

1 A bill to be entitled
2 An act relating to transportation; amending s. 311.12,
3 F.S.; establishing the Seaport Security Advisory
4 Committee directed by the Florida Seaport
5 Transportation and Economic Development Council;
6 providing for membership and duties; directing the
7 council to establish a Seaport Security Grant Program
8 to assist in implementation of security at specified
9 seaports; directing the council to adopt rules;
10 amending s. 316.003, F.S.; revising and providing
11 definitions; amending s. 316.303, F.S.; providing
12 exceptions to a prohibition of a viewer or screen
13 visible from the driver's seat of a motor vehicle;
14 amending s. 320.525, F.S.; revising the definition of
15 the term "port vehicles and equipment"; creating s.
16 332.0012, F.S.; establishing the Florida Aviation
17 Transportation and Economic Development Program within
18 the Department of Transportation to finance certain
19 projects at specified airports; requiring certain
20 funds to be made available from the State
21 Transportation Trust Fund; requiring an airport that
22 receives funding to adopt procedures that comply with
23 specified equal opportunity hiring practices;
24 authorizing the department to require audits and adopt
25 rules relating to such audits; creating s. 332.0014,
26 F.S.; creating the Florida Aviation Transportation and

27 Economic Development Council within the department;
28 providing for membership, organization, and duties of
29 the council; providing for payment of certain
30 administrative costs by airports receiving funds from
31 the program; directing the council to prepare an
32 aviation mission plan that includes recommendations
33 for specific projects; directing the council to adopt
34 rules for evaluating projects that may be funded
35 through the program; providing procedures for approval
36 of projects for funding under the program; providing
37 for review and approval of projects by the Department
38 of Transportation and the Department of Economic
39 Opportunity; directing the council to develop programs
40 for industry-related job training; directing the
41 council to submit reports to the Legislature;
42 directing the Department of Transportation to include
43 project funding in its annual budget request;
44 providing for inclusion of projects in the
45 department's tentative work program; providing
46 procedures for submission of work program amendments
47 and implementation of funding; requiring procurements
48 and negotiations to be made under specified
49 provisions; amending s. 333.01, F.S.; revising and
50 providing definitions of terms used in provisions
51 relating to airport safety regulation; amending s.
52 333.025, F.S.; revising requirements for a permit to

53 | construct or alter an obstruction; revising procedures
54 | for issuing such permit; revising duties of the
55 | Department of Transportation relating to issuance of
56 | the permit; providing for administrative review of a
57 | denial of a permit; amending s. 333.03, F.S.; revising
58 | requirements and procedures for certain local
59 | political subdivisions to adopt and enforce airport
60 | zoning regulations; directing the department to
61 | provide assistance to political subdivisions with
62 | regard to federal obstruction standards; providing
63 | minimum requirements for airport land use
64 | compatibility zoning regulations; directing political
65 | subdivisions to provide the department with copies of
66 | airport zoning regulations; providing applicability
67 | and effect; amending s. 333.04, F.S.; revising
68 | provisions for incorporation of zoning regulations
69 | with a political subdivision's comprehensive
70 | regulations; revising provisions for a conflict
71 | between airport zoning regulations and other
72 | regulations; amending s. 333.05, F.S.; revising
73 | procedure for adoption of zoning regulations; revising
74 | provisions relating to an airport zoning commission;
75 | amending s. 333.06, F.S.; revising airport zoning
76 | regulation requirements; revising requirements for
77 | adoption of an airport master plan and amendments
78 | thereto; amending s. 333.07, F.S.; requiring a permit

79 | to construct, alter, or allow an airport obstruction
80 | in an airport hazard area under certain circumstances;
81 | providing conditions for issuance or denial of such
82 | permit; revising provisions to compel conformance;
83 | removing provisions for obtaining a variance to zoning
84 | regulations; removing reference to a board of
85 | adjustment; revising provisions directing a political
86 | subdivision to require an owner to install and
87 | maintain certain lighting or marking of obstructions;
88 | amending s. 333.09, F.S.; revising requirements for
89 | administration of airport protection zoning
90 | regulations; requiring the political subdivision to
91 | provide a process for permitting, notifications to the
92 | department, and enforcement; providing for appeal of
93 | decisions made by the political subdivision; amending
94 | s. 333.11, F.S.; revising provisions for judicial
95 | review of decisions by a political subdivision;
96 | revising jurisdiction of the court relating to
97 | decisions of the political subdivision; removing
98 | reference to a board of adjustment; requiring certain
99 | procedures before an appeal to a court; amending s.
100 | 333.12, F.S.; revising provisions for acquisition of
101 | property when a nonconforming obstruction is
102 | determined to be an airport hazard; amending s.
103 | 333.13, F.S.; revising penalty provisions; creating s.
104 | 333.135, F.S.; providing a timeframe for compliance by

105 political subdivisions; repealing ss. 333.065, 333.08,
106 333.10, and 333.14, F.S., relating to guidelines
107 regarding land use near airports, appeals, boards of
108 adjustment, and a short title; reenacting s.
109 350.81(6), F.S., relating to communications services
110 offered by governmental entities, to incorporate
111 changes made by the act in a reference thereto;
112 amending s. 337.18, F.S., relating to contracts for
113 construction or maintenance; revising conditions for
114 waiver of a required surety bond; amending s. 338.231,
115 F.S., relating to the Florida Turnpike; removing a
116 provision that authorizes the department to use
117 revenues from the turnpike system for the payment of
118 principal and interest of certain bonds and the
119 operation and maintenance expenses of the Sawgrass
120 Expressway; amending s. 339.2818, F.S., relating to
121 the Small County Outreach Program; revising the
122 definition of the term "small county"; repealing s.
123 341.0532, F.S., relating to statewide transportation
124 corridors; amending s. 348.753, F.S., relating to the
125 Central Florida Expressway Authority; revising
126 provisions for membership on the authority; removing a
127 provision for appointment of a secretary of the
128 authority; directing the Office of Economic and
129 Demographic Research to determine the economic
130 benefits of the department's adopted work program;

131 directing the department to provide access to
 132 necessary data; requiring a report to the Legislature;
 133 amending ss. 212.05, 316.1303, 316.235, 316.545,
 134 316.605, 316.6105, 316.613, 316.622, 316.650, 316.70,
 135 320.01, 320.08, 320.0801, 320.38, 322.031, 450.181,
 136 559.903, 655.960, 732.402, and 860.065, F.S.;
 137 conforming cross-references; providing an effective
 138 date.

139
 140 Be It Enacted by the Legislature of the State of Florida:

141
 142 Section 1. Subsections (5) and (6) are added to section
 143 311.12, Florida Statutes, to read:

144 311.12 Seaport security.—

145 (5) ADVISORY COMMITTEE.—

146 (a) There is created the Seaport Security Advisory
 147 Committee, which shall be under the direction of the Florida
 148 Seaport Transportation and Economic Development Council.

149 (b) The committee shall consist of the following members:

150 1. Five or more port security directors appointed by the
 151 council chair shall serve as voting members. The council chair
 152 shall designate one member of the committee to serve as
 153 committee chair.

154 2. A designee from the United States Coast Guard shall
 155 serve ex officio as a nonvoting member.

156 3. A designee from United States Customs and Border

157 Protection shall serve ex officio as a nonvoting member.

158 4. Two representatives from local law enforcement agencies
159 providing security services at a Florida seaport shall serve ex
160 officio as nonvoting members.

161 (c) The committee shall meet at the call of the chair but
162 at least annually. A majority of the voting members constitutes
163 a quorum for the purpose of transacting business of the
164 committee, and a vote of the majority of the voting members
165 present is required for official action by the committee.

166 (d) The committee shall provide a forum for discussion of
167 seaport security issues, including, but not limited to, matters
168 such as national and state security strategy and policy, actions
169 required to meet current and future security threats, statewide
170 cooperation on security issues, and security concerns of the
171 state's maritime industry.

172 (e) The committee shall work closely with the United
173 States Coast Guard, United States Customs and Border Protection,
174 and the ports listed in s. 311.09(1) to advise, report to, and
175 make recommendations to the council on matters relating to
176 maritime security in the state.

177 (6) GRANT PROGRAM.—

178 (a) The Florida Seaport Transportation and Economic
179 Development Council shall establish a Seaport Security Grant
180 Program for the purpose of assisting in the implementation of
181 security plans and security measures at the seaports listed in
182 s. 311.09(1). Funds may be used for the purchase of equipment,

183 infrastructure needs, cybersecurity programs, and other security
184 measures identified in a seaport's approved federal security
185 plan. Such grants may not exceed 75 percent of the total cost of
186 the request and are subject to legislative appropriation.

187 (b) The Seaport Security Advisory Committee shall review
188 applications for the grant program and make recommendations to
189 the council for grant approvals. The council shall adopt by rule
190 criteria to implement this subsection.

191 Section 2. Section 316.003, Florida Statutes, is reordered
192 and amended to read:

193 316.003 Definitions.—The following words and phrases, when
194 used in this chapter, shall have the meanings respectively
195 ascribed to them in this section, except where the context
196 otherwise requires:

197 (1) AUTHORIZED EMERGENCY VEHICLES.—Vehicles of the fire
198 department (fire patrol), police vehicles, and such ambulances
199 and emergency vehicles of municipal departments, public service
200 corporations operated by private corporations, the Fish and
201 Wildlife Conservation Commission, the Department of
202 Environmental Protection, the Department of Health, the
203 Department of Transportation, and the Department of Corrections
204 as are designated or authorized by their respective department
205 or the chief of police of an incorporated city or any sheriff of
206 any of the various counties.

207 (2) AUTONOMOUS TECHNOLOGY.—Technology installed on a motor
208 vehicle that has the capability to drive the vehicle on which

209 the technology is installed without active control or monitoring
 210 by a human operator.

211 (3)~~(90)~~ AUTONOMOUS VEHICLE.—Any vehicle equipped with
 212 autonomous technology. ~~The term "autonomous technology" means~~
 213 ~~technology installed on a motor vehicle that has the capability~~
 214 ~~to drive the vehicle on which the technology is installed~~
 215 ~~without the active control or monitoring by a human operator.~~
 216 The term does not include ~~excludes~~ a motor vehicle enabled with
 217 active safety systems or driver assistance systems, including,
 218 without limitation, a system to provide electronic blind spot
 219 assistance, crash avoidance, emergency braking, parking
 220 assistance, adaptive cruise control, lane keep assistance, lane
 221 departure warning, or traffic jam and queuing assistant, unless
 222 any such system alone or in combination with other systems has
 223 the capability to drive the vehicle ~~enables the vehicle~~ on which
 224 the technology is installed ~~to drive~~ without ~~the~~ active control
 225 or monitoring by a human operator.

226 (4)~~(2)~~ BICYCLE.—Every vehicle propelled solely by human
 227 power, and every motorized bicycle propelled by a combination of
 228 human power and an electric helper motor capable of propelling
 229 the vehicle at a speed of not more than 20 miles per hour on
 230 level ground upon which any person may ride, having two tandem
 231 wheels, and including any device generally recognized as a
 232 bicycle though equipped with two front or two rear wheels. The
 233 term does not include such a vehicle with a seat height of no
 234 more than 25 inches from the ground when the seat is adjusted to

235 its highest position or a scooter or similar device. A ~~No~~ person
 236 under the age of 16 may not operate or ride upon a motorized
 237 bicycle.

238 (5)~~(63)~~ BICYCLE PATH.—Any road, path, or way that is open
 239 to bicycle travel, which road, path, or way is physically
 240 separated from motorized vehicular traffic by an open space or
 241 by a barrier and is located either within the highway right-of-
 242 way or within an independent right-of-way.

243 (6)~~(76)~~ BRAKE HORSEPOWER.—The actual unit of torque
 244 developed per unit of time at the output shaft of an engine, as
 245 measured by a dynamometer.

246 (7)~~(3)~~ BUS.—Any motor vehicle designed for carrying more
 247 than 10 passengers and used for the transportation of persons
 248 and any motor vehicle, other than a taxicab, designed and used
 249 for the transportation of persons for compensation.

250 (8)~~(4)~~ BUSINESS DISTRICT.—The territory contiguous to, and
 251 including, a highway when 50 percent or more of the frontage
 252 thereon, for a distance of 300 feet or more, is occupied by
 253 buildings in use for business.

254 (9)~~(5)~~ CANCELLATION.—Declaration of Cancellation means
 255 ~~that~~ a license ~~which was~~ issued through error or fraud as is
 256 ~~declared~~ void and terminated. A new license may be obtained only
 257 as permitted in this chapter.

258 (10)~~(64)~~ CHIEF ADMINISTRATIVE OFFICER.—The head, or his or
 259 her designee, of any law enforcement agency which is authorized
 260 to enforce traffic laws.

261 (11)~~(65)~~ CHILD.—A child as defined in s. 39.01, s. 984.03,
 262 or s. 985.03.

263 (12)~~(66)~~ COMMERCIAL MOTOR VEHICLE.—Any self-propelled or
 264 towed vehicle used on the public highways in commerce to
 265 transport passengers or cargo, if such vehicle:

266 (a) Has a gross vehicle weight rating of 10,000 pounds or
 267 more;

268 (b) Is designed to transport more than 15 passengers,
 269 including the driver; or

270 (c) Is used in the transportation of materials found to be
 271 hazardous for the purposes of the Hazardous Materials
 272 Transportation Act, as amended (49 U.S.C. ss. 1801 et seq.).

273
 274 A vehicle that occasionally transports personal property to and
 275 from a closed-course motorsport facility, as defined in s.
 276 549.09(1)(a), is not a commercial motor vehicle if it is not
 277 used for profit and corporate sponsorship is not involved. As
 278 used in this subsection, the term "corporate sponsorship" means
 279 a payment, donation, gratuity, in-kind service, or other benefit
 280 provided to or derived by a person in relation to the underlying
 281 activity, other than the display of product or corporate names,
 282 logos, or other graphic information on the property being
 283 transported.

284 (13)~~(67)~~ COURT.—The court having jurisdiction over traffic
 285 offenses.

286 (14)~~(6)~~ CROSSWALK.—

287 (a) That part of a roadway at an intersection included
288 within the connections of the lateral lines of the sidewalks on
289 opposite sides of the highway, measured from the curbs or, in
290 the absence of curbs, from the edges of the traversable roadway.

291 (b) Any portion of a roadway at an intersection or
292 elsewhere distinctly indicated for pedestrian crossing by lines
293 or other markings on the surface.

294 ~~(15)(7)~~ DAYTIME.—The period from a half hour before
295 sunrise to a half hour after sunset. The term "nighttime" means
296 at any other hour.

297 ~~(16)(8)~~ DEPARTMENT.—The Department of Highway Safety and
298 Motor Vehicles as defined in s. 20.24. Any reference herein to
299 the Department of Transportation shall be construed as referring
300 to the Department of Transportation as defined in s. 20.23~~7~~ or
301 the appropriate division thereof.

302 ~~(17)(9)~~ DIRECTOR.—The Director of the Division of the
303 Florida Highway Patrol of the Department of Highway Safety and
304 Motor Vehicles.

305 ~~(18)(10)~~ DRIVER.—Any person who drives or is in actual
306 physical control of a vehicle on a highway or who is exercising
307 control of a vehicle or steering a vehicle being towed by a
308 motor vehicle.

309 (19) DRIVER-ASSISTIVE TRUCK PLATOONING TECHNOLOGY.—Vehicle
310 automation and safety technology that integrates sensor array,
311 wireless vehicle-to-vehicle communications, active safety
312 systems, and specialized software to link safety systems and

313 synchronize acceleration and braking between two vehicles while
314 leaving each vehicle's steering control and systems command in
315 the control of the vehicle's driver.

316 (20)~~(83)~~ ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.—Any
317 self-balancing, two-nontandem-wheeled device, designed to
318 transport only one person, with an electric propulsion system
319 with average power of 750 watts (1 horsepower), the maximum
320 speed of which, on a paved level surface when powered solely by
321 such a propulsion system while being ridden by an operator who
322 weighs 170 pounds, is less than 20 miles per hour. Electric
323 personal assistive mobility devices are not vehicles as defined
324 in this section.

325 (21)~~(11)~~ EXPLOSIVE.—Any chemical compound or mechanical
326 mixture that is commonly used or intended for the purpose of
327 producing an explosion and which contains any oxidizing and
328 combustive units or other ingredients in such proportions,
329 quantities, or packing that an ignition by fire, friction,
330 concussion, percussion, or detonator of any part of the compound
331 or mixture may cause such a sudden generation of highly heated
332 gases that the resultant gaseous pressures are capable of
333 producing destructive effect on contiguous objects or of
334 destroying life or limb.

335 (22)~~(62)~~ FARM LABOR VEHICLE.—Any vehicle equipped and used
336 for the transportation of nine or more migrant or seasonal farm
337 workers, in addition to the driver, to or from a place of
338 employment or employment-related activities. The term does not

339 include:

340 (a) Any vehicle carrying only members of the immediate
341 family of the owner or driver.

342 (b) Any vehicle being operated by a common carrier of
343 passengers.

344 (c) Any carpool as defined in s. 450.28(3).

345 (23)~~(12)~~ FARM TRACTOR.—Any motor vehicle designed and used
346 primarily as a farm implement for drawing plows, mowing
347 machines, and other implements of husbandry.

348 (24)~~(13)~~ FLAMMABLE LIQUID.—Any liquid which has a flash
349 point of 70 degrees Fahrenheit or less, as determined by a
350 Tagliabue or equivalent closed-cup test device.

351 (25)~~(68)~~ GOLF CART.—A motor vehicle designed and
352 manufactured for operation on a golf course for sporting or
353 recreational purposes.

354 (26)~~(14)~~ GROSS WEIGHT.—The weight of a vehicle without
355 load plus the weight of any load thereon.

356 (27)~~(69)~~ HAZARDOUS MATERIAL.—Any substance or material
357 which has been determined by the secretary of the United States
358 Department of Transportation to be capable of imposing an
359 unreasonable risk to health, safety, and property. This term
360 includes hazardous waste as defined in s. 403.703(13).

361 (28)~~(15)~~ HOUSE TRAILER.—

362 (a) A trailer or semitrailer which is designed,
363 constructed, and equipped as a dwelling place, living abode, or
364 sleeping place, and is ~~either permanently or temporarily,~~ and is

365 equipped for use as a conveyance on streets and highways;~~7~~ or

366 (b) A trailer or a semitrailer the chassis and exterior
 367 shell of which is designed and constructed for use as a house
 368 trailer, as defined in paragraph (a), but which is used instead,
 369 permanently or temporarily, for the advertising, sales, display,
 370 or promotion of merchandise or services or for any other
 371 commercial purpose except the transportation of property for
 372 hire or the transportation of property for distribution by a
 373 private carrier.

374 (29)~~(16)~~ IMPLEMENT OF HUSBANDRY.—Any vehicle designed and
 375 adapted exclusively for agricultural, horticultural, or
 376 livestock-raising operations or for lifting or carrying an
 377 implement of husbandry and in either case not subject to
 378 registration if used upon the highways.

379 (30)~~(17)~~ INTERSECTION.—

380 (a) The area embraced within the prolongation or
 381 connection of the lateral curblines; or, if none, then the
 382 lateral boundary lines of the roadways of two highways which
 383 join one another at, or approximately at, right angles; or the
 384 area within which vehicles traveling upon different highways
 385 joining at any other angle may come in conflict.

386 (b) Where a highway includes two roadways 30 feet or more
 387 apart, ~~then~~ every crossing of each roadway of such divided
 388 highway by an intersecting highway shall be regarded as a
 389 separate intersection. If the ~~In the event such~~ intersecting
 390 highway also includes two roadways 30 feet or more apart, ~~then~~

391 every crossing of two roadways of such highways shall be
392 regarded as a separate intersection.

393 (31)~~(18)~~ LANED HIGHWAY.—A highway the roadway of which is
394 divided into two or more clearly marked lanes for vehicular
395 traffic.

396 (32)~~(19)~~ LIMITED ACCESS FACILITY.—A street or highway
397 especially designed for through traffic and over, from, or to
398 which owners or occupants of abutting land or other persons have
399 no right or easement, or only a limited right or easement, of
400 access, light, air, or view by reason of the fact that their
401 property abuts upon such limited access facility or for any
402 other reason. Such highways or streets may be parkways from
403 which trucks, buses, and other commercial vehicles are excluded,
404 or ~~they~~ may be freeways open to use by all customary forms of
405 street and highway traffic.

406 (33)~~(20)~~ LOCAL AUTHORITIES.—~~Includes~~ All officers and
407 public officials of the several counties and municipalities of
408 this state.

409 (34)~~(91)~~ LOCAL HEARING OFFICER.—The person, designated by
410 a department, county, or municipality that elects to authorize
411 traffic infraction enforcement officers to issue traffic
412 citations under s. 316.0083(1)(a), who is authorized to conduct
413 hearings related to a notice of violation issued pursuant to s.
414 316.0083. The charter county, noncharter county, or municipality
415 may use its currently appointed code enforcement board or
416 special magistrate to serve as the local hearing officer. The

417 department may enter into an interlocal agreement to use the
418 local hearing officer of a county or municipality.

419 (35)~~(80)~~ MAXI-CUBE VEHICLE.—A specialized combination
420 vehicle consisting of a truck carrying a separable cargo-
421 carrying unit combined with a semitrailer designed so that the
422 separable cargo-carrying unit is to be loaded and unloaded
423 through the semitrailer. The entire combination may not exceed
424 65 feet in length, and a single component of that combination
425 may not exceed 34 feet in length.

426 (36)~~(61)~~ MIGRANT OR SEASONAL FARM WORKER.—Any person
427 employed in hand labor operations in planting, cultivation, or
428 harvesting agricultural crops.

429 (37)~~(77)~~ MOPED.—Any vehicle with pedals to permit
430 propulsion by human power, having a seat or saddle for the use
431 of the rider and designed to travel on not more than three
432 wheels,~~+~~ with a motor rated not in excess of 2 brake horsepower
433 and not capable of propelling the vehicle at a speed greater
434 than 30 miles per hour on level ground~~+~~ and with a power-drive
435 system that functions directly or automatically without
436 clutching or shifting gears by the operator after the drive
437 system is engaged. If an internal combustion engine is used, the
438 displacement may not exceed 50 cubic centimeters.

439 (38)~~(86)~~ MOTOR CARRIER TRANSPORTATION CONTRACT.—

440 (a) A contract, agreement, or understanding covering:

441 1. The transportation of property for compensation or hire
442 by the motor carrier;

443 2. Entrance on property by the motor carrier for the
444 purpose of loading, unloading, or transporting property for
445 compensation or hire; or

446 3. A service incidental to activity described in
447 subparagraph 1. or subparagraph 2., including, but not limited
448 to, storage of property.

449 (b) "Motor carrier transportation contract" does not
450 include the Uniform Intermodal Interchange and Facilities Access
451 Agreement administered by the Intermodal Association of North
452 America or other agreements providing for the interchange, use,
453 or possession of intermodal chassis, containers, or other
454 intermodal equipment.

455 ~~(39)-(21)~~ MOTOR VEHICLE.—Except when used in s. 316.1001, a
456 self-propelled vehicle not operated upon rails or guideway, but
457 not including any bicycle, motorized scooter, electric personal
458 assistive mobility device, swamp buggy, or moped. For purposes
459 of s. 316.1001, "motor vehicle" has the same meaning as provided
460 in s. 320.01(1)(a).

461 ~~(40)-(22)~~ MOTORCYCLE.—Any motor vehicle having a seat or
462 saddle for the use of the rider and designed to travel on not
463 more than three wheels in contact with the ground, but excluding
464 a tractor or a moped.

465 ~~(41)-(82)~~ MOTORIZED SCOOTER.—Any vehicle not having a seat
466 or saddle for the use of the rider, designed to travel on not
467 more than three wheels, and not capable of propelling the
468 vehicle at a speed greater than 30 miles per hour on level

469 ground.

470 (42)~~(78)~~ NONPUBLIC SECTOR BUS.—Any bus which is used for
 471 the transportation of persons for compensation and which is not
 472 owned, leased, operated, or controlled by a municipal, county,
 473 or state government or a governmentally owned or managed
 474 nonprofit corporation.

475 (43)~~(23)~~ OFFICIAL TRAFFIC CONTROL DEVICES.—All signs,
 476 signals, markings, and devices, not inconsistent with this
 477 chapter, placed or erected by authority of a public body or
 478 official having jurisdiction for the purpose of regulating,
 479 warning, or guiding traffic.

480 (44)~~(24)~~ OFFICIAL TRAFFIC CONTROL SIGNAL.—Any device,
 481 whether manually, electrically, or mechanically operated, by
 482 which traffic is alternately directed to stop and permitted to
 483 proceed.

484 (45)~~(25)~~ OPERATOR.—Any person who is in actual physical
 485 control of a motor vehicle upon the highway~~7~~ or who is
 486 exercising control over or steering a vehicle being towed by a
 487 motor vehicle.

488 (46)~~(26)~~ OWNER.—A person who holds the legal title of a
 489 vehicle. ~~If, or, in the event~~ a vehicle is the subject of an
 490 agreement for the conditional sale or lease thereof with the
 491 right of purchase upon performance of the conditions stated in
 492 the agreement and with an immediate right of possession vested
 493 in the conditional vendee or lessee, or if ~~in the event~~ a
 494 mortgagor of a vehicle is entitled to possession, ~~then~~ such

495 conditional vendee~~7~~ or lessee~~7~~ or mortgagor shall be deemed the
496 owner~~7~~ for the purposes of this chapter.

497 ~~(47)-(27)~~ PARK OR PARKING.—The standing of a vehicle,
498 whether occupied or not occupied, otherwise than temporarily for
499 the purpose of and while actually engaged in loading or
500 unloading merchandise or passengers as may be permitted by law
501 under this chapter.

502 ~~(48)-(28)~~ PEDESTRIAN.—Any person afoot.

503 ~~(49)-(29)~~ PERSON.—Any natural person, firm, copartnership,
504 association, or corporation.

505 ~~(50)-(30)~~ PNEUMATIC TIRE.—Any tire in which compressed air
506 is designed to support the load.

507 ~~(51)-(31)~~ POLE TRAILER.—Any vehicle without motive power
508 designed to be drawn by another vehicle and attached to the
509 towing vehicle by means of a reach or pole, or by being boomed
510 or otherwise secured to the towing vehicle, and ordinarily used
511 for transporting long or irregularly shaped loads such as poles,
512 pipes, or structural members capable, generally, of sustaining
513 themselves as beams between the supporting connections.

514 ~~(52)-(32)~~ POLICE OFFICER.—Any officer authorized to direct
515 or regulate traffic or to make arrests for violations of traffic
516 regulations, including Florida highway patrol officers,
517 sheriffs, deputy sheriffs, and municipal police officers.

518 ~~(53)-(33)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
519 provided in paragraph (75) (b) ~~(53) (b)~~, any privately owned way
520 or place used for vehicular travel by the owner and those having

521 | express or implied permission from the owner, but not by other
 522 | persons.

523 | (54)~~(34)~~ RADIOACTIVE MATERIALS.—Any materials or
 524 | combination of materials which emit ionizing radiation
 525 | spontaneously in which the radioactivity per gram of material,
 526 | in any form, is greater than 0.002 microcuries.

527 | (55)~~(35)~~ RAILROAD.—A carrier of persons or property upon
 528 | cars operated upon stationary rails.

529 | (56)~~(36)~~ RAILROAD SIGN OR SIGNAL.—Any sign, signal, or
 530 | device erected by authority of a public body or official, or by
 531 | a railroad, and intended to give notice of the presence of
 532 | railroad tracks or the approach of a railroad train.

533 | (57)~~(37)~~ RAILROAD TRAIN.—A steam engine, electric or other
 534 | motor, with or without cars coupled thereto, operated upon
 535 | rails, except a streetcar.

536 | (58)~~(38)~~ RESIDENCE DISTRICT.—The territory contiguous to,
 537 | and including, a highway, not comprising a business district,
 538 | when the property on such highway, for a distance of 300 feet or
 539 | more, is, in the main, improved with residences or residences
 540 | and buildings in use for business.

541 | (59)~~(39)~~ REVOCATION.—Termination of Revocation means that
 542 | a licensee's privilege to drive a motor vehicle ~~is terminated~~. A
 543 | new license may be obtained only as permitted by law.

544 | (60)~~(40)~~ RIGHT-OF-WAY.—The right of one vehicle or
 545 | pedestrian to proceed in a lawful manner in preference to
 546 | another vehicle or pedestrian approaching under such

547 | circumstances of direction, speed, and proximity as to give rise
548 | to danger of collision unless one grants precedence to the
549 | other.

550 | (61)~~(41)~~ ROAD TRACTOR.—Any motor vehicle designed and used
551 | for drawing other vehicles and not so constructed as to carry
552 | any load thereon, either independently or as any part of the
553 | weight of a vehicle or load so drawn.

554 | (62)~~(42)~~ ROADWAY.—That portion of a highway improved,
555 | designed, or ordinarily used for vehicular travel, exclusive of
556 | the berm or shoulder. If ~~In the event~~ a highway includes two or
557 | more separate roadways, the term "roadway" ~~as used herein~~ refers
558 | to any such roadway separately, but not to all such roadways
559 | collectively.

560 | (63)~~(43)~~ SADDLE MOUNT; FULL MOUNT.—An arrangement whereby
561 | the front wheels of one vehicle rest in a secured position upon
562 | another vehicle. All of the wheels of the towing vehicle are
563 | upon the ground, and only the rear wheels of the towed vehicle
564 | rest upon the ground. Such combinations may include one full
565 | mount, whereby a smaller transport vehicle is placed completely
566 | on the last towed vehicle.

567 | (64)~~(44)~~ SAFETY ZONE.—The area or space officially set
568 | apart within a roadway for the exclusive use of pedestrians and
569 | protected or so marked by adequate signs or authorized pavement
570 | markings as to be plainly visible at all times while set apart
571 | as a safety zone.

572 | (65)~~(92)~~ SANITATION VEHICLE.—A motor vehicle that bears an

573 emblem that is visible from the roadway and clearly identifies
574 that the vehicle belongs to or is under contract with a person,
575 entity, cooperative, board, commission, district, or unit of
576 local government that provides garbage, trash, refuse, or
577 recycling collection.

578 (66)~~(45)~~ SCHOOL BUS.—Any motor vehicle that complies with
579 the color and identification requirements of chapter 1006 and is
580 used to transport children to or from public or private school
581 or in connection with school activities, but not including buses
582 operated by common carriers in urban transportation of school
583 children. The term "school" includes all preelementary,
584 elementary, secondary, and postsecondary schools.

585 (67)~~(46)~~ SEMITRAILER.—Any vehicle with or without motive
586 power, other than a pole trailer, designed for carrying persons
587 or property and for being drawn by a motor vehicle and so
588 constructed that some part of its weight and that of its load
589 rests upon, or is carried by, another vehicle.

590 (68)~~(47)~~ SIDEWALK.—That portion of a street between the
591 curblines, or the lateral line, of a roadway and the adjacent
592 property lines, intended for use by pedestrians.

593 (69)~~(48)~~ SPECIAL MOBILE EQUIPMENT.—Any vehicle not
594 designed or used primarily for the transportation of persons or
595 property and only incidentally operated or moved over a highway,
596 including, but not limited to, ditchdigging apparatus, well-
597 boring apparatus, and road construction and maintenance
598 machinery, such as asphalt spreaders, bituminous mixers, bucket

599 loaders, tractors other than truck tractors, ditchers, leveling
 600 graders, finishing machines, motor graders, road rollers,
 601 scarifiers, earthmoving carryalls and scrapers, power shovels
 602 and draglines, and self-propelled cranes and earthmoving
 603 equipment. The term does not include house trailers, dump
 604 trucks, truck-mounted transit mixers, cranes or shovels, or
 605 other vehicles designed for the transportation of persons or
 606 property to which machinery has been attached.

607 ~~(70)(49)~~ STAND OR STANDING.—The halting of a vehicle,
 608 whether occupied or not occupied, otherwise than temporarily,
 609 for the purpose of, and while actually engaged in, receiving or
 610 discharging passengers, as may be permitted by law under this
 611 chapter.

612 ~~(71)(50)~~ STATE ROAD.—Any highway designated as a state-
 613 maintained road by the Department of Transportation.

614 ~~(72)(51)~~ STOP.—When required, complete cessation from
 615 movement.

616 ~~(73)(52)~~ STOP OR STOPPING.—When prohibited, any halting,
 617 even momentarily, of a vehicle, whether occupied or not
 618 occupied, except when necessary to avoid conflict with other
 619 traffic or to comply with the directions of a law enforcement
 620 officer or traffic control sign or signal.

621 ~~(74)(70)~~ STRAIGHT TRUCK.—Any truck on which the cargo unit
 622 and the motive power unit are located on the same frame so as to
 623 form a single, rigid unit.

624 ~~(75)(53)~~ STREET OR HIGHWAY.—

625 (a) The entire width between the boundary lines of every
 626 way or place of whatever nature when any part thereof is open to
 627 the use of the public for purposes of vehicular traffic;

628 (b) The entire width between the boundary lines of any
 629 privately owned way or place used for vehicular travel by the
 630 owner and those having express or implied permission from the
 631 owner, but not by other persons, or any limited access road
 632 owned or controlled by a special district, whenever, by written
 633 agreement entered into under s. 316.006(2)(b) or (3)(b), a
 634 county or municipality exercises traffic control jurisdiction
 635 over said way or place;

636 (c) Any area, such as a runway, taxiway, ramp, clear zone,
 637 or parking lot, within the boundary of any airport owned by the
 638 state, a county, a municipality, or a political subdivision,
 639 which area is used for vehicular traffic but which is not open
 640 for vehicular operation by the general public; or

641 (d) Any way or place used for vehicular traffic on a
 642 controlled access basis within a mobile home park recreation
 643 district which has been created under s. 418.30 and the
 644 recreational facilities of which district are open to the
 645 general public.

646 (76)~~(54)~~ SUSPENSION.—Temporary withdrawal of a licensee's
 647 privilege to drive a motor vehicle.

648 (77)~~(89)~~ SWAMP BUGGY.—A motorized off-road vehicle that is
 649 designed or modified to travel over swampy or varied terrain and
 650 that may use large tires or tracks operated from an elevated

651 platform. The term does not include any vehicle defined in
 652 chapter 261 or otherwise defined or classified in this chapter.

653 (78)~~(81)~~ TANDEM AXLE.—Any two axles the ~~whose~~ centers of
 654 which are more than 40 inches but not more than 96 inches apart
 655 and are individually attached to or articulated from, or both, a
 656 common attachment to the vehicle, including a connecting
 657 mechanism designed to equalize the load between axles.

658 (79)~~(71)~~ TANDEM TRAILER TRUCK.—Any combination of a truck
 659 tractor, semitrailer, and trailer coupled together so as to
 660 operate as a complete unit.

661 (80)~~(72)~~ TANDEM TRAILER TRUCK HIGHWAY NETWORK.—A highway
 662 network consisting primarily of four or more lanes, including
 663 all interstate highways; highways designated by the United
 664 States Department of Transportation as elements of the National
 665 Network; and any street or highway designated by the Florida
 666 Department of Transportation for use by tandem trailer trucks,
 667 in accordance with s. 316.515, except roads on which truck
 668 traffic was specifically prohibited on January 6, 1983.

669 (81)~~(73)~~ TERMINAL.—Any location where:

670 (a) Freight ~~either~~ originates, terminates, or is handled
 671 in the transportation process; or

672 (b) Commercial motor carriers maintain operating
 673 facilities.

674 (82)~~(55)~~ THROUGH HIGHWAY.—Any highway or portion thereof
 675 on which vehicular traffic is given the right-of-way and at the
 676 entrances to which vehicular traffic from intersecting highways

677 is required to yield right-of-way to vehicles on such through
678 highway in obedience to ~~either~~ a stop sign or yield sign, or
679 otherwise in obedience to law.

680 (83)~~(56)~~ TIRE WIDTH.—The ~~Tire width is that~~ width stated
681 on the surface of the tire by the manufacturer of the tire, if
682 the width stated does not exceed 2 inches more than the width of
683 the tire contacting the surface.

684 (84)~~(57)~~ TRAFFIC.—Pedestrians, ridden or herded animals,
685 and vehicles, streetcars, and other conveyances ~~either~~ singly or
686 together while using any street or highway for purposes of
687 travel.

688 (85)~~(87)~~ TRAFFIC INFRACTION DETECTOR.—A vehicle sensor
689 installed to work in conjunction with a traffic control signal
690 and a camera or cameras synchronized to automatically record two
691 or more sequenced photographic or electronic images or streaming
692 video of only the rear of a motor vehicle at the time the
693 vehicle fails to stop behind the stop bar or clearly marked stop
694 line when facing a traffic control signal steady red light. Any
695 notification under s. 316.0083(1)(b) or traffic citation issued
696 by the use of a traffic infraction detector must include a
697 photograph or other recorded image showing both the license tag
698 of the offending vehicle and the traffic control device being
699 violated.

700 (86)~~(84)~~ TRAFFIC SIGNAL PREEMPTION SYSTEM.—Any system or
701 device with the capability of activating a control mechanism
702 mounted on or near traffic signals which alters a traffic

703 signal's timing cycle.

704 (87)~~(58)~~ TRAILER.—Any vehicle with or without motive
 705 power, other than a pole trailer, designed for carrying persons
 706 or property and for being drawn by a motor vehicle.

707 (88)~~(74)~~ TRANSPORTATION.—The conveyance or movement of
 708 goods, materials, livestock, or persons from one location to
 709 another on any road, street, or highway open to travel by the
 710 public.

711 (89)~~(88)~~ TRI-VEHICLE.—An enclosed three-wheeled passenger
 712 vehicle that:

713 (a) Is designed to operate with three wheels in contact
 714 with the ground;

715 (b) Has a minimum unladen weight of 900 pounds;

716 (c) Has a single, completely enclosed~~7~~ occupant
 717 compartment;

718 (d) Is produced in a minimum quantity of 300 in any
 719 calendar year;

720 (e) Is capable of a speed greater than 60 miles per hour
 721 on level ground; and

722 (f) Is equipped with:

723 1. Seats that are certified by the vehicle manufacturer to
 724 meet the requirements of Federal Motor Vehicle Safety Standard
 725 No. 207, "Seating systems" (49 C.F.R. s. 571.207);

726 2. A steering wheel used to maneuver the vehicle;

727 3. A propulsion unit located forward or aft of the
 728 enclosed occupant compartment;

729 4. A seat belt for each vehicle occupant certified to meet
 730 the requirements of Federal Motor Vehicle Safety Standard No.
 731 209, "Seat belt assemblies" (49 C.F.R. s. 571.209);

732 5. A windshield and an appropriate windshield wiper and
 733 washer system that are certified by the vehicle manufacturer to
 734 meet the requirements of Federal Motor Vehicle Safety Standard
 735 No. 205, "Glazing materials" (49 C.F.R. s. 571.205) and Federal
 736 Motor Vehicle Safety Standard No. 104, "Windshield wiping and
 737 washing systems" (49 C.F.R. s. 571.104); and

738 6. A vehicle structure certified by the vehicle
 739 manufacturer to meet the requirements of Federal Motor Vehicle
 740 Safety Standard No. 216, "Rollover crush resistance" (49 C.F.R.
 741 s. 571.216).

742 (90)~~(59)~~ TRUCK.—Any motor vehicle designed, used, or
 743 maintained primarily for the transportation of property.

744 (91)~~(60)~~ TRUCK TRACTOR.—Any motor vehicle designed and
 745 used primarily for drawing other vehicles and not so constructed
 746 as to carry a load other than a part of the weight of the
 747 vehicle and load so drawn.

748 (92)~~(93)~~ UTILITY SERVICE VEHICLE.—A motor vehicle that
 749 bears an emblem that is visible from the roadway and clearly
 750 identifies that the vehicle belongs to or is under contract with
 751 a person, entity, cooperative, board, commission, district, or
 752 unit of local government that provides electric, natural gas,
 753 water, wastewater, cable, telephone, or communications services.

754 (93)~~(75)~~ VEHICLE.—Every device, in, upon, or by which any

755 person or property is or may be transported or drawn upon a
756 highway, except ~~excepting~~ devices used exclusively upon
757 stationary rails or tracks.

758 (94) ~~(85)~~ VICTIM SERVICES PROGRAMS.—Any community-based
759 organization the ~~whose~~ primary purpose of which is to act as an
760 advocate for the victims and survivors of traffic crashes and
761 for their families. The victims services offered by these
762 programs may include grief and crisis counseling, assistance
763 with preparing victim compensation claims excluding third-party
764 legal action, or connecting persons with other service
765 providers, and providing emergency financial assistance.

766 (95) ~~(79)~~ WORK ZONE AREA.—The area and its approaches on
767 any state-maintained highway, county-maintained highway, or
768 municipal street where construction, repair, maintenance, or
769 other street-related or highway-related work is being performed
770 or where one or more lanes are ~~is~~ closed to traffic.

771 Section 3. Subsections (1) and (3) of section 316.303,
772 Florida Statutes, are amended to read:

773 316.303 Television receivers.—

774 (1) A ~~No~~ motor vehicle operated on the highways of this
775 state may not ~~shall~~ be equipped with television-type receiving
776 equipment so located that the viewer or screen is visible from
777 the driver's seat unless the vehicle is operating in autonomous
778 mode as provided in s. 316.85(2) or operating with driver-
779 assistive truck platooning technology.

780 (3) This section does not prohibit the use of an

781 | electronic display used in conjunction with a vehicle navigation
782 | system, used by the operator of a vehicle operating in
783 | autonomous mode as provided in s. 316.85(2), or used by the
784 | operator of a vehicle operating with driver-assistive truck
785 | platooning technology.

786 | Section 4. Subsection (1) of section 320.525, Florida
787 | Statutes, is amended to read:

788 | 320.525 Port vehicles and equipment; definition;
789 | exemption.—

790 | (1) As used in this section, the term "port vehicles and
791 | equipment" means trucks, tractors, trailers, truck cranes, top
792 | loaders, fork lifts, hostling tractors, chassis, or other
793 | vehicles or equipment used for transporting cargo, containers,
794 | or other equipment. The term includes motor vehicles being
795 | relocated within a port facility or via designated port district
796 | roads.

797 | Section 5. Section 332.0012, Florida Statutes, is created
798 | to read:

799 | 332.0012 Florida aviation transportation and economic
800 | development funding.—

801 | (1) The Florida Aviation Transportation and Economic
802 | Development Program is created within the Department of
803 | Transportation to finance airport transportation or airport
804 | facilities projects that will improve the movement and
805 | intermodal transportation of cargo or passengers in commerce and
806 | trade and support the interests, purposes, and requirements of

807 all airports listed in s. 332.0014(1)(a)1.

808 (2) A minimum of \$15 million per year shall be made
809 available from the State Transportation Trust Fund to fund the
810 Florida Aviation Transportation and Economic Development
811 Program. The Florida Aviation Transportation and Economic
812 Development Council created in s. 332.0014 shall develop
813 guidelines for project funding. The Florida Aviation
814 Transportation and Economic Development Council, the Department
815 of Transportation, and the Department of Economic Opportunity
816 shall work in cooperation to review projects and allocate funds
817 in accordance with the schedule required for the Department of
818 Transportation to include these projects in the tentative work
819 program developed pursuant to s. 339.135.

820 (3)(a) Florida Aviation Transportation and Economic
821 Development Program funds shall be used for approved projects in
822 accordance with s. 332.007. Program funds may also be used by
823 the Florida Aviation Transportation and Economic Development
824 Council for data and analysis that will assist the state's
825 airports and international trade.

826 (b) The following airport facilities or airport
827 transportation projects are eligible for funding under the
828 program:

829 1. Transportation facilities within the jurisdiction of
830 the airport.

831 2. The construction, acquisition, improvement,
832 enlargement, extension, or rehabilitation of airport facilities,

833 storage facilities, terminals, or automated people mover systems
834 or any related facilities that are necessary or useful.

835 3. The acquisition of mechanized equipment used in the
836 movement of cargo or passengers in international commerce.

837 4. The acquisition of land to be used for airport
838 purposes.

839 5. Environmental protection projects that result from the
840 funding of eligible projects or that are necessary because of
841 requirements imposed by a state agency as a condition of a
842 permit or other form of state approval or for environmental
843 mitigation required as a condition of a state, federal, or local
844 environmental permit.

845 6. Transportation facilities as defined in s. 334.03 which
846 are not otherwise part of the Department of Transportation's
847 adopted work program.

848 7. Intermodal access projects.

849 (4) An airport that receives funding under the program
850 must adopt procedures to ensure that jobs created as a result of
851 state funding comply with equal opportunity hiring practices as
852 provided in s. 110.112.

853 (5) The Department of Transportation may require a final
854 audit of any project that receives funds under this section. The
855 Department of Transportation may adopt rules and perform such
856 other acts necessary to ensure that the final audits are
857 conducted and that any deficiency or questioned costs noted by
858 the audit are resolved.

859 Section 6. Section 332.0014, Florida Statutes, is created
860 to read:

861 332.0014 Florida Aviation Transportation and Economic
862 Development Council.—

863 (1) The Florida Aviation Transportation and Economic
864 Development Council is created within the Department of
865 Transportation.

866 (a) The council consists of the following members:

867 1. The airport director, or the airport director's
868 designee, of each of the following airports:

869 a. Fort Lauderdale-Hollywood International Airport.

870 b. Jacksonville International Airport.

871 c. Miami International Airport.

872 d. Orlando International Airport.

873 e. Palm Beach International Airport.

874 f. Southwest Florida International Airport.

875 g. Tampa International Airport.

876 h. Miami Executive Airport.

877 i. Kissimmee Gateway Airport.

878 j. Daytona Beach International Airport.

879 k. Destin-Fort Walton Beach Airport.

880 l. Gainesville Regional Airport.

881 m. Melbourne International Airport.

882 n. Northwest Florida Beaches International Airport.

883 o. Orlando Sanford International Airport.

884 p. Pensacola International Airport.

885 q. Sarasota-Bradenton International Airport.
886 r. Saint Petersburg-Clearwater International Airport.
887 s. Tallahassee International Airport.
888 2. The Secretary of Transportation or his or her designee.
889 3. The executive director of the Department of Economic
890 Opportunity or his or her designee.
891 (b) The council shall meet at the call of its chair, at
892 the request of a majority of its membership, or at such times as
893 may be prescribed in its bylaws. However, the council must meet
894 at least semiannually. A majority of voting members of the
895 council constitutes a quorum for the purpose of transacting the
896 business of the council. All members of the council are voting
897 members. A vote of the majority of the members present is
898 sufficient for any action of the council, except that a member
899 representing the Department of Transportation or the Department
900 of Economic Opportunity may vote to overrule any action of the
901 council approving a project pursuant to subsection (4). The
902 bylaws of the council may require a greater vote for a
903 particular action.
904 (c) Members of the council shall serve without
905 compensation but are entitled to reimbursement for per diem and
906 travel expenses as provided in s. 112.061.
907 (d) The council may employ an administrative staff to
908 provide services to the council on matters relating to the
909 Florida Aviation Transportation and Economic Development Program
910 and the council. The cost for such administrative services shall

911 be paid by all airports that receive funding from the Florida
912 Aviation Transportation and Economic Development Program, based
913 on a pro rata formula measured by each recipient's share of the
914 funds as compared to the total funds disbursed to all recipients
915 during the year. The share of costs for administrative services
916 shall be paid in its total amount by the recipient airport upon
917 execution by the airport and the Department of Transportation of
918 a joint participation agreement for each council-approved
919 project. Such payment is in addition to the matching funds
920 required to be paid by the recipient airport.

921 (e) The council shall adopt bylaws governing the conduct
922 of business of the council. The bylaws shall specify the
923 procedure for election of the council chair.

924 (2) (a) The council shall prepare a 5-year aviation mission
925 plan defining the goals and objectives of the council concerning
926 the development of airport facilities and an intermodal
927 transportation system consistent with the goals of the Florida
928 Transportation Plan. The mission plan shall include specific
929 recommendations for the construction of transportation
930 facilities connecting any airport to another transportation mode
931 and for the efficient, cost-effective development of
932 transportation facilities or airport facilities for the purpose
933 of enhancing trade, promoting cargo flow, increasing passenger
934 movements, increasing airport revenues, and providing economic
935 benefits to the state. Each year, the council shall update the
936 5-year mission plan and submit the plan no later than February 1

937 to the President of the Senate, the Speaker of the House of
938 Representatives, the Department of Economic Opportunity, and the
939 Department of Transportation.

940 (b) Each year, the council shall develop a prioritized
941 list of projects based on the recommendations in the mission
942 plan and submit the list to the Department of Transportation.

943 (c) The council shall develop programs, based on a review
944 of existing programs in this state and other states, for the
945 training of minorities and secondary school students in job
946 skills associated with employment opportunities in the aviation
947 industry and annually submit a report on progress and
948 recommendations for further action to the President of the
949 Senate and the Speaker of the House of Representatives.

950 (3) The council shall adopt rules for evaluating projects
951 that may be funded through the Florida Aviation Transportation
952 and Economic Development Program. The rules shall provide
953 criteria for evaluating a potential project, including, but not
954 limited to, consistency with appropriate plans, economic
955 benefit, readiness for construction, noncompetition with other
956 airports in this state, and capacity within the airport system.
957 Priority shall be given to projects eligible for funding as a
958 strategic airport investment project pursuant to s. 332.007(10).

959 (4) The council shall review and approve or disapprove
960 each project for funding under the Florida Aviation
961 Transportation and Economic Development Program. Each year, the
962 council shall submit a list of approved projects to the

963 Secretary of Transportation and the executive director of the
964 Department of Economic Opportunity. The list shall specify the
965 recommended funding level for each project and, if staged
966 implementation of the project is appropriate, the funding
967 requirements for each stage.

968 (5) The Department of Transportation shall review the
969 application of each project on the list to determine whether the
970 project is consistent with the Florida Transportation Plan, the
971 statewide aviation system plan, and the Department of
972 Transportation's adopted work program. In evaluating the
973 consistency of a project, the Department of Transportation shall
974 assess the transportation impacts and economic benefits of the
975 project. The Department of Transportation shall identify those
976 projects that are inconsistent with the Florida Transportation
977 Plan, the statewide aviation system plan, or the adopted work
978 program and notify the council of its findings. A project may
979 not be approved for funding if it is determined to be
980 inconsistent with the Florida Transportation Plan, the statewide
981 aviation system plan, or the adopted work program pursuant to
982 this subsection.

983 (6) The Department of Economic Opportunity shall review
984 the application of each project on the list to evaluate the
985 economic benefit of each project and to determine whether the
986 project is consistent with the statewide aviation system plan
987 and the state's economic development goals and policies. The
988 Department of Economic Opportunity shall review the proposed

989 project's consistency with state, regional, and local plans, as
990 appropriate, and the economic benefits of each project based on
991 the rules adopted pursuant to subsection (3). The Department of
992 Economic Opportunity shall identify those projects that it
993 determines do not offer an economic benefit to the state or that
994 are inconsistent with an appropriate plan, the statewide
995 aviation system plan, or the state's economic development goals
996 and policies and shall notify the council of its findings. A
997 project may not be approved for funding if it is determined to
998 be inconsistent with an appropriate plan, the statewide aviation
999 system plan, or the state's economic development goals and
1000 policies pursuant to this subsection.

1001 (7) The Department of Transportation shall include at
1002 least \$15 million per year in its annual legislative budget
1003 request for funding the Florida Aviation Transportation and
1004 Economic Development Program under s. 332.0012, including
1005 funding for those projects approved for funding under this
1006 section. The Department of Transportation shall include the
1007 specific projects to be funded through the Florida Aviation
1008 Transportation and Economic Development Program during the
1009 ensuing fiscal year in the tentative work program developed
1010 pursuant to s. 339.135. The total amount of funding to be
1011 allocated to Florida Aviation Transportation and Economic
1012 Development Program projects during the successive 4 fiscal
1013 years shall also be included in the tentative work program. The
1014 council may submit to the Department of Transportation a list of

1015 approved projects that could be made production ready within the
1016 next 2 years. The list shall be submitted by the Department of
1017 Transportation as part of the needs and project list prepared
1018 pursuant to s. 339.135(2)(b). However, the Department of
1019 Transportation shall, upon written request by the council,
1020 submit work program amendments pursuant to s. 339.135(7) to the
1021 Governor within 10 days after the later of the date the request
1022 is received by the Department of Transportation or the effective
1023 date of an amendment to, or termination or closure of, the
1024 applicable funding agreement between the Department of
1025 Transportation and the affected airport, as required to release
1026 the funds from the existing commitment. Notwithstanding s.
1027 339.135(7)(c), any work program amendment to transfer prior year
1028 funds from one approved airport project to another airport
1029 project is subject to the procedures in s. 339.135(7)(d).
1030 Notwithstanding any law provision of law, the Department of
1031 Transportation may transfer unexpended budget funds between the
1032 airport projects as identified in the approved work program
1033 amendments.

1034 (8) Except as otherwise provided by law, all moneys
1035 derived from the Florida Aviation Transportation and Economic
1036 Development Program shall be expended in accordance with s.
1037 287.057. Airports subject to competitive negotiation
1038 requirements of a local governing body must comply with s.
1039 287.055.

1040 Section 7. Section 333.01, Florida Statutes, is amended to

1041 read:

1042 333.01 Definitions.—~~As used in For the purpose of this~~
1043 ~~chapter, the term following words, terms, and phrases shall have~~
1044 ~~the meanings herein given, unless otherwise specifically~~
1045 ~~defined, or unless another intention clearly appears, or the~~
1046 ~~context otherwise requires:~~

1047 (1) "Aeronautical study" means a Federal Aviation
1048 Administration study, conducted in accordance with the standards
1049 of 14 C.F.R. part 77, subpart C, and Federal Aviation
1050 Administration policy and guidance, on the effect of proposed
1051 construction or alteration on the operation of air navigation
1052 facilities and the safe and efficient use of navigable airspace.

1053 ~~(1) "Aeronautics" means transportation by aircraft; the~~
1054 ~~operation, construction, repair, or maintenance of aircraft,~~
1055 ~~aircraft power plants and accessories, including the repair,~~
1056 ~~packing, and maintenance of parachutes; the design,~~
1057 ~~establishment, construction, extension, operation, improvement,~~
1058 ~~repair, or maintenance of airports, restricted landing areas, or~~
1059 ~~other air navigation facilities, and air instruction.~~

1060 (2) "Airport" means any area of land or water designed and
1061 set aside for the landing and taking off of aircraft and used
1062 ~~utilized~~ or to be used ~~utilized~~ in the interest of the public
1063 for such purpose.

1064 (3) "Airport hazard" means an obstruction to air
1065 navigation that affects the safe and efficient use of navigable
1066 airspace or the operation of planned or existing air navigation

1067 and communication facilities ~~any structure or tree or use of~~
 1068 ~~land which would exceed the federal obstruction standards as~~
 1069 ~~contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29~~
 1070 ~~and which obstructs the airspace required for the flight of~~
 1071 ~~aircraft in taking off, maneuvering, or landing or is otherwise~~
 1072 ~~hazardous to such taking off, maneuvering, or landing of~~
 1073 ~~aircraft and for which no person has previously obtained a~~
 1074 ~~permit or variance pursuant to s. 333.025 or s. 333.07.~~

1075 (4) "Airport hazard area" means any area of land or water
 1076 upon which an airport hazard might be established ~~if not~~
 1077 ~~prevented as provided in this chapter.~~

1078 (5) "Airport land use compatibility zoning" means airport
 1079 zoning regulations governing ~~restricting~~ the use of land on,
 1080 adjacent to, or in the immediate vicinity of airports ~~in the~~
 1081 ~~manner enumerated in s. 333.03(2) to activities and purposes~~
 1082 ~~compatible with the continuation of normal airport operations~~
 1083 ~~including landing and takeoff of aircraft in order to promote~~
 1084 ~~public health, safety, and general welfare.~~

1085 (6) "Airport layout plan" means a set of scaled drawings
 1086 that provides a graphic representation of the existing and
 1087 future development plan for the airport and demonstrates the
 1088 preservation and continuity of safety, utility, and efficiency
 1089 of the airport detailed, scale engineering drawing, including
 1090 pertinent dimensions, of an airport's current and planned
 1091 facilities, their locations, and runway usage.

1092 (7) "Airport master plan" means a comprehensive plan of an

1093 airport which typically describes current and future plans for
 1094 airport development designed to support existing and future
 1095 aviation demand.

1096 (8) "Airport protection zoning" means airport zoning
 1097 regulations governing airport hazards.

1098 (9) "Department" means the Department of Transportation.

1099 (10) "Educational facility" means any structure, land, or
 1100 use thereof that includes a public or private K-12 school,
 1101 charter school, magnet school, college campus, or university
 1102 campus. The term does not include space used for educational
 1103 purposes within a multitenant building.

1104 (11) "Landfill" has the same meaning as provided in s.
 1105 403.703.

1106 (12)~~(7)~~ "Obstruction" means any object of natural growth
 1107 or terrain, or permanent or temporary construction or
 1108 alteration, including equipment or materials used and any
 1109 permanent or temporary apparatus, or alteration of any permanent
 1110 or temporary existing structure by a change in its height,
 1111 including appurtenances, or lateral dimensions, including
 1112 equipment or material used therein, existing or proposed, which
 1113 exceeds ~~manmade object or object of natural growth or terrain~~
 1114 ~~that violates~~ the federal obstruction standards contained in 14
 1115 C.F.R. part 77, subpart C ss. 77.21, 77.23, 77.25, 77.28, and
 1116 77.29.

1117 (13)~~(8)~~ "Person" means any individual, firm,
 1118 copartnership, corporation, company, association, joint-stock

1119 association, or body politic, and includes any trustee,
 1120 receiver, assignee, or other similar representative thereof.

1121 ~~(14)-(9)~~ "Political subdivision" means the local government
 1122 of any county, city, town, village, or other subdivision or
 1123 agency thereof, or any district or special district, port
 1124 commission, port authority, or other such agency authorized to
 1125 establish or operate airports in the state.

1126 (15) "Public-use airport" means an airport, publicly or
 1127 privately owned, licensed by the state, which is open for use by
 1128 the public.

1129 ~~(16)-(10)~~ "Runway protection clear zone" means an area at
 1130 ground level beyond the runway end to enhance the safety and
 1131 protection of people and property on the ground ~~a runway clear~~
 1132 ~~zone as defined in 14 C.F.R. s. 151.9(b).~~

1133 ~~(17)-(11)~~ "Structure" means any object, constructed,
 1134 erected, altered, or installed by humans, including, but not
 1135 limited to ~~without limitation thereof~~, buildings, towers,
 1136 smokestacks, utility poles, power generation equipment, and
 1137 overhead transmission lines.

1138 (18) "Substantial modification" means any repair,
 1139 reconstruction, rehabilitation, or improvement of a structure
 1140 the actual cost of which equals or exceeds 50 percent of the
 1141 market value of the structure.

1142 ~~(12) "Tree" includes any plant of the vegetable kingdom.~~

1143 Section 8. Section 333.025, Florida Statutes, is amended
 1144 to read:

1145 333.025 Permit required for obstructions ~~structures~~
 1146 ~~exceeding federal obstruction standards.~~-

1147 (1) A person proposing the construction or alteration of
 1148 an obstruction shall obtain a permit from the department ~~In~~
 1149 ~~order to prevent the erection of structures dangerous to air~~
 1150 ~~navigation, subject to the provisions of subsections (2), (3),~~
 1151 ~~and (4), each person shall secure from the Department of~~
 1152 ~~Transportation a permit for the erection, alteration, or~~
 1153 ~~modification of any structure the result of which would exceed~~
 1154 ~~the federal obstruction standards as contained in 14 C.F.R. ss.~~
 1155 ~~77.21, 77.23, 77.25, 77.28, and 77.29. However, permits from the~~
 1156 ~~department~~ are ~~of Transportation will be required only within an~~
 1157 ~~airport hazard area where federal~~ obstruction ~~standards are~~
 1158 ~~exceeded and if the proposed construction~~ or alteration ~~is~~
 1159 ~~within a 10-nautical-mile radius of the~~ airport reference point,
 1160 located at the approximate geometric ~~geographical~~ center of all
 1161 usable runways of a public-use airport or a publicly owned or
 1162 operated airport, ~~a military airport, or an airport licensed by~~
 1163 ~~the state for public use.~~

1164 (2) Existing, planned, and proposed ~~Affected airports will~~
 1165 ~~be considered as having those facilities~~ on public-use airports
 1166 contained in an ~~which are shown on the~~ airport master plan, on
 1167 ~~or~~ an ~~airport layout plan submitted to the Federal Aviation~~
 1168 ~~Administration, Airport District Office or~~ in ~~comparable~~
 1169 ~~military documents shall, and will be so protected~~ from airport
 1170 hazards. ~~Planned or proposed public-use airports which are the~~

1171 ~~subject of a notice or proposal submitted to the Federal~~
1172 ~~Aviation Administration or to the Department of Transportation~~
1173 ~~shall also be protected.~~

1174 (3) A permit is not required for existing structures that
1175 ~~requirements of subsection (1) shall not apply to projects which~~
1176 received construction permits from the Federal Communications
1177 Commission for structures exceeding federal obstruction
1178 standards before ~~prior to~~ May 20, 1975, and a permit is not
1179 required for ~~provided such structures now exist; nor shall it~~
1180 ~~apply to previously approved structures now existing, or any~~
1181 necessary replacement or repairs to such existing structures
1182 provided, so long as the height and location are is unchanged.

1183 (4) When political subdivisions have, in compliance with
1184 this chapter, adopted adequate airport airspace protection
1185 zoning regulations, placed in compliance with s. 333.03, and
1186 such regulations ~~are~~ on file with the department's Aviation and
1187 Spaceports Office Department of Transportation, and established
1188 a permitting process, a permit for such structure ~~is shall~~ not
1189 ~~be~~ required from the department ~~of Transportation.~~ Upon receipt
1190 of a complete permit application, the local government shall
1191 provide a copy of the application to the department's Aviation
1192 and Spaceports Office by certified mail, return receipt
1193 requested, or by delivery service that provides a receipt
1194 evidencing delivery. To evaluate technical consistency with this
1195 subsection, the department has a 15-day review period following
1196 receipt of the application, which runs concurrently with the

1197 local government permitting process. Cranes, construction
 1198 equipment, and other temporary structures in use or in place for
 1199 a period not to exceed 18 consecutive months are exempt from
 1200 department review unless such review is requested by the
 1201 department.

1202 (5) The department ~~of Transportation~~ shall, within 30 days
 1203 after ~~of the~~ receipt of an application for a permit, issue or
 1204 deny a permit for the construction or erection, alteration, ~~or~~
 1205 ~~modification~~ of an obstruction. The department shall review
 1206 permit applications in accordance with s. 120.60 any structure
 1207 ~~the result of which would exceed federal obstruction standards~~
 1208 ~~as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and~~
 1209 ~~77.29.~~

1210 (6) In determining whether to issue or deny a permit, the
 1211 department shall consider:

1212 (a) The safety of persons on the ground and in the air.

1213 (b) The safe and efficient use of navigable airspace.

1214 (c) ~~(a)~~ The nature of the terrain and height of existing
 1215 structures.

1216 (d) The effect of the construction or alteration of an
 1217 obstruction on the state licensing standards for a public-use
 1218 airport contained in chapter 330 and rules adopted thereunder.

1219 ~~(b) Public and private interests and investments.~~

1220 (e) ~~(e)~~ The character of existing and planned flight flying
 1221 operations and ~~planned~~ developments at public-use ~~of~~ airports.

1222 (f) ~~(d)~~ Federal airways, visual flight rules, flyways and

1223 corridors, and instrument approaches as designated by the Federal
 1224 Aviation Administration.

1225 (g)-(e) The effect of ~~Whether~~ the construction or
 1226 alteration of an obstruction on ~~of the proposed structure would~~
 1227 cause an increase in the minimum descent altitude or the
 1228 decision height at the affected airport.

1229 ~~(f) Technological advances.~~

1230 ~~(g) The safety of persons on the ground and in the air.~~

1231 ~~(h) Land use density.~~

1232 ~~(i) The safe and efficient use of navigable airspace.~~

1233 (h)-(j) The cumulative effects on navigable airspace of all
 1234 existing obstructions structures, ~~proposed structures identified~~
 1235 in the applicable jurisdictions' comprehensive plans, and all
 1236 other known proposed obstructions structures in the area.

1237 (7) When issuing a permit under this section, the
 1238 department ~~of Transportation shall, as a specific condition of~~
 1239 ~~such permit,~~ require the owner of the obstruction to install,
 1240 operate, and maintain thereon, at the owner's expense, marking
 1241 and lighting in conformance with the specific standards
 1242 established by the Federal Aviation Administration ~~of the~~
 1243 permitted structure as provided in s. 333.07(3)(b).

1244 (8) The department may ~~of Transportation shall~~ not approve
 1245 a permit for the construction or alteration of an obstruction
 1246 ~~erection of a structure~~ unless the applicant submits ~~both~~
 1247 documentation showing compliance with the federal requirement
 1248 for notification of proposed construction or alteration and a

1249 valid aeronautical study. ~~A evaluation, and no permit may not~~
 1250 ~~shall~~ be approved solely because the Federal Aviation
 1251 Administration determines that the proposed obstruction is not
 1252 an airport hazard ~~on the basis that such proposed structure will~~
 1253 ~~not exceed federal obstruction standards as contained in 14~~
 1254 ~~C.F.R. ss. 77.21, 77.23, 77.25, 77.28, or 77.29, or any other~~
 1255 ~~federal aviation regulation.~~

1256 (9) The denial of a permit under this section is subject
 1257 to administrative review under chapter 120.

1258 Section 9. Section 333.03, Florida Statutes, is amended to
 1259 read:

1260 333.03 ~~Power to adopt~~ Airport protection zoning
 1261 regulations.—

1262 (1) (a) ~~In order to prevent the creation or establishment~~
 1263 ~~of airport hazards,~~ Every political subdivision having an
 1264 airport hazard area within its territorial limits shall, ~~by~~
 1265 ~~October 1, 1977,~~ adopt, administer, and enforce, under the
 1266 police power and in the manner and upon the conditions
 1267 ~~hereinafter~~ prescribed in this section, airport protection
 1268 zoning regulations for such airport hazard area.

1269 (b) When ~~Where~~ an airport is owned or controlled by a
 1270 political subdivision and any other political subdivision has
 1271 land upon which an obstruction may be constructed or altered,
 1272 which land underlies any of the surfaces of the airport
 1273 described in 14 C.F.R. part 77, subpart C, the political
 1274 subdivisions ~~airport hazard area appertaining to such airport is~~

1275 ~~located wholly or partly outside the territorial limits of said~~
 1276 ~~political subdivision, the political subdivision owning or~~
 1277 ~~controlling the airport and the political subdivision within~~
 1278 ~~which the airport hazard area is located,~~ shall either:

1279 1. By interlocal agreement, ~~in accordance with the~~
 1280 ~~provisions of chapter 163,~~ adopt, administer, and enforce a set
 1281 of airport protection zoning regulations ~~applicable to the~~
 1282 ~~airport hazard area in question;~~ or

1283 2. By ordinance, regulation, or resolution ~~duly adopted,~~
 1284 create a joint airport protection zoning board ~~that,~~ ~~which board~~
 1285 shall ~~have the same power to~~ adopt, administer, and enforce a
 1286 set of airport protection zoning regulations ~~applicable to the~~
 1287 ~~airport hazard area in question as that vested in paragraph (a)~~
 1288 ~~in the political subdivision within which such area is located.~~
 1289 The ~~Each such~~ joint airport protection zoning board shall have
 1290 as voting members two representatives appointed by each
 1291 participating political subdivision ~~participating in its~~
 1292 ~~creation and in addition~~ a chair elected by a majority of the
 1293 members ~~so~~ appointed. ~~However,~~ The airport manager or a
 1294 representative of each airport in managers of the participating
 1295 ~~affected~~ political subdivisions shall serve on the board in a
 1296 nonvoting capacity.

1297 (c) Airport protection zoning regulations adopted under
 1298 paragraph (a) shall, at ~~as~~ a minimum, require:

1299 1. A permit ~~variance~~ for the construction or erection,
 1300 ~~alteration, or modification~~ of any obstruction ~~structure which~~

1301 ~~would cause the structure to exceed the federal obstruction~~
1302 ~~standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25,~~
1303 ~~77.28, and 77.29;~~

1304 2. ~~Obstruction~~ Marking and lighting for obstructions
1305 ~~structures as specified in s. 333.07(3);~~

1306 3. Documentation showing compliance with the federal
1307 requirement for notification of proposed construction or
1308 alteration of structures and a valid aeronautical study
1309 ~~evaluation~~ submitted by each person applying for a permit
1310 ~~variance;~~

1311 4. Consideration of the criteria in s. 333.025(6), when
1312 determining whether to issue or deny a permit variance; and

1313 5. That a permit may not ~~no variance shall~~ be approved
1314 solely because the Federal Aviation Administration determines
1315 that the proposed obstruction is not an airport hazard ~~on the~~
1316 ~~basis that such proposed structure will not exceed federal~~
1317 ~~obstruction standards as contained in 14 C.F.R. ss. 77.21,~~
1318 ~~77.23, 77.25, 77.28, or 77.29, or any other federal aviation~~
1319 ~~regulation.~~

1320 (d) The department shall be available to provide
1321 assistance to political subdivisions with regard to ~~issue copies~~
1322 ~~of the federal obstruction standards as contained in 14 C.F.R.~~
1323 ~~ss. 77.21, 77.23, 77.25, 77.28, and 77.29 to each political~~
1324 ~~subdivision having airport hazard areas and, in cooperation with~~
1325 ~~political subdivisions, shall issue appropriate airport zoning~~
1326 ~~maps depicting within each county the maximum allowable height~~

1327 ~~of any structure or tree. Material distributed pursuant to this~~
 1328 ~~subsection shall be at no cost to authorized recipients.~~

1329 (2) In the manner provided in subsection (1), political
 1330 subdivisions shall adopt, administer, and enforce interim
 1331 airport land use compatibility zoning regulations shall be
 1332 adopted. Airport land use compatibility zoning regulations
 1333 shall, at a minimum, address ~~When political subdivisions have~~
 1334 ~~adopted land development regulations in accordance with the~~
 1335 ~~provisions of chapter 163 which address the use of land in the~~
 1336 ~~manner consistent with the provisions herein, adoption of~~
 1337 ~~airport land use compatibility regulations pursuant to this~~
 1338 ~~subsection shall not be required. Interim airport land use~~
 1339 ~~compatibility zoning regulations shall consider the following:~~

1340 (a) Prohibiting any new landfills and restricting any
 1341 existing ~~Whether sanitary landfills are located within the~~
 1342 following areas:

1343 1. Within 10,000 feet from the nearest point of any runway
 1344 used or planned to be used by turbine ~~turbojet or turboprop~~
 1345 aircraft.

1346 2. Within 5,000 feet from the nearest point of any runway
 1347 used only by nonturbine ~~piston-type~~ aircraft.

1348 3. Outside the perimeters defined in subparagraphs 1. and
 1349 2., but still within the lateral limits of the civil airport
 1350 imaginary surfaces defined in 14 C.F.R. s. 77.19 ~~part 77.25.~~
 1351 Case-by-case review of such landfills is advised.

1352 (b) Where ~~Whether~~ any landfill is located and constructed

1353 so that it attracts or sustains hazardous bird movements from
1354 feeding, water, or roosting areas into, or across, the runways
1355 or approach and departure patterns of aircraft. The operator of
1356 such a landfill must be required to ~~political subdivision shall~~
1357 ~~request from the airport authority or other governing body~~
1358 ~~operating the airport a report on such bird feeding or roosting~~
1359 ~~areas that at the time of the request are known to the airport.~~
1360 ~~In preparing its report, the authority, or other governing body,~~
1361 ~~shall consider whether the landfill will incorporate bird~~
1362 ~~management techniques or other practices to minimize bird~~
1363 ~~hazards to airborne aircraft. The airport authority or other~~
1364 ~~governing body shall respond to the political subdivision no~~
1365 ~~later than 30 days after receipt of such request.~~

1366 (c) Where an airport authority or other governing body
1367 operating a ~~publicly owned,~~ public-use airport has conducted a
1368 noise study in accordance with ~~the provisions of~~ 14 C.F.R. part
1369 150 or where a public-use airport owner has established noise
1370 contours pursuant to another public study approved by the Federal
1371 Aviation Administration. Noncompatible land uses, as established
1372 in the noise study under Appendix A to 14 C.F.R. part 150 or as a
1373 part of an alternative public study approved by the Federal
1374 Aviation Administration, are not permitted within the noise
1375 contours established by such study, except where such land use is
1376 specifically contemplated by such study with appropriate
1377 mitigation or similar techniques described in the study, ~~neither~~
1378 ~~residential construction nor any educational facility as defined~~

1379 ~~in chapter 1013, with the exception of aviation school~~
1380 ~~facilities, shall be permitted within the area contiguous to the~~
1381 ~~airport defined by an outer noise contour that is considered~~
1382 ~~incompatible with that type of construction by 14 C.F.R. part~~
1383 ~~150, Appendix A or an equivalent noise level as established by~~
1384 ~~other types of noise studies.~~

1385 (d) Where an airport authority or other governing body
1386 operating a ~~publicly owned,~~ public-use airport has not conducted
1387 a noise study, ~~neither Residential construction and nor any~~
1388 ~~educational facility as defined in chapter 1013, with the~~
1389 ~~exception of an aviation school facility facilities, are not~~
1390 ~~shall be permitted within an area contiguous to the airport~~
1391 ~~measuring one-half the length of the longest runway on either~~
1392 ~~side of and at the end of each runway centerline.~~

1393 ~~(e)(3) Restricting In the manner provided in subsection~~
1394 ~~(1), airport zoning regulations shall be adopted which restrict~~
1395 ~~new incompatible uses, activities, or substantial modifications~~
1396 ~~to existing incompatible uses ~~construction~~ within runway~~
1397 ~~protection clear zones, including uses, activities, or~~
1398 ~~construction in runway clear zones which are incompatible with~~
1399 ~~normal airport operations or endanger public health, safety, and~~
1400 ~~welfare by resulting in congregations of people, emissions of~~
1401 ~~light or smoke, or attraction of birds. Such regulations shall~~
1402 ~~prohibit the construction of an educational facility of a public~~
1403 ~~or private school at either end of a runway of a publicly owned,~~
1404 ~~public-use airport within an area which extends 5 miles in a~~

1405 ~~direct line along the centerline of the runway, and which has a~~
 1406 ~~width measuring one half the length of the runway. Exceptions~~
 1407 ~~approving construction of an educational facility within the~~
 1408 ~~delineated area shall only be granted when the political~~
 1409 ~~subdivision administering the zoning regulations makes specific~~
 1410 ~~findings detailing how the public policy reasons for allowing~~
 1411 ~~the construction outweigh health and safety concerns prohibiting~~
 1412 ~~such a location.~~

1413 ~~(4) The procedures outlined in subsections (1), (2), and~~
 1414 ~~(3) for the adoption of such regulations are supplemental to any~~
 1415 ~~existing procedures utilized by political subdivisions in the~~
 1416 ~~adoption of such regulations.~~

1417 ~~(3)-(5) Political subdivisions The Department of~~
 1418 ~~Transportation shall provide technical assistance to any~~
 1419 ~~political subdivision requesting assistance in the preparation~~
 1420 ~~of an airport zoning code. a copy of all local airport~~
 1421 ~~protection zoning codes, rules, and regulations and airport land~~
 1422 ~~use compatibility zoning regulations, together with any related~~
 1423 ~~amendments, to the department's Aviation and Spaceports Office~~
 1424 ~~within 30 days after adoption, and amendments and proposed and~~
 1425 ~~granted variances thereto, shall be filed with the department.~~

1426 ~~(4)-(6) Nothing in Subsection (2) does not or subsection~~
 1427 ~~(3) shall be construed to require the removal, alteration, sound~~
 1428 ~~conditioning, or other change to, or ~~to~~ interfere with the~~
 1429 ~~continued use or adjacent expansion of, any educational facility~~
 1430 ~~structure or site in existence on July 1, 1993, or be construed~~

1431 ~~to prohibit the construction of any new structure for which a~~
1432 ~~site has been determined as provided in former s. 235.19, as of~~
1433 ~~July 1, 1993.~~

1434 (5) This section does not preclude an airport authority, a
1435 political subdivision or its administrative agency, or other
1436 governing body operating a public-use airport from establishing
1437 airport zoning regulations more restrictive than prescribed in
1438 this section in order to protect the health, safety, and welfare
1439 of the public in the air and on the ground.

1440 Section 10. Section 333.04, Florida Statutes, is amended
1441 to read:

1442 333.04 Comprehensive plans or policies ~~zoning regulations;~~
1443 most stringent zoning regulations to prevail where conflicts
1444 occur.—

1445 (1) INCORPORATION.—~~If In the event that~~ a political
1446 ~~subdivision has adopted, or hereafter adopts,~~ a comprehensive
1447 plan or policy that regulates zoning ordinance regulating, ~~among~~
1448 ~~other things,~~ the height of buildings, structures, and natural
1449 ~~objects,~~ and uses of property, any airport zoning regulations
1450 applicable to the same area or portion thereof may be
1451 incorporated in and made a part of such comprehensive plan or
1452 policy ~~zoning regulations,~~ and be administered and enforced in
1453 connection therewith.

1454 (2) CONFLICT.—If there is a ~~In the event of~~ conflict
1455 between any airport zoning regulations adopted under this
1456 chapter and any other regulations applicable to the same area,

1457 whether the conflict be with respect to the height of structures
 1458 or vegetation ~~trees~~, the use of land, or any other matter, and
 1459 whether such regulations were adopted by the political
 1460 subdivision that ~~which~~ adopted the airport zoning regulations or
 1461 by some other political subdivision, the more stringent
 1462 limitation or requirement shall govern and prevail.

1463 Section 11. Section 333.05, Florida Statutes, is amended
 1464 to read:

1465 333.05 Procedure for adoption of zoning regulations.-

1466 (1) NOTICE AND HEARING.-~~No~~ Airport zoning regulations may
 1467 not shall be adopted, amended, or repealed ~~changed~~ under this
 1468 chapter except by action of the legislative body of the
 1469 political subdivision or affected subdivisions ~~in question~~, or
 1470 the joint board provided for in s. 333.03(1)(b)2. ~~333.03(1)(b)~~
 1471 ~~by the bodies therein provided and set forth~~, after a public
 1472 hearing on the adoption, amendment, or repeal ~~in relation~~
 1473 ~~thereto~~, at which parties in interest and citizens shall have an
 1474 opportunity to be heard. Notice of the hearing shall be
 1475 published at least once a week for 2 consecutive weeks in a
 1476 newspaper ~~an official paper, or a paper~~ of general circulation,
 1477 in the political subdivision or subdivisions where ~~in which~~ are
 1478 ~~located~~ the airport zoning regulations ~~areas~~ to be adopted,
 1479 amended, or deleted ~~zoned~~.

1480 (2) AIRPORT ZONING COMMISSION.-Before ~~Prior to~~ the initial
 1481 zoning of any airport area under this chapter, the political
 1482 subdivision or joint airport zoning board that ~~which~~ is to

1483 adopt, administer, and enforce the regulations shall appoint a
 1484 commission, to be known as the airport zoning commission, to
 1485 recommend the boundaries of the various zones to be established
 1486 and the regulations to be adopted therefor. The ~~Such~~ commission
 1487 shall make a preliminary report and hold public hearings on the
 1488 preliminary report ~~thereon~~ before submitting its final report.~~7~~
 1489 ~~and~~ The legislative body of the political subdivision or the
 1490 joint airport zoning board may ~~shall~~ not hold ~~its~~ public
 1491 hearings or take any action until it has received the final
 1492 report of the ~~such~~ commission, and at least 15 days have elapsed
 1493 ~~shall elapse~~ between the receipt of the final report of the
 1494 commission and the hearing to be held by the legislative body or
 1495 the latter board. Where a planning city plan commission, airport
 1496 commission, or comprehensive zoning commission already exists,
 1497 it may be appointed as the airport zoning commission.

1498 Section 12. Section 333.06, Florida Statutes, is amended
 1499 to read:

1500 333.06 Airport zoning regulation requirements.—

1501 (1) REASONABLENESS.—All airport zoning regulations adopted
 1502 under this chapter shall be reasonable and may not ~~none shall~~
 1503 impose any requirement or restriction that ~~which~~ is not
 1504 reasonably necessary to effectuate the purposes of this chapter.
 1505 In determining what regulations it may adopt, each political
 1506 subdivision and joint airport zoning board shall consider, among
 1507 other things, the character of the flying operations expected to
 1508 be conducted at the airport, the nature of the terrain within

1509 the airport hazard area and runway protection ~~clear~~ zones, the
 1510 character of the neighborhood, the uses to which the property to
 1511 be zoned is put and adaptable, and the impact of any new use,
 1512 activity, or construction on the airport's operating capability
 1513 and capacity.

1514 (2) INDEPENDENT JUSTIFICATION.—The purpose of all airport
 1515 zoning regulations adopted under this chapter is to provide ~~both~~
 1516 airspace protection and land uses ~~use~~ compatible with airport
 1517 operations. Each aspect of this purpose requires independent
 1518 justification in order to promote the public interest in safety,
 1519 health, and general welfare. Specifically, construction in a
 1520 runway protection ~~clear~~ zone which does not exceed airspace
 1521 height restrictions is not conclusive ~~evidence per se~~ that such
 1522 use, activity, or construction is compatible with airport
 1523 operations.

1524 (3) NONCONFORMING USES.—~~No~~ Airport protection zoning
 1525 regulations adopted under this chapter may not ~~shall~~ require the
 1526 removal, lowering, or other change or alteration of any
 1527 obstruction ~~structure or tree~~ not conforming to the regulations
 1528 when adopted or amended, or otherwise interfere with the
 1529 continuance of any nonconforming use, except as provided in s.
 1530 333.07(1) and (3).

1531 (4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO AFFECTED
 1532 LOCAL GOVERNMENTS.—An airport master plan shall be prepared by
 1533 each public-use ~~publicly owned and operated~~ airport licensed by
 1534 the department ~~of Transportation~~ under chapter 330. The

1535 authorized entity having responsibility for governing the
 1536 operation of the airport, when ~~either~~ requesting from or
 1537 submitting to a state or federal governmental agency with
 1538 funding or approval jurisdiction a "finding of no significant
 1539 impact," an environmental assessment, a site-selection study, an
 1540 airport master plan, or any amendment to an airport master plan,
 1541 shall submit simultaneously a copy of said request, submittal,
 1542 assessment, study, plan, or amendments by certified mail to all
 1543 affected local governments. For ~~the~~ purposes of this subsection,
 1544 "affected local government" means ~~is defined as~~ any city or
 1545 county having jurisdiction over the airport and any city or
 1546 county located within 2 miles of the boundaries of the land
 1547 subject to the airport master plan.

1548 Section 13. Section 333.07, Florida Statutes, is amended
 1549 to read:

1550 333.07 Local government permitting of airspace
 1551 obstructions ~~Permits and variances.~~—

1552 (1) PERMITS.—

1553 (a) A person proposing to construct, alter, or allow an
 1554 airport obstruction in an airport hazard area in violation of
 1555 the airport protection zoning regulations adopted under this
 1556 chapter shall apply for a permit. ~~A Any airport zoning~~
 1557 ~~regulations adopted under this chapter may require that a permit~~
 1558 ~~be obtained before any new structure or use may be constructed~~
 1559 ~~or established and before any existing use or structure may be~~
 1560 ~~substantially changed or substantially altered or repaired. In~~

1561 ~~any event, however, all such regulations shall provide that~~
1562 ~~before any nonconforming structure or tree may be replaced,~~
1563 ~~substantially altered or repaired, rebuilt, allowed to grow~~
1564 ~~higher, or replanted, a permit must be secured from the~~
1565 ~~administrative agency authorized to administer and enforce the~~
1566 ~~regulations, authorizing such replacement, change, or repair. No~~
1567 ~~permit may not shall be issued granted that would allow the~~
1568 ~~establishment or creation of an airport hazard or that would~~
1569 ~~permit a nonconforming obstruction structure or tree or~~
1570 ~~nonconforming use to be made or become higher or to become a~~
1571 ~~greater hazard to air navigation than it was when the applicable~~
1572 ~~airport protection zoning regulation was adopted that allowed~~
1573 ~~the establishment or creation of the obstruction or than it is~~
1574 ~~when the application for a permit is made.~~

1575 (b) Whenever the political subdivision or its
1576 administrative agency determines that a nonconforming
1577 obstruction ~~use or nonconforming structure or tree~~ has been
1578 abandoned or that is more than 80 percent of the obstruction is
1579 torn down, destroyed, deteriorated, or decayed, a ~~no~~ permit may
1580 not shall be granted that would allow the obstruction ~~said~~
1581 ~~structure or tree~~ to exceed the applicable height limit or
1582 otherwise deviate from the airport protection zoning
1583 regulations. Regardless of, and, whether an application is made
1584 for a permit under this subsection ~~or not, the said agency may~~
1585 ~~by appropriate action, compel~~ the owner of the nonconforming
1586 obstruction may be required ~~structure or tree~~, at his or her own

1587 expense, to lower, remove, reconstruct, alter, or equip such
 1588 obstruction ~~object~~ as ~~may be~~ necessary to conform to the current
 1589 airport protection zoning regulations. If the owner of the
 1590 nonconforming obstruction fails or refuses ~~structure or tree~~
 1591 ~~shall neglect or refuse~~ to comply with such requirement within
 1592 ~~order for~~ 10 days after notice thereof, the administrative ~~said~~
 1593 agency may report the violation to the political subdivision
 1594 involved therein, which subdivision, through its appropriate
 1595 agency, may proceed to have the obstruction ~~object~~ so lowered,
 1596 removed, reconstructed, altered, or equipped, and assess the
 1597 cost and expense thereof upon the owner of the obstruction
 1598 ~~object~~ or the land on which ~~whereon~~ it is or was located, ~~and,~~
 1599 ~~unless such an assessment is paid within 90 days from the~~
 1600 ~~service of notice thereof on the owner or the owner's agent, of~~
 1601 ~~such object or land, the sum shall be a lien on said land, and~~
 1602 ~~shall bear interest thereafter at the rate of 6 percent per~~
 1603 ~~annum until paid, and shall be collected in the same manner as~~
 1604 ~~taxes on real property are collected by said political~~
 1605 ~~subdivision, or, at the option of said political subdivision,~~
 1606 ~~said lien may be enforced in the manner provided for enforcement~~
 1607 ~~of liens by chapter 85.~~

1608 ~~(c) Except as provided herein, applications for permits~~
 1609 ~~shall be granted, provided the matter applied for meets the~~
 1610 ~~provisions of this chapter and the regulations adopted and in~~
 1611 ~~force hereunder.~~

1612 (2) CONSIDERATIONS WHEN ISSUING OR DENYING PERMITS.—In

1613 determining whether to issue or deny a permit, the political
 1614 subdivision or its administrative agency shall consider the
 1615 following, as applicable:

1616 (a) The safety of persons on the ground and in the air.

1617 (b) The safe and efficient use of navigable airspace.

1618 (c) The nature of the terrain and height of existing
 1619 structures.

1620 (d) The effect of the construction or alteration on the
 1621 state licensing standards for a public-use airport contained in
 1622 chapter 330 and rules adopted thereunder.

1623 (e) The character of existing and planned flight
 1624 operations and developments at public-use airports.

1625 (f) Federal airways, visual flight rules, flyways and
 1626 corridors, and instrument approaches as designated by the
 1627 Federal Aviation Administration.

1628 (g) The effect of the construction or alteration of the
 1629 proposed structure on the minimum descent altitude or the
 1630 decision height at the affected airport.

1631 (h) The cumulative effects on navigable airspace of all
 1632 existing structures and all other known proposed structures in
 1633 the area.

1634 (i) Additional requirements adopted by the political
 1635 subdivision or administrative agency pertinent to evaluation and
 1636 protection of airspace and airport operations.

1637 ~~(2) VARIANCES.~~

1638 ~~(a) Any person desiring to erect any structure, increase~~

1639 ~~the height of any structure, permit the growth of any tree, or~~
1640 ~~otherwise use his or her property in violation of the airport~~
1641 ~~zoning regulations adopted under this chapter or any land~~
1642 ~~development regulation adopted pursuant to the provisions of~~
1643 ~~chapter 163 pertaining to airport land use compatibility, may~~
1644 ~~apply to the board of adjustment for a variance from the zoning~~
1645 ~~regulations in question. At the time of filing the application,~~
1646 ~~the applicant shall forward to the department by certified mail,~~
1647 ~~return receipt requested, a copy of the application. The~~
1648 ~~department shall have 45 days from receipt of the application to~~
1649 ~~comment and to provide its comments or waiver of that right to~~
1650 ~~the applicant and the board of adjustment. The department shall~~
1651 ~~include its explanation for any objections stated in its~~
1652 ~~comments. If the department fails to provide its comments within~~
1653 ~~45 days of receipt of the application, its right to comment is~~
1654 ~~waived. The board of adjustment may proceed with its~~
1655 ~~consideration of the application only upon the receipt of the~~
1656 ~~department's comments or waiver of that right as demonstrated by~~
1657 ~~the filing of a copy of the return receipt with the board.~~
1658 ~~Noncompliance with this section shall be grounds to appeal~~
1659 ~~pursuant to s. 333.08 and to apply for judicial relief pursuant~~
1660 ~~to s. 333.11. Such variances may only be allowed where a literal~~
1661 ~~application or enforcement of the regulations would result in~~
1662 ~~practical difficulty or unnecessary hardship and where the~~
1663 ~~relief granted would not be contrary to the public interest but~~
1664 ~~would do substantial justice and be in accordance with the~~

1665 ~~spirit of the regulations and this chapter. However, any~~
1666 ~~variance may be allowed subject to any reasonable conditions~~
1667 ~~that the board of adjustment may deem necessary to effectuate~~
1668 ~~the purposes of this chapter.~~

1669 ~~(b) The Department of Transportation shall have the~~
1670 ~~authority to appeal any variance granted under this chapter~~
1671 ~~pursuant to s. 333.08, and to apply for judicial relief pursuant~~
1672 ~~to s. 333.11.~~

1673 (3) OBSTRUCTION MARKING AND LIGHTING.—

1674 ~~(a) When issuing a In granting any permit or variance~~
1675 ~~under this section, the political subdivision or its~~
1676 ~~administrative agency or board of adjustment shall require the~~
1677 ~~owner of the obstruction structure or tree in question to~~
1678 ~~install, operate, and maintain thereon, at the owner's his or~~
1679 ~~her own expense, such marking and lighting in conformance with~~
1680 ~~the specific standards established by the Federal Aviation~~
1681 ~~Administration as may be necessary to indicate to aircraft~~
1682 ~~pilots the presence of an obstruction.~~

1683 ~~(b) Such marking and lighting shall conform to the~~
1684 ~~specific standards established by rule by the Department of~~
1685 ~~Transportation.~~

1686 ~~(c) Existing structures not in compliance on October 1,~~
1687 ~~1988, shall be required to comply whenever the existing marking~~
1688 ~~requires refurbishment, whenever the existing lighting requires~~
1689 ~~replacement, or within 5 years of October 1, 1988, whichever~~
1690 ~~occurs first.~~

1691 Section 14. Section 333.09, Florida Statutes, is amended
1692 to read:

1693 333.09 Administration of airport zoning regulations.—

1694 (1) ADMINISTRATION.—All airport zoning regulations adopted
1695 under this chapter shall provide for the administration and
1696 enforcement of such regulations by the political subdivision or
1697 its ~~an~~ administrative agency ~~which may be an agency created by~~
1698 ~~such regulations or any official, board, or other existing~~
1699 ~~agency of the political subdivision adopting the regulations or~~
1700 ~~of one of the political subdivisions which participated in the~~
1701 ~~creation of the joint airport zoning board adopting the~~
1702 ~~regulations, if satisfactory to that political subdivision, but~~
1703 ~~in no case shall such administrative agency be or include any~~
1704 ~~member of the board of adjustment.~~ The duties of an any
1705 administrative agency designated pursuant to this chapter shall
1706 include ~~that of~~ hearing and deciding all permits under s. 333.07
1707 333.07(1), ~~deciding all matters under s. 333.07(3)~~, as they
1708 pertain to such agency, and all other matters under this chapter
1709 applying to such said agency, ~~but such agency shall not have or~~
1710 ~~exercise any of the powers herein delegated to the board of~~
1711 adjustment.

1712 (2) LOCAL GOVERNMENT PROCESS.—

1713 (a) A political subdivision required to adopt airport
1714 zoning regulations under this chapter shall provide a process to:

1715 1. Issue or deny permits consistent with s. 333.07.

1716 2. Provide the department with a copy of a complete

1717 application consistent with s. 333.025(4).

1718 3. Enforce the issuance or denial of a permit or other
1719 determination made by the administrative agency with respect to
1720 airport zoning regulations.

1721 (b) If a zoning board or permitting body already exists
1722 within a political subdivision, the zoning board or permitting
1723 body may implement the airport zoning regulation permitting and
1724 appeals processes.

1725 (3) APPEALS.—

1726 (a) A person, a political subdivision or its administrative
1727 agency, or a joint airport zoning board that contends that a
1728 decision made by a political subdivision or its administrative
1729 agency is an improper application of airport zoning regulations
1730 may use the process established for an appeal.

1731 (b) All appeals taken under this section must be taken
1732 within a reasonable time, as provided by the political
1733 subdivision or its administrative agency, by filing with the
1734 entity from which the appeal is taken a notice of appeal
1735 specifying the grounds for appeal.

1736 (c) An appeal shall stay all proceedings in the underlying
1737 action appealed from, unless the entity from which the appeal is
1738 taken certifies, pursuant to the rules for appeal, that by reason
1739 of the facts stated in the certificate a stay would, in its
1740 opinion, cause imminent peril to life or property. In such cases,
1741 proceedings may not be stayed except by order of the political
1742 subdivision or its administrative agency on notice to the entity

1743 from which the appeal is taken and for good cause shown.

1744 (d) The political subdivision or its administrative agency
1745 shall set a reasonable time for the hearing of appeals, give
1746 public notice and due notice to the parties in interest, and
1747 decide the issue within a reasonable time. Upon the hearing, any
1748 party may appear in person, by agent, or by attorney.

1749 (e) The political subdivision or its administrative agency
1750 may, in accordance with this chapter, affirm, reverse, or modify
1751 the decision on the permit or other determination from which the
1752 appeal is taken.

1753 Section 15. Section 333.11, Florida Statutes, is amended
1754 to read:

1755 333.11 Judicial review.—

1756 (1) ~~A Any person, aggrieved, or taxpayer affected, by any~~
1757 ~~decision of a board of adjustment, or any governing body of a~~
1758 ~~political subdivision, or the Department of Transportation or~~
1759 ~~any joint airport zoning board affected by a decision of a~~
1760 political subdivision, or its ~~of any~~ administrative agency
1761 ~~hereunder,~~ may apply for judicial relief to the circuit court in
1762 the judicial circuit where the political subdivision ~~board of~~
1763 ~~adjustment~~ is located within 30 days after rendition of the
1764 decision ~~by the board of adjustment~~. Review shall be by petition
1765 for writ of certiorari, which shall be governed by the Florida
1766 Rules of Appellate Procedure.

1767 ~~(2) Upon presentation of such petition to the court, it~~
1768 ~~may allow a writ of certiorari, directed to the board of~~

1769 ~~adjustment, to review such decision of the board. The allowance~~
 1770 ~~of the writ shall not stay the proceedings upon the decision~~
 1771 ~~appealed from, but the court may, on application, on notice to~~
 1772 ~~the board, on due hearing and due cause shown, grant a~~
 1773 ~~restraining order.~~

1774 ~~(3) The board of adjustment shall not be required to~~
 1775 ~~return the original papers acted upon by it, but it shall be~~
 1776 ~~sufficient to return certified or sworn copies thereof or of~~
 1777 ~~such portions thereof as may be called for by the writ. The~~
 1778 ~~return shall concisely set forth such other facts as may be~~
 1779 ~~pertinent and material to show the grounds of the decision~~
 1780 ~~appealed from and shall be verified.~~

1781 ~~(2)-(4)~~ The court has ~~shall have~~ exclusive jurisdiction to
 1782 affirm, reverse, or modify, ~~or set aside~~ the decision on the
 1783 permit or other determination from which the appeal is taken
 1784 ~~brought up for review, in whole or in part, and, if appropriate~~
 1785 ~~need be, to order further proceedings by the~~ political
 1786 subdivision or its administrative agency board of adjustment.
 1787 The findings of fact by the political subdivision or its
 1788 administrative agency board, if supported by substantial
 1789 evidence, shall be accepted by the court as conclusive, and an
 1790 ~~ne~~ objection to a decision of the political subdivision or its
 1791 administrative agency may not board shall be considered by the
 1792 court unless such objection was raised in the underlying
 1793 proceeding shall have been urged before the board, or, if it was
 1794 ~~not so urged, unless there were reasonable grounds for failure~~

1795 ~~to do so.~~

1796 (3)~~(5)~~ In any case in which airport zoning regulations
 1797 adopted under this chapter, ~~although generally reasonable,~~ are
 1798 held by a court to interfere with the use and enjoyment of a
 1799 particular structure or parcel of land to such an extent, or to
 1800 be so onerous in their application to such a structure or parcel
 1801 of land, as to constitute a taking or deprivation of that
 1802 property in violation of the State Constitution or the
 1803 Constitution of the United States, such holding shall not affect
 1804 the application of such regulations to other structures and
 1805 parcels of land, or such regulations as are not involved in the
 1806 particular decision.

1807 (4)~~(6)~~ A judicial ~~no~~ appeal to any court may not ~~shall~~ be
 1808 ~~or is~~ permitted under this section until the appellant has
 1809 exhausted all of its remedies through application for local
 1810 government permits, exceptions, and appeals, ~~to any courts, as~~
 1811 ~~herein provided, save and except an appeal from a decision of~~
 1812 ~~the board of adjustment, the appeal herein provided being from~~
 1813 ~~such final decision of such board only, the appellant being~~
 1814 ~~hereby required to exhaust his or her remedies hereunder of~~
 1815 ~~application for permits, exceptions and variances, and appeal to~~
 1816 ~~the board of adjustment, and gaining a determination by said~~
 1817 ~~board, before being permitted to appeal to the court hereunder.~~

1818 Section 16. Section 333.12, Florida Statutes, is amended
 1819 to read:

1820 333.12 Acquisition of air rights. ~~—If In any case which: it~~

1821 ~~is desired to remove, lower or otherwise terminate a~~
 1822 ~~nonconforming obstruction is determined to be an airport hazard~~
 1823 ~~and the owner will not remove, lower, or otherwise eliminate it~~
 1824 ~~structure or use; if ~~or~~ the approach protection necessary~~
 1825 ~~cannot, because of constitutional limitations, be provided by~~
 1826 ~~airport regulations under this chapter; or if it appears~~
 1827 ~~advisable that the necessary approach protection be provided by~~
 1828 ~~acquisition of property rights rather than by airport zoning~~
 1829 ~~regulations, the political subdivision within which the property~~
 1830 ~~or nonconforming obstruction ~~use~~ is located, or the political~~
 1831 ~~subdivision owning or operating the airport or being served by~~
 1832 ~~it, may acquire, by purchase, grant, or condemnation in the~~
 1833 ~~manner provided by chapter 73, such property, air right,~~
 1834 ~~avigation ~~navigation~~ easement, or other estate, portion, or~~
 1835 ~~interest in the property or nonconforming obstruction ~~structure~~~~
 1836 ~~or use or such interest in the air above such property, ~~tree,~~~~
 1837 ~~structure, or use, in question, as may be necessary to~~
 1838 ~~effectuate the purposes of this chapter, and ~~in so doing,~~ if by~~
 1839 ~~condemnation, may ~~to have the right to~~ take immediate possession~~
 1840 ~~of the property, interest in property, air right, or other right~~
 1841 ~~sought to be condemned, at the time, ~~and~~ in the manner and form,~~
 1842 ~~and as authorized by chapter 74. If the political subdivision~~
 1843 ~~acquires any ~~In the case of the purchase of any~~ property, ~~or any~~~~
 1844 ~~easement, or estate or interest therein by purchase or ~~the~~~~
 1845 ~~acquisition of the same by the power of eminent domain, the~~
 1846 ~~political subdivision making such purchase or exercising such~~

1847 ~~power shall,~~ in addition to the damages for the taking, injury,
 1848 or destruction of property, ~~also~~ pay the cost of the removal and
 1849 relocation of any structure or any public utility that must
 1850 ~~which is required to~~ be moved to a new location.

1851 Section 17. Section 333.13, Florida Statutes, is amended
 1852 to read:

1853 333.13 Enforcement and remedies.-

1854 (1) A ~~Each~~ violation of this chapter or ~~of~~ any airport
 1855 zoning regulations, orders, or rulings adopted ~~promulgated~~ or
 1856 made under ~~pursuant to~~ this chapter is ~~shall constitute~~ a
 1857 misdemeanor of the second degree, punishable as provided in s.
 1858 775.082 or s. 775.083, and each day a violation continues to
 1859 exist constitutes ~~shall constitute~~ a separate offense.

1860 (2) In addition, the political subdivision or agency
 1861 adopting the airport zoning regulations under this chapter may
 1862 institute in any court of competent jurisdiction an action to
 1863 prevent, restrain, correct, or abate a ~~any~~ violation of this
 1864 chapter, any ~~or of~~ airport zoning regulations adopted under this
 1865 chapter, or ~~of~~ any order or ruling made in connection with their
 1866 administration or enforcement, and the court shall adjudge to
 1867 the plaintiff such relief, by way of injunction (which may be
 1868 mandatory) or otherwise, as may be proper under all the facts
 1869 and circumstances of the case in order to fully effectuate the
 1870 purposes of this chapter and of the regulations adopted and
 1871 orders and rulings made pursuant thereto.

1872 (3) The department ~~of Transportation~~ may institute a civil

1873 action for injunctive relief in the appropriate circuit court to
1874 prevent violation of ~~any provision of~~ this chapter.

1875 Section 18. Section 333.135, Florida Statutes, is created
1876 to read:

1877 333.135 Transition provisions.—

1878 (1) For those political subdivisions that have not adopted
1879 airport zoning regulations pursuant to this chapter, the
1880 department shall administer the permitting process as provided in
1881 s. 333.025.

1882 (2) By July 1, 2017:

1883 (a) Any airport zoning regulation in effect on July 1,
1884 2016, that includes provisions in conflict with this chapter
1885 shall be amended to conform to the requirements of this chapter.

1886 (b) Any political subdivision having an airport within its
1887 territorial limits which has not adopted airport zoning
1888 regulations shall adopt airport zoning regulations consistent
1889 with this chapter.

1890 Section 19. Sections 333.065, 333.08, 333.10, and 333.14,
1891 Florida Statutes, are repealed.

1892 Section 20. For the purpose of incorporating the amendment
1893 made by this act to section 333.01, Florida Statutes, in a
1894 reference thereto, subsection (6) of section 350.81, Florida
1895 Statutes, is reenacted to read:

1896 350.81 Communications services offered by governmental
1897 entities.—

1898 (6) To ensure the safe and secure transportation of

1899 | passengers and freight through an airport facility, as defined
1900 | in s. 159.27(17), an airport authority or other governmental
1901 | entity that provides or is proposing to provide communications
1902 | services only within the boundaries of its airport layout plan,
1903 | as defined in s. 333.01(6), to subscribers which are integral
1904 | and essential to the safe and secure transportation of
1905 | passengers and freight through the airport facility, is exempt
1906 | from this section. An airport authority or other governmental
1907 | entity that provides or is proposing to provide shared-tenant
1908 | service under s. 364.339, but not dial tone enabling subscribers
1909 | to complete calls outside the airport layout plan, to one or
1910 | more subscribers within its airport layout plan which are not
1911 | integral and essential to the safe and secure transportation of
1912 | passengers and freight through the airport facility is exempt
1913 | from this section. An airport authority or other governmental
1914 | entity that provides or is proposing to provide communications
1915 | services to one or more subscribers within its airport layout
1916 | plan which are not integral and essential to the safe and secure
1917 | transportation of passengers and freight through the airport
1918 | facility, or to one or more subscribers outside its airport
1919 | layout plan, is not exempt from this section. By way of example
1920 | and not limitation, the integral, essential subscribers may
1921 | include airlines and emergency service entities, and the
1922 | nonintegral, nonessential subscribers may include retail shops,
1923 | restaurants, hotels, or rental car companies.

1924 | Section 21. Paragraph (a) of subsection (1) of section

1925 337.18, Florida Statutes, is amended to read:

1926 337.18 Surety bonds for construction or maintenance
 1927 contracts; requirement with respect to contract award; bond
 1928 requirements; defaults; damage assessments.—

1929 (1) (a) A surety bond shall be required of the successful
 1930 bidder in an amount equal to the awarded contract price.
 1931 However, the department may choose, in its discretion and
 1932 applicable only to multiyear maintenance contracts, to allow for
 1933 incremental annual contract bonds that cumulatively total the
 1934 full, awarded, multiyear contract price.

1935 1. The department may waive the requirement for all or a
 1936 portion of a surety bond if:

1937 a. ~~For a project for which~~ The contract price is \$250,000
 1938 or less ~~and,~~ the department may waive the requirement for all or
 1939 a portion of a surety bond if it determines that the project is
 1940 of a noncritical nature and nonperformance will not endanger
 1941 public health, safety, or property;

1942 b. The prime contractor is a qualified nonprofit agency
 1943 for the blind or for the other severely handicapped under s.
 1944 413.036(2); or

1945 c. The prime contractor is using a subcontractor that is a
 1946 qualified nonprofit agency for the blind or for the other
 1947 severely handicapped under s. 413.036(2). However, the
 1948 department may not waive more than the amount of the
 1949 subcontract.

1950 2. If the Secretary of Transportation or the secretary's

1951 | designee determines that it is in the best interests of the
 1952 | department to reduce the bonding requirement for a project and
 1953 | that to do so will not endanger public health, safety, or
 1954 | property, the department may waive the requirement of a surety
 1955 | bond in an amount equal to the awarded contract price for a
 1956 | project having a contract price of \$250 million or more and, in
 1957 | its place, may set a surety bond amount that is a portion of the
 1958 | total contract price and provide an alternate means of security
 1959 | for the balance of the contract amount that is not covered by
 1960 | the surety bond or provide for incremental surety bonding and
 1961 | provide an alternate means of security for the balance of the
 1962 | contract amount that is not covered by the surety bond. Such
 1963 | alternative means of security may include letters of credit,
 1964 | United States bonds and notes, parent company guarantees, and
 1965 | cash collateral. The department may require alternate means of
 1966 | security if a surety bond is waived. The surety on such bond
 1967 | shall be a surety company authorized to do business in the
 1968 | state. All bonds shall be payable to the department and
 1969 | conditioned for the prompt, faithful, and efficient performance
 1970 | of the contract according to plans and specifications and within
 1971 | the time period specified, and for the prompt payment of all
 1972 | persons defined in s. 713.01 furnishing labor, material,
 1973 | equipment, and supplies for work provided in the contract;
 1974 | however, whenever an improvement, demolition, or removal
 1975 | contract price is \$25,000 or less, the security may, in the
 1976 | discretion of the bidder, be in the form of a cashier's check,

1977 bank money order of any state or national bank, certified check,
 1978 or postal money order. The department shall adopt rules to
 1979 implement this subsection. Such rules shall include provisions
 1980 under which the department shall refuse to accept bonds on
 1981 contracts when a surety wrongfully fails or refuses to settle or
 1982 provide a defense for claims or actions arising under a contract
 1983 for which the surety previously furnished a bond.

1984 Section 22. Subsection (5) of section 338.231, Florida
 1985 Statutes, is amended to read:

1986 338.231 Turnpike tolls, fixing; pledge of tolls and other
 1987 revenues.—The department shall at all times fix, adjust, charge,
 1988 and collect such tolls and amounts for the use of the turnpike
 1989 system as are required in order to provide a fund sufficient
 1990 with other revenues of the turnpike system to pay the cost of
 1991 maintaining, improving, repairing, and operating such turnpike
 1992 system; to pay the principal of and interest on all bonds issued
 1993 to finance or refinance any portion of the turnpike system as
 1994 the same become due and payable; and to create reserves for all
 1995 such purposes.

1996 ~~(5) In each fiscal year while any of the bonds of the~~
 1997 ~~Broward County Expressway Authority series 1984 and series 1986~~
 1998 ~~A remain outstanding, the department is authorized to pledge~~
 1999 ~~revenues from the turnpike system to the payment of principal~~
 2000 ~~and interest of such series of bonds and the operation and~~
 2001 ~~maintenance expenses of the Sawgrass Expressway, to the extent~~
 2002 ~~gross toll revenues of the Sawgrass Expressway are insufficient~~

2003 ~~to make such payments. The terms of an agreement relative to the~~
 2004 ~~pledge of turnpike system revenue will be negotiated with the~~
 2005 ~~parties of the 1984 and 1986 Broward County Expressway Authority~~
 2006 ~~lease-purchase agreements, and subject to the covenants of those~~
 2007 ~~agreements. The agreement must establish that the Sawgrass~~
 2008 ~~Expressway is subject to the planning, management, and operating~~
 2009 ~~control of the department limited only by the terms of the~~
 2010 ~~lease-purchase agreements. The department shall provide for the~~
 2011 ~~payment of operation and maintenance expenses of the Sawgrass~~
 2012 ~~Expressway until such agreement is in effect. This pledge of~~
 2013 ~~turnpike system revenues is subordinate to the debt service~~
 2014 ~~requirements of any future issue of turnpike bonds, the payment~~
 2015 ~~of turnpike system operation and maintenance expenses, and~~
 2016 ~~subject to any subsequent resolution or trust indenture relating~~
 2017 ~~to the issuance of such turnpike bonds.~~

2018 Section 23. Subsection (2) of section 339.2818, Florida
 2019 Statutes, is amended to read:

2020 339.2818 Small County Outreach Program.—

2021 (2)(a) For the purposes of this section, the term "small
 2022 county" means any county that has a population of 165,000
 2023 ~~150,000~~ or less as determined by the most recent official
 2024 estimate pursuant to s. 186.901.

2025 ~~(b) Notwithstanding paragraph (a), for the 2015-2016~~
 2026 ~~fiscal year, for purposes of this section, the term "small~~
 2027 ~~county" means any county that has a population of 165,000 or~~
 2028 ~~less as determined by the most recent official estimate pursuant~~

2029 ~~to s. 186.901. This paragraph expires July 1, 2016.~~

2030 Section 24. Section 341.0532, Florida Statutes, is
 2031 repealed.

2032 Section 25. Subsection (3) and paragraph (a) of subsection
 2033 (4) of section 348.753, Florida Statutes, are amended to read:

2034 348.753 Central Florida Expressway Authority.—

2035 (3) The governing body of the authority shall consist of
 2036 nine members. The chairs of the boards of the county commissions
 2037 of Seminole, Lake, and Osceola Counties shall each appoint one
 2038 member from his or her respective county, who must ~~may~~ be a
 2039 commission member or chair or a county mayor. The Mayor of
 2040 Orange County shall appoint a member from the Orange County
 2041 Commission. The Governor shall appoint three citizen members,
 2042 each of whom must be a citizen of ~~either~~ Orange County, Seminole
 2043 County, Lake County, or Osceola County. ~~The eighth member must~~
 2044 ~~be the Mayor of Orange County and. The ninth member must be the~~
 2045 Mayor of the City of Orlando shall also serve as members. The
 2046 executive director of the Florida Turnpike Enterprise shall
 2047 serve as a nonvoting advisor to the governing body of the
 2048 authority. Each member appointed by the Governor shall serve for
 2049 4 years, with his or her term ending on December 31 of his or
 2050 her last year of service. Each county-appointed member shall
 2051 serve for 2 years. ~~The terms of standing board members expire~~
 2052 ~~June 20, 2014~~. Each appointed member shall hold office until his
 2053 or her successor has been appointed and has qualified. A vacancy
 2054 occurring during a term must be filled only for the balance of

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2055 the unexpired term. Each appointed member of the authority shall
2056 be a person of outstanding reputation for integrity,
2057 responsibility, and business ability, but, except as provided in
2058 this subsection, a person who is an officer or employee of a
2059 municipality or county may not be an appointed member of the
2060 authority. Any member of the authority is eligible for
2061 reappointment.

2062 (4) (a) The authority shall elect one of its members as
2063 chair of the authority. The authority shall also elect one of
2064 its members as vice chair, ~~one of its members as secretary,~~ and
2065 one of its members as treasurer. The chair, vice chair,
2066 ~~secretary,~~ and treasurer shall hold such offices at the will of
2067 the authority. Five members of the authority constitute a
2068 quorum, and the vote of five members is necessary for any action
2069 taken by the authority. A vacancy in the authority does not
2070 impair the right of a quorum of the authority to exercise all of
2071 the rights and perform all of the duties of the authority.

2072 Section 26. (1) (a) The Office of Economic and Demographic
2073 Research shall evaluate and determine the economic benefits, as
2074 defined in s. 288.005(1), Florida Statutes, of the state's
2075 investment in the Department of Transportation's adopted work
2076 program developed in accordance with s. 339.135(5), Florida
2077 Statutes, for fiscal year 2016-2017 and the following 4 fiscal
2078 years. At a minimum, a separate return on investment shall be
2079 projected for each of the following areas:

2080 1. Roads and highways.

- 2081 2. Rails.
- 2082 3. Public transit.
- 2083 4. Aviation.
- 2084 5. Seaports.

2085 (b) The evaluation shall be limited to the funding
 2086 anticipated by the adopted work program but may address the
 2087 continuing economic impact for those transportation projects in
 2088 the 5 years after the conclusion of the adopted work program.
 2089 The evaluation must also determine the number of jobs created,
 2090 the increase or decrease in personal income, and the impact on
 2091 gross domestic product from the direct, indirect, and induced
 2092 effects on the state's investment in each area.

2093 (2) The Department of Transportation and each of its
 2094 district offices shall provide the Office of Economic and
 2095 Demographic Research full access to all data necessary to
 2096 complete the evaluation, including any confidential data.

2097 (3) The Office of Economic and Demographic Research shall
 2098 submit the evaluation to the President of the Senate and the
 2099 Speaker of the House of Representatives by January 1, 2017.

2100 Section 27. Paragraph (c) of subsection (1) of section
 2101 212.05, Florida Statutes, is amended to read:

2102 212.05 Sales, storage, use tax.—It is hereby declared to
 2103 be the legislative intent that every person is exercising a
 2104 taxable privilege who engages in the business of selling
 2105 tangible personal property at retail in this state, including
 2106 the business of making mail order sales, or who rents or

2107 | furnishes any of the things or services taxable under this
 2108 | chapter, or who stores for use or consumption in this state any
 2109 | item or article of tangible personal property as defined herein
 2110 | and who leases or rents such property within the state.

2111 | (1) For the exercise of such privilege, a tax is levied on
 2112 | each taxable transaction or incident, which tax is due and
 2113 | payable as follows:

2114 | (c) At the rate of 6 percent of the gross proceeds derived
 2115 | from the lease or rental of tangible personal property, as
 2116 | defined herein; however, the following special provisions apply
 2117 | to the lease or rental of motor vehicles:

2118 | 1. When a motor vehicle is leased or rented for a period
 2119 | of less than 12 months:

2120 | a. If the motor vehicle is rented in Florida, the entire
 2121 | amount of such rental is taxable, even if the vehicle is dropped
 2122 | off in another state.

2123 | b. If the motor vehicle is rented in another state and
 2124 | dropped off in Florida, the rental is exempt from Florida tax.

2125 | 2. Except as provided in subparagraph 3., for the lease or
 2126 | rental of a motor vehicle for a period of not less than 12
 2127 | months, sales tax is due on the lease or rental payments if the
 2128 | vehicle is registered in this state; provided, however, that no
 2129 | tax shall be due if the taxpayer documents use of the motor
 2130 | vehicle outside this state and tax is being paid on the lease or
 2131 | rental payments in another state.

2132 | 3. The tax imposed by this chapter does not apply to the

2133 | lease or rental of a commercial motor vehicle as defined in s.
 2134 | 316.003(12) (a) ~~316.003(66) (a)~~ to one lessee or rentee for a
 2135 | period of not less than 12 months when tax was paid on the
 2136 | purchase price of such vehicle by the lessor. To the extent tax
 2137 | was paid with respect to the purchase of such vehicle in another
 2138 | state, territory of the United States, or the District of
 2139 | Columbia, the Florida tax payable shall be reduced in accordance
 2140 | with the provisions of s. 212.06(7). This subparagraph shall
 2141 | only be available when the lease or rental of such property is
 2142 | an established business or part of an established business or
 2143 | the same is incidental or germane to such business.

2144 | Section 28. Subsection (1) of section 316.1303, Florida
 2145 | Statutes, is amended to read:

2146 | 316.1303 Traffic regulations to assist mobility-impaired
 2147 | persons.—

2148 | (1) Whenever a pedestrian who is mobility impaired is in
 2149 | the process of crossing a public street or highway with the
 2150 | assistance of a guide dog or service animal designated as such
 2151 | with a visible means of identification, a walker, a crutch, an
 2152 | orthopedic cane, or a wheelchair, the driver of a vehicle
 2153 | approaching the intersection, ~~as defined in s. 316.003(17),~~
 2154 | shall bring his or her vehicle to a full stop before arriving at
 2155 | the intersection and, before proceeding, shall take precautions
 2156 | necessary to avoid injuring the pedestrian.

2157 | Section 29. Subsection (5) of section 316.235, Florida
 2158 | Statutes, is amended to read:

2159 | 316.235 Additional lighting equipment.—

2160 | (5) A bus, ~~as defined in s. 316.003(3)~~, may be equipped
 2161 | with a deceleration lighting system which cautions following
 2162 | vehicles that the bus is slowing, preparing to stop, or is
 2163 | stopped. Such lighting system shall consist of amber lights
 2164 | mounted in horizontal alignment on the rear of the vehicle at or
 2165 | near the vertical centerline of the vehicle, not higher than the
 2166 | lower edge of the rear window or, if the vehicle has no rear
 2167 | window, not higher than 72 inches from the ground. Such lights
 2168 | shall be visible from a distance of not less than 300 feet to
 2169 | the rear in normal sunlight. Lights are permitted to light and
 2170 | flash during deceleration, braking, or standing and idling of
 2171 | the bus. Vehicular hazard warning flashers may be used in
 2172 | conjunction with or in lieu of a rear-mounted deceleration
 2173 | lighting system.

2174 | Section 30. Paragraph (b) of subsection (2) and paragraph
 2175 | (a) of subsection (4) of section 316.545, Florida Statutes, are
 2176 | amended to read:

2177 | 316.545 Weight and load unlawful; special fuel and motor
 2178 | fuel tax enforcement; inspection; penalty; review.—

2179 | (2)

2180 | (b) The officer or inspector shall inspect the license
 2181 | plate or registration certificate of the commercial vehicle, ~~as~~
 2182 | ~~defined in s. 316.003(66)~~, to determine whether ~~if~~ its gross
 2183 | weight is in compliance with the declared gross vehicle weight.
 2184 | If its gross weight exceeds the declared weight, the penalty

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2185 shall be 5 cents per pound on the difference between such
2186 weights. In those cases when the commercial vehicle, ~~as defined~~
2187 ~~in s. 316.003(66)~~, is being operated over the highways of the
2188 state with an expired registration or with no registration from
2189 this or any other jurisdiction or is not registered under the
2190 applicable provisions of chapter 320, the penalty herein shall
2191 apply on the basis of 5 cents per pound on that scaled weight
2192 which exceeds 35,000 pounds on laden truck tractor-semitrailer
2193 combinations or tandem trailer truck combinations, 10,000 pounds
2194 on laden straight trucks or straight truck-trailer combinations,
2195 or 10,000 pounds on any unladen commercial motor vehicle. If the
2196 license plate or registration has not been expired for more than
2197 90 days, the penalty imposed under this paragraph may not exceed
2198 \$1,000. In the case of special mobile equipment ~~as defined in s.~~
2199 ~~316.003(48)~~, which qualifies for the license tax provided for in
2200 s. 320.08(5)(b), being operated on the highways of the state
2201 with an expired registration or otherwise not properly
2202 registered under the applicable provisions of chapter 320, a
2203 penalty of \$75 shall apply in addition to any other penalty
2204 which may apply in accordance with this chapter. A vehicle found
2205 in violation of this section may be detained until the owner or
2206 operator produces evidence that the vehicle has been properly
2207 registered. Any costs incurred by the retention of the vehicle
2208 shall be the sole responsibility of the owner. A person who has
2209 been assessed a penalty pursuant to this paragraph for failure
2210 to have a valid vehicle registration certificate pursuant to the

2211 provisions of chapter 320 is not subject to the delinquent fee
 2212 authorized in s. 320.07 if such person obtains a valid
 2213 registration certificate within 10 working days after such
 2214 penalty was assessed.

2215 (4) (a) A ~~Ne~~ commercial vehicle may not, ~~as defined in s.~~
 2216 ~~316.003(66)~~, shall be operated over the highways of this state
 2217 unless it has been properly registered under ~~the provisions of~~
 2218 s. 207.004. Whenever any law enforcement officer identified in
 2219 s. 207.023(1), upon inspecting the vehicle or combination of
 2220 vehicles, determines that the vehicle is in violation of s.
 2221 207.004, a penalty in the amount of \$50 shall be assessed, and
 2222 the vehicle may be detained until payment is collected by the
 2223 law enforcement officer.

2224 Section 31. Subsection (2) of section 316.605, Florida
 2225 Statutes, is amended to read:

2226 316.605 Licensing of vehicles.—

2227 (2) Any commercial motor vehicle, ~~as defined in s.~~
 2228 ~~316.003(66)~~, operating over the highways of this state with an
 2229 expired registration, with no registration from this or any
 2230 other jurisdiction, or with no registration under the applicable
 2231 provisions of chapter 320 shall be in violation of s. 320.07(3)
 2232 and shall subject the owner or operator of such vehicle to the
 2233 penalty provided. In addition, a commercial motor vehicle found
 2234 in violation of this section may be detained by any law
 2235 enforcement officer until the owner or operator produces
 2236 evidence that the vehicle has been properly registered and that

2237 any applicable delinquent penalties have been paid.

2238 Section 32. Subsection (6) of section 316.6105, Florida
 2239 Statutes, is amended to read:

2240 316.6105 Violations involving operation of motor vehicle
 2241 in unsafe condition or without required equipment; procedure for
 2242 disposition.—

2243 (6) This section does not apply to commercial motor
 2244 vehicles ~~as defined in s. 316.003(66)~~ or transit buses owned or
 2245 operated by a governmental entity.

2246 Section 33. Paragraph (a) of subsection (2) of section
 2247 316.613, Florida Statutes, is amended to read:

2248 316.613 Child restraint requirements.—

2249 (2) As used in this section, the term "motor vehicle"
 2250 means a motor vehicle as defined in s. 316.003 that is operated
 2251 on the roadways, streets, and highways of the state. The term
 2252 does not include:

2253 (a) A school bus ~~as defined in s. 316.003(45)~~.

2254 Section 34. Subsection (8) of section 316.622, Florida
 2255 Statutes, is amended to read:

2256 316.622 Farm labor vehicles.—

2257 (8) The department shall provide to the Department of
 2258 Business and Professional Regulation each quarter a copy of each
 2259 accident report involving a farm labor vehicle, ~~as defined in s.~~
 2260 ~~316.003(62), commencing with the first quarter of the 2006-2007~~
 2261 ~~fiscal year.~~

2262 Section 35. Paragraph (b) of subsection (1) of section

2263 316.650, Florida Statutes, is amended to read:

2264 316.650 Traffic citations.—

2265 (1)

2266 (b) The department shall prepare, and supply to every
 2267 traffic enforcement agency in the state, an appropriate
 2268 affidavit-of-compliance form that shall be issued along with the
 2269 form traffic citation for any violation of s. 316.610 and that
 2270 indicates the specific defect needing to be corrected. However,
 2271 such affidavit of compliance may ~~shall~~ not be issued in the case
 2272 of a violation of s. 316.610 by a commercial motor vehicle ~~as~~
 2273 ~~defined in s. 316.003(66)~~. Such affidavit-of-compliance form
 2274 shall be distributed in the same manner and to the same parties
 2275 as is the form traffic citation.

2276 Section 36. Subsection (1) of section 316.70, Florida
 2277 Statutes, is amended to read:

2278 316.70 Nonpublic sector buses; safety rules.—

2279 (1) The Department of Transportation shall establish and
 2280 revise standards to ensure ~~assure~~ the safe operation of
 2281 nonpublic sector buses, ~~as defined in s. 316.003(78)~~, which
 2282 standards shall be those contained in 49 C.F.R. parts 382, 385,
 2283 and 390-397 and which shall be directed toward ensuring ~~towards~~
 2284 ~~assuring~~ that:

2285 (a) Nonpublic sector buses are safely maintained,
 2286 equipped, and operated.

2287 (b) Nonpublic sector buses are carrying the insurance
 2288 required by law and carrying liability insurance on the checked

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2289 baggage of passengers not to exceed the standard adopted by the
2290 United States Department of Transportation.

2291 (c) Florida license tags are purchased for nonpublic
2292 sector buses pursuant to s. 320.38.

2293 (d) The driving records of drivers of nonpublic sector
2294 buses are checked by their employers at least once each year to
2295 ascertain whether the driver has a suspended or revoked driver
2296 license.

2297 Section 37. Paragraph (a) of subsection (1) of section
2298 320.01, Florida Statutes, is amended to read:

2299 320.01 Definitions, general.—As used in the Florida
2300 Statutes, except as otherwise provided, the term:

2301 (1) "Motor vehicle" means:

2302 (a) An automobile, motorcycle, truck, trailer,
2303 semitrailer, truck tractor and semitrailer combination, or any
2304 other vehicle operated on the roads of this state, used to
2305 transport persons or property, and propelled by power other than
2306 muscular power, but the term does not include traction engines,
2307 road rollers, special mobile equipment as defined in s. 316.003
2308 ~~316.003(48)~~, vehicles that run only upon a track, bicycles,
2309 swamp buggies, or mopeds.

2310 Section 38. Section 320.08, Florida Statutes, is amended
2311 to read:

2312 320.08 License taxes.—Except as otherwise provided herein,
2313 there are hereby levied and imposed annual license taxes for the
2314 operation of motor vehicles, mopeds, motorized bicycles as

2315 defined in s. 316.003(4) ~~316.003(2)~~, tri-vehicles as defined in
 2316 s. 316.003, and mobile homes~~r~~, as defined in s. 320.01, which
 2317 shall be paid to and collected by the department or its agent
 2318 upon the registration or renewal of registration of the
 2319 following:

2320 (1) MOTORCYCLES AND MOPEDS.—

2321 (a) Any motorcycle: \$10 flat.

2322 (b) Any moped: \$5 flat.

2323 (c) Upon registration of a motorcycle, motor-driven cycle,
 2324 or moped, in addition to the license taxes specified in this
 2325 subsection, a nonrefundable motorcycle safety education fee in
 2326 the amount of \$2.50 shall be paid. The proceeds of such
 2327 additional fee shall be deposited in the Highway Safety
 2328 Operating Trust Fund to fund a motorcycle driver improvement
 2329 program implemented pursuant to s. 322.025, the Florida
 2330 Motorcycle Safety Education Program established in s. 322.0255,
 2331 or the general operations of the department.

2332 (d) An ancient or antique motorcycle: \$7.50 flat, of which
 2333 \$2.50 shall be deposited into the General Revenue Fund.

2334 (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—

2335 (a) An ancient or antique automobile, as defined in s.
 2336 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.

2337 (b) Net weight of less than 2,500 pounds: \$14.50 flat.

2338 (c) Net weight of 2,500 pounds or more, but less than
 2339 3,500 pounds: \$22.50 flat.

2340 (d) Net weight of 3,500 pounds or more: \$32.50 flat.

- 2341 (3) TRUCKS.—
- 2342 (a) Net weight of less than 2,000 pounds: \$14.50 flat.
- 2343 (b) Net weight of 2,000 pounds or more, but not more than
- 2344 3,000 pounds: \$22.50 flat.
- 2345 (c) Net weight more than 3,000 pounds, but not more than
- 2346 5,000 pounds: \$32.50 flat.
- 2347 (d) A truck defined as a "goat," or other vehicle if used
- 2348 in the field by a farmer or in the woods for the purpose of
- 2349 harvesting a crop, including naval stores, during such
- 2350 harvesting operations, and which is not principally operated
- 2351 upon the roads of the state: \$7.50 flat. The term "goat" means a
- 2352 motor vehicle designed, constructed, and used principally for
- 2353 the transportation of citrus fruit within citrus groves or for
- 2354 the transportation of crops on farms, and which can also be used
- 2355 for hauling associated equipment or supplies, including required
- 2356 sanitary equipment, and the towing of farm trailers.
- 2357 (e) An ancient or antique truck, as defined in s. 320.086:
- 2358 \$7.50 flat.
- 2359 (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS
- 2360 VEHICLE WEIGHT.—
- 2361 (a) Gross vehicle weight of 5,001 pounds or more, but less
- 2362 than 6,000 pounds: \$60.75 flat, of which \$15.75 shall be
- 2363 deposited into the General Revenue Fund.
- 2364 (b) Gross vehicle weight of 6,000 pounds or more, but less
- 2365 than 8,000 pounds: \$87.75 flat, of which \$22.75 shall be
- 2366 deposited into the General Revenue Fund.

2367 (c) Gross vehicle weight of 8,000 pounds or more, but less
 2368 than 10,000 pounds: \$103 flat, of which \$27 shall be deposited
 2369 into the General Revenue Fund.

2370 (d) Gross vehicle weight of 10,000 pounds or more, but
 2371 less than 15,000 pounds: \$118 flat, of which \$31 shall be
 2372 deposited into the General Revenue Fund.

2373 (e) Gross vehicle weight of 15,000 pounds or more, but
 2374 less than 20,000 pounds: \$177 flat, of which \$46 shall be
 2375 deposited into the General Revenue Fund.

2376 (f) Gross vehicle weight of 20,000 pounds or more, but
 2377 less than 26,001 pounds: \$251 flat, of which \$65 shall be
 2378 deposited into the General Revenue Fund.

2379 (g) Gross vehicle weight of 26,001 pounds or more, but
 2380 less than 35,000: \$324 flat, of which \$84 shall be deposited
 2381 into the General Revenue Fund.

2382 (h) Gross vehicle weight of 35,000 pounds or more, but
 2383 less than 44,000 pounds: \$405 flat, of which \$105 shall be
 2384 deposited into the General Revenue Fund.

2385 (i) Gross vehicle weight of 44,000 pounds or more, but
 2386 less than 55,000 pounds: \$773 flat, of which \$201 shall be
 2387 deposited into the General Revenue Fund.

2388 (j) Gross vehicle weight of 55,000 pounds or more, but
 2389 less than 62,000 pounds: \$916 flat, of which \$238 shall be
 2390 deposited into the General Revenue Fund.

2391 (k) Gross vehicle weight of 62,000 pounds or more, but
 2392 less than 72,000 pounds: \$1,080 flat, of which \$280 shall be

2393 deposited into the General Revenue Fund.

2394 (l) Gross vehicle weight of 72,000 pounds or more: \$1,322
 2395 flat, of which \$343 shall be deposited into the General Revenue
 2396 Fund.

2397 (m) Notwithstanding the declared gross vehicle weight, a
 2398 truck tractor used within a 150-mile radius of its home address
 2399 is eligible for a license plate for a fee of \$324 flat if:

2400 1. The truck tractor is used exclusively for hauling
 2401 forestry products; or

2402 2. The truck tractor is used primarily for the hauling of
 2403 forestry products, and is also used for the hauling of
 2404 associated forestry harvesting equipment used by the owner of
 2405 the truck tractor.

2406
 2407 Of the fee imposed by this paragraph, \$84 shall be deposited
 2408 into the General Revenue Fund.

2409 (n) A truck tractor or heavy truck, not operated as a for-
 2410 hire vehicle, which is engaged exclusively in transporting raw,
 2411 unprocessed, and nonmanufactured agricultural or horticultural
 2412 products within a 150-mile radius of its home address, is
 2413 eligible for a restricted license plate for a fee of:

2414 1. If such vehicle's declared gross vehicle weight is less
 2415 than 44,000 pounds, \$87.75 flat, of which \$22.75 shall be
 2416 deposited into the General Revenue Fund.

2417 2. If such vehicle's declared gross vehicle weight is
 2418 44,000 pounds or more and such vehicle only transports from the

2419 | point of production to the point of primary manufacture; to the
 2420 | point of assembling the same; or to a shipping point of a rail,
 2421 | water, or motor transportation company, \$324 flat, of which \$84
 2422 | shall be deposited into the General Revenue Fund.

2423 |
 2424 | Such not-for-hire truck tractors and heavy trucks used
 2425 | exclusively in transporting raw, unprocessed, and
 2426 | nonmanufactured agricultural or horticultural products may be
 2427 | incidentally used to haul farm implements and fertilizers
 2428 | delivered direct to the growers. The department may require any
 2429 | documentation deemed necessary to determine eligibility prior to
 2430 | issuance of this license plate. For the purpose of this
 2431 | paragraph, "not-for-hire" means the owner of the motor vehicle
 2432 | must also be the owner of the raw, unprocessed, and
 2433 | nonmanufactured agricultural or horticultural product, or the
 2434 | user of the farm implements and fertilizer being delivered.

2435 | (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
 2436 | SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

2437 | (a)1. A semitrailer drawn by a GVW truck tractor by means
 2438 | of a fifth-wheel arrangement: \$13.50 flat per registration year
 2439 | or any part thereof, of which \$3.50 shall be deposited into the
 2440 | General Revenue Fund.

2441 | 2. A semitrailer drawn by a GVW truck tractor by means of
 2442 | a fifth-wheel arrangement: \$68 flat per permanent registration,
 2443 | of which \$18 shall be deposited into the General Revenue Fund.

2444 | (b) A motor vehicle equipped with machinery and designed

2445 for the exclusive purpose of well drilling, excavation,
 2446 construction, spraying, or similar activity, and which is not
 2447 designed or used to transport loads other than the machinery
 2448 described above over public roads: \$44 flat, of which \$11.50
 2449 shall be deposited into the General Revenue Fund.

2450 (c) A school bus used exclusively to transport pupils to
 2451 and from school or school or church activities or functions
 2452 within their own county: \$41 flat, of which \$11 shall be
 2453 deposited into the General Revenue Fund.

2454 (d) A wrecker, as defined in s. 320.01, which is used to
 2455 tow a vessel as defined in s. 327.02, a disabled, abandoned,
 2456 stolen-recovered, or impounded motor vehicle as defined in s.
 2457 320.01, or a replacement motor vehicle as defined in s. 320.01:
 2458 \$41 flat, of which \$11 shall be deposited into the General
 2459 Revenue Fund.

2460 (e) A wrecker that is used to tow any nondisabled motor
 2461 vehicle, a vessel, or any other cargo unless used as defined in
 2462 paragraph (d), as follows:

2463 1. Gross vehicle weight of 10,000 pounds or more, but less
 2464 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited
 2465 into the General Revenue Fund.

2466 2. Gross vehicle weight of 15,000 pounds or more, but less
 2467 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited
 2468 into the General Revenue Fund.

2469 3. Gross vehicle weight of 20,000 pounds or more, but less
 2470 than 26,000 pounds: \$251 flat, of which \$65 shall be deposited

2471 into the General Revenue Fund.

2472 4. Gross vehicle weight of 26,000 pounds or more, but less
 2473 than 35,000 pounds: \$324 flat, of which \$84 shall be deposited
 2474 into the General Revenue Fund.

2475 5. Gross vehicle weight of 35,000 pounds or more, but less
 2476 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited
 2477 into the General Revenue Fund.

2478 6. Gross vehicle weight of 44,000 pounds or more, but less
 2479 than 55,000 pounds: \$772 flat, of which \$200 shall be deposited
 2480 into the General Revenue Fund.

2481 7. Gross vehicle weight of 55,000 pounds or more, but less
 2482 than 62,000 pounds: \$915 flat, of which \$237 shall be deposited
 2483 into the General Revenue Fund.

2484 8. Gross vehicle weight of 62,000 pounds or more, but less
 2485 than 72,000 pounds: \$1,080 flat, of which \$280 shall be
 2486 deposited into the General Revenue Fund.

2487 9. Gross vehicle weight of 72,000 pounds or more: \$1,322
 2488 flat, of which \$343 shall be deposited into the General Revenue
 2489 Fund.

2490 (f) A hearse or ambulance: \$40.50 flat, of which \$10.50
 2491 shall be deposited into the General Revenue Fund.

2492 (6) MOTOR VEHICLES FOR HIRE.—

2493 (a) Under nine passengers: \$17 flat, of which \$4.50 shall
 2494 be deposited into the General Revenue Fund; plus \$1.50 per cwt,
 2495 of which 50 cents shall be deposited into the General Revenue
 2496 Fund.

2497 (b) Nine passengers and over: \$17 flat, of which \$4.50
 2498 shall be deposited into the General Revenue Fund; plus \$2 per
 2499 cwt, of which 50 cents shall be deposited into the General
 2500 Revenue Fund.

2501 (7) TRAILERS FOR PRIVATE USE.—

2502 (a) Any trailer weighing 500 pounds or less: \$6.75 flat
 2503 per year or any part thereof, of which \$1.75 shall be deposited
 2504 into the General Revenue Fund.

2505 (b) Net weight over 500 pounds: \$3.50 flat, of which \$1
 2506 shall be deposited into the General Revenue Fund; plus \$1 per
 2507 cwt, of which 25 cents shall be deposited into the General
 2508 Revenue Fund.

2509 (8) TRAILERS FOR HIRE.—

2510 (a) Net weight under 2,000 pounds: \$3.50 flat, of which \$1
 2511 shall be deposited into the General Revenue Fund; plus \$1.50 per
 2512 cwt, of which 50 cents shall be deposited into the General
 2513 Revenue Fund.

2514 (b) Net weight 2,000 pounds or more: \$13.50 flat, of which
 2515 \$3.50 shall be deposited into the General Revenue Fund; plus
 2516 \$1.50 per cwt, of which 50 cents shall be deposited into the
 2517 General Revenue Fund.

2518 (9) RECREATIONAL VEHICLE-TYPE UNITS.—

2519 (a) A travel trailer or fifth-wheel trailer, as defined by
 2520 s. 320.01(1)(b), that does not exceed 35 feet in length: \$27
 2521 flat, of which \$7 shall be deposited into the General Revenue
 2522 Fund.

2523 (b) A camping trailer, as defined by s. 320.01(1)(b)2.:
 2524 \$13.50 flat, of which \$3.50 shall be deposited into the General
 2525 Revenue Fund.

2526 (c) A motor home, as defined by s. 320.01(1)(b)4.:
 2527 1. Net weight of less than 4,500 pounds: \$27 flat, of
 2528 which \$7 shall be deposited into the General Revenue Fund.
 2529 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
 2530 which \$12.25 shall be deposited into the General Revenue Fund.

2531 (d) A truck camper as defined by s. 320.01(1)(b)3.:
 2532 1. Net weight of less than 4,500 pounds: \$27 flat, of
 2533 which \$7 shall be deposited into the General Revenue Fund.
 2534 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
 2535 which \$12.25 shall be deposited into the General Revenue Fund.

2536 (e) A private motor coach as defined by s. 320.01(1)(b)5.:
 2537 1. Net weight of less than 4,500 pounds: \$27 flat, of
 2538 which \$7 shall be deposited into the General Revenue Fund.
 2539 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
 2540 which \$12.25 shall be deposited into the General Revenue Fund.

2541 (10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS;
 2542 35 FEET TO 40 FEET.—

2543 (a) Park trailers.—Any park trailer, as defined in s.
 2544 320.01(1)(b)7.: \$25 flat.

2545 (b) A travel trailer or fifth-wheel trailer, as defined in
 2546 s. 320.01(1)(b), that exceeds 35 feet: \$25 flat.

2547 (11) MOBILE HOMES.—

2548 (a) A mobile home not exceeding 35 feet in length: \$20

2549 flat.

2550 (b) A mobile home over 35 feet in length, but not
 2551 exceeding 40 feet: \$25 flat.

2552 (c) A mobile home over 40 feet in length, but not
 2553 exceeding 45 feet: \$30 flat.

2554 (d) A mobile home over 45 feet in length, but not
 2555 exceeding 50 feet: \$35 flat.

2556 (e) A mobile home over 50 feet in length, but not
 2557 exceeding 55 feet: \$40 flat.

2558 (f) A mobile home over 55 feet in length, but not
 2559 exceeding 60 feet: \$45 flat.

2560 (g) A mobile home over 60 feet in length, but not
 2561 exceeding 65 feet: \$50 flat.

2562 (h) A mobile home over 65 feet in length: \$80 flat.

2563 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised
 2564 motor vehicle dealer, independent motor vehicle dealer, marine
 2565 boat trailer dealer, or mobile home dealer and manufacturer
 2566 license plate: \$17 flat, of which \$4.50 shall be deposited into
 2567 the General Revenue Fund.

2568 (13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or
 2569 official license plate: \$4 flat, of which \$1 shall be deposited
 2570 into the General Revenue Fund.

2571 (14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor
 2572 vehicle for hire operated wholly within a city or within 25
 2573 miles thereof: \$17 flat, of which \$4.50 shall be deposited into
 2574 the General Revenue Fund; plus \$2 per cwt, of which 50 cents

2575 shall be deposited into the General Revenue Fund.

2576 (15) TRANSPORTER.—Any transporter license plate issued to
 2577 a transporter pursuant to s. 320.133: \$101.25 flat, of which
 2578 \$26.25 shall be deposited into the General Revenue Fund.

2579 Section 39. Subsection (1) of section 320.0801, Florida
 2580 Statutes, is amended to read:

2581 320.0801 Additional license tax on certain vehicles.—

2582 (1) In addition to the license taxes specified in s.
 2583 320.08 and in subsection (2), there is hereby levied and imposed
 2584 an annual license tax of 10 cents for the operation of a motor
 2585 vehicle, as defined in s. 320.01, and moped, as defined in s.
 2586 316.003 ~~316.003(77)~~, which tax shall be paid to the department
 2587 or its agent upon the registration or renewal of registration of
 2588 the vehicle. Notwithstanding ~~the provisions of~~ s. 320.20,
 2589 revenues collected from the tax imposed in this subsection shall
 2590 be deposited in the Emergency Medical Services Trust Fund and
 2591 used solely for the purpose of carrying out ~~the provisions of~~
 2592 ss. 395.401, 395.4015, 395.404, and 395.4045 and s. 11, chapter
 2593 87-399, Laws of Florida.

2594 Section 40. Section 320.38, Florida Statutes, is amended
 2595 to read:

2596 320.38 When nonresident exemption not allowed.—The
 2597 provisions of s. 320.37 authorizing the operation of motor
 2598 vehicles over the roads of this state by nonresidents of this
 2599 state when such vehicles are duly registered or licensed under
 2600 the laws of some other state or foreign country do not apply to

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2601 any nonresident who accepts employment or engages in any trade,
2602 profession, or occupation in this state, except a nonresident
2603 migrant or seasonal farm worker as defined in s. 316.003
2604 ~~316.003(61)~~. In every case in which a nonresident, except a
2605 nonresident migrant or seasonal farm worker as defined in s.
2606 316.003 ~~316.003(61)~~, accepts employment or engages in any trade,
2607 profession, or occupation in this state or enters his or her
2608 children to be educated in the public schools of this state,
2609 such nonresident shall, within 10 days after the commencement of
2610 such employment or education, register his or her motor vehicles
2611 in this state if such motor vehicles are proposed to be operated
2612 on the roads of this state. Any person who is enrolled as a
2613 student in a college or university and who is a nonresident but
2614 who is in this state for a period of up to 6 months engaged in a
2615 work-study program for which academic credits are earned from a
2616 college whose credits or degrees are accepted for credit by at
2617 least three accredited institutions of higher learning, as
2618 defined in s. 1005.02, is not required to have a Florida
2619 registration for the duration of the work-study program if the
2620 person's vehicle is properly registered in another jurisdiction.
2621 Any nonresident who is enrolled as a full-time student in such
2622 institution of higher learning is also exempt for the duration
2623 of such enrollment.

2624 Section 41. Subsection (1) of section 322.031, Florida
2625 Statutes, is amended to read:

2626 322.031 Nonresident; when license required.—

2627 (1) In each case in which a nonresident, except a
 2628 nonresident migrant or seasonal farm worker as defined in s.
 2629 316.003 ~~316.003(61)~~, accepts employment or engages in a trade,
 2630 profession, or occupation in this state or enters his or her
 2631 children to be educated in the public schools of this state,
 2632 such nonresident shall, within 30 days after beginning such
 2633 employment or education, be required to obtain a Florida driver
 2634 license if such nonresident operates a motor vehicle on the
 2635 highways of this state. The spouse or dependent child of such
 2636 nonresident shall also be required to obtain a Florida driver
 2637 license within that 30-day period before operating a motor
 2638 vehicle on the highways of this state.

2639 Section 42. Subsection (3) of section 450.181, Florida
 2640 Statutes, is amended to read:

2641 450.181 Definitions.—As used in part II, unless the
 2642 context clearly requires a different meaning:

2643 (3) The term "migrant laborer" has the same meaning as
 2644 migrant or seasonal farm worker ~~workers~~ as defined in s. 316.003
 2645 ~~316.003(61)~~.

2646 Section 43. Subsection (5) of section 559.903, Florida
 2647 Statutes, is amended to read:

2648 559.903 Definitions.—As used in this act:

2649 (5) "Motor vehicle" means any automobile, truck, bus,
 2650 recreational vehicle, motorcycle, motor scooter, or other motor
 2651 powered vehicle, but does not include trailers, mobile homes,
 2652 travel trailers, trailer coaches without independent motive

2653 power, watercraft or aircraft, or special mobile equipment as
 2654 defined in s. 316.003 ~~316.003(48)~~.

2655 Section 44. Subsection (1) of section 655.960, Florida
 2656 Statutes, is amended to read:

2657 655.960 Definitions; ss. 655.960-655.965.—As used in this
 2658 section and ss. 655.961-655.965, unless the context otherwise
 2659 requires:

2660 (1) "Access area" means any paved walkway or sidewalk
 2661 which is within 50 feet of any automated teller machine. The
 2662 term does not include any street or highway open to the use of
 2663 the public, as defined in s. 316.003(75)(a) ~~316.003(53)(a)~~ or
 2664 (b), including any adjacent sidewalk, as defined in s. 316.003
 2665 ~~316.003(47)~~.

2666 Section 45. Paragraph (b) of subsection (2) of section
 2667 732.402, Florida Statutes, is amended to read:

2668 732.402 Exempt property.—

2669 (2) Exempt property shall consist of:

2670 (b) Two motor vehicles as defined in s. 316.003
 2671 ~~316.003(21)~~, which do not, individually as to either such motor
 2672 vehicle, have a gross vehicle weight in excess of 15,000 pounds,
 2673 held in the decedent's name and regularly used by the decedent
 2674 or members of the decedent's immediate family as their personal
 2675 motor vehicles.

2676 Section 46. Subsection (1) of section 860.065, Florida
 2677 Statutes, is amended to read:

2678 860.065 Commercial transportation; penalty for use in

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2679 | commission of a felony.—

2680 | (1) It is unlawful for any person to attempt to obtain,
2681 | solicit to obtain, or obtain any means of public or commercial
2682 | transportation or conveyance, including vessels, aircraft,
2683 | railroad trains, or commercial vehicles as defined in s. 316.003
2684 | ~~316.003(66)~~, with the intent to use such public or commercial
2685 | transportation or conveyance to commit any felony or to
2686 | facilitate the commission of any felony.

2687 | Section 47. This act shall take effect July 1, 2016.