

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**TRANSPORTATION**  
**Senator Brandes, Chair**  
**Senator Margolis, Vice Chair**

**MEETING DATE:** Thursday, November 7, 2013  
**TIME:** 9:00 —11:00 a.m.  
**PLACE:** *Mallory Horne Committee Room, 37 Senate Office Building*

**MEMBERS:** Senator Brandes, Chair; Senator Margolis, Vice Chair; Senators Clemens, Diaz de la Portilla, Evers, Garcia, Joyner, Lee, Richter, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>CS/SB 140</b> Military and Veterans Affairs, Space, and Domestic Security / Bradley	Driver Licenses; Providing that the spouse of a member of the United States Armed Forces is not required to obtain a Florida driver license because he or she enters his or her children in public school in this state under certain circumstances; providing that a dependent child of a member of the United States Armed Forces is not required to obtain a Florida driver license under certain circumstances; providing that the spouse of a member of the United States Armed Forces is granted an automatic extension for the expiration of a certain class of driver license under certain circumstances, etc.  MS 10/08/2013 Fav/CS TR 11/07/2013 Fav/CS ED AP	Fav/CS Yeas 8 Nays 0
2	<b>SB 218</b> Grimsley (Similar H 259)	Transportation; Providing an exception for payment of certain utility work necessitated by a project on the State Highway System for municipally owned utilities or county-owned utilities located in rural areas of critical economic concern and authorizing the Department of Transportation to pay for such costs under certain circumstances; exempting from permitting certain signs placed by tourist-oriented businesses, certain farm signs placed during harvest seasons, certain acknowledgement signs on publicly funded school premises, and certain displays on specific sports facilities, etc.  TR 11/07/2013 Fav/CS CU CM AP	Fav/CS Yeas 8 Nays 0
3	Presentation by Florida Department of Transportation - Freight Mobility and Trade Plan		Presented

**COMMITTEE MEETING EXPANDED AGENDA**

Transportation

Thursday, November 7, 2013, 9:00 —11:00 a.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 136</b> Ring (Similar H 3)	Freight Logistics Zones; Defining the term "freight logistics zone"; authorizing a county, or two or more contiguous counties, to designate a geographic area or areas within its jurisdiction as a freight logistics zone; requiring the adoption of a strategic plan that must include certain information; providing that certain projects within freight logistics zones may be eligible for priority in state funding and certain incentive programs; providing evaluation criteria for freight logistics zones, etc.  TR 11/07/2013 Fav/CS CA ATD AP	Fav/CS Yeas 8 Nays 0
5	Other Related Meeting Documents		

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## II. Present Situation:

### Driver License Exemptions for Nonresident Military Servicemembers

Florida law requires all persons driving a motor vehicle on a Florida highway to possess a valid driver license issued pursuant to ch. 322, F.S.<sup>1</sup> However, a nonresident who is at least 16 years of age and has a valid driver license from another state is exempt from the requirement to obtain a driver license.<sup>2</sup> Pursuant to this exemption, nonresident servicemembers and their dependents stationed in Florida are not required to obtain a Florida driver license provided they possess a valid driver license issued by another state.<sup>3</sup>

Current law provides that once a nonresident enrolls his or children in a Florida public school or accepts employment in the state, the nonresident becomes subject to the driver license provisions in ch. 322, F.S., and must obtain a Florida driver license within 30 days after the commencement of such employment or education.<sup>4</sup> Under such circumstances, the spouse and dependent children of the nonresident must also obtain a Florida driver license within that 30-day period.

Section 322.031(2), F.S., specifically exempts an active duty servicemember stationed in Florida from obtaining a Florida driver license solely because the servicemember enters his or her children in a Florida public school. To be eligible for the exemption, the servicemember must have a valid military driving permit or a valid driver license issued by another state. This exemption currently does not apply to the spouse or dependent children of a servicemember, only to the individual servicemember.

### Driver License Extensions for Military Personnel and Dependents

Florida driver license holders are required to periodically renew their driver license<sup>5</sup> upon payment of the required renewal fees and successful passage of any required examination.<sup>6</sup> In an effort to process license renewals expeditiously, only examination of the licensee's eyesight and hearing is required.<sup>7</sup> The renewal fee for a Class E driver license is \$48. Those renewing a Class E driver license within 12 months after the expiration date of the license are subject to a \$15 delinquent fee.<sup>8</sup>

Section 322.121(5), F.S., grants military servicemembers serving on active duty outside this state, and their dependents residing with them, an automatic extension without reexamination for a Class E driver license that expires while performing such service. This extension is valid for 90-days after the servicemember is either discharged or returns to the state of Florida to live.

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<sup>1</sup> Section 322.03(1), F.S.

<sup>2</sup> Section 322.04(1)(c), F.S.

<sup>3</sup> Op. Att'y Gen. Fla 78-164 (1978).

<sup>4</sup> Section 322.031(1), F.S.

<sup>5</sup> Pursuant to s. 322.18(4)(a), driver licenses are generally valid for 8 years.

<sup>6</sup> Section 322.18(4)(a), F.S.

<sup>7</sup> Section 322.121(1), F.S.

<sup>8</sup> Section 322.21(1)(c), F.S.

Upon a servicemember's application to the Department of Highway Safety and Motor Vehicles (DHSMV) certifying active duty status outside of Florida, the DHSMV issues a military extension card extending the servicemember's and his or her dependents' driving privileges.<sup>9</sup> The DHSMV currently recognizes a "dependent" as a servicemember's spouse, children and step-children under the age of 21, living in the same household.<sup>10</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 322.031, F.S., to expand the exemption from the requirement to obtain a Florida driver license that is currently afforded to nonresident active-duty U.S. Armed Forces servicemembers, to include the servicemember's, spouse and dependent child, residing with him or her. The bill further clarifies that the spouse, or dependent child of such active duty nonresident servicemember does not have to be in possession of a Florida driver license because he or she enrolled his or her child in public school or has accepted employment or engaged in any trade, profession or occupation in this state.

**Section 2** amends s. 322.121, F.S., to clarify that the spouse of a resident military servicemember is eligible for an automatic extension without reexamination for a Florida driver license that expires while the spouse resides with the servicemember who is stationed outside of Florida.

**Section 3** provides an effective date of July 1, 2014.

### 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.

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<sup>9</sup> DHSMV, *Military Extension Instructions For Military Personnel, Spouse and Dependents Temporarily Assigned Outside of Florida*. Available at : <http://www.flhsmv.gov/MilExtCard.pdf> (last visited 10/05/13)

<sup>10</sup> DHSMV website, *How do I renew my license or ID card?* Available at: <http://www.flhsmv.gov/ddl/renewing.html> (last visited 10/05/13)

**B. Private Sector Impact:**

A spouse of a military servicemember who is a nonresident of Florida will not be required to obtain a Florida driver license for the purpose of enrolling his or her child in a Florida public school. As a result, the spouse will not be subject to the fees associated with obtaining and maintaining a Florida driver license. Additionally, dependent children who qualify for the driver license exemption in the bill will also not be subject to driver license fees.

Current law allows an automatic extension on a resident servicemember's driver license expiration date when stationed outside of the state. The bill now includes the same extension to the servicemember's spouse and dependent that reside with him or her. Therefore, these servicemembers and their spouse and dependents will not be subject to driver license renewal fees until they return to reside in the state.

**C. Government Sector Impact:**

The DHSMV anticipates a minimal reduction in General Revenue as a result of this bill.<sup>11</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. 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 November 7, 2013:**

The committee substitute provides further clarification that an active servicemember's spouse or dependent residing with such servicemember does not need to obtain or display a Florida driver license because he or she enrolls his or her child in public school or he or she accepts employment or engages in a profession or occupation in the state providing he or she possess a valid military identification card and either a valid driver license or learner's permit issued by another state, or a valid military driving permit.

**CS by Military and Veterans Affairs, Space, and Domestic Security on October 8, 2013:**

The committee substitute provides that the dependent child of a servicemember is also not required to obtain a Florida driver license if the servicemember or the spouse is not required to obtain a license under s. 322.031(2), F.S., provided that the dependent child has a valid driver license issued by another state and he or she does not accept employment in Florida.

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<sup>11</sup> DHSMV Agency Legislative Bill Analysis for SB 140. October 2, 2013.

B. Amendments:

None.

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

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606766

LEGISLATIVE ACTION

Senate

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House

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The Committee on Transportation (Joyner) recommended the following:

**Senate Amendment**

Delete lines 35 - 48

and insert:

(2) A member of the United States Armed Forces on active duty in this state, his or her spouse, or a dependent residing with him or her, is shall not be required to obtain or display a Florida driver driver's license under this section, if he or she is in possession of a valid military identification card and either a valid driver license or learner's permit issued by



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11 another state, or a valid military driving permit. Such persons  
12 are not required to obtain or display a Florida driver license  
13 ~~solely~~ because he or she enters his or her children to be  
14 educated in the public schools of this state or accepts  
15 employment or engages in any trade, profession, or occupation in  
16 this state ~~if he or she has a valid military driving permit or a~~  
17 ~~valid driver's license license issued by another state.~~  
18



By the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senator Bradley

583-00465-14

2014140c1

1 A bill to be entitled  
 2 An act relating to driver licenses; amending s.  
 3 322.031, F.S.; providing that the spouse of a member  
 4 of the United States Armed Forces is not required to  
 5 obtain a Florida driver license because he or she  
 6 enters his or her children in public school in this  
 7 state under certain circumstances; providing that a  
 8 dependent child of a member of the United States Armed  
 9 Forces is not required to obtain a Florida driver  
 10 license under certain circumstances; updating  
 11 terminology; amending s. 322.121, F.S.; providing that  
 12 the spouse of a member of the United States Armed  
 13 Forces is granted an automatic extension for the  
 14 expiration of a certain class of driver license under  
 15 certain circumstances; providing an effective date.  
 16  
 17 Be It Enacted by the Legislature of the State of Florida:  
 18  
 19 Section 1. Section 322.031, Florida Statutes, is amended to  
 20 read:  
 21 322.031 Nonresident; when license required.—  
 22 (1) In each ~~every~~ case in which a nonresident, except a  
 23 nonresident migrant or seasonal farm worker as defined in s.  
 24 316.003(61), accepts employment or engages in any trade,  
 25 profession, or occupation in this state or enters his or her  
 26 children to be educated in the public schools of this state,  
 27 such nonresident shall, within 30 days after the commencement of  
 28 such employment or education, be required to obtain a Florida  
 29 driver ~~driver's~~ license if such nonresident operates a motor

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

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30 vehicle on the highways of this state. The spouse or dependent  
 31 child of such nonresident shall also be required to obtain a  
 32 Florida driver ~~driver's~~ license within that 30-day period before  
 33 ~~prior to~~ operating a motor vehicle on the highways of this  
 34 state.  
 35 (2) A member of the United States Armed Forces on active  
 36 duty in this state or his or her spouse is ~~shall not be~~ required  
 37 to obtain a Florida driver ~~driver's~~ license under this section  
 38 solely because he or she enters his or her children to be  
 39 educated in the public schools of this state if he or she has a  
 40 valid military driving permit or a valid driver ~~driver's~~ license  
 41 issued by another state. If a member of the United States Armed  
 42 Forces on active duty in this state or his or her spouse is not  
 43 required to obtain a Florida driver license under this  
 44 subsection, his or her dependent child is not required to obtain  
 45 a Florida driver license if the dependent child has a valid  
 46 driver license issued by another state, unless the dependent  
 47 child accepts employment or engages in any trade, profession, or  
 48 occupation in this state.  
 49 (3) A nonresident who is domiciled in another state and who  
 50 commutes into this state in order to work is ~~shall not be~~  
 51 required to obtain a Florida driver ~~driver's~~ license under this  
 52 section solely because he or she has accepted employment or  
 53 engages in any trade, profession, or occupation in this state if  
 54 he or she has a valid driver ~~driver's~~ license issued by another  
 55 state. Further, a ~~any~~ person who is enrolled as a student in a  
 56 college or university and who is a nonresident but is in this  
 57 state for a period of up to 6 months engaged in a work-study  
 58 program for which academic credits are earned from a college

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

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59 whose credits or degrees are accepted for credit by at least  
60 three accredited institutions of higher learning, as defined in  
61 s. 1005.02, ~~is shall~~ not be required to obtain a Florida driver  
62 ~~driver's~~ license for the duration of the work-study program if  
63 such person has a valid driver ~~driver's~~ license issued by  
64 another state. ~~A Any~~ nonresident who is enrolled as a full-time  
65 student in any such institution of higher learning is also  
66 exempt from the requirement of obtaining a Florida driver  
67 ~~driver's~~ license for the duration of such enrollment.

68 (4) A nonresident who is at least 21 years of age and who  
69 has in his or her immediate possession a valid commercial driver  
70 ~~driver's~~ license issued in substantial compliance with the  
71 Commercial Motor Vehicle Safety Act of 1986 may operate a motor  
72 vehicle of the type permitted by his or her license to be  
73 operated in this state.

74 Section 2. Subsection (5) of section 322.121, Florida  
75 Statutes, is amended to read:

76 322.121 Periodic reexamination of all drivers.—

77 (5) ~~A member~~ Members of the United States Armed Forces, his  
78 or her spouse, or a dependent ~~their dependents~~ residing with him  
79 or her ~~them~~, shall be granted an automatic extension for the  
80 expiration of his or her ~~their~~ Class E license ~~licenses~~ without  
81 reexamination while the member of the United States Armed Forces  
82 is serving on active duty outside this state. This extension is  
83 valid for 90 days after the member of the United States Armed  
84 Forces is either discharged or returns to this state to live.

85 Section 3. This act shall take effect July 1, 2014.



**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 218

INTRODUCER: Senator Grimsley

SUBJECT: Transportation

DATE: November 7, 2013      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	<b>Fav/CS</b>
2.			CU	
3.			CM	
4.			AP	
5.				
6.				

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

CS/SB 218 revises provisions relating to certain transportation-related utility relocation expenses, outdoor advertising permit exemptions, and the tourist-oriented directional sign program. The bill:

- provides an additional exception for payment to relocate certain municipally- or county-owned utilities located in road and rail corridors under specified conditions;
- eliminates unnecessary rulemaking authority relating to lighting restrictions for certain outdoor advertising signs;
- exempts from permitting certain signs placed by tourist-oriented businesses, farm signs placed during harvest seasons, acknowledgement signs on publicly funded school premises; and displays on specific sports facilities;
- provides that certain exemptions from sign permitting may not be implemented if such exemptions will adversely impact the allocation of federal funds to the Florida Department of Transportation (FDOT);
- directs the FDOT to notify a sign owner that a sign must be removed if federal funds are adversely impacted;

- authorizes the FDOT to remove a sign and assess costs to the sign owner under certain circumstances; and
- clarifies provisions relating to the tourist-oriented directional sign program.

This bill amends the following sections of the Florida Statutes: 337.403, 479.16, and 479.262.

## II. Present Situation:

### Utility Relocation Expenses

Section 337.401, F.S., addresses the use of road and rail corridor right-of-way by utilities,<sup>1</sup> authorizing the FDOT and local government entities<sup>2</sup> to prescribe and enforce reasonable rules or regulations relating to the placing and maintaining of any utilities lines along, across, or on any road or publicly-owned rail corridors under their respective jurisdictions.

Section 337.403, F.S., requires utility owners to remove or relocate utilities at their own expense when the utility interferes with the safe continuous use, maintenance, improvement, extension or expansion of the road or rail corridor. The utility, upon 30 days written notice, is required to remove or relocate the utility at its own expense subject to the several exceptions.

The exceptions are as follows:

- When the project is on the federal aid interstate system and federal funding is identified for at least 90 percent of the cost, the FDOT pays for the removal or relocation with federal funds.
- When utility work is performed as part of a transportation facility construction contract, the FDOT may participate in those costs in an amount limited to the difference between the official estimate of all the work in the agreement plus 10 percent and the amount awarded for the utility work in the construction contract.
- When utility work is performed in advance of a construction contract, the FDOT may participate in the cost of clearing and grubbing (removing stumps and roots) necessary for the relocation.
- If the utility being removed or relocated was initially installed to exclusively serve an authority (the FDOT or local governmental entities) or its tenants, or both, the authority bears the cost of the utility work but is not responsible for the cost of removal or relocation of any subsequent additions to the facility for the purpose of serving others.
- If, in an agreement between a utility and an authority entered into after July 1, 2009, the utility conveys, subordinates, or relinquishes a compensable property right to the authority for the purpose of accommodating the acquisition or use of the right-of-way by the authority without the agreement expressly addressing future responsibility for cost of removal or relocation of the utility, the authority bears the cost of such removal or relocation, but nothing impairs or restricts, or may be used to interpret, the terms of any agreement entered into prior to July 1, 2009.

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<sup>1</sup> “Utility” means any electric transmission, telephone, telegraph, or other communications services lines; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps; or other structure. See s. 337.401(1)(a), F.S.

<sup>2</sup> Referred to in ss. 337.401-337.404, F.S., as the “authority.”

- If the utility is an electric facility being relocated underground to enhance vehicular, bicycle, and pedestrian safety, and if ownership of the electric facility to be placed underground has been transferred from a private to a public utility within the past five years, the FDOT bears the cost of the necessary utility work.
- An authority may bear the costs of utility work when the utility is not able to establish a compensable property right in the property where the utility is located if:
  - the utility was physically located on the particular property before the authority acquired rights in the property;
  - the utility demonstrates that it has a compensable property right in all adjacent properties along the alignment of the utility; and
  - the information available to the authority does not establish the relative priorities of the authority's and the utility's interest in the property.

The FDOT advises that under its procedure 710-030-005, *Utility Work for Local Government Utilities*,<sup>3</sup> when a governmental entity cannot afford utility work necessitated by an FDOT project as determined by the FDOT's comptroller, the FDOT will pay for the work. In such cases, the governmental entity signs a promissory note to reimburse the FDOT, thereby allowing the FDOT project to proceed, potentially avoiding contractor delay claims. If the governmental entity does not reimburse the FDOT within ten years, the FDOT advises steps can be taken to write off the loss, as opposed to continuing collection efforts.

The FDOT advises it currently "has approximately \$12 million in promissory notes for utility relocations that under the legislation would be eligible for waivers."<sup>4</sup>

### **Control of Outdoor Advertising**

Since the passage of the Highway Beautification Act (HBA) in 1965, the Federal Highway Administration (FHWA) has established controls for outdoor advertising along Federal-aid Primary, Interstate, and National Highway System roads. The HBA allows the location of billboards in commercial or industrial areas, mandates a state compliance program, requires the development of state standards, promotes the expeditious removal of illegal signs, and requires just compensation for takings.

The primary features of the Highway Beautification Act include:

- Billboards are allowed, by statute, in commercial and industrial areas consistent with size, lighting, and spacing provisions as agreed to by the state and federal governments. Billboard controls apply to all Interstates, Federal-Aid Primaries, and other highways that are part of the national Highway System.
- States have the discretion to remove legal nonconforming signs<sup>5</sup> along highways. However, the payment of just compensation is required for the removal of any lawfully erected billboard along the specified roads.
- States and localities may enact stricter laws than stipulated in the HBA.

<sup>3</sup> <http://www2.dot.state.fl.us/proceduraldocuments/procedures/proceduresbynumber.asp?index=7> (Last visited 10/23/13.)

<sup>4</sup> FDOT bill analysis, on file with the Senate Transportation Committee.

<sup>5</sup> A legal "nonconforming sign" is a sign that was legally erected according to the applicable laws and regulations of the time, but which does not meet current laws or regulations. (s. 479.01(17), F.S.)

The HBA mandates state compliance and the development of standards for certain signs as well as the removal of nonconforming signs. While the states are not directly forced to control signs, failure to impose the required controls can result in a substantial penalty. The penalty for noncompliance with the HBA is a 10 percent reduction of the state's annual federal-aid highway apportionment.<sup>6</sup>

Under the provisions of a 1972 agreement between the State of Florida and the U.S. Department of Transportation (USDOT)<sup>7</sup> incorporating the HBA's required controls, the FDOT requires commercial signs to meet certain requirements to obtain sign permits when they are within 660 feet of Interstate and Federal-Aid Primary highways in urban areas, or visible at any distance from the same roadways when outside of urban areas. The agreement embodies the federally-required "effective control of the erection and maintenance of outdoor advertising signs, displays, and devices." Absent this effective control, the non-compliance penalty of 10 percent of federal highway funds may be imposed.

Florida's outdoor advertising laws are found in ch. 479, F.S., and are based on federal law and regulations and the 1972 agreement.

#### *On-Premise Signs/Lighting Restrictions/Rulemaking Authority*

Section 479.16(1), F.S., currently allows, without the need for a permit, signs erected on the premises of an establishment that consist primarily of the name of the establishment or identify the principal or accessory merchandise, services, activities, or entertainment sold, produced, manufactured, or furnished on the premises of the establishment, provided the signs comply with the lighting restrictions "under department rule adopted pursuant to s. 479.11(5), F.S."

Section 479.11(5), F.S., prohibits on-premise signs that display "intermittent lights not embodied in the sign, or any rotating or flashing light within 100 feet of the outside boundary of the right-of-way of any highway on the State Highway System, interstate highway system, or federal-aid primary highway system or which is illuminated in such a manner so as to cause glare or to impair the vision of motorists or otherwise distract motorists so as to interfere with the motorists' ability to safely operate their vehicles."

The FDOT currently has no adopted rule that addresses lighting restrictions for on-premise signs and relies on the quoted statute. The rulemaking authority is therefore unnecessary.

#### *Other Permit Exemptions*

Section 479.16, F.S., currently identifies a number of other signs for which permits are not required, including without limitation:

- Signs on property stating only the name of the owner, lessee, or occupant of the premises and not exceeding 8 square feet in area);

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<sup>6</sup> 23 U.S.C. § 131(b)

<sup>7</sup> Copy on file in the Senate Transportation Committee.

- Signs that are not in excess of 8 square feet that are owned by and relate to the facilities or activities of churches, civic organizations, fraternal organizations, charitable organizations, or units or agencies of government;
- Signs placed on benches, transit shelters, and waste receptacles; and
- Signs not in excess of 16 square feet placed at a road junction with the State Highway System denoting only the distance or direction of a residence or farm operation, or, in a rural area where a hardship is created because a small business is not visible from the road junction, one sign not in excess of 16 square feet, denoting only the name of, and the distance and direction to, the business.

The latter provision does not apply to charter counties and may not be implemented if the federal government notifies the FDOT that implementation will adversely affect the allocation of federal funds to the FDOT.

*Tourist-Oriented Directional Sign Program*

Section 479.262, F.S., establishes a tourist-oriented directional (TOD) sign program for intersections on rural and conventional state, county, or municipal roads. The program is intended to provide directions to rural tourist-oriented businesses, services, and activities in rural counties identified by criteria and population in s. 288.0656, F.S., when approved and permitted by county or local government entities.

The latter section of law defines a “rural area of critical economic concern” as a rural community, or a region composed of rural communities, designated by the Governor, that has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster or that presents a unique economic development opportunity of regional impact. “Rural community” is defined to mean a county with a population of 75,000 or fewer, and a county with a population of 125,000 or fewer that is contiguous to a county with a population of 75,000 or fewer.

A county or local government that issues permits for a TOD sign program<sup>8</sup> is responsible for sign construction, maintenance, and program operation for roads on the State Highway System and may establish permit fees sufficient to offset associated costs.<sup>9</sup> TOD signs installed on the State Highway System must comply with the requirements of the Manual on Uniform Traffic Control Devices<sup>10</sup> (MUTCD) and rules established by the FDOT.

TOD signs may be installed on the State Highway System only after being permitted by the FDOT, and placement of TOD signs is limited to rural conventional roads, as required in the MUTCD. TOD signs may not be placed within the right-of-way of limited access facilities; within the right-of-way of a limited access facility interchange, regardless of jurisdiction or local road classification; on conventional roads in urban areas; or at interchanges on freeways or expressways.<sup>11</sup>

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<sup>8</sup> Prior to requesting a permit to install a TOD sign on the State Highway System, a local government must first have established by ordinance the criteria provided in part VI of chapter 14-51, Florida Administrative Code.

<sup>9</sup> s. 479.262(2), F.S.

<sup>10</sup> Adopted by the FDOT pursuant to s. 316.0745, F.S.

<sup>11</sup> See rule 14-51.063, Florida Administrative Code, and s. 2K.01 of Chapter 2K of the MUTCD (2009).

### III. Effect of Proposed Changes:

**Section 1** amends s. 337.403, F.S., to provide that if a municipally- or county-owned utility is located in a rural area of critical economic concern as defined in s. 288.0656(2), F.S., and if the FDOT determines that the utility is unable, and will not be able within the next 10 years, to pay for the cost of utility work necessitated by an FDOT project on the State Highway System, the FDOT may pay the cost of the work performed by the FDOT or its contractors.

**Section 2** amends s. 479.16, F.S., relating to signs for which permits are not required, to:

- relocate language to provide clarity, eliminate unnecessary rulemaking authority, make “plain language” revisions, and render the small business sign authorization applicable to charter counties;
- authorize local tourist-oriented business signs, without a permit, within rural areas of critical economic concern, provided such signs are:
  - not more than eight square feet in size and not more than four feet tall;
  - located only in rural areas on a facility that does not meet the definition of a limited access facility ;
  - located within two miles of the business location and at least 500 feet apart;
  - located only in two directions leading to the business;
  - not located within the right-of-way; and
  - provided the business is at least four miles from any other business using the exemption and the business does not participate in any other directional sign program;
- authorize temporary harvest season signs, without a permit, provided such signs measure up to 32 square feet denoting only the distance or direction of a farm operation and are erected at a road junction with the State Highway System, but only during the harvest season, not to exceed four months;
- authorize, without a permit, “acknowledgement signs,” intended to inform the traveling public that a public school club, team, or event has been sponsored by a person, firm, or other entity, erected upon publicly funded school premises and relating to a specific public school club, team, or event, provided such signs:
  - are placed at least 1,000 feet from any other acknowledgement sign on the same side of the roadway and
  - limit sponsor information to no more than 100 square feet of the sign;
- authorize, without a permit, displays erected upon a sports facility,<sup>12</sup> the content of which is directly related to the facility’s activities or where products or services offered on the sports facility property are present, provided such displays are mounted flush to the surface of the sports facility and rely on the building facade for structural support;

---

<sup>12</sup> Defined to mean an athletic complex, athletic arena, or athletic stadium, including physically connected parking facilities, which is open to the public and has a permanent installed seating capacity of 15,000 people or more.

- prohibit implementation or continuation of the provisions allowing “hardship” signs, local tourist-oriented business signs, farm harvest signs, public school premise acknowledgement signs, and sports facility displays without a permit if the federal government notifies the FDOT that implementation or continuation will adversely affect the allocation of federal funds to the FDOT; and
- require the FDOT to provide notice to a sign owner that the sign must be removed in such case, require the FDOT to remove the sign if the owner does not, and require the FDOT to assess against and collect from the owner the costs incurred with the sign removal.

**Section 3** amends s. 479.262, F.S., to continue authorizing the TOD sign program at intersections on rural and conventional state, county, or municipal roads, but removing the restriction for participation in the program to such roads in rural counties identified by criteria and population in s. 288.0656, F.S.; and to expressly state, consistent with rule 14-51.063, Florida Administrative Code, and the MUTCD, that a TOD sign may not be used on roads in urban areas or at interchanges on freeways or expressways.

**Section 4** provides the bill takes effect on July 1, 2014.

#### **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:**

In the event the FDOT bears the cost of utility work for municipally- or county-owned utility removal or relocation and such action avoids delay of a project on the State Highway System, a positive but indeterminate fiscal impact to businesses and private individuals may be realized.

The addition of signs for which outdoor advertising permits are not required provides greater opportunity for advertisement of local tourist-oriented businesses; farm products;

public school club, team, or event sponsors; and products and services directly related to a sports facility's activities or offered on the sports facility's property.

Revision of the TOD sign program to eliminate restriction of the program to signs at intersections in rural areas of critical economic concern provides greater opportunity for business participation in the program. Participants will be subject to permit fees established by local governments.

**C. Government Sector Impact:**

The FDOT may incur additional expenses for utility work in unknown amounts, which could be offset in unknown amounts by avoidance of project delay claims.

The bill provides language that allows for the removal of signs erected under the additional sign permit exemptions in the event that the Federal government notifies the FDOT of an adverse impact on the allocation of federal funds, thereby avoiding a potential annual penalty of 10% of Federal highway funds.

Local governments operating a TOD sign program may experience a positive but indeterminate fiscal impact from issuing potentially higher numbers of TOD sign permits.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. 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 November 7, 2013:**

The CS reflects a technical revision to the language relating to signs placed by local tourist-oriented businesses to rely on an existing definition of "limited access facility," thereby avoiding the need for the FDOT to incur expenses associated with adopting by rule a definition of "non-limited access facility."

**B. Amendments:**

None.



158854

LEGISLATIVE ACTION

Senate

.  
. .  
. .  
. .  
. .

House

---

The Committee on Transportation (Evers) recommended the following:

**Senate Amendment**

Delete lines 223 - 224

and insert:

(b) Located only in rural areas on a facility that does not meet the definition of a limited access facility, as defined by department rule.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

4/23/2013

Meeting Date

Topic \_\_\_\_\_

Bill Number 2183  
*(if applicable)*

Name BRIAN PITTS

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

*Street*

SAINT PETERSBURG FLORIDA 33705

E-mail JUSTICE2JESUS@YAHOO.COM

*City*

*State*

*Zip*

Speaking:  For  Against  Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

11/7/13  
Meeting Date

Topic Transportation

Bill Number SB 218  
*(if applicable)*

Name RYAN PADGETT

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Asst. Gen. Counsel

Address PO Box 1757  
*Street*

Phone (850) 222-3619

Tallahassee FL 32302  
*City State Zip*

E-mail rpadgett@flcities.com

Speaking:  For  Against  Information

Representing Fla. League of Cities

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

By Senator Grimsley

21-00287A-14

2014218\_\_

1 A bill to be entitled  
 2 An act relating to transportation; amending s.  
 3 337.403, F.S.; providing an exception for payment of  
 4 certain utility work necessitated by a project on the  
 5 State Highway System for municipally owned utilities  
 6 or county-owned utilities located in rural areas of  
 7 critical economic concern and authorizing the  
 8 Department of Transportation to pay for such costs  
 9 under certain circumstances; amending s. 479.16, F.S.;  
 10 exempting certain signs from the provisions of ch.  
 11 479, F.S.; exempting from permitting certain signs  
 12 placed by tourist-oriented businesses, certain farm  
 13 signs placed during harvest seasons, certain  
 14 acknowledgement signs on publicly funded school  
 15 premises, and certain displays on specific sports  
 16 facilities; providing that certain provisions relating  
 17 to the regulation of signs may not be implemented or  
 18 continued if such actions will adversely impact the  
 19 allocation of federal funds to the Department of  
 20 Transportation; directing the department to notify a  
 21 sign owner that the sign must be removed if federal  
 22 funds are adversely impacted; authorizing the  
 23 department to remove the sign and assess costs to the  
 24 sign owner under certain circumstances; amending s.  
 25 479.262, F.S.; clarifying provisions relating to the  
 26 tourist-oriented directional sign program; limiting  
 27 the placement of such signs to intersections on  
 28 certain rural roads; prohibiting such signs in urban  
 29 areas or at interchanges on freeways or expressways;

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21-00287A-14

2014218\_\_

30 providing an effective date.  
 31  
 32 Be It Enacted by the Legislature of the State of Florida:  
 33  
 34 Section 1. Subsection (1) of section 337.403, Florida  
 35 Statutes, is amended to read:  
 36 337.403 Interference caused by relocation of utility;  
 37 expenses.—  
 38 (1) If a utility that is placed upon, under, over, or along  
 39 any public road or publicly owned rail corridor is found by the  
 40 authority to be unreasonably interfering in any way with the  
 41 convenient, safe, or continuous use, or the maintenance,  
 42 improvement, extension, or expansion, of such public road or  
 43 publicly owned rail corridor, the utility owner shall, upon 30  
 44 days' written notice to the utility or its agent by the  
 45 authority, initiate the work necessary to alleviate the  
 46 interference at its own expense except as provided in paragraphs  
 47 (a)-(h) ~~(a)-(g)~~. The work must be completed within such  
 48 reasonable time as stated in the notice or such time as agreed  
 49 to by the authority and the utility owner.  
 50 (a) If the relocation of utility facilities, as referred to  
 51 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.  
 52 84-627 ~~627~~ of the ~~84th~~ Congress, is necessitated by the  
 53 construction of a project on the federal-aid interstate system,  
 54 including extensions thereof within urban areas, and the cost of  
 55 the project is eligible and approved for reimbursement by the  
 56 Federal Government to the extent of 90 percent or more under the  
 57 Federal Aid Highway Act, or any amendment thereof, then in that  
 58 event the utility owning or operating such facilities shall

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59 perform any necessary work upon notice from the department, and  
60 the state shall pay the entire expense properly attributable to  
61 such work after deducting therefrom any increase in the value of  
62 a new facility and any salvage value derived from an old  
63 facility.

64 (b) When a joint agreement between the department and the  
65 utility is executed for utility work to be accomplished as part  
66 of a contract for construction of a transportation facility, the  
67 department may participate in those utility work costs that  
68 exceed the department's official estimate of the cost of the  
69 work by more than 10 percent. The amount of such participation  
70 is shall be limited to the difference between the official  
71 estimate of all the work in the joint agreement plus 10 percent  
72 and the amount awarded for this work in the construction  
73 contract for such work. The department may not participate in  
74 any utility work costs that occur as a result of changes or  
75 additions during the course of the contract.

76 (c) When an agreement between the department and utility is  
77 executed for utility work to be accomplished in advance of a  
78 contract for construction of a transportation facility, the  
79 department may participate in the cost of clearing and grubbing  
80 necessary to perform such work.

81 (d) If the utility facility was initially installed to  
82 exclusively serve the authority or its tenants, or both, the  
83 authority shall bear the costs of the utility work. However, the  
84 authority is not responsible for the cost of utility work  
85 related to any subsequent additions to that facility for the  
86 purpose of serving others.

87 (e) If, under an agreement between a utility and the

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88 authority entered into after July 1, 2009, the utility conveys,  
89 subordinates, or relinquishes a compensable property right to  
90 the authority for the purpose of accommodating the acquisition  
91 or use of the right-of-way by the authority, without the  
92 agreement expressly addressing future responsibility for the  
93 cost of necessary utility work, the authority shall bear the  
94 cost of removal or relocation. This paragraph does not impair or  
95 restrict, and may not be used to interpret, the terms of any  
96 such agreement entered into before July 1, 2009.

97 (f) If the utility is an electric facility being relocated  
98 underground in order to enhance vehicular, bicycle, and  
99 pedestrian safety and in which ownership of the electric  
100 facility to be placed underground has been transferred from a  
101 private to a public utility within the past 5 years, the  
102 department shall incur all costs of the necessary utility work.

103 (g) An authority may bear the costs of utility work  
104 required to eliminate an unreasonable interference when the  
105 utility is not able to establish that it has a compensable  
106 property right in the particular property where the utility is  
107 located if:

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

110 2. The utility demonstrates that it has a compensable  
111 property right in all adjacent properties along the alignment of  
112 the utility; and

113 3. The information available to the authority does not  
114 establish the relative priorities of the authority's and the  
115 utility's interests in the particular property.

116 (h) If a municipally owned utility or county-owned utility

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117 is located in a rural area of critical economic concern, as  
 118 defined in s. 288.0656(2), and the department determines that  
 119 the utility is unable, and will not be able within the next 10  
 120 years, to pay for the cost of utility work necessitated by a  
 121 department project on the State Highway System, the department  
 122 may pay, in whole or in part, the cost of such utility work  
 123 performed by the department or its contractor.

124 Section 2. Section 479.16, Florida Statutes, is amended to  
 125 read:

126 479.16 Signs for which permits are not required.—Signs  
 127 placed on benches, transit shelters, modular news racks, street  
 128 light poles, public pay telephones, and waste receptacles within  
 129 the right-of-way, as provided under s. 337.408, are exempt from  
 130 this chapter. The following signs are exempt from the  
 131 requirement that a permit ~~for a sign~~ be obtained under the  
 132 ~~provisions of this chapter but must are required to~~ comply with  
 133 ~~the provisions of s. 479.11(4)-(8):~~

134 (1) Signs erected on the premises of an establishment,  
 135 which ~~signs~~ consist primarily of the name of the establishment  
 136 or ~~which~~ identify the principal or accessory merchandise,  
 137 services, activities, or entertainment sold, produced,  
 138 manufactured, or furnished on the premises of the establishment  
 139 and which comply with the lighting restrictions imposed under  
 140 ~~department rule adopted pursuant to s. 479.11(5), or signs owned~~  
 141 by a municipality or a county located on the premises of such  
 142 municipality or ~~such~~ county which display information regarding  
 143 government services, activities, events, or entertainment. For  
 144 purposes of this section, the following types of messages shall  
 145 not be considered information regarding government services,

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146 activities, events, or entertainment:

147 (a) Messages that ~~which~~ specifically reference any  
 148 commercial enterprise.

149 (b) Messages that ~~which~~ reference a commercial sponsor of  
 150 any event.

151 (c) Personal messages.

152 (d) Political campaign messages.

153

154 If a sign located on the premises of an establishment consists  
 155 principally of brand name or trade name advertising and the  
 156 merchandise or service is only incidental to the principal  
 157 activity, or if the owner of the establishment receives rental  
 158 income from the sign, ~~then~~ the sign is not exempt under this  
 159 subsection.

160 (2) Signs erected, used, or maintained on a farm by the  
 161 owner or lessee of such farm and relating solely to farm  
 162 produce, merchandise, service, or entertainment sold, produced,  
 163 manufactured, or furnished on such farm.

164 (3) Signs posted or displayed on real property by the owner  
 165 or by the authority of the owner, stating that the real property  
 166 is for sale or rent. However, if the sign contains any message  
 167 not pertaining to the sale or rental of the ~~that~~ real property,  
 168 ~~then~~ it is not exempt under this section.

169 (4) Official notices or advertisements posted or displayed  
 170 on private property by or under the direction of any public or  
 171 court officer in the performance of her or his official or  
 172 directed duties, or by trustees under deeds of trust or deeds of  
 173 assignment or other similar instruments.

174 (5) Danger or precautionary signs relating to the premises

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175 on which they are located; forest fire warning signs erected  
 176 under the authority of the Florida Forest Service of the  
 177 Department of Agriculture and Consumer Services; and signs,  
 178 notices, or symbols erected by the United States Government  
 179 under the direction of the United States Forestry Service.

180 (6) Notices of any railroad, bridge, ferry, or other  
 181 transportation or transmission company necessary for the  
 182 direction or safety of the public.

183 (7) Signs, notices, or symbols for the information of  
 184 aviators as to location, directions, and landings and conditions  
 185 affecting safety in aviation erected or authorized by the  
 186 department.

187 (8) Signs or notices measuring up to 8 square feet in area  
 188 which are erected or maintained upon property and state stating  
 189 only the name of the owner, lessee, or occupant of the premises  
 190 and not exceeding 8 square feet in area.

191 (9) Historical markers erected by ~~duly constituted and~~  
 192 authorized public authorities.

193 (10) Official traffic control signs and markers erected,  
 194 caused to be erected, or approved by the department.

195 (11) Signs erected upon property warning the public against  
 196 hunting and fishing or trespassing ~~thereon.~~

197 (12) Signs ~~not in excess of up to~~ up to 8 square feet which that  
 198 are owned by and relate to the facilities and activities of  
 199 churches, civic organizations, fraternal organizations,  
 200 charitable organizations, or units or agencies of government.

201 ~~(13) Except that signs placed on benches, transit shelters,~~  
 202 ~~and waste receptacles as provided for in s. 337.408 are exempt~~  
 203 ~~from all provisions of this chapter.~~

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204 (13)~~(14)~~ Signs relating exclusively to political campaigns.

205 (14)~~(15)~~ Signs measuring up to not in excess of 16 square  
 206 feet placed at a road junction with the State Highway System  
 207 denoting only the distance or direction of a residence or farm  
 208 operation, or, outside an incorporated in a rural area where a  
 209 hardship is created because a small business is not visible from  
 210 the road junction with the State Highway System, one sign  
 211 measuring up to not in excess of 16 square feet, denoting only  
 212 the name of the business and the distance and direction to the  
 213 business. ~~The small-business-sign provision of this subsection~~  
 214 ~~does not apply to charter counties and may not be implemented if~~  
 215 ~~the Federal Government notifies the department that~~  
 216 ~~implementation will adversely affect the allocation of federal~~  
 217 ~~funds to the department.~~

218 (15) Signs placed by a local tourist-oriented business  
 219 located within a rural area of critical economic concern as  
 220 defined under s. 288.0656(2) which are:

221 (a) Not more than 8 square feet in size or more than 4 feet  
 222 in height;

223 (b) Located only in rural areas, along non-limited access  
 224 facilities, as defined by department rule;

225 (c) Located within 2 miles of the business location and at  
 226 least 500 feet apart;

227 (d) Located only in two directions leading to the business;  
 228 and

229 (e) Not located within the road right-of-way.

230  
 231 A business placing such signs must be at least 4 miles from any  
 232 other business using this exemption and may not participate in

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233 any other directional signage program by the department.  
 234 (16) Signs measuring up to 32 square feet denoting only the  
 235 distance or direction of a farm operation which are erected at a  
 236 road junction with the State Highway System, but only during the  
 237 harvest season of the farm operation for a period not to exceed  
 238 4 months.  
 239 (17) Acknowledgement signs erected upon publicly funded  
 240 school premises which relate to a specific public school club,  
 241 team, or event which are placed at least 1,000 feet from any  
 242 other acknowledgement sign on the same side of the roadway. The  
 243 sponsor information on an acknowledgement sign may constitute no  
 244 more than 100 square feet of the sign. For purposes of this  
 245 subsection, the term "acknowledgement sign" means a sign that is  
 246 intended to inform the traveling public that a public school  
 247 club, team, or event has been sponsored by a person, firm, or  
 248 other entity.  
 249 (18) Displays erected upon a sports facility the content of  
 250 which is directly related to the facility's activities or where  
 251 products or services offered on the sports facility property are  
 252 present. Displays must be mounted flush to the surface of the  
 253 sports facility and must rely upon the building facade for  
 254 structural support. For purposes of this subsection, the term  
 255 "sports facility" means an athletic complex, athletic arena, or  
 256 athletic stadium, including physically connected parking  
 257 facilities, which is open to the public and has a permanent  
 258 installed seating capacity of 15,000 people or more.  
 259 The exemptions in subsections (14)-(18) may not be implemented  
 260 or continued if the Federal Government notifies the department  
 261

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262 that implementation or continuation will adversely impact the  
 263 allocation of federal funds to the department. If the exemptions  
 264 in subsections (14)-(18) are not implemented or continued due to  
 265 notification from the Federal Government that the allocation of  
 266 federal funds to the department will be adversely impacted, the  
 267 department shall provide notice to the sign owner that the sign  
 268 must be removed within 30 days. If the sign is not removed  
 269 within 30 days after receipt of the notice by the sign owner,  
 270 the department may remove the sign, and the costs incurred in  
 271 connection with the sign removal shall be assessed against and  
 272 collected from the sign owner.  
 273 Section 3. Section 479.262, Florida Statutes, is amended to  
 274 read:  
 275 479.262 Tourist-oriented directional sign program.—  
 276 (1) A tourist-oriented directional sign program to provide  
 277 directions to rural tourist-oriented businesses, services, and  
 278 activities may be established for intersections on rural and  
 279 conventional state, county, or municipal roads only ~~in rural~~  
 280 ~~counties identified by criteria and population in s. 288.0656~~  
 281 when approved and permitted by county or local government  
 282 entities within their respective jurisdictional areas ~~at~~  
 283 ~~intersections on rural and conventional state, county, or~~  
 284 ~~municipal roads~~. A county or local government ~~that which~~ issues  
 285 permits for a tourist-oriented directional sign program ~~is shall~~  
 286 ~~be~~ responsible for sign construction, maintenance, and program  
 287 operation in compliance with subsection (3) for roads on the  
 288 state highway system and may establish permit fees sufficient to  
 289 offset associated costs. A tourist-oriented directional sign may  
 290 not be used on roads in urban areas or at interchanges on

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291 freeways or expressways.

292 (2) This section does not create a proprietary or  
293 compensable interest in any tourist-oriented directional sign  
294 site or location for any permittee on any rural and conventional  
295 state, county, or municipal ~~road roads~~. The department or the  
296 permitting entity may terminate permits or change locations of  
297 tourist-oriented directional sign sites as determined necessary  
298 for construction or improvement of transportation facilities or  
299 for improved traffic control or safety.

300 (3) Tourist-oriented directional signs installed on the  
301 state highway system must ~~shall~~ comply with the requirements of  
302 the federal Manual on Uniform Traffic Control Devices and rules  
303 established by the department. The department may adopt rules to  
304 establish requirements for participant qualification,  
305 construction standards, location of sign sites, and other  
306 criteria necessary to implement this program.

307 Section 4. This act shall take effect July 1, 2014.



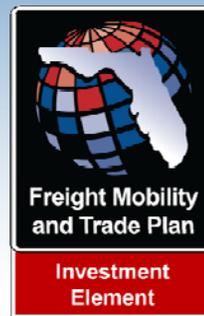
# FLORIDA

## Freight Mobility & Trade Plan



FLORIDA DEPARTMENT OF TRANSPORTATION

SENATE TRANSPORTATION COMMITTEE  
NOVEMBER 7, 2013 | TALLAHASSEE



# Tell the Freight Story

- Communicate Using Simple Terms
  - No mixed signals
  - PhD & GED
- Paint a Picture of Freight
  - Role in our daily lives
  - Economic development
  - Jobs & health of our economy
  - A transitioning FDOT



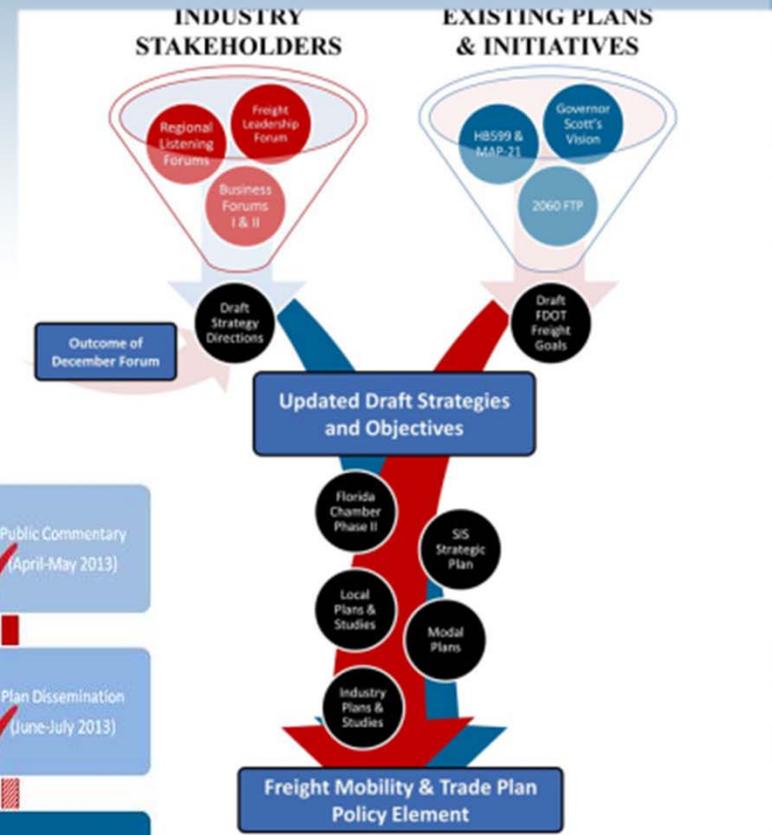
# Freight Mobility and Trade Plan

- Must address various legal mandates
- Being developed in two elements
- With your involvement, not something to sit on the shelf



# Freight Mobility and Trade Plan Policy Element

- Developed with the help of Florida Stakeholders
  - 6 regional listening sessions
  - 3 business forums
  - 1<sup>st</sup> annual Florida Freight Leadership Forum



# Objectives & Strategies

- 1** Capitalize on the Freight Transportation Advantages of Florida Through Collaboration on Economic Development, Trade, and Logistics Programs
- 2** Increase Operational Efficiency of Goods Movement
- 3** Minimize Costs in the Supply Chain
- 4** Align Public and Private Efforts for Trade and Logistics
- 5** Raise Awareness and Support for Freight Movement Investments
- 6** Develop a Balanced Transportation Planning and Investment Model That Considers and Integrates All Forms of Transportation
- 7** Transform the FDOT's Organizational Culture to Include Consideration of Supply Chain and Freight Movement Issues

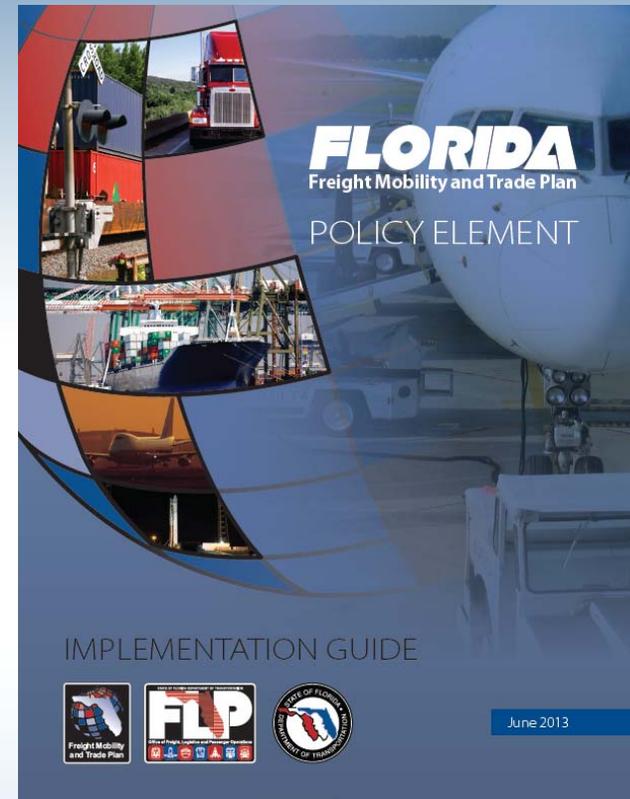
# Freight Mobility & Trade Plan Policy Element



Complete

# Implementation Responsibilities

- Who is responsible for each one of the strategies?
  - FDOT Offices
  - Partners
    - *Enterprise Florida*
    - *Workforce Florida*
    - *Florida Dept. of Agriculture & Consumer Services*
    - *MPOs*
    - *Institute for Trade & Transportation Studies*
    - *Florida Chamber of Commerce*
    - *Florida Dept. of Economic Opportunity*



# Freight Mobility and Trade Plan Investment Element

## Investment Element

– *Summer 2014*

- Identifies freight needs
- Identifies criteria for Florida's investment in freight\*
- Prioritizes freight investments across modes
- Meets requirements of MAP-21
  - Making Florida eligible for more funding



# FMTTP Timeline



Florida House  
Bill (HB) 599



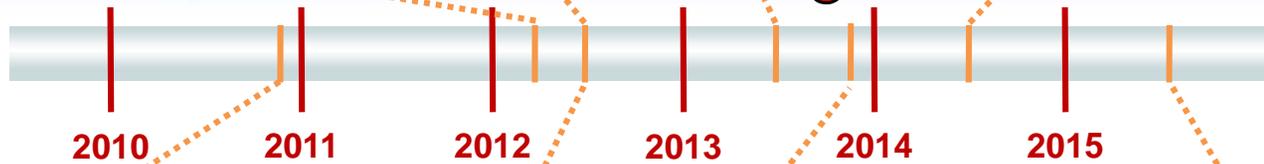
Freight Mobility  
and Trade Plan  
kickoff



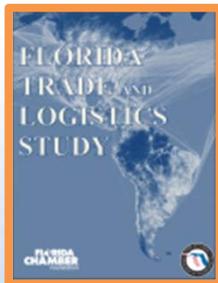
Freight Mobility  
and Trade Plan  
Policy Element  
completion



Freight Mobility  
and Trade Plan  
Investment Element  
completion



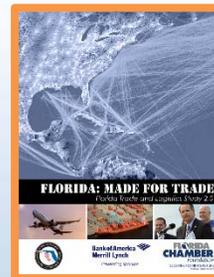
Florida Chamber  
Trade and Logistics  
Study



Moving Ahead for  
Progress in the 21<sup>st</sup>  
Century (MAP-21)

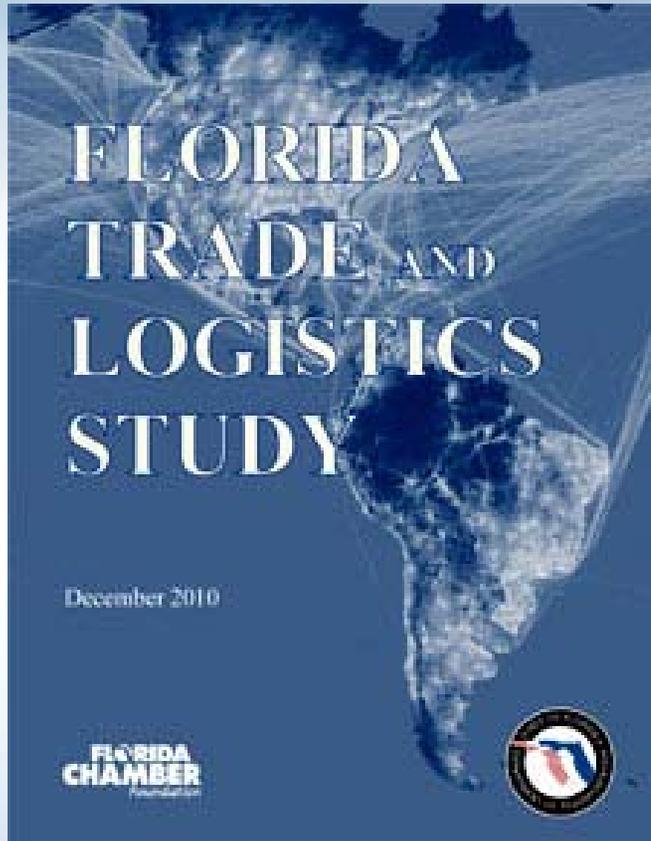


Florida Chamber  
Trade and Logistics  
Study 2.0



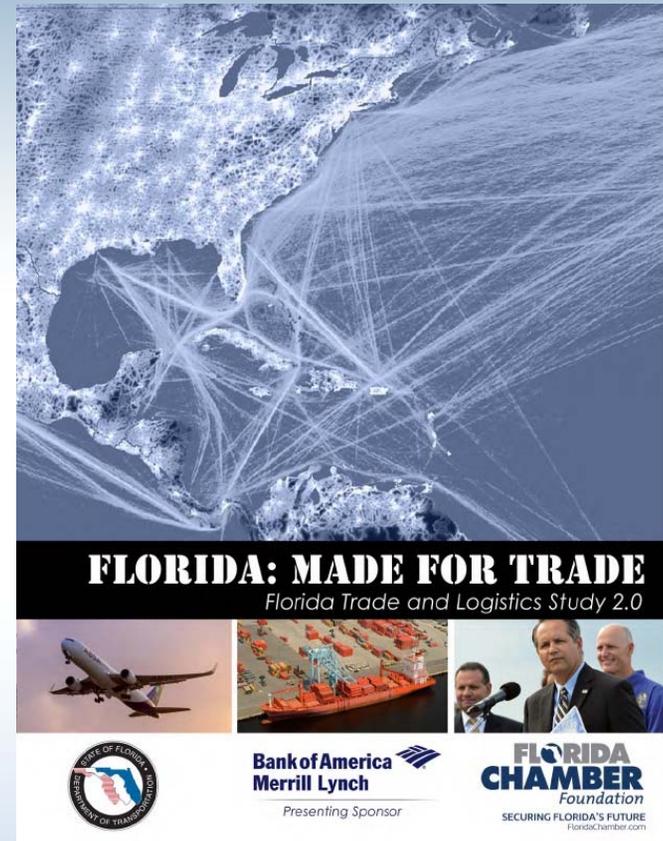
Panama Canal  
Expansion  
completion

# Florida Trade and Logistics *Then and Now*



**2010**

Source: Florida Chamber of Commerce



**2013**

FLORIDA FREIGHT MOBILITY & TRADE PLAN

# Plan's Path- Investment Element



# Business Forum I

- FDOT met with freight stakeholders October 3, 2013 in Orlando
- Gained feedback on:
  - Proposed Florida Freight Network
  - Proposed Florida Freight Project Definition
  - Proposed Florida Freight Project Prioritization Criteria

## Upcoming 2<sup>nd</sup> Annual Freight Leadership Forum

- November 18-19, 2013 in Tampa, FL



Questions?

# FLORIDA

## Freight Mobility & Trade Plan

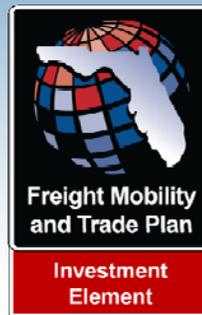


**Assistant Secretary Rich Biter**  
**Intermodal Systems**  
**Development**

FLORIDA DEPARTMENT OF TRANSPORTATION

SENATE TRANSPORTATION COMMITTEE  
NOVEMBER 7, 2013 | TALLAHASSEE

**For more information, contact:**  
**Ed Lee**  
[robert.lee@dot.state.fl.us](mailto:robert.lee@dot.state.fl.us)  
850-414-4535



THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

11/7/2013

Meeting Date

Topic Freight Mobility

Bill Number \_\_\_\_\_  
(if applicable)

Name Rich Biter

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Asst. ~~Exec~~ Secretary Internal/Systems Development

Address 603 Suwanne Ave.

Phone 850-414-4579

Street

Tallahassee

FL

City

State

Zip

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing Florida 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.

S-001 (10/20/11)

**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 136  
**INTRODUCER:** Transportation Committee and Senator Ring  
**SUBJECT:** Freight Logistics Zone  
**DATE:** November 7, 2013      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	<b>Fav/CS</b>
2.			CA	
3.			ATD	
4.			AP	
5.				
6.				

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

CS/SB 136 defines a “freight logistics zone” (FLZ) as a grouping of activities and infrastructure associated with freight transportation and related services within a defined area around an intermodal logistics center. The bill authorizes a county, or two or more contiguous counties, to designate a geographic area or areas within its jurisdiction as an FLZ.

The bill provides a project within a designated FLZ that is consistent with the Florida Department of Transportation’s Freight Mobility and Trade Plan may be eligible for priority funding from applicable economic development programs under parts I, III, and V of chapter 288, F.S. The bill also:

- requires that an FLZ designation be accompanied by a strategic plan that includes specified information;
- provides criteria to be used when evaluating projects; and
- provides an effective date.

FLZs are not defined or designated under current law.

This bill creates the following section of the Florida Statutes: 311.103.

## II. Present Situation:

### Focus on Freight

The Florida Department of Transportation (FDOT) is pursuing a goal to develop a coordinated multi-modal transportation system for freight movement in Florida. In furthering that goal, the FDOT recently established a new office with a particular emphasis on freight mobility:

“In recognition of the significant role that freight mobility plays as an economic driver for the state, an Office of Freight, Logistics and Passenger Operations has been created. The office will act as a tool to better connect, develop, and implement a freight planning process that will maximize the use of the existing facilities and integrate and coordinate the various modes of transportation, including the combined utilization of both government-owned and privately-owned resources.”<sup>1</sup>

The Legislature in 2012 also emphasized the importance of freight mobility to the state’s economic growth in HB 599,<sup>2</sup> in which the FDOT was directed to develop a Freight Mobility and Trade Plan to assist in making freight mobility investments that contribute to the economic growth of the state. The bill specified that the plan should enhance the integration and connectivity of the transportation system across and between transportation modes throughout the state. The bill directed that the plan propose policies and investments that promote:

- increasing the flow of domestic and international trade through the State’s seaports and airports, including specific policies and investments that will recapture cargo currently shipped through seaports and airports located outside the state;
- increasing the development of intermodal logistic centers in the state, including specific strategies, policies, and investments that capitalize on the empty backhaul trucking and rail market in the state;
- increasing the development of manufacturing industries in the state, including specific policies and investments in transportation facilities that will promote the successful development and expansion of manufacturing facilities; and
- increasing the implementation of compressed natural gas, liquefied natural gas, and propane energy policies that reduce transportation costs for businesses and residents located in the state.

The FDOT was additionally directed to give emphasis to freight issues and needs in all appropriate transportation plans.

Further, in the same bill, the Legislature created the Intermodal Logistics Center<sup>3</sup> Infrastructure Program within the FDOT to “provide funds for roads, rail facilities, or other means for the

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<sup>1</sup> FDOT Office of Freight Logistics and Passenger Operations Website: <http://www.dot.state.fl.us/multimodal/> (Last visited October 22, 2013.)

<sup>2</sup> Ch. 2012-174, L.O.F.

<sup>3</sup> Section 311.101(2), F.S., defines “intermodal logistics center, including, but not limited to, an “inland port,” as a facility or group of facilities serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport

conveyance or shipment of goods through a seaport, thereby enabling the state to respond to private sector demands and meet the state's economic development goal of becoming a hub for trade, logistics, and export-oriented activities."<sup>4</sup> The FDOT is required to provide up to \$5 million annually for the program and to include projects proposed to be funded in its tentative work program developed pursuant to s. 339.135(4), F.S. The FDOT:

- consults with the FDEO in selecting projects to be funded;
- is authorized to administer contracts on behalf of the entity selected to receive project funding; and
- provides up to 50 percent of project costs for eligible projects.

Additionally, HB 599 created s. 339.63(5), F.S., to require the FDOT Secretary to designate a planned facility as part of the Strategic Intermodal System (SIS) upon the request of the facility if it:

- meets the criteria and thresholds of a planned facility to be added to the SIS;
- meets the definition of "intermodal logistics center," and
- had been designated in a local comprehensive plan or local government development order as an intermodal logistics center or equivalent planning term.

Such designation makes the facility eligible to receive funding for transportation capacity improvements.

Similarly, at the Federal level, the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (P.L. 112-141, s. 1118) recommended that states develop state freight plans for the immediate and long-range planning activities and investments of the state with respect to freight. The Act includes provision for up to 95 percent federal matching funds for certain projects that are identified in state freight plans developed pursuant to s. 1118 and that improve the movement of freight.<sup>5</sup>

### **Incentive Programs: Parts I, III, and V of ch. 288**

Current law provides a number of economic development incentives in various forms, including tax credits, tax refunds, tax exemptions, infrastructure funding, and cash grants.<sup>6</sup> For example, with respect to part I of ch. 288, the Quick-Response Training Program is created in s. 288.047, F.S., and is intended to meet the short-term, immediate, workforce-skill needs of certain "businesses and industries that support the state's economic development goals, particularly high value-added businesses or businesses that locate in and provide jobs in the state's distressed urban and rural areas."

As another example, the Rural Infrastructure Fund is created in s. 288.0655, F.S., "to facilitate the planning, preparing, and financing of infrastructure projects in rural communities that will encourage job creation, capital investment, and the strengthening and diversification of rural

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where activities relating to transport, logistics, goods distribution, consolidation, or value-added activities are carried out and whose activities and services are designed to support or be supported by conveyance of shipping through one or more seaports listed in s. 311.09."

<sup>4</sup> s. 311.101(1), F.S.

<sup>5</sup> P.L. 112-141, s. 1116.

<sup>6</sup> See ch. 288, F.S., *Commercial Development and Capital Improvements*.

economies by promoting tourism, trade, and economic development.” And s. 288.106, F.S., sets up a tax refund program for qualified, eligible target industry businesses for projects that create a new business or expand an existing business.

Part III of ch. 288, F.S., authorizes any corporation or government agency to apply to federal authorities for a grant of the privilege of establishing, operating, and maintaining foreign trade zones and subzones in or adjacent to ports of entry of the United States pursuant to the Foreign Trade Zones Act of 1934. A grant includes authority to select and describe the location of zones or subzones and to make rules as may be necessary to comply with the rules and regulations made in accordance with the Act.

“Foreign trade zones are secure areas under U.S. Customs and Border Protection (CBP) supervision that are generally considered outside CBP territory upon activation.”

“Under zone procedures, the usual formal CBP entry procedures and payments of duties are not required on the foreign merchandise unless and until it enters CBP territory for domestic consumption, at which point the importer generally has the choice of paying duties at the rate of either the original foreign materials or the finished product. Domestic goods moved into the zone for export may be considered exported upon admission to the zone for purposes of excise tax rebates and drawbacks.”<sup>7</sup>

Part V of ch. 288, F.S., creates the Florida Export Finance Corporation as a not-for-profit corporation. The corporation’s intended purpose is to assist small and medium-sized Florida businesses in the expansion of international trade and to expand job opportunities for Florida’s workforce.

“The FEFC offers information, technical and consulting assistance to exporters throughout the State of Florida. Financial assistance, though, is our chief service. The FEFC will guarantee a lender’s revolving line up to a maximum of \$500,000. Applicants for a loan guarantee must be exporters based in Florida who have been turned down by at last one potential lender.

“The FEFC is a member of the City/State program of the Export-Import Bank of the United States and offers Florida exporters access to U.S. Government export assistance programs offered by the Ex-Im Bank and the SBA. Services include packaging for the loan, insurance and guarantee programs offered by these agencies. The FEFC has delegated authority for Ex-Im Bank working capital loan guarantees up to \$1,000,000 and SBA loans for up to \$1,500,000.”<sup>8</sup>

Of course, each of the various programs under parts I, III, and V of ch. 288, F.S., has its own set of eligibility criteria and related requirements.

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<sup>7</sup> U.S. Department of Homeland Security website, *About Foreign-Trade Zones & Contact Info*: [http://www.cbp.gov/xp/cgov/trade/cargo\\_security/cargo\\_control/ftz/about\\_ftz.xml](http://www.cbp.gov/xp/cgov/trade/cargo_security/cargo_control/ftz/about_ftz.xml) (Last visited October 22, 2013.)

<sup>8</sup> Enterprise Florida, *2012 Annual Incentives Report*. On file in the Senate Transportation Committee.

### III. Effect of Proposed Changes:

The bill creates s. 311.103, F.S., to define an FLZ as a grouping of activities and infrastructure associated with freight transportation and related services within a defined area around an intermodal logistics center as defined in s. 311.101(2), F.S. The bill authorizes a county, or two or more contiguous counties, to designate a geographic area or areas within its jurisdiction as an FLZ.

A strategic plan adopted by the county or counties must accompany the designation and must include, without limitation:

- a map depicting the geographic area or areas to be included within the designation;
- identification of existing or planned freight facilities or logistics clusters located within the proposed FLZ;
- identification of existing transportation infrastructure, such as roads, rail, airports, and seaports, within or in close proximity to the proposed FLZ;
- identification of existing workforce availability within or in close proximity to the proposed FLZ;
- identification of any local, state, or federal workforce training capabilities available for a business seeking to locate or expand within the proposed FLZ;
- identification of any local, state, or federal plans, including transportation, seaport, or airport plans, concerning the movement of freight within or in close proximity to the proposed FLZ;
- identification of financial or other local government incentives to encourage new development, expansion of existing development, or redevelopment within the proposed FLZ; and
- documentation that the plan is consistent with applicable local government comprehensive plans and adopted long-range transportation plans of a metropolitan planning organization, where applicable.

The bill provides a project within a designated FLZ that is consistent with the FDOT's Freight and Mobility Trade Plan may be eligible for priority in state funding and incentive programs relating to FLZs under applicable programs identified in parts I, III, and V of chapter 288, F.S.

The bill also provides criteria for evaluating projects within a designated freight logistics zone to determine funding or incentive program eligibility, as follows:

- The presence of an existing or planned intermodal logistics center within the FLZ.
- Whether the project serves a strategic state interest.
- Whether the project facilitates the cost-effective and efficient movement of goods.
- The extent to which the project efficiently interacts with and supports the transportation network.
- The amount of investment or commitments made by the owner or developer of the existing or proposed facility.
- The extent to which the county or counties have commitments with private sector businesses planning to locate operations with the FLZ.
- Demonstrated local financial support and commitment to the project.

Presumably, once a given project in an FLZ meets existing eligibility requirements under any of the identified incentive programs and also meets the criteria for evaluating projects in an FLZ, priority of that project over other projects not within an FLZ is authorized. However, once a pool of eligible projects within FLZs is identified, no process for prioritizing projects within the pool is provided in the bill.

The bill has an effective date of July 1, 2014.

#### **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:

Potential tax refunds or credits, depending upon the incentive program under which a given eligible project is approved, may result in a reduction of tax revenues in unknown amounts. However, any reduction may be offset by the potential growth of the freight industry and related businesses, resulting in a positive impact on tax revenues.

B. Private Sector Impact:

Potential tax advantages, infrastructure funding, cash grants, and loan assistance, depending upon the incentive program under which a given eligible project is approved, may be realized by private sector businesses. The bill may also promote growth of the freight industry and related businesses.

C. Government Sector Impact:

The bill may further development of a coordinated multi-modal transportation system for freight movement in Florida, thereby facilitating statewide economic development.

Counties that choose to designate freight logistics zones will incur expenses, in unknown amounts, associated with creating strategic plans and designating freight logistics zones. Local government financial support and commitment, in unknown amounts, are to be identified in the required strategic plans.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. 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 November 7, 2013:**

The bill authorizes designation of a geographic area or areas as an FLZ. Once designated, projects within the FLZ are to be evaluated under specified criteria. The CS clarifies that evaluation criteria applies to “projects within a designated freight logistics zone,” rather than “projects for designation as a freight logistics zone.”

- B. **Amendments:**

None.



625810

LEGISLATIVE ACTION

Senate

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House

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The Committee on Transportation (Diaz de la Portilla)  
recommended the following:

**Senate Amendment**

Delete lines 63 - 64

and insert:

(4) When evaluating projects within a designated freight  
logistics zone to determine funding or incentive program



111482

LEGISLATIVE ACTION

Senate

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House

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The Committee on Transportation (Garcia) recommended the following:

**Senate Amendment**

Delete line 61  
and insert:  
including, but not limited to, applicable programs identified in parts I, III, and V

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

11/7/13

*Meeting Date*

Topic Freight Logistics Zones

Bill Number 136  
*(if applicable)*

Name Leticia M Adams

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Senior Policy Director

Address 136 South Bronough Street  
*Street*

Phone 850-544-6866

Tallahassee                      FL                      32301  
*City*                                      *State*                                      *Zip*

E-mail ladams@flchamber.com

Speaking:     For     Against     Information

Representing Florida Chamber of Commerce

Appearing at request of Chair:     Yes     No

Lobbyist registered with Legislature:     Yes     No

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

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

10 / 9 / 2013

Meeting Date

Topic \_\_\_\_\_

Bill Number 186  
*(if applicable)*

Name BRIAN PITTS

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH  
*Street*

Phone 727-897-9291

SAINT PETERSBURG FLORIDA 33705  
*City State Zip*

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking:  For  Against  Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

11/7  
Meeting Date

Topic FREIGHT LOGISTICS ZONES

Bill Number S 136  
*(if applicable)*

Name MICHAEL RUBIN

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title VP GOV. AFFAIRS

Address 502 E JEFFERSON ST.

Phone 850-222-8028

Street TALL State FL Zip 32301  
City

E-mail Mike.rubin@flports.org

Speaking:  For  Against  Information

Representing FLORIDA PORTS COUNCIL

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.**

By Senator Ring

29-00093-14

2014136\_\_

1 A bill to be entitled  
 2 An act relating to freight logistics zones; creating  
 3 s. 311.103, F.S.; defining the term "freight logistics  
 4 zone"; authorizing a county, or two or more contiguous  
 5 counties, to designate a geographic area or areas  
 6 within its jurisdiction as a freight logistics zone;  
 7 requiring the adoption of a strategic plan that must  
 8 include certain information; providing that certain  
 9 projects within freight logistics zones may be  
 10 eligible for priority in state funding and certain  
 11 incentive programs; providing evaluation criteria for  
 12 freight logistics zones; providing an effective date.

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

15 Section 1. Section 311.103, Florida Statutes, is created to  
 16 read:

17 311.103 Designation of state freight logistics zones.-

18 (1) As used in this section, the term "freight logistics  
 19 zone" means a grouping of activities and infrastructure  
 20 associated with freight transportation and related services  
 21 within a defined area around an intermodal logistics center as  
 22 defined in s. 311.101(2).

23 (2) A county, or two or more contiguous counties, may  
 24 designate a geographic area or areas within its jurisdiction as  
 25 a freight logistics zone. The designation must be accompanied by  
 26 a strategic plan adopted by the county or counties. At a  
 27 minimum, the strategic plan must include, but is not limited to:

28 (a) A map depicting the geographic area or areas to be  
 29

Page 1 of 3

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

29-00093-14

2014136\_\_

30 included within the designation.

31 (b) Identification of the existing or planned freight  
 32 facilities or logistics clusters located within the proposed  
 33 freight logistics zone.

34 (c) Identification of existing transportation  
 35 infrastructure, such as roads, rail, airports, and seaports,  
 36 within or in close proximity to the proposed freight logistics  
 37 zone.

38 (d) Identification of existing workforce availability  
 39 within or in close proximity to the proposed freight logistics  
 40 zone.

41 (e) Identification of any local, state, or federal  
 42 workforce training capabilities available for a business seeking  
 43 to locate or expand within the proposed freight logistics zone.

44 (f) Identification of any local, state, or federal plans,  
 45 including transportation, seaport, or airport plans, concerning  
 46 the movement of freight within or in close proximity to the  
 47 proposed freight logistics zone.

48 (g) Identification of financial or other local government  
 49 incentives to encourage new development, expansion of existing  
 50 development, or redevelopment within the proposed freight  
 51 logistics zone.

52 (h) Documentation that the plan is consistent with  
 53 applicable local government comprehensive plans and adopted  
 54 long-range transportation plans of a metropolitan planning  
 55 organization, where applicable.

56 (3) A project within a freight logistics zone designated  
 57 pursuant to this section which is consistent with the Freight  
 58 Mobility and Trade Plan developed in accordance with s.

Page 2 of 3

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

29-00093-14

2014136\_\_

59 334.044(33) may be eligible for priority in state funding and  
60 incentive programs relating to freight logistics zones,  
61 including applicable programs identified in parts I, III, and V  
62 of chapter 288.

63 (4) When evaluating projects for designation as a freight  
64 logistics zone, or for determining funding or incentive program  
65 eligibility under this section, consideration must be given to  
66 all of the following:

67 (a) The presence of an existing or planned intermodal  
68 logistics center within the freight logistics zone.

69 (b) Whether the project serves a strategic state interest.

70 (c) Whether the project facilitates the cost-effective and  
71 efficient movement of goods.

72 (d) The extent to which the project contributes to economic  
73 activity, including job creation, increased wages, and revenues.

74 (e) The extent to which the project efficiently interacts  
75 with and supports the transportation network.

76 (f) The amount of investment or commitments made by the  
77 owner or developer of the existing or proposed facility.

78 (g) The extent to which the county or counties have  
79 commitments with private sector businesses planning to locate  
80 operations within the freight logistics zone.

81 (h) Demonstrated local financial support and commitment to  
82 the project.

83 Section 2. This act shall take effect July 1, 2014.



# CourtSmart Tag Report

Room: LL 37  
Caption: Senate Transportation

Case:  
Judge:

Type:

Started: 11/7/2013 9:02:50 AM

Ends: 11/7/2013 9:46:09 AM

Length: 00:43:20

9:02:54 AM  
9:02:56 AM Meeting called to order by Chairman Brandes  
9:03:05 AM Roll call by Administrative Assistant, Marilyn Hudson  
9:03:17 AM Comments from Chairman Brandes  
9:03:30 AM Explanation of CS/SB 140 by Senator Bradley  
9:05:15 AM Senator Joyner states that Amendment 606766 is a courtesy Amendment  
9:05:36 AM Explanation of Amendment 606766 by Senator Bradley  
9:05:59 AM Comments from Chairman Brandes  
9:06:18 AM Brian Pitts, Justice-2-Jesus waives in support of CS/SB 140 Bill  
9:06:30 AM Senator Bradley waives closure  
9:06:38 AM Chairman Brandes asks if Senator Bradley would like a Committee Substitute?  
9:06:43 AM Roll call on CS/SB 140  
9:07:00 AM CS/SB 140 reported favorably  
9:07:16 AM SB 218 explained by Marty Mielke of Senator Grimsley's office  
9:08:17 AM Senator Evers states that Amendment 158854 is a Technical Amendment  
9:08:37 AM Comments from Chairman Brandes on the late-filed amendment - Amendment is adopted  
9:08:56 AM Comments from Brian Pitts, Justice-2-Jesus  
9:12:40 AM Comments from Ryan Padgett, Assistant General Counsel, Florida League of Cities  
9:13:30 AM Question from Senator Lee regarding SB 218  
9:14:04 AM Response from Ryan Padgett  
9:14:45 AM Question from Senator Clemens  
9:15:05 AM Response from Ryan Padgett  
9:15:48 AM Comments from Chairman Brandes  
9:16:43 AM Comments/question from Senator Evers  
9:19:40 AM Comments from Marty Mielke and closure is waived  
9:19:57 AM Senator Evers moves for CS  
9:20:05 AM Roll call by Administrative Assistant, Marilyn Hudson  
9:20:14 AM Chairman Brandes states that SB218 is reported favorably  
9:20:31 AM Bill SB 136 by Senator Ring, explained by Joel Ramos  
9:21:03 AM Amendment 625810- Senator Garcia - Amendment Adopted  
9:21:35 AM Amendment 111482 withdrawn  
9:21:45 AM Comments from Chairman Brandes  
9:22:02 AM Speaker Leticia Adams, Senior Policy Director, Florida Chamber of Commerce  
9:22:49 AM Question from Senator Garcia  
9:23:22 AM Comments from Brian Pitts, Justice-2-Jesus  
9:25:47 AM Michael Rubin, Vice President, Governmental Affairs, Florida Ports Council waives in support  
9:26:12 AM Comments from Chairman Brandes  
9:26:18 AM Mr. Ramos waives closure  
9:26:25 AM Senator Joyner moves for CS  
9:26:32 AM Roll call by Administrative Assistant, Marilyn Hudson  
9:26:45 AM Chairman Brandes states that SB 136 is reported favorably  
9:27:20 AM Presentation by Rich Biter, Assistant Secretary Intermodal Systems Development, Florida Department of Transportation - Freight Mobility and Trade Plan  
9:36:40 AM Question from Senator Clemens  
9:36:48 AM Question from Senator Clemens  
9:37:21 AM Follow-up question from Senator Clemens  
9:37:32 AM Response from Rich Biter  
9:38:10 AM Continued presentation by Rich Biter  
9:43:11 AM Comments from Senator Margolis  
9:44:11 AM Response from Rich Biter  
9:44:29 AM Comments from Senator Margolis  
9:44:42 AM Question from Chairman Brandes

**9:45:07 AM** Response from Rich Biter  
**9:45:45 AM** Comments from Chairman Brandes  
**9:45:56 AM** Senator Garcia moves to rise