

Tab 1	SB 746 by Negron, Sachs; (Compare to H 0427) Vessel Registrations					
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Tab 2	SB 718 by Sobel; Identification Cards					
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706184	A	S	L	RCS	TR, Bullard	btw L.43 - 44:	12/03 03:05 PM
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Tab 3	SB 518 by Soto (CO-INTRODUCERS) Hutson; (Compare to H 0511) Bronze Star License Plates					
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368660	A	S		RCS	TR, Bullard	Delete L.73 - 180:	12/03 03:05 PM
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Tab 4	SB 756 by Brandes; (Similar to H 7027) Department of Transportation					
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312132	A	S		RCS	TR, Brandes	btw L.183 - 184:	12/03 03:05 PM
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290044	AA	S		RCS	TR, Brandes	Delete L.230 - 248:	12/03 03:05 PM
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684936	A	S		RCS	TR, Brandes	btw L.207 - 208:	12/03 03:05 PM
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Brandes, Chair
Senator Bullard, Vice Chair

MEETING DATE: Thursday, December 3, 2015
TIME: 1:00—3:00 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 746 Negron / Sachs (Compare H 427)	Vessel Registrations; Reducing vessel registration fees for recreational vessels equipped with certain position indicating and locating beacons; providing criteria for such reduction; clarifying county optional registration fees, etc. TR 12/03/2015 Favorable ATD AP	Favorable Yeas 5 Nays 0
2	SB 718 Sobel	Identification Cards; Requiring the Department of Highway Safety and Motor Vehicles to issue an identification card exhibiting a special designation for a person who has a developmental disability under certain circumstances; requiring payment of an additional fee and proof of diagnosis by a licensed physician; requiring the fee to be deposited into the Agency for Persons with Disabilities Operations and Maintenance Trust Fund; requiring the department to develop rules to facilitate the issuance, requirements, and oversight of developmental disability identification cards, etc. TR 12/03/2015 Fav/CS ATD AP	Fav/CS Yeas 4 Nays 0
3	SB 518 Soto (Compare H 511, S 588)	Bronze Star License Plates; Creating a special license plate for recipients of the Bronze Star medal, etc. TR 12/03/2015 Fav/CS MS FP	Fav/CS Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Thursday, December 3, 2015, 1:00—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 756 Brandes (Similar H 7027)	Department of Transportation; Increasing the minimum amount that must be made available annually from the State Transportation Trust Fund to fund the Florida Seaport Transportation and Economic Development Program; authorizing the department to enter into certain agreements related to the federal surface transportation project delivery program under certain federal law; creating a nonprofit corporation to be known as the "Florida Department of Transportation Financing Corporation"; authorizing the corporation to contract with the State Board of Administration to perform certain services, etc. TR 12/03/2015 Fav/CS ATD AP	Fav/CS Yeas 4 Nays 0

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
5	Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.		
	Secretary of Transportation		
6	Boxold, James C. ()	Pleasure of Governor	Recommend Confirm Yeas 4 Nays 0

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
8	Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.		
	Florida Transportation Commission		
9	Wright, Kenneth W. (Winter Park)	09/30/2018	Recommend Confirm Yeas 4 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
		Presentation on Autonomous Vehicles	Presented

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 746

INTRODUCER: Senators Negron and Sachs

SUBJECT: Vessel Registrations

DATE: December 1, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	Favorable
2.			ATD	
3.			AP	

I. Summary:

SB 746 reduces state vessel registration fees for recreational vessels equipped with an Emergency Position Indicating Radio Beacon or whose owner owns a Personal Locator Beacon. The beacon must be registered with the National Oceanic and Atmospheric Administration in order for the owner to qualify for the reduced registration fee.

The bill appropriates the sum of \$5 million in recurring funds from General Revenue to the Department of Highway Safety and Motor Vehicles for the 2016-2017 fiscal year to offset the reduction in fees.

II. Present Situation:

Vessel Registration

The term “vessel” is synonymous with boat and includes every description of watercraft, barge, or airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.¹ Vessels operated, used, or stored on the waters of this state must be registered with the Department of Highway Safety and Motor Vehicles (DHSMV) as a commercial or recreational² vessel, unless:

- The vessel is operated, used, and stored exclusively on private lakes and ponds;
- The vessel is owned by the U.S. Government;
- The vessel is used exclusively as a ship’s lifeboat; or
- The vessel is non-motor-powered and less than 16 feet in length or a non-motor-powered canoe, kayak, racing shell, or rowing scull, regardless of length.³

¹ Section 327.02(43), F.S.

² Section 327.02(37), F.S. defines a “recreational vessel” as a vessel manufactured and used primarily for noncommercial purposes, or a vessel leased, rented, or chartered to a person for his or her noncommercial use.

³ Section 328.48(2), F.S.

Section 328.72(12), F.S., provides that vessel registration periods are for 12 or 24 months. An individual who owns a vessel is eligible to register the vessel for a 12 or 24 month period that begins the first day of the birth month of the owner and ends the last day of the month preceding the owner's birth month. The registration period for vessels owned by companies, corporations, governmental entities, and registrations issued to dealers and manufacturers is July 1 to June 30.⁴

The base registration fee for vessels is determined by the length of the vessel. The vessel registration fee for a 12-month period is as follows:

- *Class A-1*: Less than 12 feet in length and all canoes to which propulsion motors have been attached, regardless of length: \$5.50;
- *Class A-2*: 12 feet or more and less than 16 feet in length: \$16.25;
- *Class 1*: 16 feet or more and less than 26 feet in length: \$28.75;
- *Class 2*: 26 feet or more and less than 40 feet in length: \$78.25;
- *Class 3*: 40 feet or more and less than 65 feet in length: \$127.75;
- *Class 4*: 65 feet or more and less than 110 feet in length: \$152.75;
- *Class 5*: 110 feet or more in length: \$189.75; and
- *Dealer Registration Certificate*: \$25.50.

Additionally, any county may impose an annual registration fee on vessels registered, operated, used, or stored on waters within its jurisdiction. This fee is 50 percent of the applicable state registration fee, and the first \$1 of every registration must be remitted to the state for deposit into the Save the Manatee Trust Fund.⁵ The Optional County Fee is retained by the county where the vessel is registered and is to be used for patrol, regulation, and maintenance of the lakes, rivers, and waters and for other boating-related activities within the county.⁶ According to the DHSMV, the counties of Broward, Charlotte, Collier, Dade, Hillsborough, Lee, Manatee, Martin, Monroe, Palm Beach, Pinellas, Polk, Sarasota, and Volusia charge the Optional County Fee.⁷

NOAA Search and Rescue Satellite Aided Tracking

The National Oceanic and Atmospheric Administration (NOAA) operates the nation's Search and Rescue Satellite Aided Tracking (SARSAT) system to detect mariners, aviators, and others all over the globe by using satellites in low-earth and geostationary orbits to detect and locate beacon-users in distress.⁸

The United States and the governments of Canada, France, and Russia have an agreement to provide for long-term operation of the COSPAS-SARSAT⁹ (C-S) Program, which also provides space-based relay of distress signals or alerts from emergency beacons. The program provides alerts to search and rescue authorities internationally.

⁴ Section 328.72(12)(c)2., F.S.

⁵ Section 328.66, F.S.

⁶ *Id.*

⁷ See Department of Highway Safety and Motor Vehicles, *Vessel Registration Chart*, available at: <http://www3.flhsmv.gov/dmv/proc/fees/fees-04.pdf> (last visited Nov. 24, 2015).

⁸ See the NOAA SARSAT website: <http://www.sarsat.noaa.gov/index.html>. (last visited Nov. 24, 2015).

⁹ COSPAS is a Russian acronym for "Space System for Search of Vessels in Distress." See the SARSAT FAQ website: <http://www.sarsat.noaa.gov/faq%202.html>. (last visited Nov. 24, 2015).

Ground stations are called Local User Terminals (LUTs), which are satellite receiving units. LUTs are fully automated and unmanned. When an LUT receives a distress signal detected by satellite, it is transmitted to the mission control center (MCC) that operates that particular LUT. The MCC collects, stores, and sorts alerts from LUTs and other MCCs and distributes the alerts to search and rescue authorities and other MCCs.¹⁰

Locator Beacons

The emergency beacons used to detect those in distress operate only in the 406.0 to 406.1 megahertz (MHz) frequency band to transmit digital messages to satellites for transmission to the appropriate LUT. The frequency is restricted to low power satellite emergency position-indicating beacons in the mobile satellite service. According to NOAA, two types of 406 MHz emergency beacons are:

- *Emergency Position-Indicating Radio Beacons*, or EPIRBs:
 - An EPIRB is an emergency position-indicating radio beacon used in maritime watercraft that can be automatically or manually activated to transmit a distress signal to a satellite. EPIRBs that activate automatically typically have a hydro-static release mechanism that, when immersed, allows the beacon to release from its bracket, float to the surface and start transmitting. The beacon, along with the bracket, has to sink to approximately 3 meters before it will activate automatically. This should be taken into account when mounting an automatic EPIRB; and
- *Personal Locator Beacons*, or PLBs:
 - A PLB is a personal locator beacon designed to be carried by an individual that can only be activated manually. PLBs can be used by people operating in remote areas.¹¹

Registration of Beacons with NOAA

Registration of a 406 MHz emergency beacon, and subsequent updating if the information changes, is free and required by Title 47 of the Code of Federal Regulations, part 80 for EPIRBs and part 95 for PLBs. Information provided in a registration is used by search and rescue authorities, along with the distress signal from the beacon, solely to help locate and rescue those in distress. NOAA provides an online system for initial and updated beacon registrations, and registration must be renewed every two years.¹²

NOAA indicated, as of October 6, 2015, 12,295 EPIRBs were registered indicating the vessel was registered in Florida, and 26,078 PLBs were registered indicating boat usage with a Florida mailing addresses.¹³ Based on this data, approximately 10 percent of vessels currently registered in Florida would qualify for the reduced registration fee.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*, NOAA prefers owners register beacons online at www.beaconregistration.noaa.gov, however individuals may also mail or fax signed registration forms.

¹³ Revenue Estimating Conference, *Analysis of HB 427 - Vessel Registration Location Indicating Services* (Oct. 29, 2015) available at: http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2016/_pdf/Impact1029.pdf (last visited Nov. 25, 2015).

III. Effect of Proposed Changes:

Section 1 of the bill reduces vessel registration fees for recreational vessels that are equipped with an EPIRB registered with NOAA or whose owner owns a PLB registered with NOAA. A person who owns a PLB and more than one recreational vessel may only receive a reduced registration fee for one vessel.

This reduction in fees may increase the amount of vessels or owners of vessels equipped with locator beacons. The registration fees are reduced as follows:

Recreational Vessel Registration Fees for Each 12-Month Period		
<i>Class of Vessel</i>	<i>Current Base Fee</i>	<i>Reduced Base Fee</i>
Class A-1	\$5.50	\$2.95
Class A-2	\$16.25	\$11.00
Class 1	\$28.75	\$20.40
Class 2	\$78.25	\$57.50
Class 3	\$127.75	\$94.65
Class 4	\$152.75	\$113.40
Class 5	\$189.75	\$141.15

Section 2 provides that the County Optional Fee for vessel registrations remains 50 percent of the applicable state registration fee *without* consideration of the reduced fees.

Section 3 appropriates the sum of \$5 million in recurring funds for the 2016-2017 fiscal year from the General Revenue Fund to the DHSMV for the purpose of offsetting the reduction in base vessel registration fees.

Section 4 provides that 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:**

The bill reduces recreational vessel registration fees for vessels equipped with or whose owner owns certain registered locator beacons. The Revenue Estimating Conference (REC) reviewed the related bill, HB 427, on October 29, 2015, and estimated the bill will reduce the total sum of recreational vessel registration fees collected by the DHSMV by \$500,000 for Fiscal Year 2016-2017.¹⁴ The REC estimates the bill will decrease recreational vessel registration fees collected by the DHSMV by \$3.2 million over the next five fiscal years. The actual reduction in fees collected will depend on the amount of vessels that qualify for the reduced fee.

B. Private Sector Impact:

Individuals who have certain locator beacons registered with NOAA will receive a discount in recreational vessel registration fees.

C. Government Sector Impact:

The bill appropriates \$5 million in recurring funds from the General Revenue Fund to the DHSMV for the purpose of offsetting the reduction in recreational vessel registration fees.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 328.72 and 328.66 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.

¹⁴ *Id.*

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 Negron

32-00714-16

2016746__

1 A bill to be entitled
 2 An act relating to vessel registrations; amending s.
 3 328.72, F.S.; defining terms; reducing vessel
 4 registration fees for recreational vessels equipped
 5 with certain position indicating and locating beacons;
 6 providing criteria for such reduction; amending s.
 7 328.66, F.S.; clarifying county optional registration
 8 fees; providing an appropriation; providing an
 9 effective date.

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

11 Section 1. Subsection (1) of section 328.72, Florida
 12 Statutes, is amended, and subsection (18) is added to that
 13 section, to read:

14 328.72 Classification; registration; fees and charges;
 15 surcharge; disposition of fees; fines; marine turtle stickers.-
 16 (1) VESSEL REGISTRATION FEE.-Vessels that are required to
 17 be registered shall be classified for registration purposes
 18 according to the following schedule, and, except as provided in
 19 subsection (18), the registration certificate fee shall be in
 20 the following amounts:

21 (a) Class A-1-Less than 12 feet in length, and all canoes
 22 to which propulsion motors have been attached, regardless of
 23 length: \$5.50 for each 12-month period registered.

24 (b) Class A-2-12 feet or more and less than 16 feet in
 25 length: \$16.25 for each 12-month period registered.
 26 (To county): 2.85 for each 12-month period registered.

27 (c) Class 1-16 feet or more and less than 26 feet in

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

32-00714-16

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30 length: \$28.75 for each 12-month period registered.
 31 (To county): 8.85 for each 12-month period registered.

32 (d) Class 2-26 feet or more and less than 40 feet in
 33 length: \$78.25 for each 12-month period registered.
 34 (To county): 32.85 for each 12-month period registered.

35 (e) Class 3-40 feet or more and less than 65 feet in
 36 length: \$127.75 for each 12-month period registered.
 37 (To county): 56.85 for each 12-month period registered.

38 (f) Class 4-65 feet or more and less than 110 feet in
 39 length: \$152.75 for each 12-month period registered.
 40 (To county): 68.85 for each 12-month period registered.

41 (g) Class 5-110 feet or more in length: \$189.75 for each
 42 12-month period registered.
 43 (To county): 86.85 for each 12-month period registered.

44 (h) Dealer registration certificate: \$25.50 for each 12-
 45 month period registered.

46 The county portion of the vessel registration fee is derived
 47 from recreational vessels only.

48 (18) REDUCED VESSEL REGISTRATION FEE.-
 49 (a) For the purposes of this subsection, the term:
 50 1. "Emergency Position Indicating Radio Beacon" means an
 51 electronic device designed to be installed on a vessel which,
 52 when activated, transmits a distress call on a designated
 53 emergency frequency to a satellite receiver and is used by
 54 rescue personnel to locate the position of the signal.
 55 2. "Personal Locator Beacon" means an electronic device
 56 designed to be carried on a person which, when activated, will
 57 transmit a distress call on a designated emergency frequency to
 58 a satellite receiver and is used by rescue personnel to locate

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

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2016746__

59 the position of the signal.

60 (b) The registration certificate fee imposed pursuant to
 61 subsection (1) for a recreational vessel equipped with an
 62 Emergency Position Indicating Radio Beacon or for a recreational
 63 vessel whose owner owns a Personal Locator Beacon shall be
 64 reduced to the following amounts:

- 65 1. Class A-1: \$2.95 for each 12-month period registered.
- 66 2. Class A-2: \$11.00 for each 12-month period registered.
- 67 3. Class 1: \$20.40 for each 12-month period registered.
- 68 4. Class 2: \$57.50 for each 12-month period registered.
- 69 5. Class 3: \$94.65 for each 12-month period registered.
- 70 6. Class 4: \$113.40 for each 12-month period registered.
- 71 7. Class 5: \$141.15 for each 12-month period registered.

72 (c) A person who owns a Personal Locator Beacon and who
 73 owns more than one recreational vessel may only apply the
 74 applicable reduced fee pursuant to this subsection to one
 75 vessel.

76 (d) In order to qualify for reduced vessel registration
 77 fees pursuant to this subsection, a vessel owner must
 78 demonstrate that the Emergency Position Indicating Radio Beacon
 79 or Personal Locator Beacon is registered with the National
 80 Oceanic and Atmospheric Administration under 47 C.F.R. part 80
 81 or part 95. The owner must provide proof of registration from
 82 the National Oceanic and Atmospheric Administration.

83 Section 2. Subsection (1) of section 328.66, Florida
 84 Statutes, is amended to read:

85 328.66 County and municipality optional registration fee.—

86 (1) Any county may impose an annual registration fee on
 87 vessels registered, operated, used, or stored on the waters of

32-00714-16

2016746__

88 this state within its jurisdiction. This fee shall be 50 percent
 89 of the applicable state registration fee as listed in the s.
 90 328.72(1)(a)-(g) fee schedule, without considering the reduced
 91 vessel registration fee provisions as specified in s.
 92 328.72(18). However, the first \$1 of every registration imposed
 93 under this subsection shall be remitted to the state for deposit
 94 in the Save the Manatee Trust Fund created within the Fish and
 95 Wildlife Conservation Commission, and shall be used only for the
 96 purposes specified in s. 379.2431(4). All other moneys received
 97 from such fee shall be expended for the patrol, regulation, and
 98 maintenance of the lakes, rivers, and waters and for other
 99 boating-related activities of such municipality or county. A
 100 municipality that was imposing a registration fee before April
 101 1, 1984, may continue to levy such fee, notwithstanding the
 102 provisions of this section.

103 Section 3. For the 2016-2017 fiscal year, the sum of \$5
 104 million in recurring funds is appropriated from the General
 105 Revenue Fund to the Department of Highway Safety and Motor
 106 Vehicles for the purpose of offsetting the reduction in the base
 107 vessel registration fees as provided by this act.

108 Section 4. This act shall take effect July 1, 2016.

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 718

INTRODUCER: Senator Sobel

SUBJECT: Identification Cards

DATE: December 3, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	Fav/CS
2.			ATD	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 718 allows a person with a developmental disability, or a parent or guardian of a child or ward with a developmental disability to voluntarily request to be issued an identification card with a “D” designation for the person diagnosed with a developmental disability.

The Department of Highway Safety and Motor Vehicles (DHSMV) will issue the identification card upon proof of diagnosis of a developmental disability by a licensed physician and payment of a \$10 fee. The additional \$10 fee is deposited into the Agency for Persons with Disabilities Operations and Maintenance Trust Fund. A replacement identification card that includes the designation may be issued without payment of the \$25 replacement fee.

The bill provides an effective date of October 1, 2016. However, the bill specifies that changes made to the identification cards will apply upon implementation of new designs for the driver license and identification card by the DHSMV, which is anticipated to be in 2017.

II. Present Situation:

Developmental Disabilities in Florida

Section 393.063(9), F.S., defines developmental disabilities to mean “a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, or Prader-Willi

syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely.”

The Florida Developmental Disabilities Council estimates there are approximately 100,000 individuals living in the state who meet the developmental disability criteria.

Identification Cards in Florida

Any person who is five years of age or older, or any person who has a disability, regardless of age, who applies for a disabled parking permit, may be issued an identification card by the DHSMV upon completion of an application and payment of a \$25 fee.¹ For an original identification card the \$25 fee is deposited into the General Revenue Fund. For a replacement identification card \$9 is deposited into the Highway Safety Operating Trust Fund (HSOTF) or retained by the tax collector issuing the replacement, and \$16 is deposited into the General Revenue Fund.²

An identification card issued to a person 5 to 14 years of age expires, unless canceled earlier, on the fourth birthday of the applicant following the date of original issue. An identification card issued to a person 15 years of age or older expires, unless canceled earlier, on the eighth birthday of the applicant following the date of original issue.³

In fiscal year 2014-2015, there were 533,584 identification cards issued statewide.⁴

Identification Cards for Persons with Developmental Disabilities

Other states have implemented Disability Identification Cards for individuals with developmental disabilities. These identification cards serve as an indicator for police and others that an individual has a developmental disability.

For example, in Illinois, the Disabled Person Identification Card is used to signify an individual has a physical, developmental, visual, hearing, or mental disability, and classifies each disability.⁵ The card is able to be used as proof of a disability as well as proof of identification for the individual. In Georgia, disability symbols can be placed on a license, permit, or identification card issued by the Georgia Department of Driver Services.⁶ Conditions such as PTSD, Dementia, Autism, and developmental disabilities, confirmed by a medical doctor, can be indicated on the back of an individual’s license, permit, or identification card.⁷

¹ Section 322.051, F.S.

² Section 322.21(1)(f), F.S.

³ Section 322.051(2)(a), F.S.

⁴ Email from Department of Highway Safety and Motor Vehicles (Nov. 24, 2015) (on file with the Senate Committee on Transportation).

⁵ See 15 ILCS 335/4a

⁶ O.C.G.A. s. 40-5-171 (2010).

⁷ Georgia Department of Driver Services, *DDs-29 Revised (3/23/2011) Form*, <http://www.dds.ga.gov/docs/forms/DDS-29-12610.pdf> (last visited Nov. 23, 2015).

Agency for Persons with Disabilities (APD)

The APD serves over 50,000 Floridians with developmental disabilities.⁸ Revenues deposited into the Operations and Maintenance Trust Fund administered by the APD, under s. 20.1971(2), F.S., go toward client services and administration of those services.⁹ These services include: life skills development and job training, personal care assistance, therapeutic and wellness support, transportation services, and specialized medical assistance.

III. Effect of Proposed Changes:

The bill allows a person with a developmental disability¹⁰, or the parent or guardian of a child or ward with a developmental disability, to voluntarily request to be issued an identification card exhibiting a “D” designation for the person who has been diagnosed by a licensed physician as having a developmental disability.

The DHSMV will issue the identification card upon proof of diagnosis of a developmental disability, acceptable to the department, and an additional fee of \$10. The \$10 fee will be deposited into the Operations and Maintenance Trust Fund administered by the APD. A replacement identification card that includes the “D” designation may be issued without payment of the required \$25 fee. The DHSMV is required by the bill to develop rules for implementing the identification card designation.

The designated identification card could help law enforcement and other officials identify if they are dealing with a developmentally disabled individual. However, it is unknown how many individuals may apply for this designated identification card.

The bill provides that the changes made to the identification card by this bill will apply upon implementation of new designs for the driver license and identification card by the DHSMV, which is currently anticipated to be in 2017¹¹.

This bill takes effect October 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁸ Agency for Persons with Disabilities, *About Us*, <http://apd.myflorida.com/about/> (last visited Nov. 23, 2015).

⁹ Email from Agency for Persons with Disabilities, (Mar. 18, 2015) (on file with the Senate Committee on Transportation).

¹⁰ As defined in s. 393.063, F.S.

¹¹ As stated in the DHSMV analysis of SB 158. (Sep. 3, 2015) (on file with the Senate Committee on Transportation).

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Under SB 718, individuals requesting a “D” designation on an identification card must pay an additional \$10 fee. A replacement identification card including the designation may be issued without payment of the \$25 replacement fee.

Revenue from the \$10 additional fee may have a minimal positive impact on clients of the APD, since the funds are deposited into its Operations and Maintenance Trust Fund for client services. However, it is unknown how many individuals may apply for this designated identification card.

C. Government Sector Impact:

The bill will have a minimal fiscal impact to the DHSMV.¹²

Revenue from the \$10 additional fee will have a positive fiscal impact on the APD Operations and Maintenance Trust Fund. However, it is unknown how many individuals may apply for the “D” designated identification card, therefore the impact is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 322.051 of the Florida Statutes.

¹² Conversation with the Chief Financial Officer of DHSMV (Dec. 3, 2015).

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 Transportation on December 3, 2015:

The CS adds that changes made to the identification cards by this bill will apply upon implementation of new designs for the driver license and identification card by the DHSMV.

- B. **Amendments:**

None.

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



706184

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/03/2015	.	
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	.	
	.	

The Committee on Transportation (Bullard) recommended the following:

Senate Amendment (with title amendment)

Between lines 43 and 44

insert:

Section 2. The amendments made by this act to s. 322.051, Florida Statutes, shall apply upon implementation of new designs for the driver license and identification card by the Department of Highway Safety and Motor Vehicles.

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



706184

11 And the title is amended as follows:
12 Between lines 16 and 17
13 insert:
14 providing applicability;

By Senator Sobel

33-00898-16

2016718__

1 A bill to be entitled
 2 An act relating to identification cards; amending s.
 3 322.051, F.S.; requiring the Department of Highway
 4 Safety and Motor Vehicles to issue an identification
 5 card exhibiting a special designation for a person who
 6 has a developmental disability under certain
 7 circumstances; requiring payment of an additional fee
 8 and proof of diagnosis by a licensed physician;
 9 requiring the fee to be deposited into the Agency for
 10 Persons with Disabilities Operations and Maintenance
 11 Trust Fund; authorizing issuance of a replacement
 12 identification card that includes the special
 13 designation without payment of a specified fee;
 14 requiring the department to develop rules to
 15 facilitate the issuance, requirements, and oversight
 16 of developmental disability identification cards;
 17 providing an effective date.
 18

19 Be It Enacted by the Legislature of the State of Florida:
 20

21 Section 1. Paragraph (c) is added to subsection (8) of
 22 section 322.051, Florida Statutes, to read:

23 322.051 Identification cards.—

24 (8)

25 (c)1. Upon request by a person who has a developmental
 26 disability, or by a parent or guardian of a child or ward who
 27 has a developmental disability, the department shall issue an
 28 identification card exhibiting a capital "D" for the person,
 29 child, or ward if the person or the parent or guardian of the

Page 1 of 2

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

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30 child or ward submits:
 31 a. Payment of an additional \$10 fee; and
 32 b. Proof acceptable to the department of a diagnosis by a
 33 licensed physician of a developmental disability as defined in
 34 s. 393.063.
 35 2. The department shall deposit the additional \$10 fee into
 36 the Agency for Persons with Disabilities Operations and
 37 Maintenance Trust Fund under s. 20.1971(2).
 38 3. A replacement identification card that includes the
 39 designation may be issued without payment of the fee required
 40 under s. 322.21(1)(f).
 41 4. The department shall develop rules to facilitate the
 42 issuance, requirements, and oversight of developmental
 43 disability identification cards under this section.
 44 Section 2. This act shall take effect October 1, 2016.

Page 2 of 2

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HUDSON.MARILYN

From: REINARMAN.ERIC
Sent: Wednesday, December 02, 2015 12:39 PM
To: BRANDES.JEFF; EICHIN.KURT; HUDSON.MARILYN
Subject: Eric M. Reinerman to present SB718 to the Committee on Transportation

December 2, 2015

Senator Jeff Brandes
Chair of the Committee on Transportation
318 Senate Office Building
404 South Monroe Street
Tallahassee, Florida 32399

Dear Chair Brandes:

This letter is to inform you that my Legislative Aide, Eric M. Reinerman, Esq., will be presenting Senate Bill 718 to the Committee on Transportation on my behalf. I am needed in the Committee on Children, Families, and Elder Affairs for a quorum. Thank you.

Respectfully,



Eleanor Sobel
State Senator, 33rd District

Cc: Kurt Eichin, Marilyn Hudson

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 518

INTRODUCER: Senators Soto and Hutson

SUBJECT: Bronze Star License Plates

DATE: December 3, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	Fav/CS
2.			MS	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 518 creates a special military license plate for recipients of the Bronze Star Medal. Revenue generated from the sale of this license plate will be deposited into the Grants and Donations Trust Fund and the State Homes for Veterans Trust Fund.

The bill also redirects revenue from the sale of the "Woman Veteran" special plates to the Grants and Donations Trust Fund and adds language indicating the funds must be expended solely for the purpose of creating and implementing programs that benefit women veterans.

II. Present Situation:

Special License Plates

Current law provides for several types of license plates. In addition to plates issued for governmental or business purposes, the Department of Highway Safety and Motor Vehicles (DHSMV) offers four basic types of plates to the general public:

- Standard plates;
- Specialty license plates;
- Personalized prestige license plates; and
- Special use license plates.

Certain members of the general public may be eligible to apply for special use license plates if they are able to document their eligibility pursuant to various sections of ch. 320, F.S. Special use license plates primarily include special military license plates as well as plates for the disabled.

Currently, there are 21 special license plates authorized in s. 320.089, F.S., available to military service members or veterans for the following types of service:

- Veteran of the United States Armed Forces;
- Active or retired member of the Florida National Guard;
- Survivor of the attack on Pearl Harbor;
- Recipient of the Purple Heart Medal;
- Active or retired member of any branch of the United States Armed Forces Reserve;
- Recipient of the Combat Infantry Badge;
- Recipient of the Combat Medical Badge;
- Recipient of the Combat Action Badge;
- Recipient of the Combat Action Ribbon;
- Recipient of the Air Force Combat Medal;
- Recipient of the Distinguished Flying Cross;
- Former Prisoner of War;
- Veteran of the Korean War;
- Veteran of the Vietnam War;
- Service member or veteran of Operation Desert Shield;
- Service member or veteran of Operation Desert Storm;
- Service member or veteran of Operation Enduring Freedom;
- Service member or veteran of Operation Iraqi Freedom;
- Veteran of World War II;
- Navy Submariner; and
- Woman Veteran.

Special license plates authorized under s. 320.089, F.S., are stamped with words consistent with the type of special plate issued. For example, a special plate issued to a current or former member of the Florida National Guard is stamped with the words “National Guard.” Additionally, a likeness of the related campaign medal or badge appears on the plate.¹

Applicants for special use license plates in s. 320.089, F.S., are required to pay the annual license tax in s. 320.08, F.S., with the exception of certain disabled veterans who qualify for the Pearl Harbor, Purple Heart, or Prisoner of War plate, to whom such plates are issued at no cost.² With the exception of “Woman Veteran” plates, the first \$100,000 of the general revenue generated annually from the issuance of special use military plates is deposited into the Grants and Donations Trust Fund under the Veterans’ Nursing Homes of Florida Act, as described in s.

¹ For plate samples, see Department of Highway Safety and Motor Vehicles, *Military License Plates*, <http://www.flhsmv.gov/specialtytags/miltags.html> (last visited Nov. 20, 2015).

² Section 320.089(1)(c) and (2)(a), F.S.

296.38(2), F.S. Additional general revenue is deposited into the State Homes for Veterans Trust Fund and used to construct, operate, and maintain domiciliary and nursing homes for veterans.³

For Fiscal Year 2014-2015, the total revenue from military special plates was \$2,711,574.⁴

Woman Veteran Plates

The bill creating the “Woman Veteran” special military license plate passed in the 2015 legislative session.⁵ Revenue generated from the sale of the plate must be deposited into the Operations and Maintenance Trust Fund administered by the Department of Veterans’ Affairs (DVA) pursuant to s. 20.375(3), F.S.⁶ Revenue generated from the sale of the plate must be used solely for the creation and implementation of programs that benefit women veterans. The DVA has since determined the Grants and Donations Trust Fund is the best fund to receive distribution of these revenues.⁷

Bronze Star Medal

The Bronze Star Medal is a military decoration awarded to a person in any branch of the military who, while serving in any capacity with the Armed Forces of the United States after December 6, 1941, distinguished himself or herself by heroic or meritorious service, not involving participation in aerial flight, in connection with military operations against an armed enemy.⁸

III. Effect of Proposed Changes:

The bill creates a special military license plate for recipients of the Bronze Star Medal. The plate will be stamped with the words “Bronze Star” and a likeness of the Bronze Star Medal. To receive a Bronze Star special license plate the individual must submit an application for the plate to the DHSMV, provide proof that he or she is a Bronze Star Medal recipient, and pay the appropriate license tax as provided in s. 320.08, F.S.

General revenue generated from the sale of the Bronze Star plate funds the Grants and Donations Trust Fund and the State Home for Veterans Trust Fund.

The bill also redirects revenue from the sale of the “Woman Veteran” special plates from the Operations and Maintenance Trust Fund administered by the DVA to the Grants and Donations Trust Fund administered by the DVA. A cross-reference is replaced to conform to this change. Additionally, the bill adds language to both the Veterans’ Nursing Home of Florida Act⁹ and the Veterans’ Domiciliary Home of Florida Act¹⁰ to specify funds generated from the sale of this

³ Section 320.089(1)(b), F.S.

⁴ Email from Florida Department of Veterans’ Affairs, (Nov. 23, 2015) (on file with the Senate Committee on Transportation).

⁵ See ch. 2015-91, Laws of Fla.

⁶ Section 320.089(1)(c), F.S.

⁷ Email from Florida Department of Veterans’ Affairs, (Dec. 2, 2015) (on file with the Senate Committee on Transportation).

⁸ U.S. Air Force Fact Sheet, *Bronze Star*, http://www.afpc.af.mil/library/factsheets/factsheet_print.asp?fsID=7771&page=1 (last visited Nov. 20, 2015).

⁹ Ch. 296, part II, F.S.

¹⁰ Ch. 296, part I, F.S.

plate must be expended solely for the creation and implementation of programs that benefit women veterans.

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:

Individuals who choose to receive the Bronze Star or Woman Veteran license plate will pay the same tax and fees as if he or she were issued a standard license plate.¹¹

There is a \$28 new license plate fee if the special military plate is replacing any plate prior to the 10-year forced replacement of the current license plate.¹²

C. Government Sector Impact:

The DHSMV estimates an initial startup cost of \$2,882 for the creation and manufacture of 1,000 Bronze Star license plates to be distributed to Tax Collector offices statewide to meet public demand.¹³ It is indeterminate how many individuals will be eligible and choose to receive a special license plate.

The bill could have a positive impact on the Grants and Donations Trust Fund and the State Homes for Veterans Trust Fund.

¹¹ License taxes vary based on type and weight of vehicle. *See* s. 320.08, F.S.

¹² Section 320.0607(3), F.S.

¹³ Department of Highway Safety and Motor Vehicles, *SB 518 Agency Bill Analysis*, (Oct. 20, 2015) (on file with the Senate Committee on Transportation).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 296.11, 296.38, and 320.089.

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 Transportation on December 12, 2015:

The CS requires that funds received from the sale of “Woman Veteran” special license plates are to be deposited in the Grants and Donations Trust Fund administered by the DVA, instead of the Operations and Maintenance Trust Fund. Additional language is added to ensure funds received from the sale of the “Woman Veteran” plate must be expended solely for the creation and implementation of programs that benefit women veterans.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/03/2015	.	
	.	
	.	
	.	

The Committee on Transportation (Bullard) recommended the following:

Senate Amendment (with title amendment)

Delete lines 73 - 180

and insert:

license plates must be deposited into the Grants and Donations Operations and Maintenance Trust Fund administered by the Department of Veterans' Affairs pursuant to s. 20.375(2) ~~s. 20.375(3)~~ and must be used solely for the purpose of creating and implementing programs to benefit women veterans.

Notwithstanding any provisions of law to the contrary, an



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11 applicant for a Pearl Harbor Survivor license plate or a Purple
12 Heart license plate who also qualifies for a disabled veteran's
13 license plate under s. 320.084 shall be issued the appropriate
14 special license plate without payment of the license tax imposed
15 by s. 320.08.

16 (2) Each owner or lessee of an automobile or truck for
17 private use, a truck weighing not more than 7,999 pounds, or a
18 recreational vehicle as specified in s. 320.08(9)(c) or (d),
19 which is not used for hire or commercial use who is a resident
20 of this state and who is a former prisoner of war, or his or her
21 unremarried surviving spouse, upon application to the
22 department, shall be issued a license plate as provided in s.
23 320.06, stamped with the words "Ex-POW" followed by the serial
24 number. Each application shall be accompanied by proof that the
25 applicant meets the qualifications specified in paragraph (a) or
26 paragraph (b).

27 (a) A citizen of the United States who served as a member
28 of the Armed Forces of the United States or the armed forces of
29 a nation allied with the United States who was held as a
30 prisoner of war at such time as the Armed Forces of the United
31 States were engaged in combat, or his or her unremarried
32 surviving spouse, may be issued the special license plate
33 provided for in this subsection without payment of the license
34 tax imposed by s. 320.08.

35 (b) A person who was serving as a civilian with the consent
36 of the United States Government, or a person who was a member of
37 the Armed Forces of the United States while he or she was not a
38 United States citizen and was held as a prisoner of war when the
39 Armed Forces of the United States were engaged in combat, or his



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40 or her unremarried surviving spouse, may be issued the special
41 license plate provided for in this subsection upon payment of
42 the license tax imposed by s. 320.08.

43 (3) Each owner or lessee of an automobile or truck for
44 private use, a truck weighing not more than 7,999 pounds, or a
45 recreational vehicle as specified in s. 320.08(9)(c) or (d),
46 which is not used for hire or commercial use who is a resident
47 of this state and who is the unremarried surviving spouse of a
48 recipient of the Purple Heart medal, upon application to the
49 department accompanied by the payment of the required fees,
50 shall be issued a license plate as provided in s. 320.06 which
51 is stamped with the words "Purple Heart" and the likeness of the
52 Purple Heart medal followed by the serial number. Each
53 application shall be accompanied by proof that the applicant is
54 the unremarried surviving spouse of a recipient of the Purple
55 Heart medal.

56 (4) The owner or lessee of an automobile or truck for
57 private use, a truck weighing not more than 7,999 pounds, or a
58 recreational vehicle as specified in s. 320.08(9)(c) or (d)
59 which is not used for hire or commercial use who is a resident
60 of this state and a current or former member of the United
61 States Armed Forces who was deployed and served in Korea during
62 the Korean War as defined in s. 1.01(14), upon application to
63 the department accompanied by proof of active membership or
64 former active duty status during the Korean War and payment of
65 the license tax for the vehicle as provided in s. 320.08, shall
66 be issued a license plate as provided by s. 320.06 which, in
67 lieu of the registration license number prescribed by s. 320.06,
68 is stamped with the words "Korean War Veteran" and a likeness of



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69 the Korean Service Medal, followed by the registration license
70 number of the plate. Proof that the applicant was awarded the
71 Korean Service Medal is sufficient to establish eligibility for
72 the license plate.

73 (5) The owner or lessee of an automobile or truck for
74 private use, a truck weighing not more than 7,999 pounds, or a
75 recreational vehicle as specified in s. 320.08(9)(c) or (d)
76 which is not used for hire or commercial use who is a resident
77 of this state and a current or former member of the United
78 States military who was deployed and served in Vietnam during
79 United States military deployment in Indochina, upon application
80 to the department accompanied by proof of active membership or
81 former active duty status during these operations and payment of
82 the license tax for the vehicle as provided in s. 320.08, shall
83 be issued a license plate as provided by s. 320.06 which, in
84 lieu of the registration license number prescribed by s. 320.06,
85 is stamped with the words "Vietnam War Veteran" and a likeness
86 of the Vietnam Service Medal, followed by the registration
87 license number of the plate. Proof that the applicant was
88 awarded the Vietnam Service Medal is sufficient to establish
89 eligibility for the license plate.

90 (6) The owner or lessee of an automobile or truck for
91 private use, a truck weighing not more than 7,999 pounds, or a
92 recreational vehicle as specified in s. 320.08(9)(c) or (d)
93 which is not used for hire or commercial use who is a resident
94 of this state and a current or former member of the United
95 States military who was deployed and served in Saudi Arabia,
96 Kuwait, or another area of the Persian Gulf during Operation
97 Desert Shield or Operation Desert Storm; in Afghanistan during



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98 Operation Enduring Freedom; or in Iraq during Operation Iraqi
99 Freedom, upon application to the department accompanied by proof
100 of active membership or former active duty status during one of
101 these operations and payment of the license tax for the vehicle
102 as provided in s. 320.08, shall be issued a license plate as
103 provided by s. 320.06 which, in lieu of the registration license
104 number prescribed by s. 320.06, is stamped with the words
105 "Operation Desert Shield," "Operation Desert Storm," "Operation
106 Enduring Freedom," or "Operation Iraqi Freedom," as appropriate,
107 and a likeness of the related campaign medal followed by the
108 registration license number of the plate. Proof that the
109 applicant was awarded the Southwest Asia Service Medal, Iraq
110 Campaign Medal, Afghanistan Campaign Medal, or Global War on
111 Terrorism Expeditionary Medal is sufficient to establish
112 eligibility for the appropriate license plate.

113 Section 2. Present subsection (3) of section 296.11,
114 Florida Statutes, is redesignated as subsection (4), and a new
115 subsection (3) is added to that section, to read:

116 296.11 Funds of home and disposition of moneys.—

117 (3) The home shall deposit all moneys received pursuant to
118 s. 320.089(1)(c) from the sale of Woman Veteran license plates
119 into the Grants and Donations Trust Fund. Notwithstanding
120 subsection (2), all such moneys must be expended solely for the
121 purpose of creating and implementing programs that benefit women
122 veterans.

123 Section 3. Subsection (2) of section 296.38, Florida
124 Statutes, is amended to read:

125 296.38 Funds of home and disposition of moneys.—

126 (2) (a) The home may ~~shall be empowered to~~ receive and



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127 accept gifts, grants, and endowments ~~in the name of the home.~~
128 All such gifts, grants, and endowments shall ~~are to~~ be used for
129 the benefit of the home and its residents. In the absence of a
130 specific directive from the benefactor, the administrator and,
131 ~~together with~~ the director may, ~~shall have the authority to~~
132 determine how these gifts, grants, and endowments will ~~could~~
133 best benefit the home and its residents ~~unless the benefactor~~
134 ~~requests or instructs that the gift, grant, or endowment be used~~
135 ~~for a specific purpose.~~ The home shall deposit all moneys
136 received pursuant to this subsection into the Grants and
137 Donations Trust Fund. Moneys in the Grants and Donations Trust
138 Fund shall be expended for the common benefit of the residents
139 of the home, such as recreational equipment and supplies,
140 improved facilities, ~~recreational supplies,~~ and goods and
141 services offered or available to all residents.

142 (b) The home shall deposit all moneys received pursuant to
143 s. 320.089(1)(c) from the sale of Woman Veteran license plates
144 into the Grants and Donations Trust Fund. Notwithstanding
145 paragraph (a), all such moneys must be expended solely for the
146 purpose of creating and implementing programs that benefit women
147 veterans.

148 Section 4. This act shall take effect July 1, 2016.

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

150 And the title is amended as follows:

151 Delete lines 2 - 4

152 and insert:

153 An act relating to special license plates; amending s.
154 320.089, F.S.; creating a special license plate for
155 recipients of the Bronze Star medal; requiring any



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156 revenue generated from the sale of Woman Veteran
157 license plates to be deposited into the Grants and
158 Donations Trust Fund, instead of the Operations and
159 Maintenance Trust Fund; conforming a cross-reference;
160 amending ss. 296.11 and 296.38, F.S.; requiring
161 certain homes to deposit all moneys received from the
162 sale of Woman Veteran license plates into the Grants
163 and Donations Trust Fund; requiring that such moneys
164 be expended for certain purposes;

By Senator Soto

14-00018-16

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1 A bill to be entitled
2 An act relating to Bronze Star license plates;
3 amending s. 320.089, F.S.; creating a special license
4 plate for recipients of the Bronze Star medal;
5 providing an effective date.

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. Section 320.089, Florida Statutes, is amended to
10 read:

11 320.089 Veterans of the United States Armed Forces; members
12 of National Guard; survivors of Pearl Harbor; Purple Heart and
13 Bronze Star medal recipients; active or retired United States
14 Armed Forces reservists; Combat Infantry Badge, Combat Medical
15 Badge, or Combat Action Badge recipients; Combat Action Ribbon
16 recipients; Air Force Combat Action Medal recipients;
17 Distinguished Flying Cross recipients; former prisoners of war;
18 Korean War Veterans; Vietnam War Veterans; Operation Desert
19 Shield Veterans; Operation Desert Storm Veterans; Operation
20 Enduring Freedom Veterans; Operation Iraqi Freedom Veterans;
21 Women Veterans; World War II Veterans; and Navy Submariners;
22 special license plates; fee.—

23 (1) (a) Each owner or lessee of an automobile or truck for
24 private use or recreational vehicle as specified in s.
25 320.08(9)(c) or (d), which is not used for hire or commercial
26 use, who is a resident of the state and a veteran of the United
27 States Armed Forces, a Woman Veteran, a World War II Veteran, a
28 Navy Submariner, an active or retired member of the Florida
29 National Guard, a survivor of the attack on Pearl Harbor, a

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30 recipient of the Purple Heart medal, a recipient of the Bronze
31 Star medal, an active or retired member of any branch of the
32 United States Armed Forces Reserve, or a recipient of the Combat
33 Infantry Badge, Combat Medical Badge, Combat Action Badge,
34 Combat Action Ribbon, Air Force Combat Action Medal, or
35 Distinguished Flying Cross, upon application to the department,
36 accompanied by proof of release or discharge from any branch of
37 the United States Armed Forces, proof of active membership or
38 retired status in the Florida National Guard, proof of
39 membership in the Pearl Harbor Survivors Association or proof of
40 active military duty in Pearl Harbor on December 7, 1941, proof
41 of being a Purple Heart or Bronze Star medal recipient, proof of
42 active or retired membership in any branch of the United States
43 Armed Forces Reserve, or proof of membership in the Combat
44 Infantrymen's Association, Inc., proof of being a recipient of
45 the Combat Infantry Badge, Combat Medical Badge, Combat Action
46 Badge, Combat Action Ribbon, Air Force Combat Action Medal, or
47 Distinguished Flying Cross, and upon payment of the license tax
48 for the vehicle as provided in s. 320.08, shall be issued a
49 license plate as provided by s. 320.06 which, in lieu of the
50 serial numbers prescribed by s. 320.06, is stamped with the
51 words "Veteran," "Woman Veteran," "WWII Veteran," "Navy
52 Submariner," "National Guard," "Pearl Harbor Survivor," "Combat-
53 wounded veteran," "Bronze Star," "U.S. Reserve," "Combat
54 Infantry Badge," "Combat Medical Badge," "Combat Action Badge,"
55 "Combat Action Ribbon," "Air Force Combat Action Medal," or
56 "Distinguished Flying Cross," as appropriate, and a likeness of
57 the related campaign medal or badge, followed by the serial
58 number of the license plate. Additionally, the Purple Heart

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59 plate may have the words "Purple Heart" stamped on the plate and
60 the likeness of the Purple Heart medal appearing on the plate.

61 (b) Notwithstanding any other provision of law to the
62 contrary, beginning with fiscal year 2002-2003 and annually
63 thereafter, the first \$100,000 in general revenue generated from
64 the sale of license plates issued under this section shall be
65 deposited into the Grants and Donations Trust Fund, as described
66 in s. 296.38(2), to be used for the purposes established by law
67 for that trust fund. Any additional general revenue generated
68 from the sale of such plates shall be deposited into the State
69 Homes for Veterans Trust Fund and used solely to construct,
70 operate, and maintain domiciliary and nursing homes for
71 veterans, subject to the requirements of chapter 216.

72 (c) Any revenue generated from the sale of Woman Veteran
73 license plates must be deposited into the Operations and
74 Maintenance Trust Fund administered by the Department of
75 Veterans' Affairs pursuant to s. 20.375(3) and must be used
76 solely for the purpose of creating and implementing programs to
77 benefit women veterans. Notwithstanding any provisions of law to
78 the contrary, an applicant for a Pearl Harbor Survivor license
79 plate or a Purple Heart license plate who also qualifies for a
80 disabled veteran's license plate under s. 320.084 shall be
81 issued the appropriate special license plate without payment of
82 the license tax imposed by s. 320.08.

83 (2) Each owner or lessee of an automobile or truck for
84 private use, a truck weighing not more than 7,999 pounds, or a
85 recreational vehicle as specified in s. 320.08(9)(c) or (d),
86 which is not used for hire or commercial use who is a resident
87 of this state and who is a former prisoner of war, or his or her

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88 unremarried surviving spouse, upon application to the
89 department, shall be issued a license plate as provided in s.
90 320.06, stamped with the words "Ex-POW" followed by the serial
91 number. Each application shall be accompanied by proof that the
92 applicant meets the qualifications specified in paragraph (a) or
93 paragraph (b).

94 (a) A citizen of the United States who served as a member
95 of the Armed Forces of the United States or the armed forces of
96 a nation allied with the United States who was held as a
97 prisoner of war at such time as the Armed Forces of the United
98 States were engaged in combat, or his or her unremarried
99 surviving spouse, may be issued the special license plate
100 provided for in this subsection without payment of the license
101 tax imposed by s. 320.08.

102 (b) A person who was serving as a civilian with the consent
103 of the United States Government, or a person who was a member of
104 the Armed Forces of the United States while he or she was not a
105 United States citizen and was held as a prisoner of war when the
106 Armed Forces of the United States were engaged in combat, or his
107 or her unremarried surviving spouse, may be issued the special
108 license plate provided for in this subsection upon payment of
109 the license tax imposed by s. 320.08.

110 (3) Each owner or lessee of an automobile or truck for
111 private use, a truck weighing not more than 7,999 pounds, or a
112 recreational vehicle as specified in s. 320.08(9)(c) or (d),
113 which is not used for hire or commercial use who is a resident
114 of this state and who is the unremarried surviving spouse of a
115 recipient of the Purple Heart medal, upon application to the
116 department accompanied by the payment of the required fees,

Page 4 of 7

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

14-00018-16 2016518__
 117 shall be issued a license plate as provided in s. 320.06 which
 118 is stamped with the words "Purple Heart" and the likeness of the
 119 Purple Heart medal followed by the serial number. Each
 120 application shall be accompanied by proof that the applicant is
 121 the unmarried surviving spouse of a recipient of the Purple
 122 Heart medal.

123 (4) The owner or lessee of an automobile or truck for
 124 private use, a truck weighing not more than 7,999 pounds, or a
 125 recreational vehicle as specified in s. 320.08(9)(c) or (d)
 126 which is not used for hire or commercial use who is a resident
 127 of this state and a current or former member of the United
 128 States Armed Forces who was deployed and served in Korea during
 129 the Korean War as defined in s. 1.01(14), upon application to
 130 the department accompanied by proof of active membership or
 131 former active duty status during the Korean War and payment of
 132 the license tax for the vehicle as provided in s. 320.08, shall
 133 be issued a license plate as provided by s. 320.06 which, in
 134 lieu of the registration license number prescribed by s. 320.06,
 135 is stamped with the words "Korean War Veteran" and a likeness of
 136 the Korean Service Medal, followed by the registration license
 137 number of the plate. Proof that the applicant was awarded the
 138 Korean Service Medal is sufficient to establish eligibility for
 139 the license plate.

140 (5) The owner or lessee of an automobile or truck for
 141 private use, a truck weighing not more than 7,999 pounds, or a
 142 recreational vehicle as specified in s. 320.08(9)(c) or (d)
 143 which is not used for hire or commercial use who is a resident
 144 of this state and a current or former member of the United
 145 States military who was deployed and served in Vietnam during

14-00018-16 2016518__
 146 United States military deployment in Indochina, upon application
 147 to the department accompanied by proof of active membership or
 148 former active duty status during these operations and payment of
 149 the license tax for the vehicle as provided in s. 320.08, shall
 150 be issued a license plate as provided by s. 320.06 which, in
 151 lieu of the registration license number prescribed by s. 320.06,
 152 is stamped with the words "Vietnam War Veteran" and a likeness
 153 of the Vietnam Service Medal, followed by the registration
 154 license number of the plate. Proof that the applicant was
 155 awarded the Vietnam Service Medal is sufficient to establish
 156 eligibility for the license plate.

157 (6) The owner or lessee of an automobile or truck for
 158 private use, a truck weighing not more than 7,999 pounds, or a
 159 recreational vehicle as specified in s. 320.08(9)(c) or (d)
 160 which is not used for hire or commercial use who is a resident
 161 of this state and a current or former member of the United
 162 States military who was deployed and served in Saudi Arabia,
 163 Kuwait, or another area of the Persian Gulf during Operation
 164 Desert Shield or Operation Desert Storm; in Afghanistan during
 165 Operation Enduring Freedom; or in Iraq during Operation Iraqi
 166 Freedom, upon application to the department accompanied by proof
 167 of active membership or former active duty status during one of
 168 these operations and payment of the license tax for the vehicle
 169 as provided in s. 320.08, shall be issued a license plate as
 170 provided by s. 320.06 which, in lieu of the registration license
 171 number prescribed by s. 320.06, is stamped with the words
 172 "Operation Desert Shield," "Operation Desert Storm," "Operation
 173 Enduring Freedom," or "Operation Iraqi Freedom," as appropriate,
 174 and a likeness of the related campaign medal followed by the

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175 registration license number of the plate. Proof that the
176 applicant was awarded the Southwest Asia Service Medal, Iraq
177 Campaign Medal, Afghanistan Campaign Medal, or Global War on
178 Terrorism Expeditionary Medal is sufficient to establish
179 eligibility for the appropriate license plate.

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

THE FLORIDA SENATE

APPEARANCE RECORD

12/3/2015

Meeting Date

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

SB 518

Bill Number (if applicable)

Topic Relating to BRONZE STAR License Plates

Amendment Barcode (if applicable)

Name Col. Mike Prendergast

Job Title Executive Director

Address Suite 2105, the Capitol

Phone (850) 487-1533

Street

Tallahassee

FL

32399

City

State

Zip

Email exdir@fdva.state.fl.us

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
APPEARANCE RECORD

12/3/2015

Meeting Date

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SB 518

Bill Number (if applicable)

368660

Amendment Barcode (if applicable)

Topic Relating to BRONZE STAR License Plates

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(The Chair will read this information into the record.)

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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
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 756

INTRODUCER: Senator Brandes

SUBJECT: Department of Transportation

DATE: December 4, 2015 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Fav/CS
2.			ATD	
3.			AP	

I. Summary:

CS/SB 756 reflects the Florida Department of Transportation’s (FDOT) 2016 Legislative Package. More specifically, the bill:

- Creates the FDOT Financing Corporation, a nonprofit corporation, for the purpose of financing or refinancing projects in the FDOT’s work program through one or more service contracts, under which the corporation is authorized to issue bonds and other forms of indebtedness secured by payments to the corporation by the FDOT.
- Requires the FDOT to consult with and provide information to the Division of Bond Finance (DBF) in connection with a proposal to finance or refinance a transportation facility through the FDOT’s authority to enter into public-private partnerships, and authorizes the DBF to make an independent recommendation.
- Expressly authorizes an existing, federally approved business development program for highway projects within the FDOT, which is intended to assist small businesses, increase competition, and reduce costs.
- Increases from \$15 million to \$25 million the minimum annual funding for the Florida Seaport Transportation and Economic Development (FSTED) program.
- Authorizes the FDOT to assume certain review responsibilities under the National Environmental Policy Act (NEPA) with respect to highway projects, as authorized by federal law.
- Substantially revises chapter 333, F.S., relating to airport zoning regulations.
- Allows commercial motor vehicle (CMV) operators to purchase temporary CMV registration permits at certain locations and provides for a reduced non-registration penalty under certain circumstances.
- Increases from three to ten years the period after which a dormant prepaid toll account is presumed unclaimed.
- Deletes references to toll facilities no longer owned by the FDOT.

II. Present Situation:

Due to the disparate issues in the bill, the present situation for each section is discussed below in conjunction with the Effect of Proposed Changes.

III. Effect of Proposed Changes:

FDOT Financing Corporation (Section 26)

Present Situation

Authority to Issue Debt for Transportation Projects:

Current law reflects a number of provisions authorizing the issuance of debt for the purpose of financing or refinancing certain transportation projects, which include:

- *Right of way and bridge construction bonds issued by the DBF upon request of the FDOT pursuant to the State Bond Act.* These bonds are secured by the full faith and credit of the state and are payable primarily from motor fuel and diesel fuel taxes transferred to the Right-of-Way Acquisition and Bridge Construction Trust Fund. With an exception for refinancing bonds, these bonds must be first authorized by the Legislature in the General Appropriations Act or by general law.¹
- *Revenue bonds issued by the DBF on behalf of the FDOT pursuant to the State Bond Act for fixed capital expenditures for fixed-guideway transportation systems.*² Such bonds must be approved by the Legislature by general law. These bonds do not constitute a general obligation of or a pledge of the full faith and credit of the state. The bonds are payable from a percentage of funds annually deposited into the State Transportation Trust Fund (STTF) for public transportation projects, or other funds available to the project, subject to annual appropriation.^{3,4}
- *Federal highway apportionment grant anticipation revenue vehicle (GARVEE) bonds*⁵ issued for or on behalf of the FDOT. These bonds are payable primarily from a prior and superior claim on all federal highway reimbursements received each year with respect to federal-aid projects undertaken in accordance with Title 23 of the United States Code. These bonds do not constitute a debt or general obligation of the state or a pledge of the state's full faith and credit or taxing power of the state.^{6,7}

¹ See s. 17, Art. VII of the State Constitution; ss. 215.57-215.83, F.S.; and s. 215.605, F.S.

² Defined in s. 341.031(2), F.S., as a public transit system for the transporting of people by a conveyance, or a series of interconnected conveyances, which is specifically designed for travel on a stationary rail or other guideway, whether located on, above, or under the ground.

³ See s. 11, Art. VII of the State Constitution; ss. 215.57-215.83, F.S.; and s. 215.615, F.S.

⁴ Section 215.615(1)(b), F.S., limits the revenues available for debt service on fixed-guideway bonds to no more than 2 percent of all state revenues deposited into the STTF.

⁵ These securities anticipate moneys from a specific source, in this case future federal-aid highway funding for eligible projects under Title 23 of the United States Code. See the FHWA website:

http://www.fhwa.dot.gov/ipd/finance/tools_programs/federal_debt_financing/garvees/default.aspx. Last visited November 23, 2015.

⁶ See s. 11, Art. VII of the State Constitution; ss. 215.57-215.83, F.S.; and s. 215.616, F.S.

⁷ Section 215.616(3), F.S., limits the revenues available for debt service on GARVEE bonds to no more than 10 percent of annual apportionments to the FDOT for federal highway aid under Title 23 of the United States Code.

- *Revenue bonds issued by the DBF upon request of the FDOT pursuant to the State Bond Act.* These revenue bonds are secured by toll revenues collected on non-turnpike facilities for projects in the county or counties in which the revenue-producing project is located.⁸
- *Turnpike revenue bonds issued by the DBF on behalf of the FDOT.* Turnpike revenue bonds are secured by toll revenues pledged for repayment of the principal and interest on such bonds for turnpike projects contained in the FDOT's legislatively approved tentative work program. These bonds do not constitute debts of the state and do not pledge the faith and credit of the state.^{9, 10}

The FDOT is also authorized to enter into long-term public-private partnership contractual agreements with private entities for the building, operation, ownership, or financing of transportation facilities pursuant to s. 334.30, F.S. For projects on the State Highway System, the FDOT may use state resources to participate in funding and financing a project as provided for under the FDOT's enabling legislation. No more than 15 percent of total federal and state funding in any given year for the STTF may be obligated collectively for all projects under that section.

Article VII, Section 11 of the Florida Constitution otherwise requires approval by vote of the electors for bonds pledging the full faith and credit of the state to finance or refinance the cost of state fixed capital outlay projects authorized by law.

Debt Management:

To ensure that financing of transportation infrastructure is managed with fiscal integrity, section 339.139, F.S., requires the FDOT to provide a debt and debt-like contractual obligations load report along with submission of its annual tentative work program under s. 339.135, F.S. The report must include data on current and planned commitments payable from the STTF, including:

- Debt service payments required to be made under any resolution for the issuance of bonds secured by a lien on federal highway aid reimbursements or motor fuel and diesel fuel taxes.
- Funding for seaports which has been pledged to the payment of principal and interest on bonds issued by the Florida Ports Financing Commission pursuant to s. 320.20, F.S.
- Commitments of the FDOT to pay the costs of operating, maintaining, repairing, and rehabilitating expressway and bridge systems under the terms of lease-purchase agreements which are enforceable by the holders of bonds issued by expressway and bridge authorities pursuant to ch. 348, F.S.
- Availability, milestone, and final acceptance payments required by public-private partnerships pursuant to s. 334.30, F.S., that are not payments for the cost of operation or maintenance of a facility.
- Agreed-on payments to an FDOT contractor for work performed in the current fiscal year for which payment is deferred to a later fiscal year for public-private partnerships pursuant to s. 334.30, F.S.
- Reimbursements to local governments for work performed on a project if the reimbursement is deferred to a later fiscal year pursuant to s. 339.12, F.S.

⁸ See s. 11, Art. VII of the State Constitution; ss. 215.57-215.83, F.S.; and s. 338.165, F.S.

⁹ See s. 11, Art. VII of the State Constitution; ss. 215.57-215.83, F.S.; and ss. 338.227, 338.2275, and 338.228, F.S.

¹⁰ No more than \$10 billion of bonds may be outstanding. Section 338.22275(1), F.S.

- Loan repayments on state infrastructure bank loans extended to an FDOT district pursuant to s. 339.55, F.S.

Beginning in the 2017-2018 fiscal year, no more than 20 percent of total projected available state and federal revenues from the STTF, together with any local funds committed to FDOT projects, may be committed to the above identified obligations in any year.¹¹

Effect of Proposed Changes

The bill creates the FDOT Financing Corporation, authorizing the corporation to issue debt payable from, and secured by, contractually committed payments from the FDOT. The proceeds would then be used by the FDOT for the purpose of financing needed transportation projects.

The FDOT advises that creation of the corporation does not replace traditional funding mechanisms; rather, use of the corporation to issue debt is “another tool in the Department funding toolbox.” The state’s debt load calculation remains unchanged; *i.e.*, any bonds procured by the corporation would be included in the debt report, and the FDOT continues to be bound by the 20 percent statutory cap on its overall debt. The DBF will oversee the structuring and sale of bonds on behalf of the corporation and will account for and measure the debt in the same way that other state debt is recorded. Further, the FDOT advises:

The main advantage of creating the Corporation is to provide the Department with a mechanism to enter into long-term financing agreements which utilize the favorable terms available to governmental borrowers in the tax exempt municipal bond market. This will provide the Department the ability to fund significant, currently needed transportation projects that might otherwise have to wait for traditional funding to become available, while ensuring that the costs of financing those projects are kept to a minimum.¹²

Large public-private partnerships typically require long-term financing agreements.

Section 26 creates s. 339.0809, F.S., establishing the non-profit FDOT Financing Corporation for the purpose of financing or refinancing FDOT projects. The bill:

- Establishes the corporation’s Board of Directors consisting of the director of the Office of Policy and Budget in the Executive Office of the Governor, the director of the DBF, and the FDOT Secretary, along with such other officers as determined by the board. The DBF director serves as the chief executive officer of the corporation responsible for controlling, directing, and supervising the corporation’s operation.
- Grants to the corporation all of the powers of a corporate body under Florida law, to the extent the powers are not inconsistent with or restricted by the new section of law. Among the powers granted are the power to:

¹¹ According to the FDOT, based on a November calculation, the current relationship of debt and debt-like contractual obligations to the 20 percent cap ranges from 9.7 percent in 2016 to 14.7 percent in 2022 (with some variation during that period of time), and then drops to 8.5 percent in 2023. *See* the FDOT email to committee staff dated November 30, 2015. On file in the Senate Transportation Committee.

¹² *See* the FDOT’s response to House staff questions on the FDOT Financing Corporation. On file in the Senate Transportation Committee.

- Borrow money and issue notes, bonds, certificates of indebtedness or other obligations necessary to finance or refinance projects under the conditions specified below.
- Acquire, purchase, hold, lease, and convey real and personal property and to sell, lease, or otherwise dispose of such property.
- Elect or appoint and employ such other officers, agents, and employees the corporation deems advisable to operate and manage the corporation, which officers, agents, and employees may be officers or employees of the FDOT and the state agencies represented on the Board of Directors.
- Select, retain, and employ professionals, contractors, or agents, which may include the DBF, as necessary or convenient to enable or assist the corporation.

To accomplish the stated purpose, the bill authorizes the corporation to enter into one or more service contracts with the FDOT, each of which may have a term up to 35 years, to provide services to the FDOT in connection with projects approved in the FDOT's work program. Approval of the FDOT's work program specifically authorizes the FDOT to enter into a service contract for a project contained in the work program. The service contracts may provide for the FDOT to make payments to the corporation, subject to annual appropriation. The proceeds from the contracts may be used for the corporation's administrative costs and expenses after specified payments.

The FDOT's obligations under any service contract do not constitute a general obligation of the state or a pledge of the faith and credit or taxing power of the state. The obligations are not obligations of the State Board of Administration (SBOA) or entities for which it invests funds, other than the FDOT as provided. The obligations are payable solely from amounts available in the STTF, subject to annual appropriation. A service contract must include a specific statement that the State's performance and obligation to pay under the contract is contingent upon annual appropriation by the Legislature.

The corporation is authorized to issue and incur notes, bonds, or other evidences of indebtedness payable from and secured by the amounts payable to the corporation by the FDOT under a service contract. The duration of any such evidence of indebtedness is limited to 30 years. The corporation is authorized to select its financing team and issues its obligations through competitive bidding or negotiated contract, whichever is most cost-effective. Indebtedness of the corporation also does not constitute a debt or obligation of the state or a pledge of the faith and credit or taxing power of the state, but is payable from and secured by payments made by the FDOT under a service contract.

The bill further provides:

- The purposes of the corporation promote the health, safety, and general welfare of the people of the state and serves essential governmental functions and a paramount public purpose.
- The corporation is exempt from taxation and assessments on its income, property, and assets or revenues acquired, received, or used in furtherance of the corporation's purpose.
- The corporation's obligations on indebtedness and the interest and income on such obligations are exempt from taxation.
- All security agreements, letters of credit, liquidity facilities, or other obligations or instruments to secure payment of such obligations are exempt from taxation, except that the

exemption does not apply to any tax imposed under ch. 220, F.S., on the interest, income, or profits on debt obligations owned by the corporation.

The corporation is authorized to validate obligations¹³ to be incurred and the validity and enforceability of any service contracts by proceedings under ch. 75, F.S. The corporation may also contract with the SBOA to serve as trustee with respect to the corporation's issued debt obligations; to hold, administer, and invest proceeds of such obligations and other funds of the corporation; and to perform other services required by the corporation. The SBOA may perform such services and contract with others to provide all or part of such services and to recover its and such other costs and expenses thereof. The FDOT may enter into a service contract in conjunction with the issuance of debt obligations that provides for periodic payments for debt service or other amounts payable with respect to the obligations, plus any administrative expenses of the corporation.

Similar bond finance corporations currently exist. One example is the Inland Protection Financing Corporation created under s. 376.3075, F.S. The language in the bill creating the FDOT Financing Corporation is quite similar to the language in that section.

Public-Private Partnerships (P3s) (Section 22)

Present Situation

Section 334.30, F.S., authorizes the FDOT to receive and solicit proposals and, with Legislative approval of a project in the FDOT's work program, enter into agreements with private entities for the building, operation, ownership, or financing of transportation facilities. The FDOT may advance projects in the adopted five-year work program or projects in the 10-year Strategic Intermodal Plan greater than \$500 million that increase transportation capacity using funds provided by private entities. The entities are then reimbursed from FDOT funds for the project as programmed in the adopted work program.¹⁴

P3 agreements are typically long-term but may not exceed 50 years, unless authorized for a term of up to 75 years by the FDOT secretary, or unless a term in excess of 75 years is approved by the Legislature. P3 projects are also typically large and generally involve complex financial arrangements, and often include the issuance of debt obligations such as bonds.¹⁵

Provisions in current law require the FDOT to make certain determinations before approval of a proposed project; *i.e.*, that a project:

- Is in the public's best interest;
- Would not require state funds to be used unless the project is on the State Highway System;

¹³ According to the DBF, bond validation is a judicial procedure through which the legality of a proposed bond issue may be determined in advance of its issuance. It serves to assure bondholders that future court proceedings will not invalidate a government's pledge to repay the bonds. *See* copy of email from Ben Watkins, Director, Florida Division of Bond Finance, to House staff dated January 27, 2015. On file in the Senate Transportation Committee.

¹⁴ *See* the FDOT website for a summary of P3 projects as of November, 2015, and additional project information: <http://www.dot.state.fl.us/officeofcomptroller/PFO/p3.shtm>. Last visited December 2, 2015.

¹⁵ No more than 15 percent of total federal and state funding in any given year for the STTF may be obligated collectively for all P3 projects.

- Would have adequate safeguards in place to ensure that no additional costs or service disruptions would be realized in the event of default or cancellation of the agreement;
- Would have adequate safeguards in place to ensure the FDOT or the private entity has the opportunity to add capacity to the project and other facilities serving similar origins and destinations; and
- Would be owned by the FDOT upon completion or termination of the agreement.¹⁶

The FDOT is also required to provide an independent analysis of a proposed P3 agreement that demonstrates the cost-effectiveness and overall benefit of the project prior to moving forward with the procurement and, if the procurement moves forward, prior to awarding the contract.¹⁷

Before soliciting a proposal, the FDOT must provide a summary of the proposed project to the Governor, the chair of each legislative appropriations committee, the Senate President, and the House Speaker. The summary must include a description of any anticipated commitment by the FDOT for the years outside the adopted work program, a description of the anticipated impacts on the FDOT's 20 percent overall debt load limit, and sufficient information to demonstrate that the project will not cause the debt load to exceed the debt load limitation. The FDOT may proceed with a project upon approval of the Governor, but the Governor may not approve a project if the chair of either appropriations committee, the Senate President, or the House Speaker objects in writing within 14 days after receipt of the summary.¹⁸

The same summary is required for unsolicited proposals, but the FDOT may not accept an unsolicited proposal, advertise its receipt as required by s. 334.30, F.S., or solicit other proposals for the same project without the approval of the Governor. Again, the Governor may not approve a proposed project if a written objection is received.¹⁹

Effect of Proposed Changes

The bill, similar to the DBF's involvement in the FDOT Financing Corporation, brings the knowledge and experience of the state's bond and long-term financing experts to the P3 arena.

Section 22 requires the FDOT to consult with staff of the DBF in connection with a proposal to finance or refinance a transportation facility through a P3 agreement under s. 334.30, F.S. The FDOT must provide the DBF with information necessary to provide timely consultation and recommendations, and the DBF is authorized to make an independent recommendation to the Governor.

¹⁶ Section 334.30(1), F.S.

¹⁷ Section 334.30(6)(e), F.S.

¹⁸ Section 339.2825(1), F.S. Section 339.2825, F.S., does not apply to a P3 agreement under which the FDOT proposes to lease an existing toll facility per s. 339.2825(3), F.S., but the FDOT must provide the independent analysis described above prior to awarding a contract, per s. 334.30(2)(d), F.S.

¹⁹ Section 339.2825(2), F.S.

Business Development Initiative (Section 23)

Present Situation

The FDOT currently operates a federally-approved program which is intended to increase competition, lower prices, and ensure businesses are available to carry out the FDOT's work program. The FDOT designed its Business Development Initiative (BDI) "...to provide more opportunities and support for small businesses to move from subcontracting and sub consulting to prime contracting and consulting roles."²⁰

The BDI was first implemented in the FDOT's District Two beginning in fiscal year 2006-07 and then expanded to its remaining districts. The FDOT implemented a number of strategies to increase competition while maintaining a focus on preventing any adverse effects on projects in the work program. Among the strategies the FDOT employed to assist small businesses in bidding on FDOT contracts for which the businesses would not typically submit bids are:

- Reserving certain construction and maintenance contracts for small businesses.
- Waiving performance bond requirements for contracts under \$250,000.
- Using a modified qualification process instead of the standard prequalification process for construction and maintenance projects.²¹

The FDOT advises the BDI, being the first of its kind nationally to be considered, was approved by the Federal Highway Administration for use on federally funded projects in March of 2009.

The FDOT's districts, when selecting candidate projects, are instructed to consider whether a project is low-risk in nature and whether a sufficient number of small businesses are available to bid on the contract.²² Construction and maintenance projects that are candidates for reservation for the program are identified prior to the upcoming fiscal years contract letting plan, subject to the FDOT central office approval.

Identification of a construction or maintenance project for the BDI means:

- The contract, limited in amount to \$1,500,000 or less, will be reserved for bids by small businesses.
- Prequalification is not required.²³
- Performance bonds are waived on contracts under \$250,000.²⁴

²⁰ See the FDOT's BDI website: <http://www.dot.state.fl.us/equalopportunityoffice/bdi.shtm>. Last visited November 3, 2015.

²¹ *Id.* Select "BDI Program Guidelines."

²² The FDOT maintains a small business listing for road and bridge construction and maintenance contracts at: http://www2.dot.state.fl.us/sasweb/cgi-bin/broker.exe?_service=default&_program=inetprog.db2.smbusform.scl. Last visited November 10, 2015.

²³ Section 337.14, F.S., generally requires the FDOT to certify as qualified any person desiring to bid on a construction contract in excess of \$250,000 by addressing requirements with respect to the equipment, past record, experience, financial resources, and organizational personnel of the applicant necessary to perform the specific class of work for which the person seeks certification. *See also* Fla. Admin. Code R. 14-22 (2010).

²⁴ Section 337.18, F.S., generally requires a surety bond of a successful bidder in an amount equal to the awarded contract price. However, if the contract price is \$250,000 or less, the FDOT may waive the requirement if the FDOT determines the project is of a noncritical nature and nonperformance will not endanger public health, safety, or property.

- Bid bonds are \$500 for contracts over \$150,000.²⁵
- All subcontractors must be small businesses, defined by the FDOT for construction and maintenance contracts to mean those businesses with average annual gross receipts over the last three years not to exceed \$15 million.²⁶
- The contract will be procured under s. 337.025, F.S., the FDOT's authority to use innovative techniques for highway projects.²⁷

Similarly, the FDOT's districts are responsible for reviewing and identifying candidate professional services²⁸ contracts for the BDI, again considering whether a sufficient number of small businesses are available to submit a bid.²⁹ A request to use the BDI for a professional services contract is submitted to the FDOT's central office Procurement Manager, who is responsible for approving or denying the request. Identification of a professional services contract for the BDI means:

- The contract, limited in amount to \$1,500,000 or less, will be reserved for bids by small businesses.
- No preference points will be used for the contract.
- Prequalification in all listed professional services work types is required.^{30, 31}
- An overhead audit prepared by an independent Certified Public Accountant is required for any contracts in excess of \$500,000.³²
- All prime firms and sub-consultants must be small businesses, defined by the FDOT for professional services contracts to mean those businesses with average annual gross receipts over the last three years not to exceed \$6.5 million.³³
- Professional services contracts will be procured under s. 287.055, F.S.³⁴

The FDOT advises its goal is to reserve 10 percent of construction and maintenance contracts and 15 percent of professional services contracts for the BDI. By the end of last year, the goal

²⁵ Section 337.17, F.S., requires a bid guaranty only for a construction contract in excess of \$150,000. The bid bond may not exceed 10% of the preliminary estimate of the cost of the work.

²⁶ *Supra* note 20 and note 21.

²⁷ *Id.*

²⁸ Section 287.055, F.S., defines "professional services" to mean those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, or those performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice.

²⁹ The FDOT maintains a small business listing for professional services contracts at:

<http://www2.dot.state.fl.us/procurement/ProfessionalServices/lppc/listmenu.htm>. Last visited November 10, 2015.

³⁰ Section 337.105, F.S., generally requires the FDOT, before employing a professional consultant, to make a finding that the person to be employed is fully qualified to render the desired service, taking into consideration factors such as the professional reputation, past performance record, and experience of the candidate and the adequacy of the personnel making up his or her organization.

³¹ Two levels of qualification may be sought. The unlimited level allows consultants to compete for any projects for which they are technically qualified with the FDOT. The minor-projects-only level allows consultants to compete for minor projects with fees estimated below \$500,000. *See* the FDOT's *Professional Services Prequalification* website:

<http://www.dot.state.fl.us/procurement/prequalification.shtm#AQI>. Last visited November 10, 2015. *See also* Fla. Admin.

Code R. 14-75 (2006).

³² *Id.*

³³ *Supra* note 20 and note 21.

³⁴ That section sets out procedures for public announcement and qualification and requirements for competitive solicitation and negotiation, etc. *See also supra* note 20 and note 21.

fell short for the former contracts at 7.36 percent, but the goal was achieved for the latter at 15 percent. Combining the two types of contracts, 92 different small businesses received contracts through the BDI. The FDOT advises that many of these firms for the first time worked as a prime contractor with the FDOT.³⁵

While the current cited authority, taken together, appears to authorize the BDI, current law reflects no express statutory authority for the program.

Effect of Proposed Changes

The bill expressly authorizes an existing, federally-approved program within the FDOT, known as the Business Development Initiative.

Section 23 creates s. 337.027, F.S., to specifically authorize the FDOT to establish a program for highway projects to assist small businesses, with the stated purpose of increasing competition, lowering prices, and providing increased support to meet the FDOT's future work program.

Program efforts may include, but are not limited to:

- Setting aside contracts;
- Providing preference points for the use of small businesses;
- Providing special assistance to small businesses in bidding and contract completion;
- Waiving bond requirements; and
- Implementing other strategies that would increase competition.

For purposes of the newly created section, the bill defines “small business” to mean a business with average gross receipts over the last three years of less than \$15 million for road and bridge contracts and less than \$6.5 million for professional and nonprofessional services contracts, including the receipts of an affiliate.³⁶ The bill authorizes the FDOT to adopt rules to implement the program.

Florida Seaport Transportation and Economic Development Program (Sections 1 and 2)

Present Situation

Section 311.07(2), F.S., requires a minimum of \$15 million per year from the STTF to fund the Florida Seaport Transportation and Economic Development (FSTED) Program.³⁷ The program represents a collaborative relationship between the FDOT and the 15 public seaports.³⁸ FSTED

³⁵ See the FDOT email to committee staff dated November 10, 2015. On file in the Senate Transportation Committee.

³⁶ Section 337.165(1)(a), F.S., defines “affiliate” to mean a predecessor or successor of a contractor under the same, or substantially the same, control or a group of business entities which are connected or associated so that one entity controls or has the power to control each of the other business entities. The term includes the officers, directors, executives, shareholders active in management, employees, and agents of the affiliate.

³⁷ See also s. 311.09(9), directing the FDOT to include no less than \$15 million annually in its legislative budget request for the FSTED Program.

³⁸ Jacksonville (JaxPort), Port Canaveral, Port citrus, Port of Fort Pierce, Port of Palm Beach, Port Everglades, Port of Miami, Port Manatee, Port of St. Petersburg, Port of Tampa, Port St. Joe, Port Panama City, Port of Pensacola, Port of Key West, and Port of Fernandina. List in s. 311.09(1), F.S.

funds are to be used on approved projects on a 50-50 matching basis.³⁹ Funding grants under the FSTED program are limited to the following port facilities or port transportation projects:

- Transportation facilities within the jurisdiction of the port.
- Dredging or deepening of channels, turning basins, or harbors.
- Construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with the foregoing.
- Acquisition of vessel tracking systems, container cranes, or other mechanized equipment used in the movement of cargo or passengers in international commerce.
- Acquisition of land to be used for port purposes.
- Acquisition, improvement, enlargement, or extension of existing port facilities.
- Certain environmental protection projects required as a condition of a permit..
- Transportation facilities which are not otherwise part of the FDOT's Adopted Work Program.⁴⁰
- Intermodal access projects.
- Construction or rehabilitation of port facilities with operating revenues of \$5 million or less, provided that such project creates economic development opportunities, capital improvements, and positive financial returns to such ports.
- Seaport master plan or strategic plan development updates.

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

The FSTED program is managed by the FSTED Council, which consists of the port director or director's designee of the 15 public seaports, the Secretary of FDOT or his or her designee, and the Executive Director of the Department of Economic Opportunity or his or her designee.⁴¹

Other statutorily required seaport-related funding programs also include:

- A minimum of \$35 million annually from the STTF for the Strategic Port Investment Initiative under s. 311.10, F.S., to fund projects that meet the state's economic development goal of becoming a hub for trade, logistics, and export-oriented activities.
- A minimum of \$5 million annually from the STTF for the Intermodal Logistics Center Infrastructure Support Program under s. 311.101, F.S., to fund the same type of projects, along with those that enhance transportation facilities for the conveyance or shipment of goods through a seaport to or from an intermodal logistics center.
- Additional debt service funding of \$35 million under ss. 320.20 and 339.0801, F.S.

Effect of Proposed Changes

Sections 1 and 2 amend s. 311.07(2) and s. 311.09(9), F.S., respectively, to increase the annual minimum funding from the STTF for the FSTED Program from \$15 million to \$25 million. The

³⁹ Section 311.07(3)(a), F.S.

⁴⁰ The FDOT's work program is adopted pursuant to s. 339.135, F.S.

⁴¹ Section 311.09(1), F.S.

bill requires FDOT to include no less than the \$25 million in its annual legislative budget request to fund the program.

National Environmental Policy Act/Delegation of Responsibilities to States (Section 21)

Present Situation

The National Environmental Policy Act (NEPA) establishes national environmental policy for protection of the environment. “NEPA’s basic policy is to assure that all branches of government give proper consideration to the environment prior to undertaking any major federal action that significantly affects the environment.” Federal agencies are required to prepare detailed statements assessing the environmental impact of and alternatives to major federal actions that significantly affect the environment.⁴²

NEPA requirements also apply to *state* highway projects eligible for federal funding. According to the FDOT, when a highway project is advanced and is federally eligible, project development occurs consistent with NEPA requirements, in consultation with and subject to the oversight of the Federal Highway Administration (FHWA). The FDOT utilizes two processes to meet NEPA requirements. One process, the Efficient Transportation Decision Making process, is used during the project’s planning phase to initiate contact with agencies and other stakeholders and obtain multiple-party input and information used to inform the second process. The Project Development and Environment (PD&E) process is used to analyze, perform outreach, guide agency coordination, and meet regulatory requirements before a project may be advanced. The FDOT prepares necessary documents, analyzes alternatives, consults with agencies, and makes recommendations. This information is provided to the FHWA, which is the lead agency for review, comment, and ultimate approval.⁴³

Following an initial pilot project conducted in California, Congress in 2012 enacted the Moving Ahead for Progress in the 21st Century Act, which established a permanent surface transportation project delivery program.⁴⁴ Under the program, in which California and Texas are already participating, the U.S. Department of Transportation (USDOT) secretary may assign, and any state may assume, pursuant to a written agreement, all or part of the secretary’s responsibilities under NEPA with respect to projects or classes of projects. The written agreement must provide that the state:

- Agrees to assume all or part of the described responsibilities;
- Expressly consents, on behalf of the state, to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the secretary assumed by the state;⁴⁵
- Certifies that state laws and regulations are in effect that authorize the state to take the actions necessary to carry out the responsibilities; and
- Agrees to maintain the financial resources necessary to carry out the responsibilities.

⁴² See the U.S. Environmental Protection Agency website: <http://www2.epa.gov/laws-regulations/summary-national-environmental-policy-act>. Last visited October 12, 2015.

⁴³ See the FDOT 2016 Legislative Proposal form, *Authorization to Participate in Certain Federal Transportation Programs*. On file in the Senate Transportation Committee.

⁴⁴ 23 U.S.C. s. 327 (2013).

⁴⁵ This requirement apparently exists to address the Eleventh Amendment to the U.S. Constitution, which generally prohibits suits in law or equity against one of the United States by its citizens, citizens of another state, or subjects of any foreign state.

The USDOT secretary is authorized to terminate the participation of any state if the state is not adequately carrying out the responsibilities and the secretary notifies the state of the determination of noncompliance. If the state fails to take corrective action as determined by the USDOT secretary within 30 days after notice, the agreement is terminated.⁴⁶

With respect to the consent to federal court jurisdiction, the FDOT advises:

This waiver is limited to only those actions delegated to the Department by the USDOT and related to carrying out its NEPA duties on state highway projects. Challenges to NEPA decision making are filed in federal district court pursuant to the Federal Administrative Procedures Act and are limited to a review of the underlying administrative record. The standard for review is whether the Department's action is arbitrary and capricious. To the extent that a challenger is successful, the remedy is to require additional review, analysis and documentation to support the action. The state's exposure is further limited by 23 USC 327(a)(2)(G), which provides that a state assuming the responsibilities of the Secretary [of the USDOT] under this section for a specific project may use funds apportioned to the State under section 104(b)(2) for attorneys' fees directly attributable to eligible activities associated with the project.⁴⁷

Effect of Proposed Changes

Section 21 amends s. 334.044, F.S., to authorize the FDOT to assume responsibilities of the USDOT under 23 U.S.C. s. 327 with respect to highway projects, and with respect to related responsibilities for environmental review, consultation, or other action required under any federal environmental law pertaining to review or approval of a highway project, within Florida. The FDOT is authorized to enter into one or more agreements with the U.S. Secretary of Transportation related to the federal surface transportation project delivery program for the delivery of transportation projects, including highway projects. The FDOT is authorized to adopt implementing rules and to adopt relevant federal environmental standards as the standards for this state for the program. The FDOT advises the delegation allows direct consultation between the FDOT and federal regulatory agencies and maximizes efficiency by consolidating all NEPA reviews under the FDOT.

Sovereign immunity to civil suit in federal court is waived consistent with 23 U.S.C. s. 327 and limited to the compliance, discharge, or enforcement of a responsibility assumed by the FDOT. The FDOT advises its district offices would continue to conduct the PD&E process, with the FHWA's project review, legal sufficiency, and approval authority delegated to the FDOT's Central Office and with the FHWA retaining program level oversight. The waiver of sovereign immunity is limited only to those actions delegated to the FDOT and related to carrying out its NEPA duties on state highway projects. The standard for review is whether the FDOT's action is arbitrary and capricious. The remedy for a successful challenge is to require additional review, analysis, and documentation to support the project. Further, a state assuming the NEPA

⁴⁶ *Supra* note 44.

⁴⁷ See the FDOT's 2015 and 2016 Legislative Proposal Forms, *Authorization to Participate in Certain Federal Transportation Programs (NEPA)*. On file in the Senate Transportation Committee

responsibilities may use certain apportioned funds for attorneys' fees directly attributable to eligible activities associated with a project.⁴⁸

Airport Zoning/Chapter 333 Re-Write (Sections 5 through 20)

Chapter 333, Florida Statutes, contains airport zoning provisions relating to the management of airspace and land use at or near airports. Generally, the chapter:

- Addresses permitting for structures exceeding federal obstruction standards;
- Requires adoption of certain airport zoning regulations;
- Provides a process for seeking variances from the zoning regulations;
- Sets out a process for appeal of decisions based on the zoning regulations;
- Requires boards of adjustment to hear and decide appeals;
- Provides for judicial review of any board of adjustment decision; and
- Establishes penalties and remedies for violations.

The FDOT in 2012 created a stakeholder working group to address problems with implementing this chapter. Representatives from airports, local planning and zoning departments, the Florida Defense Alliance, the League of Cities, the Florida Airports Council, the real estate development community, and the FDOT participated in the working group. The FDOT advises the working group determined that ch. 333, F.S., “contains outdated and inconsistent provisions when compared to applicable federal regulations, contains internal inconsistencies, and requires a local government airport protection zoning process that can be cumbersome and confusing.”

The FDOT advises it expects no substantive changes as a result of the bill's proposed revisions; e.g., the existing requirements for issuance of permits are substantively unchanged. The number of permits issued or denied is not expected to change. Rather, the changes are designed to facilitate more uniform permitting, appeals, and review processes applied at the local level and provide clarity and predictability for those subject to airport zoning regulations.⁴⁹

Definitions

Present Situation

Section 333.01, F.S., contains definitions related to airport zoning that need updating for internal chapter consistency and for consistency with federal regulations.

Effect of Proposed Changes

Section 5 amends s. 333.01, F.S., to provide, revise, and delete definitions to:

- Reflect terminology used in federal regulations;
- Provide for consistency with Federal Aviation Administration (FAA) advisements;
- Remove antiquated terminology;
- Delete variances from definitions to reflect the streamlined permitting process effected in the bill; and
- Otherwise provide clarity through editorial and grammatical changes.

⁴⁸ 23 U.S.C. s. 327(a)(G) (2013).

⁴⁹ Conversation with FDOT Legislative and Legal Staff during joint meeting with Senate and House staff, January 30, 2015.

Permitting for Structures Exceeding Federal Obstruction Standards

Present Situation

The Code of Federal Regulations (CFR) sets forth standards for structures that present a hazard within an area in an airport due to obstruction of the airspace required for aircraft to take off, maneuver, or land.⁵⁰ Section 333.025, F.S., requires a permit from the FDOT for any proposed construction or alteration of a structure that would exceed the federal standards.⁵¹ A permit from the FDOT is not required if a political subdivision⁵² has adopted adequate airspace protection regulations and filed them with the FDOT.

The FDOT must issue or deny a permit within 30 days of receipt of an application for any structure that would exceed the federal obstruction standards. The FDOT is prohibited from approving a permit to unless the applicant submits both documentation showing compliance with federal notification requirements and a valid aeronautical evaluation.

Effect of Proposed Changes

Section 6 amends s. 333.025, F.S., to replace the term “geographic center” with “airport reference point,” which is located at the approximate geometric center of all usable runways and to update references to current federal regulations.

If a political subdivision has adopted adequate airport protection zoning regulations, placed the regulations on file with the FDOT, *and* the political subdivision has established a permitting process, a permit from the FDOT is not required for construction or alteration of an obstruction. Upon receipt of a complete permit application, the local government must provide a copy of the application to the FDOT. The bill provides a 15-day FDOT review period following receipt of the application, which must run concurrently with the established local permitting process.

The FDOT is required to review permit applications in conformity with s. 120.60, F.S., relating to licensing. The list of factors to be considered by the FDOT is revised to remove ambiguity and duplication, and to provide clarity. The FDOT must require the owner of a permitted obstruction to install, operate, and maintain marking and lighting in conformance with FAA standards, at the owner’s expense. The denial of a permit is subjected to the administrative review provisions of the Administrative Procedures Act.

Adoption of Airport Zoning Regulations

Present Situation

Section 333.03, F.S., requires political subdivisions with an airport hazard area⁵³ to adopt, administer, and enforce airport zoning regulations for the area. If the airport is owned or

⁵⁰ See 14 C.F.R. part 77, subpart C (2015).

⁵¹ Public airports are licensed under the provisions of ch. 330, F.S.

⁵² Generally, a local governmental entity. Section 333.03(9), F.S.

⁵³ The bill redefines “airport hazard” to mean an obstruction to air navigation which affects the safe and efficient use of navigable airspace or the operation of planned or existing air navigation and communication facilities. The definition of

controlled by a political subdivision and has a hazard area outside of its territorial limits, the political subdivision and the political subdivision within which the hazard area is located must either adopt zoning regulations by interlocal agreement or create a joint airport zoning board with the power to do so. The airport zoning regulations must, at a minimum, require:

- A variance for any structure that would exceed the federal obstruction standards;
- Obstruction marking and lighting per s. 333.07(3);
- Documentation of compliance with federal proposed construction notification and a valid aeronautical evaluation submitted by each person applying for a variance;
- Consideration of the same factors when determining whether to issue or deny a variance as required of the FDOT when considering permit applications; and
- No variance be approved solely on the basis that a structure will not exceed the federal obstruction standards.

The FDOT is required to issue copies of the federal obstruction standards in the CFR to each political subdivision with an airport hazard area, and issue certain airport zoning maps at no cost.

Interim land use compatibility zoning regulations must be adopted and consider whether sanitary landfills are located within certain areas and whether any landfill will attract or sustain hazardous bird movements. If a public-use airport has conducted a federal noise study, residential construction and educational facilities are prohibited within the area. If no study is conducted, the same construction is prohibited within a certain distance.

Airport zoning regulations restricting new incompatible uses within runway clear zones must be adopted. Certain limited exceptions for construction of educational facilities in specified areas are authorized.

Effect of Proposed Changes

Section 7 amends s. 333.03, F.S., to eliminate the duplicative requirement for obtaining a variance for structures that would exceed federal obstruction standards, in favor of a local permitting process. Every political subdivision having an airport hazard area is required to adopt airport *protection* zoning regulations. In addition to editorial and grammatical revisions, this section revises language to:

- Replace citations to the federal obstruction standards contained in the CFR with terminology used in the CFR; *i.e.*, permits for the “construction or alteration of any obstruction.”
- Remove the FDOT’s duty to provide copies of the federal obstruction standards contained in the CFR and to issue maps, and replace it with making the FDOT available to provide assistance with respect to the standards.
- Update citations to the CFR.
- Eliminate the reporting requirements related to birds at airports near landfills in favor of requiring the landfill operator to incorporate bird management techniques.
- Include substantial modification of existing incompatible uses in the required adopted regulations restricting such uses within runway *protection* zones.

“obstruction” is revised, also to reflect terminology used in the federal standards for determining obstructions. “Airport hazard area” is redefined in the bill to mean any area of land or water upon which an airport hazard might be established.

- Remove the limited exceptions for construction of educational facilities when a noise study has been conducted in accordance with the federal regulations;
- Delete outdated language.
- Authorize an airport authority, local government, or other governing body operating a public-use airport to adopt more restrictive airport protection zoning regulations, per the FDOT, to allow restrictions appropriate to the local context of the airport.⁵⁴

Guidelines Regarding Land Use Near Airports

Present Situation

Section 333.065, F.S., requires the FDOT, after consultation with the Department of Economic Opportunity, local governments, and other interested persons, to adopt by rule recommended guidelines regarding compatible land uses in the vicinity of airports. The guidelines must use certain acceptable and established quantitative measures.

Effect of Proposed Changes

Section 11 repeals s. 333.065, F.S. The FDOT advises the deletion reflects completion of the FDOT's Airport Compatible Land Use Guidebook.⁵⁵

Permits, Variances, and Appeals

Present Situation

Section 333.07, F.S., authorizes any adopted airport zoning regulations to require a permit be obtained before any new structure or use is constructed or established and before any existing use or structure may be substantially changed or repaired. All such regulations must require a permit before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted.

If a nonconforming use, structure, or tree has been abandoned or is more than 80 percent torn down or deteriorated, a permit may not be issued under certain conditions. The owner of a nonconforming structure or tree may be compelled, at the owner's expense, to undergo certain actions to conform.

Any person desiring to erect any structure, increase the height of any structure, permit the growth of any tree, or otherwise use his or her property in violation of the adopted airport zoning regulations is authorized to apply to a board of adjustment for a variance from the regulations. Conditions for allowance of variations are provided. The FDOT is authorized to appeal any variance granted and to apply for judicial relief.

As a condition of any granted permit or variance, the administrative agency or board of adjustment must require the structure or tree owner to install, operate, and maintain at the

⁵⁴ See the FDOT document provided to staff, *Proposed ch. 333, F.S. Amendments and Legislative Support Documentation*. On file in the Senate Transportation Committee.

⁵⁵ *Id.*

owner's expense marking and lighting necessary to indicate to aircraft pilots the presence of an obstruction.

Section 333.08, F.S., authorizes any person or taxpayer affected by any decision of an administrative agency in its administration of adopted airport zoning regulations or of any governing body of a political subdivision, or the FDOT, or any joint airport zoning board, may appeal to the board of adjustment authorized to hear and decide appeals from the decisions of such administrative agency.

Effect of Proposed Changes

Section 12 amends s. 333.07, F.S., to streamline the permitting process, repeal the duplicative variance process, and facilitate implementation of the permitting process by local entities. More specifically, rather than authorizing any adopted airport zoning regulations to require a permit be obtained before any new structure or use is constructed or established and before any existing use or structure may be substantially changed or repaired, the bill simply requires a permit to construct, alter, or allow an airport obstruction in an airport hazard area in violation of the adopted airport protection zoning regulations.

The political subdivision or its administrative agency must consider virtually the same standards as must be considered by the FDOT when issuing or denying a permit for structures exceeding federal obstruction standards. All variance provisions are removed in favor of the permitting process. In addition, provisions relating to a lien resulting from an owner's failure to take action to bring a nonconforming structure or tree into regulatory compliance are removed. The FDOT's 45-day comment period is removed in favor of the shortened 15-day period of review for technical consistency described above. Obstruction marking and lighting is required in conformance with specific standards established by the FAA. Outdated language is repealed.

Section 13 repeals s. 333.08, F.S., authorizing and providing requirements for appeals of zoning regulation decisions, in favor of relocated, modified appeals language in s. 333.09, F.S.

Administration of Airport Zoning Regulations

Present Situation

Section 333.09, F.S., requires all adopted airport zoning regulations to provide for administration and enforcement by an administrative agency; by any official, board, or other existing agency of the political subdivision adopting the regulations; or by one of the subdivisions that participated in creating a joint airport zoning board adopting the regulations. The duties of any such administrative agency include hearing and deciding all permits under s. 333.07, F.S., but not any of the powers delegated to the board of adjustment.

Section 333.10, F.S., currently requires all adopted airport zoning regulations to provide for a board of adjustment to hear and decide appeals and variances.

Effect of Proposed Changes

Section 14 amends s. 333.09, F.S., to remove the list of entities that may be an administrative agency, per the FDOT, to reflect correct community planning terminology.⁵⁶ Administration and enforcement is left to the affected political subdivision or its administrative agency. Also removed is the prohibition against an administrative agency exercising the powers delegated to the board of adjustment.

Political subdivisions required to adopt airport zoning regulations must establish a process to:

- Issue or deny permits consistent with s. 333.07, F.S.;
- Provide the FDOT with a copy of a complete permit application; and
- Enforce the issuance or denial of a permit or other determination made by the administrative agency with respect to airport zoning regulations.

Appeals must be taken within a reasonable time provided by the political subdivision or its administrative agency by filing a notice of appeal. An appeal stays all proceedings in the underlying action, unless the entity from which the appeal is taken certifies that a stay would cause imminent peril to life or property.

The political subdivision or its administrative agency must set a reasonable time for the hearing of appeals and decide appeals within a reasonable time. A party may appear in person, by agent, or by attorney. The subdivision or agency may affirm, reverse, or modify the decision on the permit or other determination from which the appeal is taken.

Section 15 repeals s. 333.10, F.S., currently requiring all adopted airport zoning regulations to provide for a board of adjustment to hear and decide appeals and variances, in favor of the local government permitting and appeals process established by the bill in revised s. 333.09, F.S.

Judicial Review

Present Situation

Section 333.11, F.S., authorizes any person aggrieved or any taxpayer affected by a decision of a board of adjustment, any governing body of a political subdivision, the FDOT, any joint airport zoning board, or any administrative agency to apply for judicial relief in the judicial circuit court where the board of adjustment is located. The section provides procedural provisions related to the board of adjustment, describes the court's authorized review of a decision by a board of adjustment, and prohibits judicial review in provisions related to a board of adjustment.

Effect of Proposed Changes

Section 16 amends s. 333.11, F.S., to allow any person, political subdivision, or joint airport zoning board affected by a decision of a political subdivision or its administrative agency to apply for judicial relief and to remove references to the board of adjustment, but otherwise leaves the authorization to apply for judicial review in place. The judicial review prohibition is revised. An appellant is required to exhaust all remedies through application for local government permits, exceptions, and appeals before seeking judicial review.

⁵⁶ *Supra* note 54.

Transition Provisions

Section 19 of the bill creates s. 333.135, F.S., to:

- Provide that any airport zoning regulation in effect on July 1, 2016, and in conflict with the revised ch. 333, F.S., must be amended to conform by July 1, 2017.
- Require any political subdivision with an airport that has not adopted airport zoning regulations to do so by July 1, 2017, consistent with the chapter.
- Require the FDOT to administer the permitting process as provided in s. 333.025, F.S., for political subdivisions that have not yet adopted the required regulations.

Technical Revisions

Sections 8, 9, 10, 17, 18, and 20, amending ss. 333.04, 333.05, 333.06, 333.12, 333.13, and 333.14, F.S., respectively, primarily make grammatical and editorial revisions to existing language and modify sections of the chapter for internal consistency with definitions.

Commercial Motor Vehicles/Port of Entry/Operating Credentials (Sections 3 and 4)

Present Situation

Interstate operators of commercial motor vehicles (CMVs) are required to obtain a number of credentials. Generally, for example, interstate operators of CMVs are required to obtain an International Fuel Tax Agreement (IFTA) license and decal⁵⁷ and, in some cases, to obtain overweight or over-dimensional permits.⁵⁸ Some states allow the purchase of some or all necessary credentials at weigh stations located close to routes entering their borders and at other locations, and these states are known as “port of entry” or “POE” states.⁵⁹ Because these credentials must be obtained prior to entering Florida, the state is known as a “non-POE” state.⁶⁰ If a CMV enters the state without proper credentials and the operator seeks to purchase them at any weigh station, any applicable fine is assessed depending on the type of credential at issue. Only then is the operator allowed to purchase the necessary credential.⁶¹

Another credential required before entering Florida is registration under the International Registration Plan (IRP). The IRP⁶² is a plan for registering vehicles that are operated in two or

⁵⁷ See ss. 207.004 and 316.545(4), F.S. The International Fuel Tax Agreement (IFTA) is an agreement among the states and the Canadian provinces to simplify the reporting of interstate fuel taxes. The motor carrier’s base jurisdiction issues the IFTA license and decals, allowing the carrier to file one quarterly tax return reflecting the net tax and any refund due on fuel used in all jurisdictions.

⁵⁸ See s. 316.550, F.S.

⁵⁹ See the *Florida Port of Entry Feasibility Study*, September 2014, prepared for the FDOT, at 3.1 and 3.2:

http://www.dot.state.fl.us/trafficoperations/Traf_Incident/Projects_CVO/Presentation/FL%20POE%20Technical%20Study%20Final.pdf. According to the study, 28 states are non-POE states, and 22 states and the District of Columbia consider themselves to be POE jurisdictions. Alabama is a POE state; Georgia is not. Further, the definitions of “POE” vary greatly by state.

⁶⁰ *Id.* at 1.1.

⁶¹ See the FDOT 2016 Legislative Proposal Form, *Port-of-Entry*. On file in the Senate Transportation Committee.

⁶² Section 320.01(23), F.S., defines the IRP to mean “a registration reciprocity agreement among states of the United States and provinces of Canada providing for payment of license fees on the basis of fleet miles operated in various jurisdictions.”

more IRP-member jurisdictions while displaying just one registration license plate for each vehicle.⁶³

A “Full Reciprocity Plan” was instituted effective January 1, 2015, under which registrants are billed only for jurisdictions in which actual miles were accrued during the reporting period. If no miles were accrued in a given jurisdiction, registrants are billed based on the average distance of all registrants in each jurisdiction. Upon registration, the cab cards will reflect all jurisdictions.⁶⁴

Section 320.0715(1), F.S., requires all apportionable vehicles⁶⁵ domiciled in this state to register under the International Registration Plan and to display the apportioned license plate. If a CMV domiciled elsewhere could be lawfully operated in this state because IRP registration had been obtained prior to entering Florida, but was not, a ten-day Florida trip permit may be obtained for \$30. The permit allows the vehicle to be operated in interstate or intrastate commerce for the ten-day period.

A CMV not registered under the application provisions of ch. 320, F.S., is subject to a penalty of five cents per pound on the weight that exceeds 35,000 pounds on laden truck tractor-semitrailer combinations or tandem trailer truck combinations, 10,000 pounds on laden straight trucks or straight truck-trailer combinations, or 10,000 pounds on any unladen CMV.⁶⁶ Operators of CMVs that fail to obtain the temporary trip permit prior to entering Florida are fined accordingly and then allowed to purchase the temporary trip permit. All such penalties and permit fees are credited to the STTF to be used for repair and maintenance of Florida’s roads and for enforcement purposes.⁶⁷

Effect of Proposed Changes

The bill defines “port-of-entry” and reduces the existing penalty for IRP registration violations.

Section 3 amends s. 316.003, F.S., to define “port-of-entry” as a designated location that allows drivers of commercial motor vehicles to purchase temporary registration permits necessary to operate legally within Florida, and to direct the FDOT to determine the locations and the designated routes to such locations.

Section 4 amends s. 316.545(2)(b), F.S., to provide that if a CMV enters the state at a designated POE or is operating on an FDOT-designated route to a POE, and if the ten-day IRP trip permit is obtained at the POE, the penalty is limited to the difference between the CMV’s gross weight and the declared gross vehicle weight at five cents per pound.

⁶³ See the Florida Department of Highway Safety and Motor Vehicles *International Registration Plan Trucking Manual*, beginning at p. 1, for additional detail. On file in the Senate Transportation Committee.

⁶⁴ *Id.*

⁶⁵ Section 320.01(24), F.S., defines “apportionable vehicle” to mean “any vehicle [with certain exceptions] which is used or intended for use in two or more member jurisdictions that allocate or proportionally register vehicles and which is used for the transportation of persons for hire or is designed, used, or maintained primarily for the transportation of property and: (a) Is a power unit having a gross vehicle weight in excess of 26,000 pounds; (b) Is a power unit having three or more axles, regardless of weight; or (c) Is used in combination, when the weight of such combination exceeds 26,000 pounds gross vehicle weight.”

⁶⁶ Section 316.545(2)(b), F.S.

⁶⁷ Section 316.545(6), F.S.

Existing penalties for failure to obtain other required credentials remain unchanged, including, but not limited to, IFTA violations and overweight and over-dimensional permit violations.

The FDOT advises three potential POE locations are under consideration:

- I-10 at the first eastbound weigh station entering the state;
- I-75 at the first southbound weigh station entering the state; and
- I-95 at the first southbound weigh station entering the state.⁶⁸

Turnpike Tolls/Dormant Prepaid Accounts (Section 25)

Present Situation

SunPass is the Florida Turnpike's electronic, prepaid tolls program. SunPass is accepted on all Florida toll roads and nearly all toll bridges. The system uses electronic devices, called transponders, which are attached to the inside of a vehicle's windshield. The transponder sends a signal when the vehicle goes through a tolling location, and the toll is deducted from the customer's pre-paid account. The pre-paid accounts may be set up and replenished with a credit card or with cash.⁶⁹

Under current law, any prepaid toll account of any kind which has been inactive for three years is presumed unclaimed. The Department of Financial Services (DFS) is required to process any such inactive account in accordance with applicable provisions of ch. 717, F.S., relating to the disposition of unclaimed property, and the FDOT is directed to close such accounts.⁷⁰

Effect of Proposed Changes

Section 25 amends s. 338.231(3)(c), F.S., to increase the period after which a dormant prepaid toll account is presumed unclaimed from three years to ten years, thereby delaying disposition by the DFS and closing of the account by the FDOT. The FDOT advises:

[T]he deletion is desired because, with multi-state toll interoperability already implemented, and national toll interoperability mandated by federal law,⁷¹ prepaid customers may live outside Florida and use their Florida prepaid toll account only when vacationing or otherwise visiting the state.

We believe that the affected citizens and businesses would react positively to the proposal as funds on a prepaid toll account continue to be managed by the Department. This provides the customers that have had no activity on a prepaid

⁶⁸ See the FDOT email to committee staff on October 12, 2015. On file in the Senate Transportation Committee.

⁶⁹ See the SunPass website, *Frequently Asked Questions*: <https://www.sunpass.com/faq>. Last visited October 12, 2015.

⁷⁰ Section 338.231(3)(c), F.S.

⁷¹ The Moving Ahead for Progress in the 21st Century Act (MAP-21) requires implementation of technologies or business practices that provide for the interoperability of electronic toll collection on all Federal-aid highway toll facilities by October 1, 2016. See the FHWA website, *Investment* heading, *Tolling [1512]* subheading: <http://www.fhwa.dot.gov/map21/summaryinfo.cfm>. Last visited October 12, 2015.

toll account for the 10 year time with continued direct access to the same agency with whom they established the account.⁷²

Obsolete References/Beeline-East Expressway and Navarre Bridge (Section 24)

Present Situation

The Beeline-East Expressway (re-named the Beachline East Expressway) became part of the Turnpike Enterprise on July 1, 2012, pursuant to ch. 2012-128, L.O.F.⁷³ The Navarre Bridge is now county-owned and no longer used for toll revenue. The references to each facility in s. 338.165(4), F.S., are now obsolete.

Effect of Proposed Changes

Section 24 amends s. 338.165(4), F.S., to remove obsolete references to the Beeline-East Expressway and the Navarre Bridge within the FDOT's authority to request issuance of bonds secured by toll revenues from certain toll facilities, as the expressway and bridge are no longer owned by the FDOT.

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:

The following sections of the bill are expected to have the indicated impact on the private sector:

⁷² See the FDOT 2015 Legislative Proposal, *Dormant Accounts/Tolls/SunPass*. On file in the Senate Transportation Committee.

⁷³ See s. 338.165(10), F.S.

Sections 1 and 2: The increase in FSTED funding from \$15 to \$25 million is an increase in the required *minimum* annual funding. The FDOT advises this increases the total statutorily required seaport program funding, along with the Strategic Port Investment Initiative and the Intermodal Logistics Center Infrastructure Support Program, from an annual minimum of \$55 million to \$65 million. The FDOT advises that its proposed 5-year work program for fiscal years 2017-2021 already designates between \$82 and \$114 million in annual seaport program funding for each fiscal year.⁷⁴

Sections 3 and 4: The trucking industry is expected to experience an indeterminate positive fiscal impact due to the decreased fines assessed for IRP violations.

Section 21: The private sector is expected to experience an indeterminate but positive fiscal impact from the FDOT's assumption of NEPA responsibilities due to faster delivery of needed transportation projects at reduced costs.

Section 23: Small businesses participating in the BDI would experience indeterminate but positive fiscal impacts associated with gaining contracting experience on projects of the FDOT. The traveling public may experience indeterminate but reduced costs related to transportation projects as a result of greater competition.

Section 26: To the extent that the issuance of debt to fund transportation projects is accomplished at a lower cost by virtue of the corporation's ability to participate in the municipal bond market at reduced rates, the state's citizenry may experience an indeterminate but positive fiscal impact.

C. Government Sector Impact:

The following sections of the bill are expected to have the indicated impact on the government sector:

Section 1 and 2: The increase in the annual minimum FSTED funding does not appear to require any adjustment of FSTED projects in the work program.

Sections 3 and 4: The FDOT advises it expects a negative annual fiscal impact of approximately \$1.6 million due to a decrease in the fines assessed for IRP violations. A portion of the decrease, approximately \$500,000, is attributed to the revised IRP Full Reciprocity Plan.⁷⁵

Section 21: The FDOT advises, based on a random sampling of projects over the last 10 years, federal review of federalized projects has taken 1.8 to 3.5 times longer than state projects. The expected timeframe for projects subject to FHWA review as compared to anticipated timeframes for review by the state following NEPA assignment is as follows:

⁷⁴ See the November 4, 2015, FDOT email to Transportation Committee staff. On file in the Senate Transportation Committee.

⁷⁵ See the October 13, 2015, FDOT email to Transportation Committee staff. On file in the Senate Transportation Committee.

Class of Action Type	Existing Federal Review Time (months)	Expected State Review Time (months)
Prog CE (fed)	47	18
Type II CE (fed)	82	24
EA (fed)	121	30
EIS (fed)	127	40

The FDOT also anticipates cost savings in project delivery. Based on a review of select projects subject to time delays of between twelve and fifteen months associated with FHWA review, the Department has calculated additional costs approximating \$2.5 million related to the product development and engineering (PDE) phase” of a project.

An estimate of additional project costs in the PDE phase alone, based on an average 25% cost increase due to FHWA coordination yields an estimated savings of approximately \$44 million over a two year period (2014 & 2015).

An estimate of additional project costs in the Design phase, based on an average 2.5% cost increase due to FHWA coordination yields an estimated savings of approximately \$30 million over a two year period (2014 & 2015).

The FDOT further advises, with respect to the limited waiver of sovereign immunity, three NEPA lawsuits have occurred in the past ten years. No increase in the number of lawsuits is currently expected. The FDOT advises it prevailed on the three challenges. However, potential exposure over ten years would be approximately \$1.5 million. As noted, a state assuming the NEPA responsibilities for a specific project may use funds apportioned to the State under section 104(b)(2) for attorneys’ fees directly attributable to eligible activities associated with the project.

Section 23: The FDOT may experience indeterminate but reduced costs associated with transportation projects due to increased competition resulting from small business participation in the BDI.

Section 26: The FDOT may be able to accomplish faster delivery of transportation projects at reduced costs through participation of the FDOT Financing Corporation in the municipal bond market.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 311.07, 311.09, 316.003, 316.545, 333.01, 333.025, 333.03, 333.04, 333.05, 333.06, 333.07, 333.09, 333.11, 333.12, 333.13, 334.044, 334.30, 338.165, and 338.231.

This bill creates the following sections of the Florida Statutes: 333.135, 337.027 and 339.0809.

The bill repeals the following sections of the Florida Statutes: 333.065, 333.08, 333.10, and 333.14.

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 December 3, 2015:

The CS modifies the bill by:

- Substantially revising the provisions of chapter 333, F.S., relating to airport zoning regulations; and
- Requiring the FDOT to consult with and provide information to the Division of Bond Finance in connection with a proposal to finance or refinance a transportation facility through the FDOT's authority to enter into public-private partnerships, and authorizes the division to make an independent recommendation.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/03/2015	.	
	.	
	.	
	.	

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 183 and 184

insert:

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

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



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11 ~~context otherwise requires:~~

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

18 ~~(1) "Aeronautics" means transportation by aircraft; the~~
19 ~~operation, construction, repair, or maintenance of aircraft,~~
20 ~~aircraft power plants and accessories, including the repair,~~
21 ~~packing, and maintenance of parachutes; the design,~~
22 ~~establishment, construction, extension, operation, improvement,~~
23 ~~repair, or maintenance of airports, restricted landing areas, or~~
24 ~~other air navigation facilities, and air instruction.~~

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

29 (3) "Airport hazard" means an obstruction to air navigation
30 which affects the safe and efficient use of navigable airspace
31 or the operation of planned or existing air navigation and
32 communication facilities ~~any structure or tree or use of land~~
33 ~~which would exceed the federal obstruction standards as~~
34 ~~contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29~~
35 ~~and which obstructs the airspace required for the flight of~~
36 ~~aircraft in taking off, maneuvering, or landing or is otherwise~~
37 ~~hazardous to such taking off, maneuvering, or landing of~~
38 ~~aircraft and for which no person has previously obtained a~~
39 ~~permit or variance pursuant to s. 333.025 or s. 333.07.~~



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

43 (5) "Airport land use compatibility zoning" means airport
44 zoning regulations governing ~~restricting~~ the use of land on,
45 adjacent to, or in the immediate vicinity of airports ~~in the~~
46 ~~manner enumerated in s. 333.03(2) to activities and purposes~~
47 ~~compatible with the continuation of normal airport operations~~
48 ~~including landing and takeoff of aircraft in order to promote~~
49 ~~public health, safety, and general welfare.~~

50 (6) "Airport layout plan" means a set of scaled drawings
51 that provide a graphic representation of the existing and future
52 development plan for the airport and demonstrate the
53 preservation and continuity of safety, utility, and efficiency
54 of the airport detailed, scale engineering drawing, including
55 ~~pertinent dimensions, of an airport's current and planned~~
56 ~~facilities, their locations, and runway usage.~~

57 (7) "Airport master plan" means a comprehensive plan of an
58 airport which typically describes current and future plans for
59 airport development designed to support existing and future
60 aviation demand.

61 (8) "Airport protection zoning regulations" means airport
62 zoning regulations governing airport hazards.

63 (9) "Department" means the Department of Transportation as
64 created under s. 20.23.

65 (10) "Educational facility" means any structure, land, or
66 use that includes a public or private kindergarten through 12th
67 grade school, charter school, magnet school, college campus, or
68 university campus. The term does not include space used for



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69 educational purposes within a multi-tenant building.

70 (11) "Landfill" has the same meaning as provided in s.
71 403.703.

72 (12)~~(7)~~ "Obstruction" means any existing or proposed
73 manmade object or object, of natural growth or terrain, or
74 structure construction or alteration that exceeds violates the
75 federal obstruction standards contained in 14 C.F.R. part 77,
76 subpart C ss. 77.21, 77.23, 77.25, 77.28, and 77.29. The term
77 includes:

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

79 (b) Permanent or temporary construction or alteration,
80 including equipment or materials used and any permanent or
81 temporary apparatus; or

82 (c) Alteration of any permanent or temporary existing
83 structure by a change in the structure's height, including
84 appurtenances, lateral dimensions, and equipment or materials
85 used in the structure.

86 (13)~~(8)~~ "Person" means any individual, firm, copartnership,
87 corporation, company, association, joint-stock association, or
88 body politic, and includes any trustee, receiver, assignee, or
89 other similar representative thereof.

90 (14)~~(9)~~ "Political subdivision" means the local government
91 of any county, municipality city, town, village, or other
92 subdivision or agency thereof, or any district or special
93 district, port commission, port authority, or other such agency
94 authorized to establish or operate airports in the state.

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



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98 ~~(16)-(10)~~ "Runway protection clear zone" means an area at
99 ground level beyond the runway end to enhance the safety and
100 protection of people and property on the ground a runway clear
101 zone as defined in 14 C.F.R. s. 151.9(b).

102 ~~(17)-(11)~~ "Structure" means any object, constructed,
103 erected, altered, or installed by humans, including, but not
104 limited to without limitation thereof, buildings, towers,
105 smokestacks, utility poles, power generation equipment, and
106 overhead transmission lines.

107 ~~(18)~~ "Substantial modification" means any repair,
108 reconstruction, rehabilitation, or improvement of a structure
109 when the actual cost of the repair, reconstruction,
110 rehabilitation, or improvement of the structure equals or
111 exceeds 50 percent of the market value of the structure.

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

113 Section 6. Section 333.025, Florida Statutes, is amended to
114 read:

115 333.025 Permit required for obstructions structures
116 exceeding federal obstruction standards.-

117 (1) A person proposing the construction or alteration in
118 order to prevent the erection of an obstruction must obtain a
119 permit from the department structures dangerous to air
120 navigation, subject to the provisions of subsections (2), (3),
121 and (4), each person shall secure from the Department of
122 Transportation a permit for the erection, alteration, or
123 modification of any structure the result of which would exceed
124 the federal obstruction standards as contained in 14 C.F.R. ss.
125 77.21, 77.23, 77.25, 77.28, and 77.29. However, permits from the
126 department of Transportation will be required only within an



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127 airport hazard area where federal obstruction standards are
128 exceeded and if the proposed construction or alteration is
129 within a 10-nautical-mile radius of the airport reference point,
130 located at the approximate geometric ~~geographical~~ center of all
131 usable runways of a public-use airport or a ~~publicly owned or~~
132 ~~operated airport, a military airport, or an airport licensed by~~
133 ~~the state for public use.~~

134 (2) Existing, planned, and proposed ~~Affected airports will~~
135 ~~be considered as having these facilities~~ on public-use airports
136 contained in an ~~which are shown on the~~ airport master plan, in
137 ~~or~~ an airport layout plan submitted to the Federal Aviation
138 Administration, Airport District Office or in comparable
139 military documents shall, ~~and will be so~~ protected from airport
140 hazards. ~~Planned or proposed public-use airports which are the~~
141 ~~subject of a notice or proposal submitted to the Federal~~
142 ~~Aviation Administration or to the Department of Transportation~~
143 ~~shall also be protected.~~

144 (3) A permit is not required for existing structures that
145 ~~requirements of subsection (1) shall not apply to projects which~~
146 received construction permits from the Federal Communications
147 Commission for structures exceeding federal obstruction
148 standards before ~~prior to~~ May 20, 1975, ~~provided such structures~~
149 ~~now exist; a permit is not required for~~ nor shall it apply to
150 ~~previously approved structures now existing, or any necessary~~
151 replacement or repairs to such existing structures if, ~~so long~~
152 ~~as~~ the height and location are ~~is~~ unchanged.

153 (4) If ~~When~~ political subdivisions have, in compliance with
154 this chapter, adopted adequate airport airspace protection
155 zoning regulations, placed in compliance with s. 333.03, and



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156 such regulations ~~are~~ on file with the department's aviation
157 office, and established a permitting process ~~Department of~~
158 Transportation, a permit for the construction or alteration of
159 an obstruction is ~~such structure shall not be~~ required from the
160 ~~department of Transportation.~~ Upon receipt of a complete permit
161 application, the local government shall provide a copy of the
162 application to the department's aviation office by certified
163 mail, return receipt requested, or by a delivery service that
164 provides a receipt evidencing delivery. To evaluate technical
165 consistency with this subsection, the department shall have a
166 15-day review period following receipt of the application, which
167 must run concurrently with the local government permitting
168 process. Cranes, construction equipment, and other temporary
169 structures in use or in place for a period not to exceed 18
170 consecutive months are exempt from the department's review,
171 unless such review is requested by the department.

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

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

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

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

183 (c) ~~(a)~~ The nature of the terrain and height of existing
184 structures.



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185 ~~(b) Public and private interests and investments.~~
186 (d) The effect of the construction or alteration of an
187 obstruction on the state licensing standards for a public-use
188 airport contained in chapter 330 and rules adopted thereunder.
189 ~~(e)(e) The character of existing and planned flight flying~~
190 operations and planned developments at public-use of airports.
191 ~~(f)(d) Federal airways, visual flight rules, flyways and~~
192 corridors, and instrument approaches as designated by the
193 Federal Aviation Administration.
194 ~~(g)(e) The effect of whether the construction or alteration~~
195 of an obstruction on the proposed structure would cause an
196 increase in the minimum descent altitude or the decision height
197 at the affected airport.
198 ~~(f) Technological advances.~~
199 ~~(g) The safety of persons on the ground and in the air.~~
200 ~~(h) Land use density.~~
201 ~~(i) The safe and efficient use of navigable airspace.~~
202 ~~(h)(j) The cumulative effects on navigable airspace of all~~
203 existing obstructions structures, proposed structures identified
204 in the applicable jurisdictions' comprehensive plans, and all
205 other known proposed obstructions structures in the area.
206 (7) When issuing a permit under this section, the
207 department of Transportation shall, as a specific condition of
208 such permit, require the owner obstruction marking and lighting
209 of the obstruction to install, operate, and maintain, at the
210 owner's expense, marking and lighting in conformance with the
211 specific standards established by the Federal Aviation
212 Administration permitted structure as provided in s.
213 333.07(3)(b).



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214 (8) The department may ~~of Transportation shall~~ not approve
215 a permit for the construction or alteration ~~erection~~ of an
216 obstruction ~~a structure~~ unless the applicant submits ~~both~~
217 documentation showing both compliance with the federal
218 requirement for notification of proposed construction or
219 alteration and a valid aeronautical study. ~~A evaluation, and no~~
220 permit may not shall be approved solely on the basis that the
221 Federal Aviation Administration determined that the such
222 proposed construction or alteration of an obstruction was not an
223 airport hazard structure will not exceed federal obstruction
224 standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25,
225 77.28, or 77.29, or any other federal aviation regulation.

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

228 Section 7. Section 333.03, Florida Statutes, is amended to
229 read:

230 333.03 Requirement ~~Power~~ to adopt airport protection zoning
231 regulations.-

232 (1) (a) ~~In order to prevent the creation or establishment of~~
233 ~~airport hazards,~~ Every political subdivision having an airport
234 hazard area within its territorial limits shall, ~~by October 1,~~
235 ~~1977,~~ adopt, administer, and enforce, under the police power and
236 in the manner and upon the conditions ~~hereinafter~~ prescribed in
237 this section, airport protection zoning regulations for such
238 airport hazard area.

239 (b) If where an airport is owned or controlled by a
240 political subdivision and any other political subdivision has
241 land underlying any of the surfaces of the airport and upon
242 which an obstruction may be constructed or altered under 14



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243 C.F.R. part 77, subpart C, the political subdivisions airport
244 ~~hazard area appertaining to such airport is located wholly or~~
245 ~~partly outside the territorial limits of said political~~
246 ~~subdivision, the political subdivision owning or controlling the~~
247 ~~airport and the political subdivision within which the airport~~
248 ~~hazard area is located,~~ shall either:

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

253 2. By ordinance, regulation, or resolution duly adopted,
254 create a joint airport protection zoning board ~~that, which board~~
255 ~~shall have the same power to~~ adopt, administer, and enforce a
256 set of airport protection zoning regulations applicable to the
257 airport hazard area in question as that vested in paragraph (a)
258 in the political subdivision within which such area is located.
259 The Each such joint airport protection zoning board shall have
260 as voting members two representatives appointed by each
261 participating political subdivision participating in its
262 ~~creation and in addition~~ a chair elected by a majority of the
263 members so appointed. ~~However,~~ The airport manager or a
264 representative of each airport in managers of the affected
265 participating political subdivisions shall serve on the board in
266 a nonvoting capacity.

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

269 1. A permit variance for the construction or erection,
270 ~~alteration, or modification~~ of any obstruction structure which
271 ~~would cause the structure to exceed the federal obstruction~~



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272 ~~standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25,~~
273 ~~77.28, and 77.29;~~

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

276 3. Documentation showing compliance with the federal
277 requirement for notification of proposed construction or
278 alteration of structures and a valid aeronautical study
279 ~~evaluation~~ submitted by each person applying for a permit
280 variance;

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

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

289 (d) The department shall be available to provide assistance
290 to political subdivisions regarding federal obstruction
291 standards shall issue copies of the federal obstruction
292 ~~standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25,~~
293 ~~77.28, and 77.29 to each political subdivision having airport~~
294 ~~hazard areas and, in cooperation with political subdivisions,~~
295 ~~shall issue appropriate airport zoning maps depicting within~~
296 ~~each county the maximum allowable height of any structure or~~
297 ~~tree. Material distributed pursuant to this subsection shall be~~
298 ~~at no cost to authorized recipients.~~

299 (2) In the manner provided in subsection (1), political
300 subdivisions shall adopt, administer, and enforce interim



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301 airport land use compatibility zoning regulations ~~shall be~~
302 ~~adopted.~~ Airport land use compatibility zoning ~~When political~~
303 ~~subdivisions have adopted land development regulations shall, at~~
304 a minimum, in accordance with the provisions of chapter 163
305 ~~which address the use of land in the manner consistent with the~~
306 ~~provisions herein, adoption of airport land use compatibility~~
307 ~~regulations pursuant to this subsection shall not be required.~~
308 ~~Interim airport land use compatibility zoning regulations shall~~
309 ~~consider the following:~~

310 (a) The prohibition of new landfills and the restriction of
311 existing landfills ~~Whether sanitary landfills are located within~~
312 ~~the following areas:~~

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

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

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

322 (b) Where ~~Whether~~ any landfill is located and constructed
323 in a manner ~~so~~ that ~~it~~ attracts or sustains hazardous bird
324 movements from feeding, water, or roosting areas into, or
325 across, the runways or approach and departure patterns of
326 aircraft. The landfill operator must ~~political subdivision shall~~
327 ~~request from the airport authority or other governing body~~
328 ~~operating the airport a report on such bird feeding or roosting~~
329 ~~areas that at the time of the request are known to the airport.~~



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330 ~~In preparing its report, the authority, or other governing body,~~
331 ~~shall consider whether the landfill will~~ incorporate bird
332 management techniques or other practices to minimize bird
333 hazards to airborne aircraft. ~~The airport authority or other~~
334 ~~governing body shall respond to the political subdivision no~~
335 ~~later than 30 days after receipt of such request.~~

336 (c) Where an airport authority or other governing body
337 operating a ~~publicly owned,~~ public-use airport has conducted a
338 noise study in accordance with ~~the provisions of~~ 14 C.F.R. part
339 150, or where a public-use airport owner has established noise
340 contours pursuant to another public study approved by the
341 Federal Aviation Administration, the prohibition of incompatible
342 uses, as established in the noise study in 14 C.F.R. part 150,
343 Appendix A or as a part of an alternative Federal Aviation
344 Administration-approved public study, within the noise contours
345 established by any of these studies, except if such uses are
346 specifically contemplated by such study with appropriate
347 mitigation or similar techniques described in the study ~~neither~~
348 ~~residential construction nor any educational facility as defined~~
349 ~~in chapter 1013, with the exception of aviation school~~
350 ~~facilities, shall be permitted within the area contiguous to the~~
351 ~~airport defined by an outer noise contour that is considered~~
352 ~~incompatible with that type of construction by 14 C.F.R. part~~
353 ~~150, Appendix A or an equivalent noise level as established by~~
354 ~~other types of noise studies.~~

355 (d) Where an airport authority or other governing body
356 operating a ~~publicly owned,~~ public-use airport has not conducted
357 a noise study, the prohibition of ~~neither~~ residential
358 construction and ~~nor~~ any educational facility ~~as defined in~~



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359 ~~chapter 1013~~, with the exception of aviation school facilities,
360 ~~shall be permitted~~ within an area contiguous to the airport
361 measuring one-half the length of the longest runway on either
362 side of and at the end of each runway centerline.

363 (e)(3) The restriction of ~~In the manner provided in~~
364 ~~subsection (1), airport zoning regulations shall be adopted~~
365 ~~which restrict new incompatible uses, activities, or substantial~~
366 ~~modifications to existing incompatible uses~~ construction within
367 runway protection clear zones, ~~including uses, activities, or~~
368 ~~construction in runway clear zones which are incompatible with~~
369 ~~normal airport operations or endanger public health, safety, and~~
370 ~~welfare by resulting in congregations of people, emissions of~~
371 ~~light or smoke, or attraction of birds. Such regulations shall~~
372 ~~prohibit the construction of an educational facility of a public~~
373 ~~or private school at either end of a runway of a publicly owned,~~
374 ~~public-use airport within an area which extends 5 miles in a~~
375 ~~direct line along the centerline of the runway, and which has a~~
376 ~~width measuring one-half the length of the runway. Exceptions~~
377 ~~approving construction of an educational facility within the~~
378 ~~delineated area shall only be granted when the political~~
379 ~~subdivision administering the zoning regulations makes specific~~
380 ~~findings detailing how the public policy reasons for allowing~~
381 ~~the construction outweigh health and safety concerns prohibiting~~
382 ~~such a location.~~

383 ~~(4) The procedures outlined in subsections (1), (2), and~~
384 ~~(3) for the adoption of such regulations are supplemental to any~~
385 ~~existing procedures utilized by political subdivisions in the~~
386 ~~adoption of such regulations.~~

387 (3)(5) Political subdivisions shall provide ~~The Department~~



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388 ~~of Transportation shall provide technical assistance to any~~
389 ~~political subdivision requesting assistance in the preparation~~
390 ~~of an airport zoning code. a copy of all local airport~~
391 protection zoning codes, rules, and regulations and airport land
392 use compatibility zoning regulations, and any related amendments
393 ~~and proposed and granted variances thereto, to shall be filed~~
394 ~~with the department's aviation office within 30 days after~~
395 adoption department.

396 ~~(4)-(6) Nothing in Subsection (2) may not or subsection (3)~~
397 ~~shall be construed to require the removal, alteration, sound~~
398 ~~conditioning, or other change, or to interfere with the~~
399 ~~continued use or adjacent expansion of any educational facility~~
400 ~~structure or site in existence on July 1, 1993, or be construed~~
401 ~~to prohibit the construction of any new structure for which a~~
402 ~~site has been determined as provided in former s. 235.19, as of~~
403 ~~July 1, 1993.~~

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

410 Section 8. Section 333.04, Florida Statutes, is amended to
411 read:

412 333.04 Comprehensive zoning regulations; most stringent to
413 prevail where conflicts occur.—

414 (1) INCORPORATION.—In the event that a political
415 subdivision has adopted, or hereafter adopts, a comprehensive
416 plan or policy zoning ordinance regulating, among other things,



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417 the height of buildings, structures, and natural objects, and
418 uses of property, any airport zoning regulations applicable to
419 the same area or portion thereof may be incorporated in and made
420 a part of such comprehensive plan or policy ~~zoning regulations~~,
421 and be administered and enforced in connection therewith.

422 (2) CONFLICT.—In the event of conflict between any airport
423 zoning regulations adopted under this chapter and any other
424 regulations applicable to the same area, whether the conflict be
425 with respect to the height of structures or vegetation ~~trees~~,
426 the use of land, or any other matter, and whether such
427 regulations were adopted by the political subdivision that ~~which~~
428 adopted the airport zoning regulations or by some other
429 political subdivision, the more stringent limitation or
430 requirement shall govern and prevail.

431 Section 9. Section 333.05, Florida Statutes, is amended to
432 read:

433 333.05 Procedure for adoption of airport zoning
434 regulations.—

435 (1) NOTICE AND HEARING.—~~No~~ Airport zoning regulations may
436 not ~~shall~~ be adopted, amended, or repealed ~~changed~~ under this
437 chapter except by action of the legislative body of the
438 political subdivision or affected subdivisions ~~in question~~, or
439 the joint board provided in s. 333.03(1)(b)2. ~~s. 333.03(1)(b)~~ by
440 the political subdivisions ~~bodies~~ therein provided and set
441 forth, after a public hearing in relation thereto, at which
442 parties in interest and citizens shall have an opportunity to be
443 heard. Notice of the hearing shall be published at least once a
444 week for 2 consecutive weeks in a newspaper ~~an official paper,~~
445 ~~or a paper~~ of general circulation, ~~7~~ in the political subdivision



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446 or subdivisions where ~~in which are located~~ the airport zoning
447 regulations are ~~areas~~ to be adopted, amended, or repealed ~~zoned~~.

448 (2) AIRPORT ZONING COMMISSION. ~~Before~~ Prior to the initial
449 zoning of any airport area under this chapter, the political
450 subdivision or joint airport zoning board that ~~which~~ is to
451 adopt, administer, and enforce the regulations must ~~shall~~
452 appoint a commission, to be known as the airport zoning
453 commission, to recommend the boundaries of the various zones to
454 be established and the regulations to be adopted therefor. Such
455 commission shall make a preliminary report and hold public
456 hearings thereon before submitting its final report, and the
457 legislative body of the political subdivision or the joint
458 airport zoning board may ~~shall~~ not hold its public hearings or
459 take any action until it has received the final report of such
460 commission, and at least 15 days shall elapse between the
461 receipt of the final report of the commission and the hearing to
462 be held by the latter board. If ~~Where~~ a planning city plan
463 commission, an airport commission, or a comprehensive zoning
464 commission already exists, it may be appointed as the airport
465 zoning commission.

466 Section 10. Section 333.06, Florida Statutes, is amended to
467 read:

468 333.06 Airport zoning regulation requirements.-

469 (1) REASONABLENESS.-All airport zoning regulations adopted
470 under this chapter shall be reasonable and may not ~~none shall~~
471 impose any requirement or restriction which is not reasonably
472 necessary to effectuate the purposes of this chapter. In
473 determining what regulations it may adopt, each political
474 subdivision and joint airport zoning board shall consider, among



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475 other things, the character of the flying operations expected to
476 be conducted at the airport, the nature of the terrain within
477 the airport hazard area and runway protection ~~clear~~ zones, the
478 character of the neighborhood, the uses to which the property to
479 be zoned is put and adaptable, and the impact of any new use,
480 activity, or construction on the airport's operating capability
481 and capacity.

482 (2) INDEPENDENT JUSTIFICATION.—The purpose of all airport
483 zoning regulations adopted under this chapter is to provide both
484 airspace protection and land uses ~~use~~ compatible with airport
485 operations. Each aspect of this purpose requires independent
486 justification in order to promote the public interest in safety,
487 health, and general welfare. Specifically, construction in a
488 runway protection ~~clear~~ zone which does not exceed airspace
489 height restrictions is not conclusive ~~evidence per se~~ that such
490 use, activity, or construction is compatible with airport
491 operations.

492 (3) NONCONFORMING USES.—An ~~No~~ airport protection zoning
493 regulation ~~regulations~~ adopted under this chapter may not ~~shall~~
494 require the removal, lowering, or other change or alteration of
495 any obstruction ~~structure or tree~~ not conforming to the
496 regulation ~~regulations~~ when adopted or amended, or otherwise
497 interfere with the continuance of any nonconforming use, except
498 as provided in s. 333.07(1) and (3).

499 (4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO AFFECTED
500 LOCAL GOVERNMENTS.—An airport master plan shall be prepared by
501 each public-use ~~publicly owned and operated~~ airport licensed by
502 the department ~~of Transportation~~ under chapter 330. The
503 authorized entity having responsibility for governing the



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504 operation of the airport, when either requesting from or
505 submitting to a state or federal governmental agency with
506 funding or approval jurisdiction a "finding of no significant
507 impact," an environmental assessment, a site-selection study, an
508 airport master plan, or any amendment to an airport master plan,
509 shall submit simultaneously a copy of said request, submittal,
510 assessment, study, plan, or amendments by certified mail to all
511 affected local governments. As used in ~~For the purposes of~~ this
512 subsection, the term "affected local government" is defined as
513 any municipality ~~city~~ or county having jurisdiction over the
514 airport and any municipality ~~city~~ or county located within 2
515 miles of the boundaries of the land subject to the airport
516 master plan.

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

518 Section 12. Section 333.07, Florida Statutes, is amended to
519 read:

520 333.07 Local government permitting of airspace obstructions
521 ~~Permits and variances.-~~

522 (1) PERMITS.-

523 (a) A person proposing to construct, alter, or allow an
524 airport obstruction in an airport hazard area in violation of
525 the airport protection zoning regulations adopted under this
526 chapter must apply for a permit. A ~~Any airport zoning~~
527 ~~regulations adopted under this chapter may require that a permit~~
528 ~~be obtained before any new structure or use may be constructed~~
529 ~~or established and before any existing use or structure may be~~
530 ~~substantially changed or substantially altered or repaired. In~~
531 ~~any event, however, all such regulations shall provide that~~
532 ~~before any nonconforming structure or tree may be replaced,~~



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533 ~~substantially altered or repaired, rebuilt, allowed to grow~~
534 ~~higher, or replanted, a permit must be secured from the~~
535 ~~administrative agency authorized to administer and enforce the~~
536 ~~regulations, authorizing such replacement, change, or repair. No~~
537 ~~permit may not shall be issued if it granted that~~ would allow
538 the establishment or creation of an airport hazard or if it
539 would permit a nonconforming obstruction structure or tree or
540 ~~nonconforming use to be made or become higher or~~ to become a
541 greater hazard to air navigation than it was when the applicable
542 airport protection zoning regulation was adopted which allowed
543 the establishment or creation of the obstruction, or than it is
544 when the application for a permit is made.

545 (b) If ~~Whenever~~ the political subdivision or its
546 administrative agency determines that a nonconforming
547 obstruction use or nonconforming structure or tree has been
548 abandoned or is more than 80 percent torn down, destroyed,
549 deteriorated, or decayed, a ~~no~~ permit may not shall be granted
550 if it that would allow the obstruction said structure or tree to
551 exceed the applicable height limit or otherwise deviate from the
552 airport protection zoning regulations.; ~~and,~~ Whether or not an
553 application is made for a permit under this subsection ~~or not,~~
554 ~~the said agency may by appropriate action, compel~~ the owner of
555 the nonconforming obstruction may be required structure or tree,
556 at his or her own expense, to lower, remove, reconstruct, alter,
557 or equip such obstruction object as may be necessary to conform
558 to the current airport protection zoning regulations. If the
559 owner of the nonconforming obstruction neglects or refuses
560 ~~structure or tree shall neglect or refuse~~ to comply with such
561 requirement order for 10 days after notice ~~thereof,~~ the



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562 ~~administrative said~~ agency may report the violation to the
563 political subdivision involved ~~therein~~, which subdivision,
564 through its appropriate agency, may proceed to have the
565 obstruction object so lowered, removed, reconstructed, altered,
566 or equipped, and assess the cost and expense thereof upon the
567 owner of the obstruction object or the land whereon it is or was
568 located, and, unless such an assessment is paid within 90 days
569 from the service of notice thereof on the owner or the owner's
570 agent, of such object or land, the sum shall be a lien on said
571 land, and shall bear interest thereafter at the rate of 6
572 percent per annum until paid, and shall be collected in the same
573 manner as taxes on real property are collected by said political
574 subdivision, or, at the option of said political subdivision,
575 said lien may be enforced in the manner provided for enforcement
576 of liens by chapter 85.

577 ~~(c) Except as provided herein, applications for permits~~
578 ~~shall be granted, provided the matter applied for meets the~~
579 ~~provisions of this chapter and the regulations adopted and in~~
580 ~~force hereunder.~~

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

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

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

587 (c) The nature of the terrain and height of existing
588 structures.

589 (d) The effect of the construction or alteration on the
590 state licensing standards for a public-use airport contained in



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591 chapter 330 and rules adopted thereunder.

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

594 (f) Federal airways, visual flight rules, flyways and
595 corridors, and instrument approaches as designated by the
596 Federal Aviation Administration.

597 (g) The effect of the construction or alteration of the
598 proposed structure on the minimum descent altitude or the
599 decision height at the affected airport.

600 (h) The cumulative effects on navigable airspace of all
601 existing structures and all other known proposed structures in
602 the area.

603 (i) Additional requirements adopted by the political
604 subdivision or administrative agency pertinent to evaluation and
605 protection of airspace and airport operations.

606 ~~(2) VARIANCES.—~~

607 ~~(a) Any person desiring to erect any structure, increase~~
608 ~~the height of any structure, permit the growth of any tree, or~~
609 ~~otherwise use his or her property in violation of the airport~~
610 ~~zoning regulations adopted under this chapter or any land~~
611 ~~development regulation adopted pursuant to the provisions of~~
612 ~~chapter 163 pertaining to airport land use compatibility, may~~
613 ~~apply to the board of adjustment for a variance from the zoning~~
614 ~~regulations in question. At the time of filing the application,~~
615 ~~the applicant shall forward to the department by certified mail,~~
616 ~~return receipt requested, a copy of the application. The~~
617 ~~department shall have 45 days from receipt of the application to~~
618 ~~comment and to provide its comments or waiver of that right to~~
619 ~~the applicant and the board of adjustment. The department shall~~



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620 ~~include its explanation for any objections stated in its~~
621 ~~comments. If the department fails to provide its comments within~~
622 ~~45 days of receipt of the application, its right to comment is~~
623 ~~waived. The board of adjustment may proceed with its~~
624 ~~consideration of the application only upon the receipt of the~~
625 ~~department's comments or waiver of that right as demonstrated by~~
626 ~~the filing of a copy of the return receipt with the board.~~
627 ~~Noncompliance with this section shall be grounds to appeal~~
628 ~~pursuant to s. 333.08 and to apply for judicial relief pursuant~~
629 ~~to s. 333.11. Such variances may only be allowed where a literal~~
630 ~~application or enforcement of the regulations would result in~~
631 ~~practical difficulty or unnecessary hardship and where the~~
632 ~~relief granted would not be contrary to the public interest but~~
633 ~~would do substantial justice and be in accordance with the~~
634 ~~spirit of the regulations and this chapter. However, any~~
635 ~~variance may be allowed subject to any reasonable conditions~~
636 ~~that the board of adjustment may deem necessary to effectuate~~
637 ~~the purposes of this chapter.~~

638 ~~(b) The Department of Transportation shall have the~~
639 ~~authority to appeal any variance granted under this chapter~~
640 ~~pursuant to s. 333.08, and to apply for judicial relief pursuant~~
641 ~~to s. 333.11.~~

642 (3) OBSTRUCTION MARKING AND LIGHTING.-

643 ~~(a) In issuing a granting any permit or variance under this~~
644 ~~section, the political subdivision or its administrative agency~~
645 ~~or board of adjustment shall require the owner of the~~
646 ~~obstruction structure or tree in question to install, operate,~~
647 ~~and maintain thereon, at his or her own expense, ~~such~~ marking~~
648 ~~and lighting in conformance with the specific standards~~



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649 ~~established by the Federal Aviation Administration as may be~~
650 ~~necessary to indicate to aircraft pilots the presence of an~~
651 ~~obstruction.~~

652 ~~(b) Such marking and lighting shall conform to the specific~~
653 ~~standards established by rule by the Department of~~
654 ~~Transportation.~~

655 ~~(c) Existing structures not in compliance on October 1,~~
656 ~~1988, shall be required to comply whenever the existing marking~~
657 ~~requires refurbishment, whenever the existing lighting requires~~
658 ~~replacement, or within 5 years of October 1, 1988, whichever~~
659 ~~occurs first.~~

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

661 Section 14. Section 333.09, Florida Statutes, is amended to
662 read:

663 333.09 Administration of airport protection zoning
664 regulations.-

665 (1) ADMINISTRATION.-All airport protection zoning
666 regulations adopted under this chapter shall provide for the
667 administration and enforcement of such regulations by the
668 political subdivision or its administrative agency an
669 ~~administrative agency which may be an agency created by such~~
670 ~~regulations or any official, board, or other existing agency of~~
671 ~~the political subdivision adopting the regulations or of one of~~
672 ~~the political subdivisions which participated in the creation of~~
673 ~~the joint airport zoning board adopting the regulations, if~~
674 ~~satisfactory to that political subdivision, but in no case shall~~
675 ~~such administrative agency be or include any member of the board~~
676 ~~of adjustment. The duties of any administrative agency~~
677 designated pursuant to this chapter must ~~shall~~ include that of



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678 hearing and deciding all permits under s. 333.07 ~~s. 333.07(1)~~,
679 ~~deciding all matters under s. 333.07(3)~~, as they pertain to such
680 agency, and all other matters under this chapter applying to
681 said agency, ~~but such agency shall not have or exercise any of~~
682 ~~the powers herein delegated to the board of adjustment.~~

683 (2) LOCAL GOVERNMENT PROCESS.—

684 (a) A political subdivision required to adopt airport
685 zoning regulations under this chapter shall provide a process
686 to:

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

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

690 3. Enforce the issuance or denial of a permit or other
691 determination made by the administrative agency with respect to
692 airport zoning regulations.

693 (b) If a zoning board or permitting body already exists
694 within a political subdivision, the zoning board or permitting
695 body may implement the airport zoning regulation permitting and
696 appeals processes.

697 (3) APPEALS.—

698 (a) A person, a political subdivision or its administrative
699 agency, or a joint airport zoning board that contends that a
700 decision made by a political subdivision or its administrative
701 agency is an improper application of airport zoning regulations
702 may use the process established for an appeal.

703 (b) All appeals taken under this section must be taken
704 within a reasonable time, as provided by the political
705 subdivision or its administrative agency, by filing with the
706 entity from which the appeal is taken a notice of appeal



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707 specifying the grounds for appeal.

708 (c) An appeal shall stay all proceedings in the underlying
709 action appealed from, unless the entity from which the appeal is
710 taken certifies pursuant to the rules for appeal that by reason
711 of the facts stated in the certificate a stay would, in its
712 opinion, cause imminent peril to life or property. In such
713 cases, proceedings may not be stayed except by order of the
714 political subdivision or its administrative agency on notice to
715 the entity from which the appeal is taken and for good cause
716 shown.

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

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

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

727 Section 16. Section 333.11, Florida Statutes, is amended to
728 read:

729 333.11 Judicial review.—

730 (1) Any person, ~~aggrieved, or taxpayer affected, by any~~
731 ~~decision of a board of adjustment, or any governing body of a~~
732 ~~political subdivision, or the Department of Transportation or~~
733 ~~any joint airport zoning board~~ affected by a decision of a
734 political subdivision, or its ~~of any~~ administrative agency
735 ~~hereunder,~~ may apply for judicial relief to the circuit court in



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736 the judicial circuit where the political subdivision ~~board of~~
737 ~~adjustment~~ is located within 30 days after rendition of the
738 decision ~~by the board of adjustment~~. Review shall be by petition
739 for writ of certiorari, which shall be governed by the Florida
740 Rules of Appellate Procedure.

741 ~~(2) Upon presentation of such petition to the court, it may~~
742 ~~allow a writ of certiorari, directed to the board of adjustment,~~
743 ~~to review such decision of the board. The allowance of the writ~~
744 ~~shall not stay the proceedings upon the decision appealed from,~~
745 ~~but the court may, on application, on notice to the board, on~~
746 ~~due hearing and due cause shown, grant a restraining order.~~

747 ~~(3) The board of adjustment shall not be required to return~~
748 ~~the original papers acted upon by it, but it shall be sufficient~~
749 ~~to return certified or sworn copies thereof or of such portions~~
750 ~~thereof as may be called for by the writ. The return shall~~
751 ~~concisely set forth such other facts as may be pertinent and~~
752 ~~material to show the grounds of the decision appealed from and~~
753 ~~shall be verified.~~

754 ~~(2)-(4)~~ The court ~~has~~ shall have exclusive jurisdiction to
755 affirm, reverse, or modify, ~~or set aside~~ the decision on the
756 permit or other determination from which the appeal is taken
757 ~~brought up for review, in whole or in part, and, if appropriate~~
758 ~~need be, to order further proceedings by the~~ political
759 subdivision or its administrative agency ~~board of adjustment~~.

760 The findings of fact by the political subdivision or its
761 administrative agency ~~board~~, if supported by substantial
762 evidence, shall be accepted by the court as conclusive, and an
763 ~~no~~ objection to a decision of the political subdivision or its
764 administrative agency may not ~~board shall~~ be considered by the



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765 court unless such objection was raised in the underlying
766 proceeding shall have been urged before the board, or, if it was
767 not so urged, unless there were reasonable grounds for failure
768 to do so.

769 (3)(5) If In any case in which airport zoning regulations
770 adopted under this chapter, ~~although generally reasonable,~~ are
771 held by a court to interfere with the use and enjoyment of a
772 particular structure or parcel of land to such an extent, or to
773 be so onerous in their application to such a structure or parcel
774 of land, as to constitute a taking or deprivation of that
775 property in violation of the State Constitution or the
776 Constitution of the United States, such holding shall not affect
777 the application of such regulations to other structures and
778 parcels of land, or such regulations as are not involved in the
779 particular decision.

780 (4)(6) A judicial ~~No~~ appeal to any court may not shall be
781 ~~or is~~ permitted under this section until the appellant has
782 exhausted all of its remedies through application for local
783 government permits, exceptions, and appeals, to any courts, as
784 ~~herein provided, save and except an appeal from a decision of~~
785 ~~the board of adjustment, the appeal herein provided being from~~
786 ~~such final decision of such board only, the appellant being~~
787 ~~hereby required to exhaust his or her remedies hereunder of~~
788 ~~application for permits, exceptions and variances, and appeal to~~
789 ~~the board of adjustment, and gaining a determination by said~~
790 ~~board, before being permitted to appeal to the court hereunder.~~

791 Section 17. Section 333.12, Florida Statutes, is amended to
792 read:

793 333.12 Acquisition of air rights.-If In any case which: it



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794 ~~is desired to remove, lower or otherwise terminate a~~
795 nonconforming obstruction is determined to be an airport hazard
796 and the owner will not remove, lower, or otherwise eliminate it
797 ~~structure or use; or~~ the approach protection necessary cannot,
798 because of constitutional limitations, be provided by airport
799 zoning regulations under this chapter; or it appears advisable
800 that the necessary approach protection be provided by
801 acquisition of property rights rather than by airport zoning
802 regulations, the political subdivision within which the property
803 or nonconforming obstruction ~~use~~ is located, or the political
804 subdivision owning or operating the airport or being served by
805 it, may acquire, by purchase, grant, or condemnation in the
806 manner provided by chapter 73, such property, air right,
807 avigation ~~navigation~~ easement, or other estate, portion, or
808 interest in the property or nonconforming obstruction ~~structure~~
809 ~~or use~~ or such interest in the air above such property, ~~tree,~~
810 ~~structure, or use,~~ in question, as may be necessary to
811 effectuate the purposes of this chapter, and in so doing, if by
812 condemnation, to have the right to take immediate possession of
813 the property, interest in property, air right, or other right
814 sought to be condemned, at the time, and in the manner and form,
815 and as authorized by chapter 74. In the case of the purchase of
816 any property, ~~or any~~ easement, or estate or interest therein or
817 the acquisition of the same by the power of eminent domain, the
818 political subdivision making such purchase or exercising such
819 power shall, in addition to the damages for the taking, injury,
820 or destruction of property, also pay the cost of the removal and
821 relocation of any structure or any public utility that ~~which~~ is
822 required to be moved to a new location.



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823 Section 18. Section 333.13, Florida Statutes, is amended to
824 read:

825 333.13 Enforcement and remedies.—

826 (1) Each violation of this chapter or of any airport zoning
827 regulations, orders, or rulings adopted ~~promulgated~~ or made
828 pursuant to this chapter shall constitute a misdemeanor of the
829 second degree, punishable as provided in s. 775.082 or s.
830 775.083, and each day a violation continues to exist shall
831 constitute a separate offense.

832 (2) In addition, the political subdivision or agency
833 adopting the airport zoning regulations under this chapter may
834 institute in any court of competent jurisdiction an action to
835 prevent, restrain, correct, or abate any violation of this
836 chapter or of airport zoning regulations adopted under this
837 chapter or of any order or ruling made in connection with their
838 administration or enforcement, and the court shall adjudge to
839 the plaintiff such relief, by way of injunction, ~~(which may be~~
840 mandatory, ~~)~~ or otherwise, as may be proper under all the facts
841 and circumstances of the case in order to fully effectuate the
842 purposes of this chapter and of the regulations adopted and
843 orders and rulings made pursuant thereto.

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

847 Section 19. Section 333.135, Florida Statutes, is created
848 to read:

849 333.135 Transition provisions.—

850 (1) Any airport zoning regulation in effect on July 1,
851 2016, which includes provisions in conflict with this chapter



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852 shall be amended to conform to the requirements of this chapter
853 by July 1, 2017.

854 (2) Any political subdivision having an airport within its
855 territorial limits which has not adopted airport zoning
856 regulations shall, by July 1, 2017, adopt airport zoning
857 regulations consistent with this chapter.

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

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

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

864 And the title is amended as follows:

865 Delete line 16

866 and insert:

867 routes to, a port-of-entry location; amending s.
868 333.01, F.S.; defining and redefining terms; amending
869 s. 333.025, F.S.; revising the requirements relating
870 to permits required for obstructions; requiring
871 certain existing, planned, and proposed facilities to
872 be protected from airport hazards; requiring the local
873 government to provide a copy of a complete permit
874 application to the Department of Transportation's
875 aviation office, subject to certain requirements;
876 requiring the department to have a specified review
877 period following receipt of such application;
878 providing exemptions from such review under certain
879 circumstances; revising the circumstances under which
880 the department issues or denies a permit; revising the



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881 department's requirements before a permit is issued;
882 revising the circumstances under which the department
883 is prohibited from approving a permit; providing that
884 the denial of a permit is subject to administrative
885 review; amending s. 333.03, F.S.; conforming
886 provisions to changes made by the act; revising the
887 circumstances under which a political subdivision
888 owning or controlling an airport and another political
889 subdivision adopt, administer, and enforce airport
890 protection zoning regulations or create a joint
891 airport protection zoning board; revising the
892 provisions relating to airport protection zoning
893 regulations and joint airport protection zoning
894 boards; requiring the department to be available to
895 provide assistance to political subdivisions regarding
896 federal obstruction standards; deleting provisions
897 relating to certain duties of the department; revising
898 provisions relating to airport land use compatibility
899 zoning regulations; revising construction; providing
900 applicability; amending s. 333.04, F.S.; authorizing
901 certain airport zoning regulations to be incorporated
902 in and made a part of comprehensive plans and
903 policies, rather than a part of comprehensive zoning
904 regulations, under certain circumstances; revising
905 requirements relating to applicability; amending s.
906 333.05, F.S.; revising procedures for adoption of
907 airport zoning regulations; amending s. 333.06, F.S.;;
908 revising airport zoning regulation requirements;
909 repealing s. 333.065, F.S., relating to guidelines



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910 regarding land use near airports; amending s. 333.07,
911 F.S.; revising requirements relating to local
912 government permitting of airspace obstructions;
913 requiring a person proposing to construct, alter, or
914 allow an airport obstruction to apply for a permit
915 under certain circumstances; revising the
916 circumstances under which a permit is prohibited from
917 being issued; revising the circumstances under which
918 the owner of a nonconforming structure is required to
919 alter such structure to conform to the current airport
920 protection zoning regulations; deleting provisions
921 relating to variances from zoning regulations;
922 requiring a political subdivision or its
923 administrative agency to consider specified criteria
924 in determining whether to issue or deny a permit;
925 revising the requirements for marking and lighting in
926 conformance with certain standards; repealing s.
927 333.08, F.S., relating to appeals of decisions
928 concerning airport zoning regulations; amending s.
929 333.09, F.S.; revising the requirements relating to
930 the administration of airport protection zoning
931 regulations; requiring all airport protection zoning
932 regulations to provide for the administration and
933 enforcement of such regulations by the political
934 subdivision or its administrative agency; requiring a
935 political subdivision adopting airport zoning
936 regulations to provide a permitting process, subject
937 to certain requirements; requiring a zoning board or
938 permitting body to implement the airport zoning



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939 regulation permitting and appeals process if such
940 board or body already exists within a political
941 subdivision; authorizing a person, a political
942 subdivision or its administrative agency, or a
943 specified joint zoning board to use the process
944 established for an appeal, subject to certain
945 requirements; repealing s. 333.10, F.S., relating to
946 boards of adjustment provided for by airport zoning
947 regulations; amending s. 333.11, F.S.; revising the
948 requirements relating to judicial review; amending s.
949 333.12, F.S.; revising requirements relating to the
950 acquisition of air rights; amending s. 333.13, F.S.;
951 conforming provisions to changes made by the act;
952 creating s. 333.135, F.S.; requiring conflicting
953 airport zoning regulations in effect on a specified
954 date to be amended to conform to certain requirements;
955 requiring certain political subdivisions to adopt
956 certain airport zoning regulations by a specified
957 date; requiring the department to administer a
958 specified permitting process for certain political
959 subdivisions; repealing s. 333.14, F.S., relating to a
960 short title; amending s.



290044

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/03/2015	.	
	.	
	.	
	.	

The Committee on Transportation (Brandes) recommended the following:

1 **Senate Amendment to Amendment (312132) (with title**
2 **amendment)**

3
4 Delete lines 230 - 248
5 and insert:

6 333.03 Requirement ~~Power~~ to adopt airport zoning
7 regulations.-

8 (1)

9 (b) If ~~where~~ an airport is owned or controlled by a
10 political subdivision and any other political subdivision has



290044

11 land, upon which an obstruction may be constructed or altered,
12 underlying any of the 14 C.F.R. Part 77, subpart C surfaces of
13 the airport, the political subdivisions airport hazard area
14 appertaining to such airport is located wholly or partly outside
15 the territorial limits of said political subdivision, the
16 political subdivision owning or controlling the airport and the
17 political subdivision within which the airport hazard area is
18 located, shall either:

19

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

21 And the title is amended as follows:

22 Delete line 890

23 and insert:

24 zoning regulations or create a joint



684936

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/03/2015	.	
	.	
	.	
	.	

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 207 and 208
insert:

Section 6. Current paragraph (e) of subsection (6) of section 334.30, Florida Statutes, is redesignated as paragraph (f) and new paragraph (e) is added to that section to read:

334.30 Public-private transportation facilities.—The Legislature finds and declares that there is a public need for the rapid construction of safe and efficient transportation



684936

11 facilities for the purpose of traveling within the state, and
12 that it is in the public's interest to provide for the
13 construction of additional safe, convenient, and economical
14 transportation facilities.

15 (6) The procurement of public-private partnerships by the
16 department shall follow the provisions of this section. Sections
17 337.025, 337.11, 337.14, 337.141, 337.145, 337.175, 337.18,
18 337.185, 337.19, 337.221, and 337.251 shall not apply to
19 procurements under this section unless a provision is included
20 in the procurement documents. The department shall ensure that
21 generally accepted business practices for exemptions provided by
22 this subsection are part of the procurement process or are
23 included in the public-private partnership agreement.

24 (e) The department shall consult with staff of the
25 Division of Bond Finance of the State Board of Administration in
26 connection with a proposal to finance or refinance a
27 transportation facility pursuant to this section. The department
28 shall provide the division with the information necessary to
29 provide timely consultation and recommendations. The division
30 may make an independent recommendation to the Executive Office
31 of the Governor.

32
33
34

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

36 And the title is amended as follows:

37 Delete line 30

38 and insert:

39 with certain federal law; amending s. 334.30, F.S.;



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40 requiring the department to consult with the Division
41 of Bond Finance in connection with a proposal to
42 finance or refinance a transportation facility;
43 requiring the department to provide the division with
44 information necessary to provide timely consultation
45 and recommendations; authorizing the division to make
46 an independent recommendation to the Executive Officer
47 of the Governor; creating s. 337.027, F.S.;

By Senator Brandes

22-00775-16

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1 A bill to be entitled
 2 An act relating to the Department of Transportation;
 3 amending s. 311.07, F.S.; increasing the minimum
 4 amount that must be made available annually from the
 5 State Transportation Trust Fund to fund the Florida
 6 Seaport Transportation and Economic Development
 7 Program; amending s. 311.09, F.S.; increasing the
 8 amount per year the department must include in its
 9 annual legislative budget request for the Florida
 10 Seaport Transportation and Economic Development
 11 Program; amending s. 316.003, F.S.; defining the term
 12 "port of entry"; amending s. 316.545, F.S.; providing
 13 a specified penalty for drivers of commercial motor
 14 vehicles who obtain temporary registration permits
 15 entering the state at, or operating on designated
 16 routes to, a port-of-entry location; amending s.
 17 334.044, F.S.; authorizing the department to assume
 18 certain responsibilities under the National
 19 Environmental Policy Act with respect to highway
 20 projects within the state and certain related
 21 responsibilities relating to review or approval of a
 22 highway project; authorizing the department to enter
 23 into certain agreements related to the federal surface
 24 transportation project delivery program under certain
 25 federal law; authorizing the department to adopt
 26 implementing rules; authorizing the department to
 27 adopt certain relevant federal environmental
 28 standards; providing a limited waiver of sovereign
 29 immunity to civil suit in federal court consistent

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30 with certain federal law; creating s. 337.027, F.S.;
 31 authorizing the department to establish a program for
 32 highway projects that assist small businesses;
 33 providing a program purpose; defining the term "small
 34 business"; authorizing the department to adopt rules;
 35 amending s. 338.165, F.S.; removing an option to issue
 36 certain bonds secured by toll revenues collected on
 37 the Beeline-East Expressway and the Navarre Bridge;
 38 amending s. 338.231, F.S.; increasing the number of
 39 years before an inactive prepaid toll account is
 40 presumed unclaimed; creating s. 339.0809, F.S.;
 41 creating a nonprofit corporation to be known as the
 42 "Florida Department of Transportation Financing
 43 Corporation"; defining the term "corporation";
 44 providing for membership of a governing board of
 45 directors; providing certain powers and duties;
 46 authorizing the corporation to enter into service
 47 contracts with the Department of Transportation
 48 subject to certain requirements; authorizing the
 49 corporation to issue and incur notes, bonds,
 50 certificates of indebtedness, or other obligations or
 51 evidences of indebtedness under certain circumstances;
 52 providing that the fulfillment of the purposes of the
 53 corporation promotes the health, safety, and general
 54 welfare of the people of the state and serves
 55 essential governmental functions and a paramount
 56 public purpose; providing certain exemptions from
 57 taxation and assessments; authorizing the corporation
 58 to validate certain obligations subject to certain

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59 requirements; providing applicability; prohibiting the
60 benefits and earnings of the corporation from inuring
61 to any private person; requiring title to all property
62 owned by the corporation to revert to the state upon
63 dissolution of the corporation; authorizing the
64 corporation to contract with the State Board of
65 Administration to perform certain services;
66 authorizing the board to contract with others to
67 provide such services and to recover certain costs;
68 authorizing the department to enter into a service
69 contract in conjunction with the issuance of debt
70 obligations which provides for certain periodic
71 payments; providing an effective date.

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

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

76 311.07 Florida seaport transportation and economic
77 development funding.—

78 (2) A minimum of \$25 ~~\$15~~ million per year shall be made
79 available from the State Transportation Trust Fund to fund the
80 Florida Seaport Transportation and Economic Development Program.
81 The Florida Seaport Transportation and Economic Development
82 Council created in s. 311.09 shall develop guidelines for
83 project funding. Council staff, the Department of
84 Transportation, and the Department of Economic Opportunity shall
85 work in cooperation to review projects and allocate funds in
86 accordance with the schedule required for the Department of
87

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

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

92 311.09 Florida Seaport Transportation and Economic
93 Development Council.—

94 (9) The Department of Transportation shall include at least
95 \$25 ~~no less than \$15~~ million per year in its annual legislative
96 budget request for the Florida Seaport Transportation and
97 Economic Development Program funded under s. 311.07. Such budget
98 must ~~shall~~ include funding for projects approved by the council
99 which have been determined by each agency to be consistent. The
100 department shall include the specific approved Florida Seaport
101 Transportation and Economic Development Program projects to be
102 funded under s. 311.07 during the ensuing fiscal year in the
103 tentative work program developed pursuant to s. 339.135(4). The
104 total amount of funding to be allocated to Florida Seaport
105 Transportation and Economic Development Program projects under
106 s. 311.07 during the successive 4 fiscal years shall also be
107 included in the tentative work program developed pursuant to s.
108 339.135(4). The council may submit to the department a list of
109 approved projects that could be made production-ready within the
110 next 2 years. The list shall be submitted by the department as
111 part of the needs and project list prepared pursuant to s.
112 339.135(2)(b). However, the department shall, upon written
113 request of the Florida Seaport Transportation and Economic
114 Development Council, submit work program amendments pursuant to
115 s. 339.135(7) to the Governor within 10 days after the later of
116 the date the request is received by the department or the

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117 effective date of the amendment, termination, or closure of the
 118 applicable funding agreement between the department and the
 119 affected seaport, as required to release the funds from the
 120 existing commitment. Notwithstanding s. 339.135(7)(c), any work
 121 program amendment to transfer prior year funds from one approved
 122 seaport project to another seaport project is subject to the
 123 procedures in s. 339.135(7)(d). Notwithstanding any provision of
 124 law to the contrary, the department may transfer unexpended
 125 budget between the seaport projects as identified in the
 126 approved work program amendments.

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

129 316.003 Definitions.—The following words and phrases, when
 130 used in this chapter, shall have the meanings respectively
 131 ascribed to them in this section, except where the context
 132 otherwise requires:

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

138 Section 4. Paragraph (b) of subsection (2) of section
 139 316.545, Florida Statutes, is amended to read:

140 316.545 Weight and load unlawful; special fuel and motor
 141 fuel tax enforcement; inspection; penalty; review.—

142 (2)

143 (b) The officer or inspector shall inspect the license
 144 plate or registration certificate of the commercial vehicle, as
 145 defined in s. 316.003(66), to determine if its gross weight is

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146 in compliance with the declared gross vehicle weight. If its
 147 gross weight exceeds the declared weight, the penalty shall be 5
 148 cents per pound on the difference between such weights. In those
 149 cases when the commercial vehicle, as defined in s. 316.003(66),
 150 is being operated over the highways of the state with an expired
 151 registration or with no registration from this or any other
 152 jurisdiction or is not registered under the applicable
 153 provisions of chapter 320, the penalty herein shall apply on the
 154 basis of 5 cents per pound on that scaled weight which exceeds
 155 35,000 pounds on laden truck tractor-semitrailer combinations or
 156 tandem trailer truck combinations, 10,000 pounds on laden
 157 straight trucks or straight truck-trailer combinations, or
 158 10,000 pounds on any unladen commercial motor vehicle. A driver
 159 of a commercial motor vehicle entering the state at a designated
 160 port-of-entry location, as defined in s. 316.003(94), or
 161 operating on designated routes to a port-of-entry location, who
 162 obtains a temporary registration permit shall be assessed a
 163 penalty limited to the difference between its gross weight and
 164 the declared gross vehicle weight at 5 cents per pound. If the
 165 license plate or registration has not been expired for more than
 166 90 days, the penalty imposed under this paragraph may not exceed
 167 \$1,000. In the case of special mobile equipment as defined in s.
 168 316.003(48), which qualifies for the license tax provided for in
 169 s. 320.08(5)(b), being operated on the highways of the state
 170 with an expired registration or otherwise not properly
 171 registered under the applicable provisions of chapter 320, a
 172 penalty of \$75 shall apply in addition to any other penalty
 173 which may apply in accordance with this chapter. A vehicle found
 174 in violation of this section may be detained until the owner or

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175 operator produces evidence that the vehicle has been properly
 176 registered. Any costs incurred by the retention of the vehicle
 177 shall be the sole responsibility of the owner. A person who has
 178 been assessed a penalty pursuant to this paragraph for failure
 179 to have a valid vehicle registration certificate pursuant to the
 180 provisions of chapter 320 is not subject to the delinquent fee
 181 authorized in s. 320.07 if such person obtains a valid
 182 registration certificate within 10 working days after such
 183 penalty was assessed.

184 Section 5. Subsection (34) is added to section 334.044,
 185 Florida Statutes, to read:

186 334.044 Department; powers and duties.—The department shall
 187 have the following general powers and duties:

188 (34) To assume responsibilities of the United States
 189 Department of Transportation with respect to highway projects
 190 within the state under the National Environmental Policy Act of
 191 1969, 42 U.S.C. s. 4321 et seq., and with respect to related
 192 responsibilities for environmental review, consultation, or
 193 other action required under any federal environmental law
 194 pertaining to review or approval of a highway project within the
 195 state. The department may assume responsibilities under 23
 196 U.S.C. s. 327 and enter into one or more agreements, including
 197 memoranda of understanding, with the United States Secretary of
 198 Transportation related to the federal surface transportation
 199 project delivery program for the delivery of highway projects,
 200 as provided by 23 U.S.C. s. 327. The department may adopt rules
 201 to implement this subsection and may adopt relevant federal
 202 environmental standards as the standards for this state for a
 203 program described in this subsection. Sovereign immunity from

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204 civil suit in federal court is waived consistent with 23 U.S.C.
 205 s. 327 and limited to the compliance, discharge, or enforcement
 206 of a responsibility assumed by the department under this
 207 subsection.

208 Section 6. Section 337.027, Florida Statutes, is created to
 209 read:

210 337.027 Authority to implement a business development
 211 program.—

212 (1) The Department of Transportation may establish a
 213 program for highway projects that would assist small businesses.
 214 The purpose of this program is to increase competition, lower
 215 prices, and provide increased support to meet the department's
 216 future work program. The program may include, but is not limited
 217 to, setting aside contracts, providing preference points for the
 218 use of small businesses, providing special assistance in bidding
 219 and contract completion, waiving bond requirements, and
 220 implementing other strategies that would increase competition.

221 (2) For purposes of this section, the term "small business"
 222 means a business with average gross receipts of less than \$15
 223 million for road and bridge contracts and less than \$6.5 million
 224 for professional and nonprofessional services contracts. A
 225 business determines its size by averaging its annual gross
 226 receipts over the last 3 years, including the receipts of an
 227 affiliate as defined in s. 337.165.

228 (3) The department may adopt rules to implement this
 229 section.

230 Section 7. Subsection (4) of section 338.165, Florida
 231 Statutes, is amended to read:

232 338.165 Continuation of tolls.—

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233 (4) Notwithstanding any other law to the contrary, pursuant
 234 to s. 11, Art. VII of the State Constitution, and subject to the
 235 requirements of subsection (2), the Department of Transportation
 236 may request the Division of Bond Finance to issue bonds secured
 237 by toll revenues collected on the Alligator Alley, the Sunshine
 238 Skyway Bridge, ~~the Deeline East Expressway, the Navarre Bridge,~~
 239 and the Pinellas Bayway to fund transportation projects located
 240 within the county or counties in which the project is located
 241 and contained in the adopted work program of the department.

242 Section 8. Paragraph (c) of subsection (3) of section
 243 338.231, Florida Statutes, is amended to read:

244 338.231 Turnpike tolls, fixing; pledge of tolls and other
 245 revenues.—The department shall at all times fix, adjust, charge,
 246 and collect such tolls and amounts for the use of the turnpike
 247 system as are required in order to provide a fund sufficient
 248 with other revenues of the turnpike system to pay the cost of
 249 maintaining, improving, repairing, and operating such turnpike
 250 system; to pay the principal of and interest on all bonds issued
 251 to finance or refinance any portion of the turnpike system as
 252 the same become due and payable; and to create reserves for all
 253 such purposes.

254 (3)

255 (c) Notwithstanding any other provision of law to the
 256 contrary, any prepaid toll account of any kind which has
 257 remained inactive for 10 ~~3~~ years shall be presumed unclaimed and
 258 its disposition shall be handled by the Department of Financial
 259 Services in accordance with all applicable provisions of chapter
 260 717 relating to the disposition of unclaimed property, and the
 261 prepaid toll account shall be closed by the department.

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262 Section 9. Section 339.0809, Florida Statutes, is created
 263 to read:

264 339.0809 Florida Department of Transportation Financing
 265 Corporation.—

266 (1) The Florida Department of Transportation Financing
 267 Corporation is created as a nonprofit corporation for the
 268 purpose of financing or refinancing projects for the department
 269 as provided in subsection (5).

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

272 (3) The corporation shall be governed by a board of
 273 directors consisting of the director of the Office of Policy and
 274 Budget in the Executive Office of the Governor, the director of
 275 the Division of Bond Finance, and the Secretary of
 276 Transportation. The director of the Division of Bond Finance is
 277 the chief executive officer of the corporation and shall direct
 278 and supervise the administrative affairs of the corporation and
 279 shall control, direct, and supervise the operation of the
 280 corporation. The corporation shall have such other officers as
 281 may be determined by the board of directors.

282 (4) The corporation shall have all of the powers of a
 283 corporate body under the laws of this state to the extent that
 284 they are not inconsistent with or restricted by this section,
 285 including, but not limited to, the power to:

286 (a) Adopt, amend, and repeal bylaws not inconsistent with
 287 this section.

288 (b) Sue and be sued.

289 (c) Adopt and use a common seal.

290 (d) Acquire, purchase, hold, lease, and convey such real

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291 and personal property as may be proper or expedient to carry out
 292 the purposes of the corporation and this section and to sell,
 293 lease, or otherwise dispose of such property.

294 (e) Elect or appoint and employ such other officers,
 295 agents, and employees as the corporation deems advisable to
 296 operate and manage the affairs of the corporation, which
 297 officers, agents, and employees may be officers or employees of
 298 the department and the state agencies represented on the board
 299 of directors of the corporation.

300 (f) Borrow money and issue notes, bonds, certificates of
 301 indebtedness, or other obligations or evidences of indebtedness
 302 necessary to finance or refinance projects as provided in
 303 subsection (5).

304 (g) Make and execute any and all contracts, trust
 305 agreements, and other instruments and agreements necessary or
 306 convenient to accomplish the purposes of the corporation and
 307 this section.

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

312 (i) Take any action necessary or convenient to carry out
 313 the purposes of the corporation and this section and the powers
 314 provided in this section.

315 (5) The corporation may enter into one or more service
 316 contracts with the department to provide services to the
 317 department in connection with projects approved in the
 318 department's work program, which approval specifically provides
 319 that the department may enter into a service contract for the

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320 project pursuant to this section. The department may enter into
 321 one or more such service contracts with the corporation and
 322 provide for payments under such contracts, subject to annual
 323 appropriation by the Legislature. The proceeds from such service
 324 contracts may be used for the corporation's administrative costs
 325 and expenses after the payments specified in subsection (6).
 326 Each service contract may have a term of up to 35 years. In
 327 compliance with s. 287.0641 and other applicable law, the
 328 obligations of the department under such service contracts do
 329 not constitute a general obligation of the state or a pledge of
 330 the full faith and credit or taxing power of the state, and such
 331 obligations are not an obligation of the State Board of
 332 Administration or entities for which it invests funds, other
 333 than the department as provided in this section, but are payable
 334 solely from amounts available in the State Transportation Trust
 335 Fund, subject to annual appropriation. In compliance with this
 336 subsection and s. 287.0582, the service contract must expressly
 337 include the following statement: "The State of Florida's
 338 performance and obligation to pay under this contract is
 339 contingent upon an annual appropriation by the Legislature."

340 (6) The corporation may issue and incur notes, bonds,
 341 certificates of indebtedness, or other obligations or evidences
 342 of indebtedness payable from and secured by amounts payable to
 343 the corporation by the department under a service contract
 344 entered into pursuant to subsection (5) for the purpose of
 345 financing or refinancing projects approved as provided in that
 346 subsection. The duration of any such note, bond, certificate of
 347 indebtedness, or other obligation or evidence of indebtedness
 348 may not exceed 30 annual maturities. The corporation may select

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349 its financing team and issue its obligations through competitive
 350 bidding or negotiated contracts, whichever is most cost-
 351 effective. Indebtedness of the corporation does not constitute a
 352 debt or obligation of the state or a pledge of the full faith
 353 and credit or taxing power of the state, but is payable from and
 354 secured by payments made by the department under the service
 355 contract.

356 (7) The fulfillment of the purposes of the corporation
 357 promotes the health, safety, and general welfare of the people
 358 of the state and serves essential governmental functions and a
 359 paramount public purpose.

360 (8) The corporation is exempt from taxation and assessments
 361 on its income, property, and assets or revenues acquired,
 362 received, or used in the furtherance of the purposes provided in
 363 this chapter. The obligations of the corporation incurred
 364 pursuant to subsection (6) and the interest and income on such
 365 obligations and all security agreements, letters of credit,
 366 liquidity facilities, or other obligations or instruments
 367 arising out of, entered into in connection with, or given to
 368 secure payment of such obligations are exempt from taxation;
 369 however, such exemption does not apply to any tax imposed under
 370 chapter 220 on the interest, income, or profits on debt
 371 obligations owned by corporations.

372 (9) The corporation may validate obligations to be incurred
 373 pursuant to subsection (6) and the validity and enforceability
 374 of any service contracts providing for payments pledged to the
 375 payment of such obligations by proceedings under chapter 75. The
 376 validation complaint may be filed only in the Circuit Court of
 377 Leon County. The notice required to be published by s. 75.06

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378 must be published in Leon County, and the complaint and order of
 379 the circuit court may be served only on the State Attorney for
 380 the Second Judicial Circuit. Sections 75.04(2) and 75.06(2) do
 381 not apply to a complaint for validation filed under this
 382 subsection.

383 (10) The corporation is not a special district for the
 384 purposes of chapter 189 or a unit of local government for the
 385 purposes of part III of chapter 218. The provisions of chapters
 386 120 and 215, except the limitation on the interest rates
 387 provided by s. 215.84, which applies to obligations of the
 388 corporation issued pursuant to this section, and part I of
 389 chapter 287, except ss. 287.0582 and 287.0641, do not apply to
 390 this section, the corporation, the service contracts entered
 391 into pursuant to this section, or debt obligations issued by the
 392 corporation as contemplated in this section.

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

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

397 (13) The corporation may contract with the State Board of
 398 Administration to serve as a trustee with respect to debt
 399 obligations issued by the corporation as contemplated by this
 400 section; to hold, administer, and invest proceeds of such debt
 401 obligations and other funds of the corporation; and to perform
 402 other services required by the corporation. The State Board of
 403 Administration may perform such services and may contract with
 404 others to provide all or a part of such services and to recover
 405 its costs and other expenses thereof.

406 (14) The department may enter into a service contract in

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407 conjunction with the issuance of debt obligations as provided in
408 this section which provides for periodic payments for debt
409 service or other amounts payable with respect to debt
410 obligations, plus any administrative expenses of the
411 corporation.

412 Section 10. This act shall take effect July 1, 2016.

2325

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

James C. Boxold

is duly appointed

**Secretary,
Department of Transportation**

for a term beginning on the
Fourth day of May, A.D., 2015,
to serve at the pleasure of the Governor
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Eighteenth day of May, A.D., 2015.*



Ken Detzner

Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

State of Florida appears in small letters across the face of this 8 1/2 x 11" document



RICK SCOTT
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2015 MAY -8 PM 4:16
DIVISION OF ELECTIONS

May 4, 2015

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 20.23, Florida Statutes:

James C. Boxold

as Secretary of the Department of Transportation, subject to confirmation by the Senate. This appointment is effective May 4, 2015, for a term ending at the pleasure of the Governor.

Sincerely,

A handwritten signature in black ink, appearing to be "Rick Scott", written over a large, stylized circular mark.

Rick Scott
Governor

RS/vh

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE

2015 MAY 18 PM 12:13

DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of LEON

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Secretary of the Florida Department of Transportation

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

Sworn to and subscribed before me this 18th day of May, 2015.

[Signature]
Signature of Officer Administering Oath or of Notary Public

 JENNIFER L. PARFITT
MY COMMISSION # FF 005193
EXPIRES: August 4, 2017
Bonded Thru Budget Notary Services

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

Street or Post Office Box

City, State, Zip Code

James C. Boxold

Print name as you desire commission issued

[Signature]
Signature



Questionnaire for Senate Confirmation

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

January 22, 2015

Date Completed

1. Name: Mr. Boxold James Christian
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: _____
Street Office # City

Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: _____
Street City County

Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business Residence Fax # _____
(optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
_____	_____	_____	1998
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

5. Date of Birth: April 23, 1974 Place of Birth: Pahokee, Florida

6. Social Security Number: _____

7. Driver License Number: _____ Issuing State: Florida

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain

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DIVISION OF ELECTIONS
TALLAHASSEE, FL

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9. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization: _____

10. Since what year have you been a continuous resident of Florida? 2001

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Leon B. Current Party Affiliation: Republican

12. Education

A. High School: Palm Beach Lakes High School, West Palm Beach, FL Year Graduated: 1992
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
<u>The George Washington University, Washington, DC</u>	<u>1992 - 1995</u>	<u>B.A., Political Science</u>
_____	_____	_____
_____	_____	_____

13. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

A. Dates of Service: _____

B. Branch or Component: _____

C. Date & type of discharge: _____

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
<u>State of Florida/FDOT</u>	<u>Government</u>	<u>Chief of Staff</u>	<u>2013 to present</u>
<u>State of Florida/DACS</u>	<u>Government</u>	<u>Director of Cabinet Affairs</u>	<u>2003-2013</u>
<u>State of Florida/EOG</u>	<u>Government</u>	<u>Deputy Director, Cabinet Affairs</u>	<u>2001-2002</u>
<u>State of Florida/EOG</u>	<u>Government</u>	<u>Government Analyst</u>	<u>2001</u>

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
<u>See above.</u>	_____	_____
_____	_____	_____
_____	_____	_____

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

Almost twenty years of government policy and management experience, most recently as Chief of Staff at the Florida Department of Transportation, where I was responsible for assisting the Secretary in the supervision and operation of all agency activities, including work program development, planning, project delivery and performance measurement. Prior to that, I advised the Commissioner of Agriculture and the Governor in their capacity as the Florida Cabinet, including the review and approval of transportation financing, state land acquisition and land development/planning issues. Significant experience in federal funding issues from my work for U.S. Representative Porter Goss.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

N/A

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No If "Yes", list:

N/A

D. Identify all association memberships and association offices held by you that relate to this appointment:

N/A

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes No If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
<u>N/A</u>			
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: N/A

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
<u>N/A</u>		

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes No If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____
 B. Date of suspension: _____ D. Result: Reinstated Removed Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No If "Yes", list:

A. Title of Office: _____
 B. Term of Appointment: _____
 C. Confirmation results: _____

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>
Florida Legislature	Florida Department of Transportation
_____	_____
_____	_____

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Ananth Prasad	_____	_____	_____
Terry Rhodes	_____	_____	_____
Kent Perez	_____	_____	_____
_____	_____	_____	_____

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
N/A	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

- Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) s. 119.071(4)(d)(2)

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0150

CERTIFICATION

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2015 MAY 18 PM 12:14
DIVISION OF ELECTIONS
TALLAHASSEE, FL

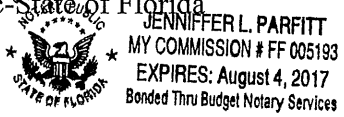
STATE OF FLORIDA
COUNTY OF Leon

Before me, the undersigned Notary Public of Florida, personally appeared James C Boxold, who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

[Signature]
Signature of Applicant-Affiant

Sworn to and subscribed before me this 18th day of May, 2015.

[Signature]
Signature of Notary Public - State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 8/4/17

Personally Known OR Produced Identification

Type of Identification Produced _____

(seal)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____ Bill Number (if applicable) _____

Topic Confirmation Amendment Barcode (if applicable) _____

Name Jim Boxold

Job Title Secretary

Address 605 Suwannee St Phone 850-414-5206
Street

Tallahassee FL 32399 Email _____
City State Zip

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

Representing FL. Department of Transportation

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.

2335

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Kenneth Wright

is duly appointed a member of the

Florida Transportation Commission

for a term beginning on the
Twelfth day of June, A.D., 2015,
until the Thirtieth day of September, A.D., 2018
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the First day of September, A.D., 2015.*



Ken Detzner

Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

State of Florida appears in small letters across the face of this 8 1/2 x 11" document



RICK SCOTT
GOVERNOR

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2015 JUN 17 AM 11:5
DIVISION OF ELECTIONS
TALLAHASSEE, FL

June 15, 2015

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 20.23, Florida Statutes:

Mr. Kenneth Wright
1106 Palmer Avenue
Winter Park, Florida 32789

as a member of the Florida Transportation Commission, subject to confirmation by the Senate. This appointment is effective June 12, 2015, for a term ending September 30, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/cw

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

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2015 SEP -1 AM 10:01

DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Orange

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Commissioner Florida Transportation Commission
(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature

Sworn to and subscribed before me this 31st day of August, 2015.

Signature of Officer Administering Oath or of Notary Public

Debra A. Gilley
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced _____



DEBRA A. GILLEY
MY COMMISSION # EE 128947
EXPIRES: September 23, 2015
Bonded Thru Budget Notary Services

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

3005 ORANGE AVE
Suite 1000

Street or Post Office Box

ORLANDO FL 32801
City, State, Zip Code

Kenneth Wright
Print name as you desire commission issued

Signature

113219

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

August 31, 2015

Date Completed

1. Name: Mr. Wright Kenneth Warren
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 300 South Orange Ave., Suite 1000 Orlando
Street Office # City
Florida 32801 407/423-3200
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 1106 Palmer Avenue Winter Park Orange
Street City County
Florida 32789 407/599-0646
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business Residence Fax # 407/849-7272
(optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
1106 Palmer Avenue	Winter Park	11/04	Present

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From
None		

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2015 SEP + 1 AM 10:00
DIVISION OF ELECTIONS
TAL LAHASSER, FL

5. Date of Birth: 7/29/1948 Place of Birth: Charlotte, North Carolina

6. Social Security Number: _____

7. Driver License Number: _____ Issuing State: Florida

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain

9. Are you a United States citizen? Yes No If "No" explain:

N/A

If you are a naturalized citizen, date of naturalization: N/A

10. Since what year have you been a continuous resident of Florida? 1960

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Orange

B. Current Party Affiliation: Republican

12. Education

A. High School: Colonial High School

(Name and Location)

Year Graduated: 1966

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
Orlando Junior College	9/1966 - 6/1968	A.A.
University of South Florida	1968 - 1970	B.A. Political Science
Cumberland School of Law	1971 - 1974	Juris Doctorate

13. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

A. Dates of Service: N/A

B. Branch or Component: N/A

C. Date & type of discharge: N/A

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
-------------	--------------	---------------	--------------------

N/A

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
Shutts & Bowen LLP 300 S. Orange Avenue Suite 1000 Orlando, FL 32801	Law Firm	Attorney/Partner	1989-Present

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
-----------------	-------------------------	-----------------------------

N/A

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

I served six (6) years as a Commission for the Florida Fish and Wildlife Conservation Commission,
I served eight (8) years on the Orlando Sanford Airport Authority Board of Directors, and I am former
General Counsel to the Orlando-Orange County Expressway Authority.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

N/A

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No If "Yes", list:

N/A

D. Identify all association memberships and association offices held by you that relate to this appointment:

Airports Counsel International - North American (ACI-NA)
Transportation and Expressway Authority Membership of Florida (TEAMFL)

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes No If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
Comm'r FTC		2015-2019	State
Comm'r, FWCC	2007	2007-2013	State
Chair, ECR	1999	1999 - 2007	State
Member, ECFRPC	1988	1988 - 1989	State
Chair, Sanford Airprt. Auth.		1998 - 2003	Local
Member, ERC		1/1991 - 6/1991	State

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: Quarterly

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
<u>I never missed any meetings.</u>		

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes No If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>
<u>N/A</u>		

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

A. Title of office: N/A C. Reason for suspension: N/A

B. Date of suspension: N/A D. Result: Reinstated Removed Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No If "Yes", list:

A. Title of Office: Chairman, Environmental Regulation Comm'n, and Comm'r, Florida Fish & Wildlife Conservation Commission

B. Term of Appointment: Two four (4) year terms

C. Confirmation results: Confirmed

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

N/A

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
<u>0188759</u>	<u>1974</u>	<u>The Florida Bar</u>	<u>Fee Dispute - 1996</u>

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
<u>N/A</u>		

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>
N/A			

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>
N/A	

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
John Miklos			
John Browning			
Larry Dale			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
Leukemia Society	3319 Maguire Blvd, Ste 101, Orlando	Bd Member/President	1992 - 1996
Hubbs - Sea World	7007 SeaWorld Dr., Orlando	Board Member	2008 - Present
TEAMFL	2121 Camden Rd, Ste B, Orlando	Member	2013 - Present
ACI-NA	1615 L St NW, Washington, DC	Member	2008 - Present

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

CERTIFICATION

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2015 SEP -1 AM 10:01

DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA
COUNTY OF ORANGE

Before me, the undersigned Notary Public of Florida, personally appeared
KENNETH W. WRIGHT

who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

Signature of Applicant-Affiant

Sworn to and subscribed before me this 31st day of August, 2015

Debra A. Gilley
Signature of Notary Public-State of Florida

Debra A. Gilley
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: _____

Personally Known OR Produced Identification

Type of Identification Produced _____



DEBRA A. GILLEY
MY COMMISSION # EE 128947
EXPIRES: September 23, 2015
Bonded Thru Budget Notary Services

(seal)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____ Bill Number (if applicable) _____

Topic A.V / PILOTED DRIVING AUDI Amendment Barcode (if applicable) _____

Name THOMAS MÜLLER

Job Title HEAD OF DEVELOPMENT OF PILOTED DRIVING

Address WITTEBÄCKERSTR. 54 Phone +4916093902447
Street
INGOLSTADT BY 95051 Email THOMAS.MUELLER@AUDI.DE
City State GERMANY Zip

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

Representing Audi AG

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.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Criminal Justice, *Chair*
Appropriations Subcommittee on Criminal and
Civil Justice
Communications, Energy, and Public Utilities
Environmental Preservation and Conservation
Military and Veterans Affairs, Space, and
Domestic Security
Transportation

SENATOR GREG EVERS

2nd District

November 17, 2015

Honorable Jeff Brandes, Chair
Transportation Committee
325 Knott Building
Tallahassee, FL 32399

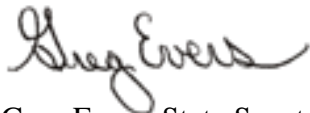
RE: Transportation Committee
Thursday, December 3, 2015

Dear Senator Brandes:

Please excuse my absence from the Transportation Committee meeting on Thursday, December 3, 2015. Due to the personal reasons, I will not be able to be in Tallahassee the week of December 1, 2015.

Your consideration of this request would be deeply appreciated.

Sincerely,



Greg Evers, State Senator
District 2

Cc: Kurt Eichin, Staff Director

REPLY TO:

- 209 East Zaragoza Street, Pensacola, Florida 32502-6048 (850) 595-0213 FAX: (888) 263-0013
- 308 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5002
- 5234 Willing Street, Milton, FL 32570 (850) 564-1026 FAX: (850) 564-1170

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore



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

November 24, 2015

The Honorable Jeff Brandes, Chair
Committee on Transportation
410 Knott Building
404 S. Monroe Street
Tallahassee, FL 39399-1100

Dear Chairman Brandes:

I respectfully request permission to be excused from the Committee on Transportation meeting on Thursday, December 3rd, 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 Elchin, Staff Director
Marilyn Hudson, Committee Administrative Assistant

REPLY TO:

- 205 South Commerce Avenue, Suite A, Sebring, Florida 33870 (863) 386-6016
- 212 East Stuart Avenue, Lake Wales, Florida 33853 (863) 679-4847
- 306 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5021

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

CourtSmart Tag Report

Room: LL 37

Case No.:

Type:

Caption: Senate Transportation Committee

Judge:

Started: 12/3/2015 1:02:16 PM

Ends: 12/3/2015 1:57:02 PM

Length: 00:54:47

1:02:14 PM Meeting called to order by Chair Brandes
1:02:20 PM Roll call by Administrative Assistant, Marilyn Hudson
1:02:26 PM Quorum Present
1:02:32 PM Comments from Chair Brandes
1:02:42 PM Senators Grimsley and Evers are excused
1:03:03 PM Introduction of SB 746 by Chair Elect President Negron
1:03:22 PM Explanation of SB 746 by President Elect Negron
1:04:03 PM Question from Senator Thompson regarding Missing Vessel Search
1:04:24 PM Response from President Elect Negron
1:04:35 PM Follow-up question from Senator Thompson
1:04:42 PM Response from President Elect Negron
1:05:05 PM Missy Timmins, Lobbyist Florida Marine Industries Association waives in support
1:05:17 PM Bonnie Basham, Boat US waives in support
1:05:31 PM President Elect Negron waives in support
1:05:34 PM Roll call on SB 746 by Administrative Assistant, Marilyn Hudson
1:05:47 PM SB 746 reported favorably
1:05:54 PM Introduction of SB 518 by Chair Brandes
1:06:02 PM Explanation of SB 518 by Senator Soto
1:07:34 PM Amendment Barcode 368660 introduced by Chair Brandes
1:07:45 PM Explanation of Amendment Barcode 368660 by Senator Soto
1:08:38 PM Col. Mike Prendergast waives in support of Amendment Barcode 368660
1:08:43 PM Amendment Barcode 368660 adopted
1:08:51 PM Col. Prendergast waives in support of bill as amended
1:09:02 PM Senator Soto waives closure
1:09:18 PM Roll call on CS/SB 518 by Administrative Assistant, Marilyn Hudson
1:09:33 PM CS/SB 518 reported favorably
1:09:50 PM Comments from Chair Brandes regarding presentation on Autonomous Vehicles
1:10:08 PM Senator Simpson votes on the affirmative on SB 746 and CS/SB 518
1:10:28 PM Presentation by Mr. Thomas Mueller, Head of Development of Piloted Driving (Audi) on Autonomous Vehicles
1:32:55 PM Question from Senator Bullard
1:33:57 PM Response from Mr. Mueller
1:36:57 PM Question from Senator Simpson
1:37:47 PM Response from Mr. Mueller
1:39:15 PM Follow-up question from Senator Simpson
1:39:22 PM Response from Mr. Mueller
1:39:32 PM Comments from Chair Brandes regarding the Autonomous conference
1:40:42 PM Continued presentation by Mr. Mueller
1:43:56 PM Thank you from Chair Brandes regarding Audi and the presentation
1:44:23 PM Introduction of SB 718 by Chair Brandes
1:44:37 PM Explanation of SB 718 by Eric Reinerman, Senator Sobel's Legislative Aide
1:45:17 PM Question from Senator Thompson
1:45:22 PM Response from Mr. Reinerman
1:45:38 PM Amendment Barcode 706184 introduced by Chair Brandes
1:45:48 PM Amendment Barcode 706184 explained by Mr. Reinerman
1:45:58 PM Amendment Barcode 706184 adopted
1:46:05 PM Mr. Reinerman waives closure
1:46:08 PM Roll call on CS/SB 781 by Administrative Assistant, Marilyn Hudson
1:46:18 PM CS/SB 718 reported favorably
1:46:26 PM Confirmation of Secretary of Transportation and Florida Transportation Commission introduced by Chair Brandes
1:46:52 PM Secretary James C. Boxold introduced and sworn in by Chair Brandes

1:47:18 PM Comments from Mr. James C. Boxold, Secretary of Transportation
1:48:52 PM Question from Senator Thompson regarding I-4 and Eatonville
1:49:17 PM Response from Secretary Boxold
1:49:48 PM Motion by Senator Simpson to confirm Secretary of Transportation and Florida Transportation Commission
1:50:02 PM Roll call on confirmations by Administrative Assistant, Marilyn Hudson
1:50:10 PM Confirmations on Secretary Boxold and Commissioner Wright confirmed
1:50:23 PM Chair passed to Senator Bullard
1:50:33 PM Introduction of SB 756 by Chair Bullard
1:50:40 PM Explanation of SB 756 by Chair Brandes
1:52:21 PM Comments from Chair Bullard
1:52:27 PM Introduction of Amendment Barcode 312132 by Chair Bullard
1:52:40 PM Explanation of Amendment Barcode 312132 by Chair Brandes
1:53:37 PM Amendment to Amendment Barcode 290044 introduced by Chair Bullard
1:53:51 PM Amendment to Amendment 290044 explained by Chair Brandes
1:54:03 PM Comments from Chair Bullard
1:54:10 PM Chair Brandes waives Closure on Amendment to Amendment 290044
1:54:16 PM Amendment to Amendment Barcode 290044 adopted
1:54:25 PM Amendment Barcode 684936 introduced by Chair Bullard
1:54:32 PM Amendment Barcode 684936 explained by Chair Brandes
1:54:42 PM Comments from Chair Bullard
1:54:46 PM Chair Brandes waives closure on Amendment Barcode 684936
1:54:50 PM Amendment Barcode 684936 adopted
1:54:58 PM Comments from Chair Brandes
1:55:10 PM Candice Ericks, Broward County/Port Everglades waives in support
1:55:19 PM Michael Rubin, Vice President Government Affairs, Florida Ports Council waives in support
1:55:25 PM Chris Lyons, Attorney, Manatee County Port Authority waives in support
1:55:42 PM Chair Brandes waives closure
1:55:46 PM Roll call on CS/SB 756 by Administrative Assistant, Marilyn Hudson
1:55:59 PM CS/SB 756 reported favorably
1:56:07 PM Chair returned to Chair Brandes
1:56:15 PM Comments from Chair Brandes regarding the Autonomous Vehicle in the Courtyard
1:56:47 PM Senator Thompson moves to rise