.1964(7), F.S.

¹⁰ Section 316.1964(8), F.S.

¹¹ Email from the Department of Highway Safety and Motor Vehicles (Oct. 9, 2015) (on file with the Senate Committee on Transportation)

both the “DV” license plate¹² and proves that due to a service-connected disability he or she permanently uses a wheelchair or otherwise qualifies for a disabled parking permit.¹³

As of October 9, 2015, there were 11,509 active Disabled Veteran license plates with the International Accessibility symbol.¹⁴

Paralyzed Veterans of America License Plate

Section 320.0845, F.S., provides that a Florida resident who is a member of the Paralyzed Veterans of America, upon proof of membership, application, and payment of appropriate license taxes and fees, is eligible for a “Paralyzed Vets of America” license plate.

Paralyzed Veterans of America is a national organization that offers membership to veterans with spinal cord injuries or diseases affecting the spinal cord.¹⁵

As of October 9, 2015, there were 59 active Paralyzed Veterans of America license plates.¹⁶

III. Effect of Proposed Changes:

The bill removes provisions allowing an airport that owns, operates, or leases parking facilities, or any other parking facilities that are used for the purposes of air travel from charging vehicles displaying:

- A Disabled Veteran license plate;
- A Disabled Veteran license plate stamped with the International Accessibility symbol; or
- A Paralyzed Veterans of America license plate.

The bill prohibits publicly owned or operated airports from charging parking fees to a vehicle displaying:

- A Disabled Veteran license plate;
- A Disabled Veteran license plate stamped with the International Accessibility symbol; or
- A Paralyzed Veterans of America license plate.

The bill adds, in addition to the Disabled Veteran “DV” plate, vehicles displaying the Disabled Veteran plate stamped with the International Accessibility symbol and the Paralyzed Veterans of America license plates may not be charged by a county, municipality, or any agency thereof for parking in a facility or lot that provides timed parking spaces.

The bill takes effect July 1, 2016.

¹² Section 320.084, F.S.

¹³ Pursuant to s. 320.0848, F.S., the person must be currently certified as being legally blind or as having certain disabilities that render him or her unable to walk 200 feet without stopping to rest.

¹⁴ DHSMV Email, *supra* note 11.

¹⁵ *PVA Membership Information*, Paralyzed Veterans for America, http://www.pva.org/site/c.ajIRK9NJLcJ2E/b.6305539/k.4AC/PVA_Membership_Information_PVA_Applications_Contact.htm (last visited Oct. 26, 2015).

¹⁶ DHSMV Email, *supra* note 11.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The bill may reduce the authority of counties and municipalities to raise revenues because it would eliminate their ability to charge the operator of a vehicle displaying a disabled veteran plate for parking in a facility that provides timed parking spaces, or at a publicly owned or publicly operated airport. Article VII, s. 18(b) of the Florida Constitution requires a two-thirds vote of the membership of each house of the Legislature in order to enact a general law that reduces the authority of municipalities and counties to raise revenues in the aggregate. Article VII, s. 18(d) of the Florida Constitution provides an exemption if the law is determined to have an insignificant fiscal impact. The fiscal impact of this bill is indeterminate.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Individuals who qualify for the exemption from parking fees may experience a positive fiscal impact.

C. Government Sector Impact:

The bill will have an indeterminate negative fiscal impact on local governments and publicly owned or publicly operated airports prohibited from charging parking fees for individuals displaying a disabled veteran license plate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 316.1964 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Detert

28-00280-16

2016222__

1 A bill to be entitled
 2 An act relating to parking for disabled veterans;
 3 amending s. 316.1964, F.S.; requiring the governing
 4 body of each publicly owned or publicly operated
 5 airport to grant free parking to any vehicle
 6 displaying specified license plates for disabled
 7 veterans; clarifying that such license plates, rather
 8 than "DV" license plates, are exempt from certain
 9 parking fees charged by a county, municipality, or an
 10 agency thereof; making technical changes; providing an
 11 effective date.

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

15 Section 1. Subsections (1), (7), and (8) of section
 16 316.1964, Florida Statutes, are amended to read:

17 316.1964 Exemption of vehicles transporting certain persons
 18 who have disabilities from payment of parking fees and
 19 penalties.-

20 (1) A state agency, county, municipality, or any agency
 21 thereof, may not exact any fee for parking on the public streets
 22 or highways or in any metered parking space from the driver of a
 23 vehicle that displays:

24 (a) A disabled parking permit or a license plate issued
 25 under s. 316.1958 or s. 320.0848; or

26 (b) A license plate issued under s. 320.084, s. 320.0842,
 27 s. 320.0843, or s. 320.0845.

28 Such exemptions apply only if the vehicle is transporting the
 29

Page 1 of 3

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

28-00280-16

2016222__

30 person who has a disability and to whom the disabled parking
 31 permit or license plate was issued.

32 (7) An airport that owns, operates, or leases parking
 33 facilities, or any other parking facilities that are used for
 34 the purpose of air travel, may charge for parking vehicles that
 35 display a disabled parking permit or license tag issued under s.
 36 316.1958, ~~s. 320.084, s. 320.0842,~~ s. 320.0843, ~~s. 320.0845,~~ or
 37 s. 320.0848. However, the governing body of each publicly owned
 38 or publicly operated airport must grant free parking to a ~~any~~
 39 vehicle:

40 (a) Displaying a license plate for disabled veterans issued
 41 under s. 320.084, s. 320.0842, or s. 320.0845;

42 (b) With specialized equipment, such as ramps, lifts, or
 43 foot or hand controls, ~~or~~ for use ~~utilization~~ by a person who
 44 has a disability; or

45 (c) ~~whose vehicle is~~ Displaying the Florida Toll Exemption
 46 permit.

47 (8) Notwithstanding subsection (1), a county, municipality,
 48 or any agency thereof may charge for parking in a facility or
 49 lot that provides timed parking spaces any vehicle that displays
 50 a disabled parking permit, except for a vehicle: that

51 (a) any vehicle With specialized equipment, such as ramps,
 52 lifts, or foot or hand controls, for use by a person who has a
 53 disability;

54 (b) ~~or any vehicle that is~~ Displaying a the "DV" license
 55 plate ~~for disabled veterans~~ issued under s. 320.084, s.
 56 320.0842, or s. 320.0845; or

57 (c) ~~Displaying~~ the Florida Toll Exemption permit, ~~is exempt~~
 58 from any parking fees.

Page 2 of 3

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

28-00280-16

2016222__

59

Section 2. This act shall take effect July 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11-4-2015

Meeting Date

222

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Brian Pitts

Job Title Trustee

Address 1117 Newton Ave S
Street

Phone 727/897-9291

St. Petersburg _____
City State Zip

Email justice2jesus@yahoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 416

INTRODUCER: Community Affairs Committee and Senator Flores

SUBJECT: Location of Utilities

DATE: November 4, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Present	Yeatman	CA	Fav/CS
2.	Price	Eichin	TR	Favorable
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 416 addresses the responsibility for the cost of relocating utility facilities (e.g., water, sewage, gas, power, telephone, other public utilities, and television lines) in a public easement. Easements dedicated to the public for utilities are typically located *along* existing road or highway rights-of-way and are available for use by a variety of utility providers, subject to any conditions imposed by the public body with jurisdiction over the land dedicated to the public or to the terms of any agreement otherwise entered into between the public body and the utility owner. The bill flips the responsibility to bear relocation costs from the utility owner to the state or local government requiring the facilities to be relocated, effectively shifting such costs currently borne by the utility and its users to taxpayers.

Currently, a governmental entity must bear the cost of relocating utility infrastructure from a privately-owned easement when the infrastructure upon, under, over, *or along* the road or rail corridor interferes with the operation or improvement of a public road or railroad. When utility infrastructure is located within a public easement, the utility owner bears the costs when relocation is necessary. Under the bill, a governmental entity's financial responsibility is expanded to include the cost of relocating utilities located within a public easement. The owner of a utility that must be relocated from a public easement will be liable for relocation costs only if their lines and facilities are across, on or "*within*" the right-of-way, rather than "*along*" any right-of-way.

According to the Florida Department of Transportation (FDOT), CS/CS/SB 896, a similar bill from 2015, was expected to have an indeterminate negative fiscal impact on state expenditures relating to the cost of utility relocation on state roads. To the extent funds are expended for such relocations, projects currently planned in the Work Program may need to be adjusted.

The bill, like CS/CS/SB 896 from 2015, is also expected to have an indeterminate negative fiscal impact on local governments that may now be responsible for the cost of utility relocations.

II. Present Situation:

Specific Grant of Authority to Counties to Issue Licenses to Utilities

Section 125.42, F.S., gives counties specific authority to grant a license to any person or private corporation to construct, maintain, repair, operate, and remove, within the unincorporated areas of a county, water, sewage, gas, power, telephone, other public utilities, and television transmission lines located “under, on, over, across and along” any county roads or highways.¹ The statutory phrase “under, on, over, across and along” county roads or highways has been in the statute since 1947.²

Specific Grant of Authority to Regulate the Placement and Maintenance of Utility Lines

Chapter 337, F.S., relates to public contracts and the acquisition, disposal, and use of property. The FDOT and local governmental entities³ prescribe and enforce reasonable rules or regulations related to the placement and maintenance of the utility lines along, across, or on any public road or rail corridor.⁴ “Utility” in this context means any electric transmission, telephone, telegraph, or other communication services lines; pole lines; poles; railways; ditches; sewers; water, heat or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures that the statute refers to as a “utility.”⁵ Florida local governments have enacted ordinances regulating utilities located within city rights-of-way or public easements.⁶

Payment of Moving or Removing Utilities and Exceptions

Since 1957, Florida law expressly has provided that in the event of widening, repair or reconstruction of a county’s public road or highway, the licensee, i.e., the utility provider, must move or remove the lines at no cost to the county.⁷ In 2009, that requirement was made subject to a provision in s. 337.403(1), F.S., relating to agreements entered into after July 1, 2009.⁸ In 2014, it was made subject to an additional requirement that the authority⁹ find the utility is

¹ Section 125.42, F.S.

² Ch. 23850, ss. 1-3, Laws of Fla., now codified at s. 125.42, F.S.

³ These are referred in ss. 337.401-337.404, F.S., as an “authority.” S. 337.401(1)(a), F.S.

⁴ Section 337.401, F.S.

⁵ Section 337.401(a), F.S.

⁶ See City of Cape Coral Code of Ordinances, Ch. 25; City of Jacksonville Code of Ordinances, Title XXI, Ch. 711; City of Orlando Code of Ordinances, Ch. 23, all of which include public easements within the definition of right-of-way.

⁷ Ch. 57-777, s. 1, Laws of Fla., now codified at s. 125.42(5), F.S.

⁸ Ch. 2009-85, s. 2, Laws of Fla., now codified at s. 125.42(5), F.S.

⁹ “[A]uthority” means the FDOT and local governmental entities. Section 337.401(1), F.S.

“unreasonably interfering” with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion, of such public road or publicly owned rail corridor.¹⁰

Additionally, beginning in 1957, Florida statutorily required utilities to bear the costs of relocating a utility placed upon, under, over, or along any public road the authority finds unreasonably interferes in any way with the convenient, safe, or continuous use, or the maintenance, improvement, extension or expansion of a road.¹¹ In 1994, that law was amended to include utilities placed upon, under, over, or along any publicly owned rail corridor.¹² Utility owners, upon 30 days’ notice, must eliminate the unreasonable interference within a reasonable time or an agreed time, at their own expense.¹³ The general rule remains that utilities bear the costs of relocating a utility unless governmental participation in such costs is authorized. Since 1987, numerous exceptions to that general rule have been statutorily carved out, and can be found in s. 337.403(1), F.S.

Utility Relocation under Common Law and the *Cape Coral* Decision

Legal scholarship has addressed the common law implications of utility relocation.¹⁴ Clearly, under common law, a utility will bear the costs of moving or relocating its utility lines or facilities if they are within the right-of-way or a public utility easement, unless an agreement exists providing otherwise, or a *private* easement exists in which the utility locates and runs its lines or facilities.

An easement differs from a right-of-way. An easement gives a reserved right to use property in a specified manner,¹⁵ but “does not involve title to or an estate in the land itself.”¹⁶ In accordance with s. 177.081(3), F.S., in the case of a platted public easement, the reserved right to use the property is granted *to the public* for the specified use.

On the other hand, the term right-of-way “has been construed to mean ... a right of passage over the land of another It does not necessarily mean a legal and enforceable incorporeal [or intangible] right such as an easement.”¹⁷

In 2014, the Florida Second District Court of Appeal (DCA) ruled in *Lee County Electric Coop., Inc. v. City of Cape Coral* that the requirement for utilities to pay for relocation within a right-of-way is well established in the common law.¹⁸ That court found that, absent another arrangement by agreement between a governmental entity and the utility, or a statute dictating otherwise, the

¹⁰ Ch. 2014-169, s. 1, Laws of Fla., now codified at s. 125.42, F.S.

¹¹ Ch. 57-1978, s. 1, Laws of Fla., now codified at s. 337.403, F.S.

¹² Ch. 1994-247, s. 28, Laws of Fla., now codified at s. 337.403, F.S.]

¹³ Section 337.403, F.S.

¹⁴ Michael L. Stokes, *Moving the Lines: The Common Law of Utility Relocation*, 45 Val. U.L. Rev. 457 (Winter, 2011).

¹⁵ *Southeast Seminole Civic Ass'n v. Adkins*, 604 So. 2d 523, 527 (Fla. 5th DCA 1992) (“[E]asements are mere rights to make certain limited use of lands and at common law, they did not have, and in the absence of contractual provisions, do not have, obligations corollary to the easement rights.”).

¹⁶ *Estate of Johnston v. TPE Hotels, Inc.*, 719 So. 2d 22, 26 (Fla. 5th DCA 1998) (citations omitted).

¹⁷ *City of Miami Beach v. Carner*, 579 So. 2d 248, 253 (Fla. 3^d DCA 1991).

¹⁸ *Lee County Electric Coop., Inc. v. City of Cape Coral*, 159 So. 3d 126, 130 (Fla. 2^d DCA 2014), *review denied*, 151 So. 3d 1226 (Fla. 2014), quoting *Norfolk Redevelopment & Hous. Auth. v. Chesapeake & Potomac Tel. Co. of Va.*, 464 U.S. 30, 35 (1983).

common law principle governs.¹⁹ This case involved a platted public utility easement on each side of the boundary for each home site in the subdivision, in which the electric utility had installed lines and other equipment.

The easement was “along” the public right-of-way and was dedicated *to the public*, not to any utility owner, for the purpose of furnishing utilities. No reserved right to use the property was granted to the Lee County Electric Coop by virtue of the platted public easement. The municipality and the utility had a franchise agreement granting the utility the right to operate its electric utility in the public easement. Although many agreements do, the subject agreement did not address who would be responsible for the cost of moving the utility’s equipment if the municipality required the utility to do so. The Second DCA held that the utility would bear the burden of the cost of moving a utility line located within a public utility easement to another public utility easement as part of the municipality’s expansion of an existing road.²⁰

III. Effect of Proposed Changes:

Generally, the bill shifts utility relocations costs from the utility owner and its users to taxpayers when a utility facility must be relocated from a public easement. The bill reduces the responsibility of a utility provider to pay for relocating a utility located upon, under, over, *or along* the road or rail corridor, limiting such responsibility to those utilities located upon, under, over or *within the right-of-way limits* of the road or rail corridor. Relocation costs of utilities located in public easements located along a road or corridor will become the responsibility of the government.

Section 1 amends s. 125.42, F.S., relating to licenses for water, sewage, gas, power, telephone, other public utilities, and television lines. The bill reduces a county’s authority to grant licenses for lines to only locations under, on, over, across, or within the right-of-way limits of a county highway or public road, as opposed to “under, on, over, across and along” such highways or roads. Specifically, the bill provides that the authority of a county to grant a license to construct, maintain, repair, operate, or remove, within the unincorporated areas of the county, lines for the transmission of water, sewage, gas, power, telephone, other public utilities, television lines, and other communications services²¹ is limited to those lines located within the right-of-way limits of any county roads or highways. Accordingly, this change narrows a county’s ability to grant licenses to construct such lines within a public easement, running along a road or highway but not within the actual right-of-way.

¹⁹ *Id.*

²⁰ *Id.* at 133. In reaching this conclusion, the Second District distinguished *Panhandle E. Pipe Line Co.*, noting that case concerned “a private easement the utility purchased from a property owner, rather than pursuant to a franchise agreement that allows the utility to use public property.” *Id.* at 129. The Second District in its opinion also distinguished an earlier Second District case, *Pinellas County v. General Tel. Co. of Fla.*, 229 So. 2d 9 (Fla. 2d DCA 1969). In *Pinellas County*, without citing or discussing relevant cases or statutes, the court determined that the utility, which had a franchise agreement with the City, had a property right in the agreement, and held that the County had to pay the utility’s costs in moving its telephone lines located within a right-of-way of an alley dedicated to the City and which was within property the County was purchasing as part of a County building construction.

²¹ The bill adds “other communications services” to the list of utilities in current law.

The bill also makes a conforming change, substituting a reference to ss. 337.403(1)(d) through (i), F.S., with ss. 337.403(1)(d) through (j), F.S., to correspond with the new exception set forth in Section 3 of the bill.

Section 2 amends s. 337.401, F.S., relating to rules or regulations concerning specified structures within public roads or rail corridors. The bill restricts the ability of defined government authorities to grant licenses to only locations “across, on, or within” the right-of-way limits of a county highway or public road, as opposed to “along, across, or on” such highways or roads. Specifically, the bill narrows the authority of the FDOT and local governmental entities to prescribe and enforce rules or regulations related to the placing and maintaining of a utility²² to only across, on, or within the right-of-way limits of any public road or publicly owned rail corridors. By changing the language to “right-of-way,” the bill appears to negate the governing body’s authority to administer an easement dedicated to the public by reducing the authority of the FDOT and local governments to prescribe and enforce rules and regulations regarding the placement and maintenance of utilities within a public easement. The bill also changes the expression “other structures referred to as a utility” to mean those structures referred to in ss. 337.401-337.404, F.S., instead of just those found in s. 337.401, F.S.

Section 3 amends s. 337.403, F.S., relating to alleviating an interference that a utility causes to a public road or publicly owned rail corridor. The bill limits the responsibility of utility providers to pay for relocating their lines and facilities under certain circumstances. Specifically, the bill limits the responsibility of a utility provider to pay for relocating a utility that is located upon, under, over or *within the right-of-way limits* of the road or rail corridor, rather than upon, under, over, or *along* the road or rail corridor.

Furthermore, if a utility is located within an existing and valid utility easement granted by recorded plat, regardless of whether such land was subsequently acquired by the governmental authority, by dedication, transfer of fee, or otherwise, the authority must bear the cost of the utility work required to eliminate an unreasonable interference. The bill also provides that if an authority is required to bear such a cost, the authority is required to pay the entire expense properly attributable to such work after deducting any increase in the value of a new facility and any salvage value derived from an old facility.

These changes overturn the results reached by the Second DCA in *Lee County Electric Cooperative, Inc. v. City of Cape Coral*, which held that the cost of relocating utilities from a public easement in the absence of a permit or other agreement is the responsibility of the utility owner.²³ Under the bill, if a utility is located in a public easement and no permit or agreement is in place to address relocation, the state or local government will be required to pay relocation costs because the utility is located *along* a public right-of-way.

The provisions extend beyond the issue before the court in the Lee County case. For example, current law defers to private property rights by requiring the state or local government to pay for relocation when a utility is located on a *private* easement, i.e., on property for which the utility

²² Section 337.401(1)(a), F.S., provides that utilities include “electric transmission, telephone, telegraph, or other communication services lines; pole lines; poles; railways; ditches; sewers; water, heat or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures referred to in this section as the “utility”.”

²³ *Lee County Electric Coop., Inc.*, 159 So. 3d at 133.

has paid for the right to use or occupy. The bill's provisions seemingly extend private property rights to public property by requiring the governmental entity to pay for utility relocation even when the governmental entity possesses a *public* easement, i.e., property dedicated *to the public* in general, not to any specific utility owner, effectively bestowing a compensable property right to private users of a public easement, even when such users were granted the right to use the public property without compensation.

Section 4 provides that the Legislature finds that the bill fulfills an important state interest by clarifying a utility's responsibility for relocation of its facilities.

Section 5 provides that the act shall take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Subsection (a) of s. 18, Art. VII of the Florida Constitution provides in pertinent part that "no county or municipality shall be bound by any general law requiring such county or municipality to spend funds ... unless the legislature has determined that such law fulfills an important state interest and unless: ... the expenditure is required to comply with a law that applies to all persons similarly situated."

The bill applies to all persons similarly situated, including the state and local governments. The bill includes a legislative finding that the bill fulfills an important state interest.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill would have an indeterminate positive impact on the private sector, depending upon the number of eligible reimbursements for relocation made to utilities by the FDOT, local governments, or other entities.

C. Government Sector Impact:

State and local governments would bear costs associated with relocation of utilities previously borne by the utility and its customers. State and local governments would be required to bear the cost of utility work when a utility is located within an existing and valid utility easement granted by recorded plat, regardless of how such land was subsequently acquired by the local government, even where the state or local government subsequently acquired the property by outright purchase.

While the extent is unknown, potential negative fiscal impacts appear to exist, given that utility facilities are located along the public right-of-way all over the state. The increased responsibility of state and local governments, and nonusers of utilities, to bear the cost of utility relocation previously borne by the utility owner and its users may delay or even prevent needed transportation improvements, particularly for local governments.

According to the FDOT, a similar bill from 2015 was expected to have an indeterminate negative fiscal impact on state expenditures relating to the cost of utility relocation on state roads.²⁴ To the extent funds are expended for such relocations, projects currently planned in the Work Program may need to be adjusted.

The similar bill from 2015 was also expected to have an indeterminate negative fiscal impact on local governments, based on the number of situations in which local governments will be responsible for the cost of certain utility relocations.²⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 125.42, 337.401, and 337.403.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on October 20, 2015:

Removes two provisions that prohibited a municipality or county from requiring a utility or a provider of communication services to provide proprietary maps of facilities that were previously subject to a permit from the authority. The bill also removes several

²⁴ Florida Dep't of Transportation, *Legislative Bill Analysis of 2015 SB 896*, at 3 (Feb. 13, 2015).

²⁵ *Id.*

provisions regarding the allocations of costs when relocation of a utility is required. Specifically, the bill removes a provision that required an authority to bear the cost of relocating a utility if the authority required the relocation of the utility for purposes other than an unreasonable interference with the use, maintenance, improvement, extension, or expansion of a publicly owned road or publicly owned rail corridor. The bill also removes a provision that required an entity other than the authority to bear the cost of relocating a utility if the relocation was required as a condition or result of a project by that entity. Furthermore, the bill removes several corresponding provisions relating to the impairment of the rights of a holder of a private railroad right-of-way; the obligations of a holder of a private railroad right-of-way; and contracts between an authority and a utility before October 1, 2015.

B. Amendments:

None.

By the Committee on Community Affairs; and Senator Flores

578-00904-16

2016416c1

1 A bill to be entitled
 2 An act relating to the location of utilities; amending
 3 s. 125.42, F.S.; revising the circumstances under
 4 which a board of county commissioners is authorized to
 5 grant to a person or private corporation a license for
 6 specified projects related to lines for the
 7 transmission of certain public utilities and
 8 communication services; conforming a cross-reference;
 9 amending s. 337.401, F.S.; authorizing the Department
 10 of Transportation and certain local governmental
 11 entities to prescribe and enforce rules or regulations
 12 regarding the placement and maintenance of specified
 13 structures and lines within the right-of-way limits of
 14 roads or publicly owned rail corridors under their
 15 respective jurisdictions; conforming cross-references;
 16 amending s. 337.403, F.S.; specifying that the owner
 17 of a utility located within certain right-of-way
 18 limits must initiate and bear the cost necessary to
 19 alleviate any interference to the use of certain
 20 public roads or rail corridors under certain
 21 circumstances; conforming a cross-reference; requiring
 22 the authority to bear the cost of the utility work
 23 necessary to eliminate an unreasonable interference if
 24 the utility is lawfully located within a certain
 25 utility easement, subject to certain deductions;
 26 providing findings of an important state interest;
 27 providing an effective date.
 28
 29 Be It Enacted by the Legislature of the State of Florida:

Page 1 of 9

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

578-00904-16

2016416c1

30
 31 Section 1. Section 125.42, Florida Statutes, is amended to
 32 read:
 33 125.42 Water, sewage, gas, power, telephone, other utility,
 34 and television lines within the right-of-way limits of ~~along~~
 35 county roads and highways.-
 36 (1) The board of county commissioners, with respect to
 37 property located without the corporate limits of any
 38 municipality, is authorized to grant a license to any person or
 39 private corporation to construct, maintain, repair, operate, and
 40 remove lines for the transmission of water, sewage, gas, power,
 41 telephone, other public utilities, ~~and~~ television, or other
 42 communications services as defined in s. 202.11(1) under, on,
 43 over, across, or within the right-of-way limits of ~~and along~~ any
 44 county highway or any public road or highway acquired by the
 45 county or public by purchase, gift, devise, dedication, or
 46 prescription. However, the board of county commissioners shall
 47 include in any instrument granting such license adequate
 48 provisions:
 49 (a) To prevent the creation of any obstructions or
 50 conditions which are or may become dangerous to the traveling
 51 public;
 52 (b) To require the licensee to repair any damage or injury
 53 to the road or highway by reason of the exercise of the
 54 privileges granted in any instrument creating such license and
 55 to repair the road or highway promptly, restoring it to a
 56 condition at least equal to that which existed immediately prior
 57 to the infliction of such damage or injury;
 58 (c) Whereby the licensee shall hold the board of county

Page 2 of 9

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578-00904-16

2016416c1

59 commissioners and members thereof harmless from the payment of
60 any compensation or damages resulting from the exercise of the
61 privileges granted in any instrument creating the license; and

62 (d) As may be reasonably necessary, for the protection of
63 the county and the public.

64 (2) A license may be granted in perpetuity or for a term of
65 years, subject, however, to termination by the licensor, in the
66 event the road or highway is closed, abandoned, vacated,
67 discontinued, or reconstructed.

68 (3) The board of county commissioners is authorized to
69 grant exclusive or nonexclusive licenses for the purposes stated
70 herein for television.

71 (4) This law is intended to provide an additional method
72 for the granting of licenses and shall not be construed to
73 repeal any law now in effect relating to the same subject.

74 (5) In the event of widening, repair, or reconstruction of
75 any such road, the licensee shall move or remove such water,
76 sewage, gas, power, telephone, and other utility lines and
77 television lines at no cost to the county should they be found
78 by the county to be unreasonably interfering, except as provided
79 in s. 337.403(1)(d)-(j) ~~s. 337.403(1)(d)-(i)~~.

80 Section 2. Paragraph (a) of subsection (1) of section
81 337.401, Florida Statutes, is amended to read:

82 337.401 Use of right-of-way for utilities subject to
83 regulation; permit; fees.-

84 (1) (a) The department and local governmental entities,
85 referred to in this section and in ss. 337.402, 337.403, and
86 337.404 ~~ss. 337.401-337.404~~ as the "authority," that have
87 jurisdiction and control of public roads or publicly owned rail

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88 corridors are authorized to prescribe and enforce reasonable
89 rules or regulations with reference to the placing and
90 maintaining ~~along~~, across, ~~or~~ on, or within the right-of-way
91 limits of any road or publicly owned rail corridors under their
92 respective jurisdictions any electric transmission, telephone,
93 telegraph, or other communications services lines; pole lines;
94 poles; railways; ditches; sewers; water, heat, or gas mains;
95 pipelines; fences; gasoline tanks and pumps; or other structures
96 referred to in this section and in ss. 337.402, 337.403, and
97 337.404 as the "utility." The department may enter into a
98 permit-delegation agreement with a governmental entity if
99 issuance of a permit is based on requirements that the
100 department finds will ensure the safety and integrity of
101 facilities of the Department of Transportation; however, the
102 permit-delegation agreement does not apply to facilities of
103 electric utilities as defined in s. 366.02(2).

104 Section 3. Subsection (1) of section 337.403, Florida
105 Statutes, is amended to read:

106 337.403 Interference caused by utility; expenses.-

107 (1) If a utility that is placed upon, under, over, or
108 within the right-of-way limits of ~~along~~ any public road or
109 publicly owned rail corridor is found by the authority to be
110 unreasonably interfering in any way with the convenient, safe,
111 or continuous use, or the maintenance, improvement, extension,
112 or expansion, of such public road or publicly owned rail
113 corridor, the utility owner shall, upon 30 days' written notice
114 to the utility or its agent by the authority, initiate the work
115 necessary to alleviate the interference at its own expense
116 except as provided in paragraphs (a)-(j) ~~(a)-(i)~~. The work must

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117 be completed within such reasonable time as stated in the notice
 118 or such time as agreed to by the authority and the utility
 119 owner.

120 (a) If the relocation of utility facilities, as referred to
 121 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
 122 84-627, is necessitated by the construction of a project on the
 123 federal-aid interstate system, including extensions thereof
 124 within urban areas, and the cost of the project is eligible and
 125 approved for reimbursement by the Federal Government to the
 126 extent of 90 percent or more under the Federal Aid Highway Act,
 127 or any amendment thereof, then in that event the utility owning
 128 or operating such facilities shall perform any necessary work
 129 upon notice from the department, and the state shall pay the
 130 entire expense properly attributable to such work after
 131 deducting therefrom any increase in the value of a new facility
 132 and any salvage value derived from an old facility.

133 (b) When a joint agreement between the department and the
 134 utility is executed for utility work to be accomplished as part
 135 of a contract for construction of a transportation facility, the
 136 department may participate in those utility work costs that
 137 exceed the department's official estimate of the cost of the
 138 work by more than 10 percent. The amount of such participation
 139 is limited to the difference between the official estimate of
 140 all the work in the joint agreement plus 10 percent and the
 141 amount awarded for this work in the construction contract for
 142 such work. The department may not participate in any utility
 143 work costs that occur as a result of changes or additions during
 144 the course of the contract.

145 (c) When an agreement between the department and utility is

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146 executed for utility work to be accomplished in advance of a
 147 contract for construction of a transportation facility, the
 148 department may participate in the cost of clearing and grubbing
 149 necessary to perform such work.

150 (d) If the utility facility was initially installed to
 151 exclusively serve the authority or its tenants, or both, the
 152 authority shall bear the costs of the utility work. However, the
 153 authority is not responsible for the cost of utility work
 154 related to any subsequent additions to that facility for the
 155 purpose of serving others. For a county or municipality, if such
 156 utility facility was installed in the right-of-way as a means to
 157 serve a county or municipal facility on a parcel of property
 158 adjacent to the right-of-way and if the intended use of the
 159 county or municipal facility is for a use other than
 160 transportation purposes, the obligation of the county or
 161 municipality to bear the costs of the utility work shall extend
 162 only to utility work on the parcel of property on which the
 163 facility of the county or municipality originally served by the
 164 utility facility is located.

165 (e) If, under an agreement between a utility and the
 166 authority entered into after July 1, 2009, the utility conveys,
 167 subordinates, or relinquishes a compensable property right to
 168 the authority for the purpose of accommodating the acquisition
 169 or use of the right-of-way by the authority, without the
 170 agreement expressly addressing future responsibility for the
 171 cost of necessary utility work, the authority shall bear the
 172 cost of removal or relocation. This paragraph does not impair or
 173 restrict, and may not be used to interpret, the terms of any
 174 such agreement entered into before July 1, 2009.

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175 (f) If the utility is an electric facility being relocated
 176 underground in order to enhance vehicular, bicycle, and
 177 pedestrian safety and in which ownership of the electric
 178 facility to be placed underground has been transferred from a
 179 private to a public utility within the past 5 years, the
 180 department shall incur all costs of the necessary utility work.

181 (g) An authority may bear the costs of utility work
 182 required to eliminate an unreasonable interference when the
 183 utility is not able to establish that it has a compensable
 184 property right in the particular property where the utility is
 185 located if:

186 1. The utility was physically located on the particular
 187 property before the authority acquired rights in the property;

188 2. The utility demonstrates that it has a compensable
 189 property right in adjacent properties along the alignment of the
 190 utility or, after due diligence, certifies that the utility does
 191 not have evidence to prove or disprove that it has a compensable
 192 property right in the particular property where the utility is
 193 located; and

194 3. The information available to the authority does not
 195 establish the relative priorities of the authority's and the
 196 utility's interests in the particular property.

197 (h) If a municipally owned utility or county-owned utility
 198 is located in a rural area of opportunity, as defined in s.
 199 288.0656(2), and the department determines that the utility is
 200 unable, and will not be able within the next 10 years, to pay
 201 for the cost of utility work necessitated by a department
 202 project on the State Highway System, the department may pay, in
 203 whole or in part, the cost of such utility work performed by the

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204 department or its contractor.

205 (i) If the relocation of utility facilities is necessitated
 206 by the construction of a commuter rail service project or an
 207 intercity passenger rail service project and the cost of the
 208 project is eligible and approved for reimbursement by the
 209 Federal Government, then in that event the utility owning or
 210 operating such facilities located by permit on a department-
 211 owned rail corridor shall perform any necessary utility
 212 relocation work upon notice from the department, and the
 213 department shall pay the expense properly attributable to such
 214 utility relocation work in the same proportion as federal funds
 215 are expended on the commuter rail service project or an
 216 intercity passenger rail service project after deducting
 217 therefrom any increase in the value of a new facility and any
 218 salvage value derived from an old facility. In no event shall
 219 the state be required to use state dollars for such utility
 220 relocation work. This paragraph does not apply to any phase of
 221 the Central Florida Commuter Rail project, known as SunRail.

222 (j) If a utility is lawfully located within an existing and
 223 valid utility easement granted by recorded plat, regardless of
 224 whether such land was subsequently acquired by the authority by
 225 dedication, transfer of fee, or otherwise, the authority must
 226 bear the cost of the utility work required to eliminate an
 227 unreasonable interference. The authority shall pay the entire
 228 expense properly attributable to such work after deducting any
 229 increase in the value of a new facility and any salvage value
 230 derived from an old facility.

231 Section 4. The Legislature finds that a proper and
 232 legitimate state purpose is served by clarifying a utility's

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233 responsibility for relocating its facilities within a utility
234 easement granted by recorded plat. Therefore, the Legislature
235 determines and declares that this act fulfills an important
236 state interest.

237 Section 5. This act shall take effect upon becoming a law.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11-4-2015

Meeting Date

416

Bill Number (if applicable)

Topic UTILITY EASEMENTS

Amendment Barcode (if applicable)

Name TRACY HATCH

Job Title GENERAL ATTORNEY

Address 150 S. MONROE ST, SUITE 400

Phone 404-927-5291

Street

TALAHASSEE FL 32301

City

State

Zip

Email th9467@att.com

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing ATT

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11.4.15

Meeting Date

SB 414

Bill Number (if applicable)

Topic LOCATION OF UTILITIES

Amendment Barcode (if applicable)

Name MEGAN SIRJANE-SAMPLES

Job Title LEGISLATIVE ADVOCATE

Address P.O. BOX 1757

Phone 850.701.3455

Street

TALLAHASSEE

City

FL

State

32301

Zip

Email MSIRJANESAMPLES

@FLCITIES.COM

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA LEAGUE OF CITIES

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

416

Bill Number (if applicable)

Meeting Date

Topic

Amendment Barcode (if applicable)

Name Dale Calhoun

Job Title

Address 8701 South Monroe St

Phone 850 681 0496

Street

Tallahassee FL 32301

Email

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Natural Gas Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/04/2015
Meeting Date

CS/A16
Bill Number (if applicable)

Topic Utilities

Amendment Barcode (if applicable)

Name Darrick D. McGhee

Job Title Vice President of Gov't Relations

Address 537 East Park Avenue
Street

Phone (850) 321-6489

Tallahassee FL 32301
City State Zip

Email darrick@teamjb.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL Chamber of Commerce

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/4/15

Meeting Date

SB 416

Bill Number (if applicable)

Topic Location of Utilities

Amendment Barcode (if applicable)

Name Brewster Bevis

Job Title Senior Vice President

Address 516 N. Adams St

Phone 224-7173

Street

Tallahassee

FL

32301

Email bbevi@aif.com

City

State

Zip

Speaking: [] For [] Against [] Information

Waive Speaking: [x] In Support [] Against (The Chair will read this information into the record.)

Representing Associated Industries of Florida

Appearing at request of Chair: [] Yes [x] No

Lobbyist registered with Legislature: [x] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

10/4/15
Meeting Date

416
Bill Number (if applicable)

Topic Utility Relocation

Amendment Barcode (if applicable)

Name JC Flores

Job Title VP GOV AFFAIRS

Address 150 S. Monroe

Phone 850-577-5500

Street

Tallahassee FL 32301

City

State

Zip

Email JCF323W@att.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing AT&T

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/4/15

Meeting Date

416

Bill Number (if applicable)

Topic Utilities relocation Utilities

Amendment Barcode (if applicable)

Name Charles Dudley

Job Title _____

Address 108 S. Monroe St.

Phone 681-0024

Street

Tallahassee FL 32301

Email cdudley@FlaPartners.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL Cable Telecommunications Assoc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/4/15

416

Meeting Date

Bill Number (if applicable)

Topic Location of Utilities

Amendment Barcode (if applicable)

Name Jim Smith

Job Title Director

Address 315 S. Calhoun St. Suite 500

Phone _____

Street

Tallahassee

FL

32301

Email james.smith@centurylink.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing CenturyLink

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Wed/ 4th
Meeting Date

416
Bill Number (if applicable)

Topic SB 416

Amendment Barcode (if applicable)

Name Doug Mannheim

Job Title Atty

Address 215 S. Monroe St Suite 400 Phone _____
Street

Tall Fl 32301 Email _____
City State Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Sprint

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11-4-2015
Meeting Date

416
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Brian Pitts

Job Title Trustee

Address 1119 Newton Ave S
Street

Phone 727/897-9291

St Petersburg FL 33705
City State Zip

Email justice2jesus@yahoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

CourtSmart Tag Report

Room: LL 37
Caption: Senate Transportation

Case No.:
Judge:

Type:

Started: 11/4/2015 2:03:16 PM

Ends: 11/4/2015 2:27:03 PM

Length: 00:23:48

2:03:17 PM Meeting called to order by Chair Brandes
2:03:18 PM Roll call by Administrative Assistant, Marilyn Hudson
2:03:24 PM Quorum present
2:03:30 PM Comments from Chair Brandes regarding Senator Grimsley being excused
2:03:38 PM Introduction of Tab 3, SB 222 by Chair Brandes
2:03:45 PM Explanation of SB 222 by Senator Detert
2:04:48 PM Comments from Chair Brandes
2:04:55 PM Trustee Brian Pitts waives in support
2:05:03 PM Closure of SB 222 by Senator Detert
2:05:25 PM Roll call on SB 222 by Administrative Assistant, Marilyn Hudson
2:05:50 PM SB 222 reported favorably
2:05:56 PM Introduction of Tab 4, CS/SB 416 by Chair Brandes
2:06:03 PM Explanation of CS/SB 416 by Senator Flores
2:06:43 PM Comments from Chair Brandes
2:06:59 PM Speaker Tracy Hatch, General Attorney, AT&T
2:07:58 PM Speaker Megan Sirjane-Samples, Legislative Advocate, Florida League of Cities
2:09:29 PM Dale Calhoun, Florida Natural Gas Association waives in support
2:09:32 PM Derrick D. McGhee, Vice President and Government Relations waives in support
2:09:37 PM Brewster Bevis, Senior Vice President, Associated Industries of Florida waives in support
2:09:42 PM Charles Dudley, Florida Cable Telecommunications Association waives in support
2:09:58 PM Question from Senator Braynon
2:10:10 PM Response from Ms. Sirjane-Samples
2:10:57 PM Doug Mannheimer, Attorney, Sprint waives in support
2:11:13 PM Jim Smith, Director, CenturyLink waives in support
2:11:23 PM J.C. Flores, Vice President Government Affairs, AT&T waives in support
2:14:40 PM Speaker Brian Pitts, Trustee, Justice-2-Jesus
2:15:40 PM Comments from Senator Braynon
2:16:10 PM Comments from Senator Thompson
2:16:14 PM Comments from Chair Brandes
2:17:04 PM Closure on CS/SB 416 from Senator Flores
2:18:59 PM Roll call on CS/SB 416 by Administrative Assistant, Marilyn Hudson
2:19:13 PM CS/SB 416 reported favorably
2:19:20 PM Introduction of Tab 2, SB 196 by Chair Brandes
2:19:32 PM Explanation of SB 196 by Senator Hutson
2:20:22 PM Comments from Chair Brandes
2:20:28 PM Comments from Senator Braynon
2:20:35 PM Response from Senator Hutson
2:20:38 PM Additional comments from Senator Braynon
2:20:48 PM Response from Senator Hutson
2:21:16 PM Follow-up question from Senator Braynon
2:21:24 PM Response from Senator Hutson
2:21:39 PM Question from Senator Bullard
2:21:46 PM Response from Senator Hutson
2:22:19 PM Late-filed Amendment 726854 introduced by Chair Brandes
2:22:47 PM Late-filed Amendment No. 726854 by Senator Simpson explained by Senator Hutson
2:22:58 PM Comments from Chair Brandes
2:23:08 PM Closure waived on Late-filed Amendment No. 726854
2:23:12 PM Late-filed Amendment 726854 adopted
2:23:17 PM Comments from Chair Brandes
2:23:22 PM Gary Hunter, Attorney, Association of Florida Community Developers waives in support
2:23:36 PM Question from Senator Bullard
2:23:50 PM Response from Senator Hutson

2:24:20 PM Follow-up question from Senator Bullard
2:24:28 PM Response from Senator Hutson
2:24:36 PM Brewster Bevis, Senior Vice President, Associated Industries of Florida waives in support
2:24:44 PM Senator Hutson waives closure
2:24:46 PM Roll call on CS/SB 196 by Administrative Assistant, Marilyn Hutson
2:24:58 PM CS/SB 196 reported favorably
2:25:05 PM Introduction of Tab 1, SB 88 introduced by Chair Brandes
2:25:08 PM Explanation of SB 88 by Senator Simpson
2:25:57 PM Comments from Chair Brandes
2:26:03 PM Colonel Mike Prendergast, Executive Director, Florida Department of Veterans Affairs waives in support
2:26:10 PM Senator Simpson waives closure
2:26:14 PM Roll call on SB 88 by Administrative Assistant, Marilyn Hudson
2:26:17 PM SB 88 reported favorably
2:26:25 PM Comments from Chair Brandes
2:26:51 PM Senator Evers moves to rise



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Communications, Energy, and Public Utilities, *Chair*
Agriculture
Appropriations
Appropriations Subcommittee on Health
and Human Services
Health Policy
Transportation

JOINT COMMITTEES:
Joint Administrative Procedures Committee,
Alternating Chair
Joint Legislative Budget Commission

SENATOR DENISE GRIMSLEY

Deputy Majority Leader
21st District

October 26, 2015

The Honorable Jeff Brandes, Chair
Committee on Transportation
404 S. Monroe Street
Tallahassee, Florida 32399-1100

Dear Chairman Brandes,

I am respectfully requesting to be excused from the Committee on Transportation meeting on Wednesday, November 4th 2015 due to a previously scheduled commitment in the district.

Sincerely,

A handwritten signature in cursive script that reads "Denise Grimsley".

Denise Grimsley
State Senate, District 21

cc: Kurt Eichin, Staff Director
Marilyn Hudson, Committee Administrative Assistant

REPLY TO:

- 205 South Commerce Avenue, Suite A, Sebring, Florida 33870 (863) 386-6016
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