

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; creating s. 316.2069, F.S.; authorizing a
 12 municipality or county to permit the use of commercial
 13 megacycles; providing requirements; providing
 14 applicability; amending s. 316.235, F.S.; revising
 15 specifications for bus deceleration lighting systems;
 16 amending s. 316.303, F.S.; providing exceptions to a
 17 prohibition of a viewer or screen visible from the
 18 driver's seat of a motor vehicle; amending s. 320.525,
 19 F.S.; revising the definition of the term "port
 20 vehicles and equipment"; creating s. 332.0012, F.S.;
 21 establishing the Florida Aviation Transportation and
 22 Economic Development Program within the Department of
 23 Transportation to finance certain projects at
 24 specified airports; requiring certain funds to be made
 25 available from the State Transportation Trust Fund;
 26 requiring an airport that receives funding to adopt

27 | procedures that comply with specified equal
28 | opportunity hiring practices; authorizing the
29 | department to require audits and adopt rules relating
30 | to such audits; creating s. 332.0014, F.S.; creating
31 | the Florida Aviation Transportation and Economic
32 | Development Council within the department; providing
33 | for membership, organization, and duties of the
34 | council; providing for payment of certain
35 | administrative costs by airports receiving funds from
36 | the program; directing the council to prepare an
37 | aviation mission plan that includes recommendations
38 | for specific projects; directing the council to adopt
39 | rules for evaluating projects that may be funded
40 | through the program; providing procedures for approval
41 | of projects for funding under the program; providing
42 | for review and approval of projects by the Department
43 | of Transportation and the Department of Economic
44 | Opportunity; directing the council to develop programs
45 | for industry-related job training; directing the
46 | council to submit reports to the Legislature;
47 | directing the Department of Transportation to include
48 | project funding in its annual budget request;
49 | providing for inclusion of projects in the
50 | department's tentative work program; providing
51 | procedures for submission of work program amendments
52 | and implementation of funding; requiring procurements

53 and negotiations to be made under specified
54 provisions; amending s. 332.08, F.S.; revising the
55 maximum period of time for which certain
56 municipalities may lease airports, navigation
57 facilities, or related real property; amending s.
58 333.01, F.S.; revising and providing definitions of
59 terms used in provisions relating to airport safety
60 regulation; amending s. 333.025, F.S.; revising
61 requirements for a permit to construct or alter an
62 obstruction; revising procedures for issuing such
63 permit; revising duties of the department relating to
64 issuance of the permit; providing for administrative
65 review of a denial of a permit; amending s. 333.03,
66 F.S.; revising requirements and procedures for certain
67 local political subdivisions to adopt and enforce
68 airport zoning regulations; directing the department
69 to provide assistance to political subdivisions with
70 regard to federal obstruction standards; providing
71 minimum requirements for airport land use
72 compatibility zoning regulations; directing political
73 subdivisions to provide the department with copies of
74 airport zoning regulations; providing applicability
75 and effect; amending s. 333.04, F.S.; revising
76 provisions for incorporation of zoning regulations
77 with a political subdivision's comprehensive
78 regulations; revising provisions for a conflict

79 | between airport zoning regulations and other
80 | regulations; amending s. 333.05, F.S.; revising
81 | procedure for adoption of zoning regulations; revising
82 | provisions relating to an airport zoning commission;
83 | amending s. 333.06, F.S.; revising airport zoning
84 | regulation requirements; revising requirements for
85 | adoption of an airport master plan and amendments
86 | thereto; amending s. 333.07, F.S.; requiring a permit
87 | to construct, alter, or allow an airport obstruction
88 | in an airport hazard area under certain circumstances;
89 | providing conditions for issuance or denial of such
90 | permit; revising provisions to compel conformance;
91 | removing provisions for obtaining a variance to zoning
92 | regulations; removing reference to a board of
93 | adjustment; revising provisions directing a political
94 | subdivision to require an owner to install and
95 | maintain certain lighting or marking of obstructions;
96 | amending s. 333.09, F.S.; revising requirements for
97 | administration of airport protection zoning
98 | regulations; requiring the political subdivision to
99 | provide a process for permitting, notifications to the
100 | department, and enforcement; providing for appeal of
101 | decisions made by the political subdivision; amending
102 | s. 333.11, F.S.; revising provisions for judicial
103 | review of decisions by a political subdivision;
104 | revising jurisdiction of the court relating to

105 decisions of the political subdivision; removing
106 reference to a board of adjustment; requiring certain
107 procedures before an appeal to a court; amending s.
108 333.12, F.S.; revising provisions for acquisition of
109 property when a nonconforming obstruction is
110 determined to be an airport hazard; amending s.
111 333.13, F.S.; revising penalty provisions; creating s.
112 333.135, F.S.; providing a timeframe for compliance by
113 political subdivisions; repealing ss. 333.065, 333.08,
114 333.10, and 333.14, F.S., relating to guidelines
115 regarding land use near airports, appeals, boards of
116 adjustment, and a short title; reenacting s.
117 350.81(6), F.S., relating to communications services
118 offered by governmental entities, to incorporate
119 changes made by the act in a reference thereto;
120 amending s. 337.18, F.S., relating to contracts for
121 construction or maintenance; revising conditions for
122 waiver of a required surety bond; amending 338.165,
123 F.S.; removing an option to issue certain bonds
124 secured by toll revenues collected on certain
125 facilities; authorizing the department to transfer the
126 Pinellas Bayway System to the Florida Turnpike;
127 providing applicability; repealing chapter 85-364,
128 Laws of Florida, as amended, relating to the Pinellas
129 Bayway; amending s. 338.231, F.S., relating to the
130 Florida Turnpike; removing a provision that authorizes

131 the department to use revenues from the turnpike
132 system for the payment of principal and interest of
133 certain bonds and the operation and maintenance
134 expenses of the Sawgrass Expressway; amending s.
135 339.175, F.S., relating to the Tampa Bay Area Regional
136 Transportation Authority; revising provisions for a
137 coordinating committee composed of metropolitan
138 planning organizations; designating the committee as
139 the "TBARTA Metropolitan Planning Organizations Chairs
140 Coordinating Committee"; revising membership of the
141 committee; providing duties of the authority,
142 M.P.O.'s, and the department; amending s. 339.2818,
143 F.S., relating to the Small County Outreach Program;
144 revising the definition of the term "small county";
145 amending s. 339.55, F.S., relating to the State
146 Infrastructure Bank; revising the types of projects
147 eligible for consideration for state infrastructure
148 loans; repealing s. 341.0532, F.S., relating to
149 statewide transportation corridors; amending s.
150 341.301, F.S.; revising definitions relating to rail
151 programs; amending s. 341.302, F.S., relating to the
152 rail program; revising provisions for assumption of
153 obligations and liability in conjunction with the
154 acquisition, ownership, construction, operation,
155 maintenance, and management of a rail corridor;
156 amending s. 343.92, F.S.; revising membership of the

157 governing board of the Tampa Bay Area Regional
158 Transportation Authority; providing for the Secretary
159 of Transportation to appoint two advisors to the
160 board; amending s. 343.922, F.S., relating to powers
161 and duties of such authority; revising the time period
162 for updating the authority's master plan; directing
163 the authority to provide administrative support and
164 direction to the TBARTA Metropolitan Planning
165 Organizations Chairs Coordinating Committee; amending
166 s. 348.565, relating to the Tampa-Hillsborough County
167 Expressway Authority; revising provisions that
168 authorize certain projects to be financed by revenue
169 bonds; amending s. 348.753, F.S., relating to the
170 Central Florida Expressway Authority; revising
171 provisions for membership on the authority; removing a
172 provision for appointment of a secretary of the
173 authority; amending s. 565.02, F.S., authorizing the
174 Division of Alcoholic Beverages and Tobacco of the
175 Department of Business and Professional Regulation to
176 issue a license for the sale of beer and wine on
177 certain commercial megacycles; amending s. 810.09,
178 F.S.; providing enhanced criminal penalties for a
179 trespass upon the operational area of an airport with
180 specified intent if specified signage is posted;
181 providing a definition; directing the Office of
182 Economic and Demographic Research to determine the

183 economic benefits of the Department of
 184 Transportation's adopted work program; directing the
 185 department to provide access to necessary data;
 186 requiring a report to the Legislature; directing the
 187 department to study the operation of driver-assistive
 188 truck platooning technology; authorizing the
 189 department to conduct a pilot project to test such
 190 operation; providing security requirements; requiring
 191 a report to the Governor and Legislature; amending ss.
 192 212.05, 316.1303, 316.545, 316.605, 316.6105, 316.613,
 193 316.622, 316.650, 316.70, 320.01, 320.08, 320.0801,
 194 320.38, 322.031, 450.181, 559.903, 655.960, 732.402,
 195 and 860.065, F.S.; conforming cross-references;
 196 providing an effective date.

197

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

199

200 Section 1. Subsections (5) and (6) are added to section
 201 311.12, Florida Statutes, to read:

202 311.12 Seaport security.—

203 (5) ADVISORY COMMITTEE.—

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

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

208 1. Five or more port security directors appointed by the

209 council chair shall serve as voting members. The council chair
210 shall designate one member of the committee to serve as
211 committee chair.

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

214 3. A designee from United States Customs and Border
215 Protection shall serve ex officio as a nonvoting member.

216 4. Two representatives from local law enforcement agencies
217 providing security services at a Florida seaport shall serve ex
218 officio as nonvoting members.

219 (c) The committee shall meet at the call of the chair but
220 at least annually. A majority of the voting members constitutes
221 a quorum for the purpose of transacting business of the
222 committee, and a vote of the majority of the voting members
223 present is required for official action by the committee.

224 (d) The committee shall provide a forum for discussion of
225 seaport security issues, including, but not limited to, matters
226 such as national and state security strategy and policy, actions
227 required to meet current and future security threats, statewide
228 cooperation on security issues, and security concerns of the
229 state's maritime industry.

230 (e) The committee shall work closely with the United
231 States Coast Guard, United States Customs and Border Protection,
232 and the ports listed in s. 311.09(1) to advise, report to, and
233 make recommendations to the council on matters relating to
234 maritime security in the state.

235 (6) GRANT PROGRAM.—

236 (a) The Florida Seaport Transportation and Economic
 237 Development Council shall establish a Seaport Security Grant
 238 Program for the purpose of assisting in the implementation of
 239 security plans and security measures at the seaports listed in
 240 s. 311.09(1). Funds may be used for the purchase of equipment,
 241 infrastructure needs, cybersecurity programs, and other security
 242 measures identified in a seaport's approved federal security
 243 plan. Such grants may not exceed 75 percent of the total cost of
 244 the request and are subject to legislative appropriation.

245 (b) The Seaport Security Advisory Committee shall review
 246 applications for the grant program and make recommendations to
 247 the council for grant approvals. The council shall adopt by rule
 248 criteria to implement this subsection.

249 Section 2. Section 316.003, Florida Statutes, is reordered
 250 and amended to read:

251 316.003 Definitions.—The following words and phrases, when
 252 used in this chapter, shall have the meanings respectively
 253 ascribed to them in this section, except where the context
 254 otherwise requires:

255 (1) AUTHORIZED EMERGENCY VEHICLES.—Vehicles of the fire
 256 department (fire patrol), police vehicles, and such ambulances
 257 and emergency vehicles of municipal departments, public service
 258 corporations operated by private corporations, the Fish and
 259 Wildlife Conservation Commission, the Department of
 260 Environmental Protection, the Department of Health, the

261 Department of Transportation, and the Department of Corrections
 262 as are designated or authorized by their respective department
 263 or the chief of police of an incorporated city or any sheriff of
 264 any of the various counties.

265 (2) AUTONOMOUS TECHNOLOGY.—Technology installed on a motor
 266 vehicle that has the capability to drive the vehicle on which
 267 the technology is installed without active control or monitoring
 268 by a human operator.

269 (3)~~(90)~~ AUTONOMOUS VEHICLE.—Any vehicle equipped with
 270 autonomous technology. ~~The term "autonomous technology" means~~
 271 ~~technology installed on a motor vehicle that has the capability~~
 272 ~~to drive the vehicle on which the technology is installed~~
 273 ~~without the active control or monitoring by a human operator.~~
 274 The term does not include ~~excludes~~ a motor vehicle enabled with
 275 active safety systems or driver assistance systems, including,
 276 without limitation, a system to provide electronic blind spot
 277 assistance, crash avoidance, emergency braking, parking
 278 assistance, adaptive cruise control, lane keep assistance, lane
 279 departure warning, or traffic jam and queuing assistant, unless
 280 any such system alone or in combination with other systems has
 281 the capability to drive the vehicle ~~enables the vehicle~~ on which
 282 the technology is installed ~~to drive~~ without ~~the~~ active control
 283 or monitoring by a human operator.

284 (4)~~(2)~~ BICYCLE.—Every vehicle propelled solely by human
 285 power, and every motorized bicycle propelled by a combination of
 286 human power and an electric helper motor capable of propelling

287 the vehicle at a speed of not more than 20 miles per hour on
288 level ground upon which any person may ride, having two tandem
289 wheels, and including any device generally recognized as a
290 bicycle though equipped with two front or two rear wheels. The
291 term does not include such a vehicle with a seat height of no
292 more than 25 inches from the ground when the seat is adjusted to
293 its highest position or a scooter or similar device. A ~~No~~ person
294 under the age of 16 may not operate or ride upon a motorized
295 bicycle.

296 (5) ~~(63)~~ BICYCLE PATH.—Any road, path, or way that is open
297 to bicycle travel, which road, path, or way is physically
298 separated from motorized vehicular traffic by an open space or
299 by a barrier and is located either within the highway right-of-
300 way or within an independent right-of-way.

301 (6) ~~(76)~~ BRAKE HORSEPOWER.—The actual unit of torque
302 developed per unit of time at the output shaft of an engine, as
303 measured by a dynamometer.

304 (7) ~~(3)~~ BUS.—Any motor vehicle designed for carrying more
305 than 10 passengers and used for the transportation of persons
306 and any motor vehicle, other than a taxicab, designed and used
307 for the transportation of persons for compensation.

308 (8) ~~(4)~~ BUSINESS DISTRICT.—The territory contiguous to, and
309 including, a highway when 50 percent or more of the frontage
310 thereon, for a distance of 300 feet or more, is occupied by
311 buildings in use for business.

312 (9) ~~(5)~~ CANCELLATION.—Declaration of Cancellation means

313 ~~that~~ a license ~~which was~~ issued through error or fraud as is
314 ~~declared~~ void and terminated. A new license may be obtained only
315 as permitted in this chapter.

316 (10)-(64) CHIEF ADMINISTRATIVE OFFICER.—The head, or his or
317 her designee, of any law enforcement agency which is authorized
318 to enforce traffic laws.

319 (11)-(65) CHILD.—A child as defined in s. 39.01, s. 984.03,
320 or s. 985.03.

321 (12) COMMERCIAL MEGACYCLE.—A vehicle that has fully
322 operational pedals for propulsion entirely by human power and
323 meets all of the following requirements:

324 (a) Has four wheels and is operated in a manner similar to
325 a bicycle.

326 (b) Has at least five but no more than 15 seats for
327 passengers.

328 (c) Is primarily powered by pedaling but may have an
329 auxiliary motor capable of propelling the vehicle at no more
330 than 15 miles per hour.

331 (d) Is used for commercial purposes.

332 (13)-(66) COMMERCIAL MOTOR VEHICLE.—Any self-propelled or
333 towed vehicle used on the public highways in commerce to
334 transport passengers or cargo, if such vehicle:

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

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

339 (c) Is used in the transportation of materials found to be
 340 hazardous for the purposes of the Hazardous Materials
 341 Transportation Act, as amended (49 U.S.C. ss. 1801 et seq.).
 342

343 A vehicle that occasionally transports personal property to and
 344 from a closed-course motorsport facility, as defined in s.
 345 549.09(1) (a), is not a commercial motor vehicle if it is not
 346 used for profit and corporate sponsorship is not involved. As
 347 used in this subsection, the term "corporate sponsorship" means
 348 a payment, donation, gratuity, in-kind service, or other benefit
 349 provided to or derived by a person in relation to the underlying
 350 activity, other than the display of product or corporate names,
 351 logos, or other graphic information on the property being
 352 transported.

353 (14)~~(67)~~ COURT.—The court having jurisdiction over traffic
 354 offenses.

355 (15)~~(6)~~ CROSSWALK.—

356 (a) That part of a roadway at an intersection included
 357 within the connections of the lateral lines of the sidewalks on
 358 opposite sides of the highway, measured from the curbs or, in
 359 the absence of curbs, from the edges of the traversable roadway.

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

363 (16)~~(7)~~ DAYTIME.—The period from a half hour before
 364 sunrise to a half hour after sunset. The term "nighttime" means

365 at any other hour.

366 ~~(17)-(8)~~ DEPARTMENT.—The Department of Highway Safety and
367 Motor Vehicles as defined in s. 20.24. Any reference herein to
368 the Department of Transportation shall be construed as referring
369 to the Department of Transportation as defined in s. 20.23~~7~~ or
370 the appropriate division thereof.

371 ~~(18)-(9)~~ DIRECTOR.—The Director of the Division of the
372 Florida Highway Patrol of the Department of Highway Safety and
373 Motor Vehicles.

374 ~~(19)-(10)~~ DRIVER.—Any person who drives or is in actual
375 physical control of a vehicle on a highway or who is exercising
376 control of a vehicle or steering a vehicle being towed by a
377 motor vehicle.

378 (20) DRIVER-ASSISTIVE TRUCK PLATOONING TECHNOLOGY.—Vehicle
379 automation and safety technology that integrates sensor array,
380 wireless vehicle-to-vehicle communications, active safety
381 systems, and specialized software to link safety systems and
382 synchronize acceleration and braking between two vehicles while
383 leaving each vehicle's steering control and systems command in
384 the control of the vehicle's driver.

385 ~~(21)-(83)~~ ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.—Any
386 self-balancing, two-nontandem-wheeled device, designed to
387 transport only one person, with an electric propulsion system
388 with average power of 750 watts (1 horsepower), the maximum
389 speed of which, on a paved level surface when powered solely by
390 such a propulsion system while being ridden by an operator who

391 weighs 170 pounds, is less than 20 miles per hour. Electric
392 personal assistive mobility devices are not vehicles as defined
393 in this section.

394 (22)~~(11)~~ EXPLOSIVE.—Any chemical compound or mechanical
395 mixture that is commonly used or intended for the purpose of
396 producing an explosion and which contains any oxidizing and
397 combustive units or other ingredients in such proportions,
398 quantities, or packing that an ignition by fire, friction,
399 concussion, percussion, or detonator of any part of the compound
400 or mixture may cause such a sudden generation of highly heated
401 gases that the resultant gaseous pressures are capable of
402 producing destructive effect on contiguous objects or of
403 destroying life or limb.

404 (23)~~(62)~~ FARM LABOR VEHICLE.—Any vehicle equipped and used
405 for the transportation of nine or more migrant or seasonal farm
406 workers, in addition to the driver, to or from a place of
407 employment or employment-related activities. The term does not
408 include:

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

411 (b) Any vehicle being operated by a common carrier of
412 passengers.

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

414 (24)~~(12)~~ FARM TRACTOR.—Any motor vehicle designed and used
415 primarily as a farm implement for drawing plows, mowing
416 machines, and other implements of husbandry.

417 (25)~~(13)~~ FLAMMABLE LIQUID.—Any liquid which has a flash
 418 point of 70 degrees Fahrenheit or less, as determined by a
 419 Tagliabue or equivalent closed-cup test device.

420 (26)~~(68)~~ GOLF CART.—A motor vehicle designed and
 421 manufactured for operation on a golf course for sporting or
 422 recreational purposes.

423 (27)~~(14)~~ GROSS WEIGHT.—The weight of a vehicle without
 424 load plus the weight of any load thereon.

425 (28)~~(69)~~ HAZARDOUS MATERIAL.—Any substance or material
 426 which has been determined by the secretary of the United States
 427 Department of Transportation to be capable of imposing an
 428 unreasonable risk to health, safety, and property. This term
 429 includes hazardous waste as defined in s. 403.703(13).

430 (29)~~(15)~~ HOUSE TRAILER.—

431 (a) A trailer or semitrailer which is designed,
 432 constructed, and equipped as a dwelling place, living abode, or
 433 sleeping place, and is ~~(either permanently or temporarily,)~~ and is
 434 equipped for use as a conveyance on streets and highways;7 or

435 (b) A trailer or a semitrailer the chassis and exterior
 436 shell of which is designed and constructed for use as a house
 437 trailer, as defined in paragraph (a), but which is used instead,
 438 permanently or temporarily, for the advertising, sales, display,
 439 or promotion of merchandise or services or for any other
 440 commercial purpose except the transportation of property for
 441 hire or the transportation of property for distribution by a
 442 private carrier.

443 (30)~~(16)~~ IMPLEMENT OF HUSBANDRY.—Any vehicle designed and
 444 adapted exclusively for agricultural, horticultural, or
 445 livestock-raising operations or for lifting or carrying an
 446 implement of husbandry and in either case not subject to
 447 registration if used upon the highways.

448 (31)~~(17)~~ INTERSECTION.—

449 (a) The area embraced within the prolongation or
 450 connection of the lateral curblines; or, if none, then the
 451 lateral boundary lines of the roadways of two highways which
 452 join one another at, or approximately at, right angles; or the
 453 area within which vehicles traveling upon different highways
 454 joining at any other angle may come in conflict.

455 (b) Where a highway includes two roadways 30 feet or more
 456 apart, ~~then~~ every crossing of each roadway of such divided
 457 highway by an intersecting highway shall be regarded as a
 458 separate intersection. If the ~~In the event such~~ intersecting
 459 highway also includes two roadways 30 feet or more apart, ~~then~~
 460 every crossing of two roadways of such highways shall be
 461 regarded as a separate intersection.

462 (32)~~(18)~~ LANED HIGHWAY.—A highway the roadway of which is
 463 divided into two or more clearly marked lanes for vehicular
 464 traffic.

465 (33)~~(19)~~ LIMITED ACCESS FACILITY.—A street or highway
 466 especially designed for through traffic and over, from, or to
 467 which owners or occupants of abutting land or other persons have
 468 no right or easement, or only a limited right or easement, of

469 access, light, air, or view by reason of the fact that their
470 property abuts upon such limited access facility or for any
471 other reason. Such highways or streets may be parkways from
472 which trucks, buses, and other commercial vehicles are excluded,
473 or ~~they~~ may be freeways open to use by all customary forms of
474 street and highway traffic.

475 (34)~~(20)~~ LOCAL AUTHORITIES.—~~Includes~~ All officers and
476 public officials of the several counties and municipalities of
477 this state.

478 (35)~~(91)~~ LOCAL HEARING OFFICER.—The person, designated by
479 a department, county, or municipality that elects to authorize
480 traffic infraction enforcement officers to issue traffic
481 citations under s. 316.0083(1)(a), who is authorized to conduct
482 hearings related to a notice of violation issued pursuant to s.
483 316.0083. The charter county, noncharter county, or municipality
484 may use its currently appointed code enforcement board or
485 special magistrate to serve as the local hearing officer. The
486 department may enter into an interlocal agreement to use the
487 local hearing officer of a county or municipality.

488 (36)~~(80)~~ MAXI-CUBE VEHICLE.—A specialized combination
489 vehicle consisting of a truck carrying a separable cargo-
490 carrying unit combined with a semitrailer designed so that the
491 separable cargo-carrying unit is to be loaded and unloaded
492 through the semitrailer. The entire combination may not exceed
493 65 feet in length, and a single component of that combination
494 may not exceed 34 feet in length.

495 (37)~~(61)~~ MIGRANT OR SEASONAL FARM WORKER.—Any person
 496 employed in hand labor operations in planting, cultivation, or
 497 harvesting agricultural crops.

498 (38)~~(77)~~ MOPED.—Any vehicle with pedals to permit
 499 propulsion by human power, having a seat or saddle for the use
 500 of the rider and designed to travel on not more than three
 501 wheels,~~+~~ with a motor rated not in excess of 2 brake horsepower
 502 and not capable of propelling the vehicle at a speed greater
 503 than 30 miles per hour on level ground~~+~~ and with a power-drive
 504 system that functions directly or automatically without
 505 clutching or shifting gears by the operator after the drive
 506 system is engaged. If an internal combustion engine is used, the
 507 displacement may not exceed 50 cubic centimeters.

508 (39)~~(86)~~ MOTOR CARRIER TRANSPORTATION CONTRACT.—

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

510 1. The transportation of property for compensation or hire
 511 by the motor carrier;

512 2. Entrance on property by the motor carrier for the
 513 purpose of loading, unloading, or transporting property for
 514 compensation or hire; or

515 3. A service incidental to activity described in
 516 subparagraph 1. or subparagraph 2., including, but not limited
 517 to, storage of property.

518 (b) "Motor carrier transportation contract" does not
 519 include the Uniform Intermodal Interchange and Facilities Access
 520 Agreement administered by the Intermodal Association of North

521 | America or other agreements providing for the interchange, use,
 522 | or possession of intermodal chassis, containers, or other
 523 | intermodal equipment.

524 | (40)~~(21)~~ MOTOR VEHICLE.—Except when used in s. 316.1001, a
 525 | self-propelled vehicle not operated upon rails or guideway, but
 526 | not including any bicycle, motorized scooter, electric personal
 527 | assistive mobility device, swamp buggy, or moped. For purposes
 528 | of s. 316.1001, "motor vehicle" has the same meaning as provided
 529 | in s. 320.01(1) (a).

530 | (41)~~(22)~~ MOTORCYCLE.—Any motor vehicle having a seat or
 531 | saddle for the use of the rider and designed to travel on not
 532 | more than three wheels in contact with the ground, but excluding
 533 | a tractor or a moped.

534 | (42)~~(82)~~ MOTORIZED SCOOTER.—Any vehicle not having a seat
 535 | or saddle for the use of the rider, designed to travel on not
 536 | more than three wheels, and not capable of propelling the
 537 | vehicle at a speed greater than 30 miles per hour on level
 538 | ground.

539 | (43)~~(78)~~ NONPUBLIC SECTOR BUS.—Any bus which is used for
 540 | the transportation of persons for compensation and which is not
 541 | owned, leased, operated, or controlled by a municipal, county,
 542 | or state government or a governmentally owned or managed
 543 | nonprofit corporation.

544 | (44)~~(23)~~ OFFICIAL TRAFFIC CONTROL DEVICES.—All signs,
 545 | signals, markings, and devices, not inconsistent with this
 546 | chapter, placed or erected by authority of a public body or

547 official having jurisdiction for the purpose of regulating,
 548 warning, or guiding traffic.

549 (45)~~(24)~~ OFFICIAL TRAFFIC CONTROL SIGNAL.—Any device,
 550 whether manually, electrically, or mechanically operated, by
 551 which traffic is alternately directed to stop and permitted to
 552 proceed.

553 (46)~~(25)~~ OPERATOR.—Any person who is in actual physical
 554 control of a motor vehicle upon the highway~~7~~ or who is
 555 exercising control over or steering a vehicle being towed by a
 556 motor vehicle.

557 (47)~~(26)~~ OWNER.—A person who holds the legal title of a
 558 vehicle. If~~, or, in the event~~ a vehicle is the subject of an
 559 agreement for the conditional sale or lease thereof with the
 560 right of purchase upon performance of the conditions stated in
 561 the agreement and with an immediate right of possession vested
 562 in the conditional vendee or lessee, or if ~~in the event~~ a
 563 mortgagor of a vehicle is entitled to possession, ~~then~~ such
 564 conditional vendee~~7~~ or lessee~~7~~ or mortgagor shall be deemed the
 565 owner~~7~~ for the purposes of this chapter.

566 (48)~~(27)~~ PARK OR PARKING.—The standing of a vehicle,
 567 whether occupied or not occupied, otherwise than temporarily for
 568 the purpose of and while actually engaged in loading or
 569 unloading merchandise or passengers as may be permitted by law
 570 under this chapter.

571 (49)~~(28)~~ PEDESTRIAN.—Any person afoot.

572 (50)~~(29)~~ PERSON.—Any natural person, firm, copartnership,

573 association, or corporation.

574 (51)~~(30)~~ PNEUMATIC TIRE.—Any tire in which compressed air
575 is designed to support the load.

576 (52)~~(31)~~ POLE TRAILER.—Any vehicle without motive power
577 designed to be drawn by another vehicle and attached to the
578 towing vehicle by means of a reach or pole, or by being boomed
579 or otherwise secured to the towing vehicle, and ordinarily used
580 for transporting long or irregularly shaped loads such as poles,
581 pipes, or structural members capable, generally, of sustaining
582 themselves as beams between the supporting connections.

583 (53)~~(32)~~ POLICE OFFICER.—Any officer authorized to direct
584 or regulate traffic or to make arrests for violations of traffic
585 regulations, including Florida highway patrol officers,
586 sheriffs, deputy sheriffs, and municipal police officers.

587 (54)~~(33)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
588 provided in paragraph (76) (b) ~~(53) (b)~~, any privately owned way
589 or place used for vehicular travel by the owner and those having
590 express or implied permission from the owner, but not by other
591 persons.

592 (55)~~(34)~~ RADIOACTIVE MATERIALS.—Any materials or
593 combination of materials which emit ionizing radiation
594 spontaneously in which the radioactivity per gram of material,
595 in any form, is greater than 0.002 microcuries.

596 (56)~~(35)~~ RAILROAD.—A carrier of persons or property upon
597 cars operated upon stationary rails.

598 (57)~~(36)~~ RAILROAD SIGN OR SIGNAL.—Any sign, signal, or

599 | device erected by authority of a public body or official, or by
 600 | a railroad, and intended to give notice of the presence of
 601 | railroad tracks or the approach of a railroad train.

602 | (58)~~(37)~~ RAILROAD TRAIN.—A steam engine, electric or other
 603 | motor, with or without cars coupled thereto, operated upon
 604 | rails, except a streetcar.

605 | (59)~~(38)~~ RESIDENCE DISTRICT.—The territory contiguous to,
 606 | and including, a highway, not comprising a business district,
 607 | when the property on such highway, for a distance of 300 feet or
 608 | more, is, in the main, improved with residences or residences
 609 | and buildings in use for business.

610 | (60)~~(39)~~ REVOCATION.—Termination of ~~Revocation means that~~
 611 | a licensee's privilege to drive a motor vehicle ~~is terminated~~. A
 612 | new license may be obtained only as permitted by law.

613 | (61)~~(40)~~ RIGHT-OF-WAY.—The right of one vehicle or
 614 | pedestrian to proceed in a lawful manner in preference to
 615 | another vehicle or pedestrian approaching under such
 616 | circumstances of direction, speed, and proximity as to give rise
 617 | to danger of collision unless one grants precedence to the
 618 | other.

619 | (62)~~(41)~~ ROAD TRACTOR.—Any motor vehicle designed and used
 620 | for drawing other vehicles and not so constructed as to carry
 621 | any load thereon, either independently or as any part of the
 622 | weight of a vehicle or load so drawn.

623 | (63)~~(42)~~ ROADWAY.—That portion of a highway improved,
 624 | designed, or ordinarily used for vehicular travel, exclusive of

625 the berm or shoulder. If ~~In the event~~ a highway includes two or
626 more separate roadways, the term "roadway" ~~as used herein~~ refers
627 to any such roadway separately, but not to all such roadways
628 collectively.

629 (64) ~~(43)~~ SADDLE MOUNT; FULL MOUNT.—An arrangement whereby
630 the front wheels of one vehicle rest in a secured position upon
631 another vehicle. All of the wheels of the towing vehicle are
632 upon the ground, and only the rear wheels of the towed vehicle
633 rest upon the ground. Such combinations may include one full
634 mount, whereby a smaller transport vehicle is placed completely
635 on the last towed vehicle.

636 (65) ~~(44)~~ SAFETY ZONE.—The area or space officially set
637 apart within a roadway for the exclusive use of pedestrians and
638 protected or so marked by adequate signs or authorized pavement
639 markings as to be plainly visible at all times while set apart
640 as a safety zone.

641 (66) ~~(92)~~ SANITATION VEHICLE.—A motor vehicle that bears an
642 emblem that is visible from the roadway and clearly identifies
643 that the vehicle belongs to or is under contract with a person,
644 entity, cooperative, board, commission, district, or unit of
645 local government that provides garbage, trash, refuse, or
646 recycling collection.

647 (67) ~~(45)~~ SCHOOL BUS.—Any motor vehicle that complies with
648 the color and identification requirements of chapter 1006 and is
649 used to transport children to or from public or private school
650 or in connection with school activities, but not including buses

651 operated by common carriers in urban transportation of school
652 children. The term "school" includes all preelementary,
653 elementary, secondary, and postsecondary schools.

654 (68)~~(46)~~ SEMITRAILER.—Any vehicle with or without motive
655 power, other than a pole trailer, designed for carrying persons
656 or property and for being drawn by a motor vehicle and so
657 constructed that some part of its weight and that of its load
658 rests upon, or is carried by, another vehicle.

659 (69)~~(47)~~ SIDEWALK.—That portion of a street between the
660 curblineline, or the lateral line, of a roadway and the adjacent
661 property lines, intended for use by pedestrians.

662 (70)~~(48)~~ SPECIAL MOBILE EQUIPMENT.—Any vehicle not
663 designed or used primarily for the transportation of persons or
664 property and only incidentally operated or moved over a highway,
665 including, but not limited to, ditchdigging apparatus, well-
666 boring apparatus, and road construction and maintenance
667 machinery, such as asphalt spreaders, bituminous mixers, bucket
668 loaders, tractors other than truck tractors, ditchers, leveling
669 graders, finishing machines, motor graders, road rollers,
670 scarifiers, earthmoving carryalls and scrapers, power shovels
671 and draglines, and self-propelled cranes and earthmoving
672 equipment. The term does not include house trailers, dump
673 trucks, truck-mounted transit mixers, cranes or shovels, or
674 other vehicles designed for the transportation of persons or
675 property to which machinery has been attached.

676 (71)~~(49)~~ STAND OR STANDING.—The halting of a vehicle,

677 whether occupied or not occupied, otherwise than temporarily,
 678 for the purpose of, and while actually engaged in, receiving or
 679 discharging passengers, as may be permitted by law under this
 680 chapter.

681 ~~(72)-(50)~~ STATE ROAD.—Any highway designated as a state-
 682 maintained road by the Department of Transportation.

683 ~~(73)-(51)~~ STOP.—When required, complete cessation from
 684 movement.

685 ~~(74)-(52)~~ STOP OR STOPPING.—When prohibited, any halting,
 686 even momentarily, of a vehicle, whether occupied or not
 687 occupied, except when necessary to avoid conflict with other
 688 traffic or to comply with the directions of a law enforcement
 689 officer or traffic control sign or signal.

690 ~~(75)-(70)~~ STRAIGHT TRUCK.—Any truck on which the cargo unit
 691 and the motive power unit are located on the same frame so as to
 692 form a single, rigid unit.

693 ~~(76)-(53)~~ STREET OR HIGHWAY.—

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

697 (b) The entire width between the boundary lines of any
 698 privately owned way or place used for vehicular travel by the
 699 owner and those having express or implied permission from the
 700 owner, but not by other persons, or any limited access road
 701 owned or controlled by a special district, whenever, by written
 702 agreement entered into under s. 316.006(2)(b) or (3)(b), a

703 county or municipality exercises traffic control jurisdiction
 704 over said way or place;

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

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

715 (77)~~(54)~~ SUSPENSION.—Temporary withdrawal of a licensee's
 716 privilege to drive a motor vehicle.

717 (78)~~(89)~~ SWAMP BUGGY.—A motorized off-road vehicle that is
 718 designed or modified to travel over swampy or varied terrain and
 719 that may use large tires or tracks operated from an elevated
 720 platform. The term does not include any vehicle defined in
 721 chapter 261 or otherwise defined or classified in this chapter.

722 (79)~~(81)~~ TANDEM AXLE.—Any two axles the whose centers of
 723 which are more than 40 inches but not more than 96 inches apart
 724 and are individually attached to or articulated from, or both, a
 725 common attachment to the vehicle, including a connecting
 726 mechanism designed to equalize the load between axles.

727 (80)~~(71)~~ TANDEM TRAILER TRUCK.—Any combination of a truck
 728 tractor, semitrailer, and trailer coupled together so as to

729 operate as a complete unit.

730 (81)~~(72)~~ TANDEM TRAILER TRUCK HIGHWAY NETWORK.—A highway
 731 network consisting primarily of four or more lanes, including
 732 all interstate highways; highways designated by the United
 733 States Department of Transportation as elements of the National
 734 Network; and any street or highway designated by the Florida
 735 Department of Transportation for use by tandem trailer trucks,
 736 in accordance with s. 316.515, except roads on which truck
 737 traffic was specifically prohibited on January 6, 1983.

738 (82)~~(73)~~ TERMINAL.—Any location where:

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

741 (b) Commercial motor carriers maintain operating
 742 facilities.

743 (83)~~(55)~~ THROUGH HIGHWAY.—Any highway or portion thereof
 744 on which vehicular traffic is given the right-of-way and at the
 745 entrances to which vehicular traffic from intersecting highways
 746 is required to yield right-of-way to vehicles on such through
 747 highway in obedience to ~~either~~ a stop sign or yield sign, or
 748 otherwise in obedience to law.

749 (84)~~(56)~~ TIRE WIDTH.—The ~~Tire width is that~~ width stated
 750 on the surface of the tire by the manufacturer of the tire, if
 751 the width stated does not exceed 2 inches more than the width of
 752 the tire contacting the surface.

753 (85)~~(57)~~ TRAFFIC.—Pedestrians, ridden or herded animals,
 754 and vehicles, streetcars, and other conveyances ~~either~~ singly or

755 together while using any street or highway for purposes of
756 travel.

757 (86)~~(87)~~ TRAFFIC INFRACTION DETECTOR.—A vehicle sensor
758 installed to work in conjunction with a traffic control signal
759 and a camera or cameras synchronized to automatically record two
760 or more sequenced photographic or electronic images or streaming
761 video of only the rear of a motor vehicle at the time the
762 vehicle fails to stop behind the stop bar or clearly marked stop
763 line when facing a traffic control signal steady red light. Any
764 notification under s. 316.0083(1)(b) or traffic citation issued
765 by the use of a traffic infraction detector must include a
766 photograph or other recorded image showing both the license tag
767 of the offending vehicle and the traffic control device being
768 violated.

769 (87)~~(84)~~ TRAFFIC SIGNAL PREEMPTION SYSTEM.—Any system or
770 device with the capability of activating a control mechanism
771 mounted on or near traffic signals which alters a traffic
772 signal's timing cycle.

773 (88)~~(58)~~ TRAILER.—Any vehicle with or without motive
774 power, other than a pole trailer, designed for carrying persons
775 or property and for being drawn by a motor vehicle.

776 (89)~~(74)~~ TRANSPORTATION.—The conveyance or movement of
777 goods, materials, livestock, or persons from one location to
778 another on any road, street, or highway open to travel by the
779 public.

780 (90)~~(88)~~ TRI-VEHICLE.—An enclosed three-wheeled passenger

781 vehicle that:

782 (a) Is designed to operate with three wheels in contact
783 with the ground;

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

785 (c) Has a single, completely enclosed, ~~7~~ occupant
786 compartment;

787 (d) Is produced in a minimum quantity of 300 in any
788 calendar year;

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

791 (f) Is equipped with:

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

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

796 3. A propulsion unit located forward or aft of the
797 enclosed occupant compartment;

798 4. A seat belt for each vehicle occupant certified to meet
799 the requirements of Federal Motor Vehicle Safety Standard No.
800 209, "Seat belt assemblies" (49 C.F.R. s. 571.209);

801 5. A windshield and an appropriate windshield wiper and
802 washer system that are certified by the vehicle manufacturer to
803 meet the requirements of Federal Motor Vehicle Safety Standard
804 No. 205, "Glazing materials" (49 C.F.R. s. 571.205) and Federal
805 Motor Vehicle Safety Standard No. 104, "Windshield wiping and
806 washing systems" (49 C.F.R. s. 571.104); and

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

811 (91)~~(59)~~ TRUCK.—Any motor vehicle designed, used, or
 812 maintained primarily for the transportation of property.

813 (92)~~(60)~~ TRUCK TRACTOR.—Any motor vehicle designed and
 814 used primarily for drawing other vehicles and not so constructed
 815 as to carry a load other than a part of the weight of the
 816 vehicle and load so drawn.

817 (93)~~(93)~~ UTILITY SERVICE VEHICLE.—A motor vehicle that
 818 bears an emblem that is visible from the roadway and clearly
 819 identifies that the vehicle belongs to or is under contract with
 820 a person, entity, cooperative, board, commission, district, or
 821 unit of local government that provides electric, natural gas,
 822 water, wastewater, cable, telephone, or communications services.

823 (94)~~(75)~~ VEHICLE.—Every device, ~~in, upon, or by which any~~
 824 person or property is or may be transported or drawn upon a
 825 highway, except ~~excepting~~ devices used exclusively upon
 826 stationary rails or tracks.

827 (95)~~(85)~~ VICTIM SERVICES PROGRAMS.—Any community-based
 828 organization the ~~whose~~ primary purpose of which is to act as an
 829 advocate for the victims and survivors of traffic crashes and
 830 for their families. The victims services offered by these
 831 programs may include grief and crisis counseling, assistance
 832 with preparing victim compensation claims excluding third-party

833 legal action, or connecting persons with other service
834 providers, and providing emergency financial assistance.

835 ~~(96)-(79)~~ WORK ZONE AREA.—The area and its approaches on
836 any state-maintained highway, county-maintained highway, or
837 municipal street where construction, repair, maintenance, or
838 other street-related or highway-related work is being performed
839 or where one or more lanes are ~~is~~ closed to traffic.

840 Section 3. Section 316.2069, Florida Statutes, is created
841 to read:

842 316.2069 Commercial megacycles.—

843 (1) The governing body of a municipality, or the governing
844 board of a county with respect to an unincorporated portion of
845 the county, may permit the use of a commercial megacycle within
846 its jurisdiction pursuant to the following:

847 (a) The authorization by the governing body must clearly
848 limit the area of operation of commercial megacycles and their
849 hours of operation.

850 (b) During commercial operation, a commercial megacycle
851 must be:

852 1. Propelled solely by pedal power. Except under emergency
853 circumstances, an auxiliary motor may not be operating while a
854 passenger is in a commercial megacycle.

855 2. Operated at all times by its owner or lessee or an
856 employee of the owner or lessee.

857 3. Operated by a driver at least 21 years of age who
858 possesses a Class E driver license and must be occupied by a

859 safety monitor at least 21 years of age who shall supervise the
860 passengers while the commercial megacycle is in motion.

861 (2) The governing body of a municipality, or the governing
862 board of a county with respect to an unincorporated portion of
863 the county, may permit the use of a commercial megacycle within
864 its jurisdiction for the sale of beer or wine pursuant to the
865 requirements of subsection (1) and the following:

866 (a) The owner or lessee of the commercial megacycle must
867 be authorized to sell beer and wine under the Beverage Law.

868 (b) A commercial megacycle may not operate within 100 feet
869 of a licensed vendor of beer or spirituous beverages unless the
870 commercial megacycle is owned or operated by such vendor.

871 (3) Section 316.1936 does not apply to a commercial
872 megacycle while operating under subsections (1) and (2).

873 Section 4. Subsection (5) of section 316.235, Florida
874 Statutes, is amended to read:

875 316.235 Additional lighting equipment.—

876 (5) A bus, ~~as defined in s. 316.003(3),~~ may be equipped
877 with a deceleration lighting system which cautions following
878 vehicles that the bus is slowing, is preparing to stop, or is
879 stopped. Such lighting system shall consist of two red or amber
880 lights mounted in horizontal alignment on the rear of the
881 vehicle at ~~or near~~ the vertical centerline of the vehicle, no
882 greater than 12 inches apart, and not higher than the lower edge
883 of the rear window or, if the vehicle has no rear window, not
884 higher than 72 inches from the ground. Such lights shall be

885 | visible from a distance of not less than 300 feet to the rear in
 886 | normal sunlight. Lights are permitted to light and flash during
 887 | deceleration, braking, or standing and idling of the bus.
 888 | Vehicular hazard warning flashers may be used in conjunction
 889 | with or in lieu of a rear-mounted deceleration lighting system.

890 | Section 5. Subsections (1) and (3) of section 316.303,
 891 | Florida Statutes, are amended to read:

892 | 316.303 Television receivers.—

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

899 | (3) This section does not prohibit the use of an
 900 | electronic display used in conjunction with a vehicle navigation
 901 | system, used by the operator of a vehicle operating in
 902 | autonomous mode as provided in s. 316.85(2), or used by the
 903 | operator of a vehicle operating with driver-assistive truck
 904 | platooning technology.

905 | Section 6. Subsection (1) of section 320.525, Florida
 906 | Statutes, is amended to read:

907 | 320.525 Port vehicles and equipment; definition;
 908 | exemption.—

909 | (1) As used in this section, the term "port vehicles and
 910 | equipment" means trucks, tractors, trailers, truck cranes, top

911 loaders, fork lifts, hostling tractors, chassis, or other
 912 vehicles or equipment used for transporting cargo, containers,
 913 or other equipment. The term includes motor vehicles being
 914 relocated within a port facility or via designated port district
 915 roads.

916 Section 7. Section 332.0012, Florida Statutes, is created
 917 to read:

918 332.0012 Florida aviation transportation and economic
 919 development funding.—

920 (1) The Florida Aviation Transportation and Economic
 921 Development Program is created within the Department of
 922 Transportation to finance airport transportation or airport
 923 facilities projects that will improve the movement and
 924 intermodal transportation of cargo or passengers in commerce and
 925 trade and support the interests, purposes, and requirements of
 926 all airports listed in s. 332.0014(1)(a)1.

927 (2) A minimum of \$15 million per year shall be made
 928 available from the State Transportation Trust Fund to fund the
 929 Florida Aviation Transportation and Economic Development
 930 Program. The Florida Aviation Transportation and Economic
 931 Development Council created in s. 332.0014 shall develop
 932 guidelines for project funding. The Florida Aviation
 933 Transportation and Economic Development Council, the Department
 934 of Transportation, and the Department of Economic Opportunity
 935 shall work in cooperation to review projects and allocate funds
 936 in accordance with the schedule required for the Department of

937 Transportation to include these projects in the tentative work
938 program developed pursuant to s. 339.135.

939 (3) (a) Florida Aviation Transportation and Economic
940 Development Program funds shall be used for approved projects in
941 accordance with s. 332.007. Program funds may also be used by
942 the Florida Aviation Transportation and Economic Development
943 Council for data and analysis that will assist the state's
944 airports and international trade.

945 (b) The following airport facilities or airport
946 transportation projects are eligible for funding under the
947 program:

948 1. Transportation facilities within the jurisdiction of
949 the airport.

950 2. The construction, acquisition, improvement,
951 enlargement, extension, or rehabilitation of airport facilities,
952 storage facilities, terminals, or automated people mover systems
953 or any related facilities that are necessary or useful.

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

956 4. The acquisition of land to be used for airport
957 purposes.

958 5. Environmental protection projects that result from the
959 funding of eligible projects or that are necessary because of
960 requirements imposed by a state agency as a condition of a
961 permit or other form of state approval or for environmental
962 mitigation required as a condition of a state, federal, or local

963 environmental permit.

964 6. Transportation facilities as defined in s. 334.03 which
965 are not otherwise part of the Department of Transportation's
966 adopted work program.

967 7. Intermodal access projects.

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

972 (5) The Department of Transportation may require a final
973 audit of any project that receives funds under this section. The
974 Department of Transportation may adopt rules and perform such
975 other acts necessary to ensure that the final audits are
976 conducted and that any deficiency or questioned costs noted by
977 the audit are resolved.

978 Section 8. Section 332.0014, Florida Statutes, is created
979 to read:

980 332.0014 Florida Aviation Transportation and Economic
981 Development Council.—

982 (1) The Florida Aviation Transportation and Economic
983 Development Council is created within the Department of
984 Transportation.

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

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

988 a. Fort Lauderdale-Hollywood International Airport.

- 989 | b. Jacksonville International Airport.
- 990 | c. Miami International Airport.
- 991 | d. Orlando International Airport.
- 992 | e. Palm Beach International Airport.
- 993 | f. Southwest Florida International Airport.
- 994 | g. Tampa International Airport.
- 995 | h. Miami Executive Airport.
- 996 | i. Kissimmee Gateway Airport.
- 997 | j. Daytona Beach International Airport.
- 998 | k. Destin-Fort Walton Beach Airport.
- 999 | l. Gainesville Regional Airport.
- 1000 | m. Melbourne International Airport.
- 1001 | n. Northwest Florida Beaches International Airport.
- 1002 | o. Orlando Sanford International Airport.
- 1003 | p. Pensacola International Airport.
- 1004 | q. Sarasota-Bradenton International Airport.
- 1005 | r. Saint Petersburg-Clearwater International Airport.
- 1006 | s. Tallahassee International Airport.
- 1007 | 2. The Secretary of Transportation or his or her designee.
- 1008 | 3. The executive director of the Department of Economic
- 1009 | Opportunity or his or her designee.
- 1010 | (b) The council shall meet at the call of its chair, at
- 1011 | the request of a majority of its membership, or at such times as
- 1012 | may be prescribed in its bylaws. However, the council must meet
- 1013 | at least semiannually. A majority of voting members of the
- 1014 | council constitutes a quorum for the purpose of transacting the

1015 business of the council. All members of the council are voting
1016 members. A vote of the majority of the members present is
1017 sufficient for any action of the council, except that a member
1018 representing the Department of Transportation or the Department
1019 of Economic Opportunity may vote to overrule any action of the
1020 council approving a project pursuant to subsection (4). The
1021 bylaws of the council may require a greater vote for a
1022 particular action.

1023 (c) Members of the council shall serve without
1024 compensation but are entitled to reimbursement for per diem and
1025 travel expenses as provided in s. 112.061.

1026 (d) The council may employ an administrative staff to
1027 provide services to the council on matters relating to the
1028 Florida Aviation Transportation and Economic Development Program
1029 and the council. The cost for such administrative services shall
1030 be paid by all airports that receive funding from the Florida
1031 Aviation Transportation and Economic Development Program, based
1032 on a pro rata formula measured by each recipient's share of the
1033 funds as compared to the total funds disbursed to all recipients
1034 during the year. The share of costs for administrative services
1035 shall be paid in its total amount by the recipient airport upon
1036 execution by the airport and the Department of Transportation of
1037 a joint participation agreement for each council-approved
1038 project. Such payment is in addition to the matching funds
1039 required to be paid by the recipient airport.

1040 (e) The council shall adopt bylaws governing the conduct

1041 of business of the council. The bylaws shall specify the
1042 procedure for election of the council chair.

1043 (2) (a) The council shall prepare a 5-year aviation mission
1044 plan defining the goals and objectives of the council concerning
1045 the development of airport facilities and an intermodal
1046 transportation system consistent with the goals of the Florida
1047 Transportation Plan. The mission plan shall include specific
1048 recommendations for the construction of transportation
1049 facilities connecting any airport to another transportation mode
1050 and for the efficient, cost-effective development of
1051 transportation facilities or airport facilities for the purpose
1052 of enhancing trade, promoting cargo flow, increasing passenger
1053 movements, increasing airport revenues, and providing economic
1054 benefits to the state. Each year, the council shall update the
1055 5-year mission plan and submit the plan no later than February 1
1056 to the President of the Senate, the Speaker of the House of
1057 Representatives, the Department of Economic Opportunity, and the
1058 Department of Transportation.

1059 (b) Each year, the council shall develop a prioritized
1060 list of projects based on the recommendations in the mission
1061 plan and submit the list to the Department of Transportation.

1062 (c) The council shall develop programs, based on a review
1063 of existing programs in this state and other states, for the
1064 training of minorities and secondary school students in job
1065 skills associated with employment opportunities in the aviation
1066 industry and annually submit a report on progress and

1067 recommendations for further action to the President of the
1068 Senate and the Speaker of the House of Representatives.

1069 (3) The council shall adopt rules for evaluating projects
1070 that may be funded through the Florida Aviation Transportation
1071 and Economic Development Program. The rules shall provide
1072 criteria for evaluating a potential project, including, but not
1073 limited to, consistency with appropriate plans, economic
1074 benefit, readiness for construction, noncompetition with other
1075 airports in this state, and capacity within the airport system.
1076 Priority shall be given to projects eligible for funding as a
1077 strategic airport investment project pursuant to s. 332.007(10).

1078 (4) The council shall review and approve or disapprove
1079 each project for funding under the Florida Aviation
1080 Transportation and Economic Development Program. Each year, the
1081 council shall submit a list of approved projects to the
1082 Secretary of Transportation and the executive director of the
1083 Department of Economic Opportunity. The list shall specify the
1084 recommended funding level for each project and, if staged
1085 implementation of the project is appropriate, the funding
1086 requirements for each stage.

1087 (5) The Department of Transportation shall review the
1088 application of each project on the list to determine whether the
1089 project is consistent with the Florida Transportation Plan, the
1090 statewide aviation system plan, and the Department of
1091 Transportation's adopted work program. In evaluating the
1092 consistency of a project, the Department of Transportation shall

1093 assess the transportation impacts and economic benefits of the
1094 project. The Department of Transportation shall identify those
1095 projects that are inconsistent with the Florida Transportation
1096 Plan, the statewide aviation system plan, or the adopted work
1097 program and notify the council of its findings. A project may
1098 not be approved for funding if it is determined to be
1099 inconsistent with the Florida Transportation Plan, the statewide
1100 aviation system plan, or the adopted work program pursuant to
1101 this subsection.

1102 (6) The Department of Economic Opportunity shall review
1103 the application of each project on the list to evaluate the
1104 economic benefit of each project and to determine whether the
1105 project is consistent with the statewide aviation system plan
1106 and the state's economic development goals and policies. The
1107 Department of Economic Opportunity shall review the proposed
1108 project's consistency with state, regional, and local plans, as
1109 appropriate, and the economic benefits of each project based on
1110 the rules adopted pursuant to subsection (3). The Department of
1111 Economic Opportunity shall identify those projects that it
1112 determines do not offer an economic benefit to the state or that
1113 are inconsistent with an appropriate plan, the statewide
1114 aviation system plan, or the state's economic development goals
1115 and policies and shall notify the council of its findings. A
1116 project may not be approved for funding if it is determined to
1117 be inconsistent with an appropriate plan, the statewide aviation
1118 system plan, or the state's economic development goals and

1119 policies pursuant to this subsection.

1120 (7) The Department of Transportation shall include at
1121 least \$15 million per year in its annual legislative budget
1122 request for funding the Florida Aviation Transportation and
1123 Economic Development Program under s. 332.0012, including
1124 funding for those projects approved for funding under this
1125 section. The Department of Transportation shall include the
1126 specific projects to be funded through the Florida Aviation
1127 Transportation and Economic Development Program during the
1128 ensuing fiscal year in the tentative work program developed
1129 pursuant to s. 339.135. The total amount of funding to be
1130 allocated to Florida Aviation Transportation and Economic
1131 Development Program projects during the successive 4 fiscal
1132 years shall also be included in the tentative work program. The
1133 council may submit to the Department of Transportation a list of
1134 approved projects that could be made production ready within the
1135 next 2 years. The list shall be submitted by the Department of
1136 Transportation as part of the needs and project list prepared
1137 pursuant to s. 339.135(2)(b). However, the Department of
1138 Transportation shall, upon written request by the council,
1139 submit work program amendments pursuant to s. 339.135(7) to the
1140 Governor within 10 days after the later of the date the request
1141 is received by the Department of Transportation or the effective
1142 date of an amendment to, or termination or closure of, the
1143 applicable funding agreement between the Department of
1144 Transportation and the affected airport, as required to release

1145 the funds from the existing commitment. Notwithstanding s.
 1146 339.135(7)(c), any work program amendment to transfer prior year
 1147 funds from one approved airport project to another airport
 1148 project is subject to the procedures in s. 339.135(7)(d).
 1149 Notwithstanding any law provision of law, the Department of
 1150 Transportation may transfer unexpended budget funds between the
 1151 airport projects as identified in the approved work program
 1152 amendments.

1153 (8) Except as otherwise provided by law, all moneys
 1154 derived from the Florida Aviation Transportation and Economic
 1155 Development Program shall be expended in accordance with s.
 1156 287.057. Airports subject to competitive negotiation
 1157 requirements of a local governing body must comply with s.
 1158 287.055.

1159 Section 9. Paragraph (c) of subsection (1) of section
 1160 332.08, Florida Statutes, is amended to read:

1161 332.08 Additional powers.—

1162 (1) In addition to the general powers in ss. 332.01-332.12
 1163 conferred and without limitation thereof, a municipality that
 1164 has established or may hereafter establish airports, restricted
 1165 landing areas, or other air navigation facilities, or that has
 1166 acquired or set apart or may hereafter acquire or set apart real
 1167 property for such purposes, is authorized:

1168 (c) To lease for a term not exceeding 50 ~~30~~ years such
 1169 airports or other air navigation facilities, or real property
 1170 acquired or set apart for airport purposes, to private parties,

1171 any municipal or state government or the national government, or
 1172 any department of either thereof, for operation; to lease or
 1173 assign for a term not exceeding 50 ~~30~~ years to private parties,
 1174 any municipal or state government or the national government, or
 1175 any department of either thereof, for operation or use
 1176 consistent with the purposes of ss. 332.01-332.12, space, area,
 1177 improvements, or equipment on such airports; to sell any part of
 1178 such airports, other air navigation facilities, or real property
 1179 to any municipal or state government, or the United States or
 1180 any department or instrumentality thereof, for aeronautical
 1181 purposes or purposes incidental thereto, and to confer the
 1182 privileges of concessions of supplying upon its airports goods,
 1183 commodities, things, services, and facilities; provided, that in
 1184 each case in so doing the public is not deprived of its rightful
 1185 equal and uniform use thereof.

1186 Section 10. Section 333.01, Florida Statutes, is amended
 1187 to read:

1188 333.01 Definitions.—As used in ~~For the purpose of this~~
 1189 ~~chapter, the term following words, terms, and phrases shall have~~
 1190 ~~the meanings herein given, unless otherwise specifically~~
 1191 ~~defined, or unless another intention clearly appears, or the~~
 1192 ~~context otherwise requires:~~

1193 (1) "Aeronautical study" means a Federal Aviation
 1194 Administration study, conducted in accordance with the standards
 1195 of 14 C.F.R. part 77, subpart C, and Federal Aviation
 1196 Administration policy and guidance, on the effect of proposed

1197 construction or alteration on the operation of air navigation
 1198 facilities and the safe and efficient use of navigable airspace.

1199 ~~(1) "Aeronautics" means transportation by aircraft; the~~
 1200 ~~operation, construction, repair, or maintenance of aircraft,~~
 1201 ~~aircraft power plants and accessories, including the repair,~~
 1202 ~~packing, and maintenance of parachutes; the design,~~
 1203 ~~establishment, construction, extension, operation, improvement,~~
 1204 ~~repair, or maintenance of airports, restricted landing areas, or~~
 1205 ~~other air navigation facilities, and air instruction.~~

1206 (2) "Airport" means any area of land or water designed and
 1207 set aside for the landing and taking off of aircraft and used
 1208 ~~utilized~~ or to be used ~~utilized~~ in the interest of the public
 1209 for such purpose.

1210 (3) "Airport hazard" means an obstruction to air
 1211 navigation that affects the safe and efficient use of navigable
 1212 airspace or the operation of planned or existing air navigation
 1213 and communication facilities ~~any structure or tree or use of~~
 1214 ~~land which would exceed the federal obstruction standards as~~
 1215 ~~contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29~~
 1216 ~~and which obstructs the airspace required for the flight of~~
 1217 ~~aircraft in taking off, maneuvering, or landing or is otherwise~~
 1218 ~~hazardous to such taking off, maneuvering, or landing of~~
 1219 ~~aircraft and for which no person has previously obtained a~~
 1220 ~~permit or variance pursuant to s. 333.025 or s. 333.07.~~

1221 (4) "Airport hazard area" means any area of land or water
 1222 upon which an airport hazard might be established ~~if not~~

1223 ~~prevented as provided in this chapter.~~

1224 (5) "Airport land use compatibility zoning" means airport
1225 zoning regulations governing ~~restricting~~ the use of land on,
1226 adjacent to, or in the immediate vicinity of airports in the
1227 ~~manner enumerated in s. 333.03(2) to activities and purposes~~
1228 ~~compatible with the continuation of normal airport operations~~
1229 ~~including landing and takeoff of aircraft in order to promote~~
1230 ~~public health, safety, and general welfare.~~

1231 (6) "Airport layout plan" means a set of scaled drawings
1232 that provides a graphic representation of the existing and
1233 future development plan for the airport and demonstrates the
1234 preservation and continuity of safety, utility, and efficiency
1235 of the airport detailed, scale engineering drawing, including
1236 pertinent dimensions, of an airport's current and planned
1237 facilities, their locations, and runway usage.

1238 (7) "Airport master plan" means a comprehensive plan of an
1239 airport which typically describes current and future plans for
1240 airport development designed to support existing and future
1241 aviation demand.

1242 (8) "Airport protection zoning" means airport zoning
1243 regulations governing airport hazards.

1244 (9) "Department" means the Department of Transportation.

1245 (10) "Educational facility" means any structure, land, or
1246 use thereof that includes a public or private K-12 school,
1247 charter school, magnet school, college campus, or university
1248 campus. The term does not include space used for educational

1249 purposes within a multitenant building.

1250 (11) "Landfill" has the same meaning as provided in s.
 1251 403.703.

1252 (12)~~(7)~~ "Obstruction" means any object of natural growth
 1253 or terrain, or permanent or temporary construction or
 1254 alteration, including equipment or materials used and any
 1255 permanent or temporary apparatus, or alteration of any permanent
 1256 or temporary existing structure by a change in its height,
 1257 including appurtenances, or lateral dimensions, including
 1258 equipment or material used therein, existing or proposed, which
 1259 exceeds ~~manmade object or object of natural growth or terrain~~
 1260 ~~that violates~~ the federal obstruction standards contained in 14
 1261 C.F.R. part 77, subpart C ss. 77.21, 77.23, 77.25, 77.28, and
 1262 77.29.

1263 (13)~~(8)~~ "Person" means any individual, firm,
 1264 copartnership, corporation, company, association, joint-stock
 1265 association, or body politic, and includes any trustee,
 1266 receiver, assignee, or other similar representative thereof.

1267 (14)~~(9)~~ "Political subdivision" means the local government
 1268 of any county, city, town, village, or other subdivision or
 1269 agency thereof, or any district or special district, port
 1270 commission, port authority, or other such agency authorized to
 1271 establish or operate airports in the state.

1272 (15) "Public-use airport" means an airport, publicly or
 1273 privately owned, licensed by the state, which is open for use by
 1274 the public.

1275 ~~(16)(10)~~ "Runway protection clear zone" means an area at
 1276 ground level beyond the runway end to enhance the safety and
 1277 protection of people and property on the ground ~~a runway clear~~
 1278 ~~zone as defined in 14 C.F.R. s. 151.9(b).~~

1279 ~~(17)(11)~~ "Structure" means any object, constructed,
 1280 erected, altered, or installed by humans, including, but not
 1281 limited to without limitation thereof, buildings, towers,
 1282 smokestacks, utility poles, power generation equipment, and
 1283 overhead transmission lines.

1284 (18) "Substantial modification" means any repair,
 1285 reconstruction, rehabilitation, or improvement of a structure
 1286 the actual cost of which equals or exceeds 50 percent of the
 1287 market value of the structure.

1288 ~~(12) "Tree" includes any plant of the vegetable kingdom.~~

1289 Section 11. Section 333.025, Florida Statutes, is amended
 1290 to read:

1291 333.025 Permit required for obstructions ~~structures~~
 1292 ~~exceeding federal obstruction standards.-~~

1293 (1) A person proposing the construction or alteration of
 1294 an obstruction shall obtain a permit from the department ~~In~~
 1295 ~~order to prevent the erection of structures dangerous to air~~
 1296 ~~navigation, subject to the provisions of subsections (2), (3),~~
 1297 ~~and (4), each person shall secure from the Department of~~
 1298 ~~Transportation a permit for the erection, alteration, or~~
 1299 ~~modification of any structure the result of which would exceed~~
 1300 ~~the federal obstruction standards as contained in 14 C.F.R. ss.~~

1301 ~~77.21, 77.23, 77.25, 77.28, and 77.29.~~ However, permits from the
 1302 department are ~~of Transportation will be~~ required only within an
 1303 airport hazard area where federal obstruction standards are
 1304 exceeded and if the proposed construction or alteration is
 1305 within a 10-nautical-mile radius of the airport reference point,
 1306 located at the approximate geometric ~~geographical~~ center of all
 1307 usable runways of a public-use airport or a publicly owned or
 1308 ~~operated airport,~~ a military airport, ~~or an airport licensed by~~
 1309 ~~the state for public use.~~

1310 (2) Existing, planned, and proposed ~~Affected airports will~~
 1311 ~~be considered as having these facilities~~ on public-use airports
 1312 contained in an ~~which are shown on the~~ airport master plan, on
 1313 ~~or~~ an airport layout plan submitted to the Federal Aviation
 1314 Administration, ~~Airport District Office~~ or in comparable
 1315 military documents shall, ~~and will be so~~ protected from airport
 1316 hazards. ~~Planned or proposed public-use airports which are the~~
 1317 ~~subject of a notice or proposal submitted to the Federal~~
 1318 ~~Aviation Administration or to the Department of Transportation~~
 1319 ~~shall also be protected.~~

1320 (3) A permit is not required for existing structures that
 1321 ~~requirements of subsection (1) shall not apply to projects which~~
 1322 received construction permits from the Federal Communications
 1323 Commission for structures exceeding federal obstruction
 1324 standards before ~~prior to~~ May 20, 1975, and a permit is not
 1325 required for ~~provided such structures now exist; nor shall it~~
 1326 ~~apply to previously approved structures now existing, or any~~

1327 necessary replacement or repairs to such existing structures
1328 provided, so long as the height and location are ~~is~~ unchanged.

1329 (4) When political subdivisions have, in compliance with
1330 this chapter, adopted adequate airport airspace protection
1331 zoning regulations, placed in compliance with s. 333.03, and
1332 such regulations ~~are~~ on file with the department's Aviation and
1333 Spaceports Office Department of Transportation, and established
1334 a permitting process, a permit for such structure ~~is~~ ~~shall~~ not
1335 ~~be~~ required from the department ~~of Transportation.~~ Upon receipt
1336 of a complete permit application, the local government shall
1337 provide a copy of the application to the department's Aviation
1338 and Spaceports Office by certified mail, return receipt
1339 requested, or by delivery service that provides a receipt
1340 evidencing delivery. To evaluate technical consistency with this
1341 subsection, the department has a 15-day review period following
1342 receipt of the application, which runs concurrently with the
1343 local government permitting process. Cranes, construction
1344 equipment, and other temporary structures in use or in place for
1345 a period not to exceed 18 consecutive months are exempt from
1346 department review unless such review is requested by the
1347 department.

1348 (5) The department ~~of Transportation~~ shall, within 30 days
1349 after ~~of the~~ receipt of an application for a permit, issue or
1350 deny a permit for the construction or erection, alteration, ~~or~~
1351 ~~modification~~ of an obstruction. The department shall review
1352 permit applications in accordance with s. 120.60 ~~any structure~~

1353 ~~the result of which would exceed federal obstruction standards~~
 1354 ~~as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and~~
 1355 ~~77.29.~~

1356 (6) In determining whether to issue or deny a permit, the
 1357 department shall consider:

1358 (a) The safety of persons on the ground and in the air.

1359 (b) The safe and efficient use of navigable airspace.

1360 ~~(c)-(a)~~ The nature of the terrain and height of existing
 1361 structures.

1362 (d) The effect of the construction or alteration of an
 1363 obstruction on the state licensing standards for a public-use
 1364 airport contained in chapter 330 and rules adopted thereunder.

1365 ~~(b) Public and private interests and investments.~~

1366 ~~(e)-(e)~~ The character of existing and planned flight flying
 1367 operations and planned developments at public-use of airports.

1368 ~~(f)-(d)~~ Federal airways, visual flight rules, flyways and
 1369 corridors, and instrument approaches as designated by the Federal
 1370 Aviation Administration.

1371 ~~(g)-(e)~~ The effect of whether the construction or
 1372 alteration of an obstruction on of the proposed structure would
 1373 cause an increase in the minimum descent altitude or the
 1374 decision height at the affected airport.

1375 ~~(f) Technological advances.~~

1376 ~~(g) The safety of persons on the ground and in the air.~~

1377 ~~(h) Land use density.~~

1378 ~~(i) The safe and efficient use of navigable airspace.~~

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1379 (h) ~~(j)~~ The cumulative effects on navigable airspace of all
1380 existing obstructions ~~structures, proposed structures identified~~
1381 ~~in the applicable jurisdictions' comprehensive plans,~~ and all
1382 other known proposed obstructions ~~structures~~ in the area.

1383 (7) When issuing a permit under this section, the
1384 department ~~of Transportation shall, as a specific condition of~~
1385 ~~such permit,~~ require the owner of the obstruction to install,
1386 operate, and maintain thereon, at the owner's expense, marking
1387 and lighting in conformance with the specific standards
1388 established by the Federal Aviation Administration ~~of the~~
1389 ~~permitted structure as provided in s. 333.07(3)(b).~~

1390 (8) The department may ~~of Transportation shall~~ not approve
1391 a permit for the construction or alteration of an obstruction
1392 ~~erection of a structure~~ unless the applicant submits both
1393 documentation showing compliance with the federal requirement
1394 for notification of proposed construction or alteration and a
1395 valid aeronautical study. ~~A evaluation, and no permit may not~~
1396 ~~shall~~ be approved solely because the Federal Aviation
1397 Administration determines that the proposed obstruction is not
1398 an airport hazard ~~on the basis that such proposed structure will~~
1399 ~~not exceed federal obstruction standards as contained in 14~~
1400 ~~C.F.R. ss. 77.21, 77.23, 77.25, 77.28, or 77.29, or any other~~
1401 ~~federal aviation regulation.~~

1402 (9) The denial of a permit under this section is subject
1403 to administrative review under chapter 120.

1404 Section 12. Section 333.03, Florida Statutes, is amended

1405 to read:

1406 333.03 ~~Power to adopt~~ Airport protection zoning
 1407 regulations.—

1408 (1) (a) ~~In order to prevent the creation or establishment~~
 1409 ~~of airport hazards,~~ Every political subdivision having an
 1410 airport hazard area within its territorial limits shall, ~~by~~
 1411 ~~October 1, 1977,~~ adopt, administer, and enforce, under the
 1412 police power and in the manner and upon the conditions
 1413 hereinafter prescribed in this section, airport protection
 1414 zoning regulations for such airport hazard area.

1415 (b) When ~~Where~~ an airport is owned or controlled by a
 1416 political subdivision and any other political subdivision has
 1417 land upon which an obstruction may be constructed or altered,
 1418 which land underlies any of the surfaces of the airport
 1419 described in 14 C.F.R. part 77, subpart C, the political
 1420 subdivisions ~~airport hazard area appertaining to such airport is~~
 1421 ~~located wholly or partly outside the territorial limits of said~~
 1422 ~~political subdivision, the political subdivision owning or~~
 1423 ~~controlling the airport and the political subdivision within~~
 1424 ~~which the airport hazard area is located,~~ shall either:

1425 1. By interlocal agreement, ~~in accordance with the~~
 1426 ~~provisions of chapter 163,~~ adopt, administer, and enforce a set
 1427 of airport protection zoning regulations ~~applicable to the~~
 1428 ~~airport hazard area in question; or~~

1429 2. By ordinance, regulation, or resolution ~~duly adopted,~~
 1430 create a joint airport protection zoning board that, ~~which board~~

1431 shall ~~have the same power to~~ adopt, administer, and enforce a
1432 set of airport protection zoning regulations ~~applicable to the~~
1433 ~~airport hazard area in question as that vested in paragraph (a)~~
1434 ~~in the political subdivision within which such area is located.~~
1435 The ~~Each such~~ joint airport protection zoning board shall have
1436 as voting members two representatives appointed by each
1437 participating political subdivision ~~participating in its~~
1438 ~~creation and in addition~~ a chair elected by a majority of the
1439 members ~~so~~ appointed. ~~However,~~ The airport manager or a
1440 representative of each airport in managers of the participating
1441 ~~affected~~ political subdivisions shall serve on the board in a
1442 nonvoting capacity.

1443 (c) Airport protection zoning regulations adopted under
1444 paragraph (a) shall, at ~~as~~ a minimum, require:

1445 1. A permit variance for the construction or erection,
1446 ~~alteration, or modification~~ of any obstruction structure which
1447 ~~would cause the structure to exceed the federal obstruction~~
1448 ~~standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25,~~
1449 ~~77.28, and 77.29;~~

1450 2. ~~Obstruction~~ Marking and lighting for obstructions
1451 ~~structures as specified in s. 333.07(3);~~

1452 3. Documentation showing compliance with the federal
1453 requirement for notification of proposed construction or
1454 alteration of structures and a valid aeronautical study
1455 ~~evaluation~~ submitted by each person applying for a permit
1456 variance;

1457 4. Consideration of the criteria in s. 333.025(6), when
 1458 determining whether to issue or deny a permit ~~variance~~; and

1459 5. That a permit may not ~~no variance shall~~ be approved
 1460 solely because the Federal Aviation Administration determines
 1461 that the proposed obstruction is not an airport hazard ~~on the~~
 1462 ~~basis that such proposed structure will not exceed federal~~
 1463 ~~obstruction standards as contained in 14 C.F.R. ss. 77.21,~~
 1464 ~~77.23, 77.25, 77.28, or 77.29, or any other federal aviation~~
 1465 ~~regulation.~~

1466 (d) The department shall be available to provide
 1467 assistance to political subdivisions with regard to ~~issue copies~~
 1468 ~~of the federal obstruction standards as contained in 14 C.F.R.~~
 1469 ~~ss. 77.21, 77.23, 77.25, 77.28, and 77.29 to each political~~
 1470 ~~subdivision having airport hazard areas and, in cooperation with~~
 1471 ~~political subdivisions, shall issue appropriate airport zoning~~
 1472 ~~maps depicting within each county the maximum allowable height~~
 1473 ~~of any structure or tree. Material distributed pursuant to this~~
 1474 ~~subsection shall be at no cost to authorized recipients.~~

1475 (2) In the manner provided in subsection (1), political
 1476 subdivisions shall adopt, administer, and enforce ~~interim~~
 1477 ~~airport land use compatibility zoning regulations shall be~~
 1478 ~~adopted.~~ Airport land use compatibility zoning regulations
 1479 shall, at a minimum, address ~~When political subdivisions have~~
 1480 ~~adopted land development regulations in accordance with the~~
 1481 ~~provisions of chapter 163 which address the use of land in the~~
 1482 ~~manner consistent with the provisions herein, adoption of~~

1483 ~~airport land use compatibility regulations pursuant to this~~
1484 ~~subsection shall not be required. Interim airport land use~~
1485 ~~compatibility zoning regulations shall consider~~ the following:

1486 (a) Prohibiting any new landfills and restricting any
1487 existing ~~Whether sanitary~~ landfills are located within the
1488 following areas:

1489 1. Within 10,000 feet from the nearest point of any runway
1490 used or planned to be used by turbine ~~turbojet or turboprop~~
1491 aircraft.

1492 2. Within 5,000 feet from the nearest point of any runway
1493 used only by nonturbine ~~piston-type~~ aircraft.

1494 3. Outside the perimeters defined in subparagraphs 1. and
1495 2., but still within the lateral limits of the civil airport
1496 imaginary surfaces defined in 14 C.F.R. s. 77.19 ~~part 77.25~~.
1497 Case-by-case review of such landfills is advised.

1498 (b) Where ~~Whether~~ any landfill is located and constructed
1499 so that it attracts or sustains hazardous bird movements from
1500 feeding, water, or roosting areas into, or across, the runways
1501 or approach and departure patterns of aircraft. The operator of
1502 such a landfill must be required to ~~political subdivision shall~~
1503 ~~request from the airport authority or other governing body~~
1504 ~~operating the airport a report on such bird feeding or roosting~~
1505 ~~areas that at the time of the request are known to the airport.~~
1506 ~~In preparing its report, the authority, or other governing body,~~
1507 ~~shall consider whether the landfill will~~ incorporate bird
1508 management techniques or other practices to minimize bird

1509 hazards to airborne aircraft. ~~The airport authority or other~~
1510 ~~governing body shall respond to the political subdivision no~~
1511 ~~later than 30 days after receipt of such request.~~

1512 (c) Where an airport authority or other governing body
1513 operating a ~~publicly owned,~~ public-use airport has conducted a
1514 noise study in accordance with ~~the provisions of 14 C.F.R. part~~
1515 150 or where a public-use airport owner has established noise
1516 contours pursuant to another public study approved by the Federal
1517 Aviation Administration. Noncompatible land uses, as established
1518 in the noise study under Appendix A to 14 C.F.R. part 150 or as a
1519 part of an alternative public study approved by the Federal
1520 Aviation Administration, are not permitted within the noise
1521 contours established by such study, except where such land use is
1522 specifically contemplated by such study with appropriate
1523 mitigation or similar techniques described in the study, ~~neither~~
1524 ~~residential construction nor any educational facility as defined~~
1525 ~~in chapter 1013, with the exception of aviation school~~
1526 ~~facilities, shall be permitted within the area contiguous to the~~
1527 ~~airport defined by an outer noise contour that is considered~~
1528 ~~incompatible with that type of construction by 14 C.F.R. part~~
1529 ~~150, Appendix A or an equivalent noise level as established by~~
1530 ~~other types of noise studies.~~

1531 (d) Where an airport authority or other governing body
1532 operating a ~~publicly owned,~~ public-use airport has not conducted
1533 a noise study, ~~neither Residential construction and nor any~~
1534 ~~educational facility as defined in chapter 1013, with the~~

1535 exception of an aviation school facility ~~facilities~~, are not
1536 ~~shall be~~ permitted within an area contiguous to the airport
1537 measuring one-half the length of the longest runway on either
1538 side of and at the end of each runway centerline.

1539 (e)(3) Restricting ~~In the manner provided in subsection~~
1540 ~~(1), airport zoning regulations shall be adopted which restrict~~
1541 ~~new incompatible uses, activities, or~~ substantial modifications
1542 to existing incompatible uses ~~construction~~ within runway
1543 protection ~~clear zones, including uses, activities, or~~
1544 ~~construction in runway clear zones which are incompatible with~~
1545 ~~normal airport operations or endanger public health, safety, and~~
1546 ~~welfare by resulting in congregations of people, emissions of~~
1547 ~~light or smoke, or attraction of birds. Such regulations shall~~
1548 ~~prohibit the construction of an educational facility of a public~~
1549 ~~or private school at either end of a runway of a publicly owned,~~
1550 ~~public use airport within an area which extends 5 miles in a~~
1551 ~~direct line along the centerline of the runway, and which has a~~
1552 ~~width measuring one-half the length of the runway. Exceptions~~
1553 ~~approving construction of an educational facility within the~~
1554 ~~delineated area shall only be granted when the political~~
1555 ~~subdivision administering the zoning regulations makes specific~~
1556 ~~findings detailing how the public policy reasons for allowing~~
1557 ~~the construction outweigh health and safety concerns prohibiting~~
1558 ~~such a location.~~

1559 ~~(4) The procedures outlined in subsections (1), (2), and~~
1560 ~~(3) for the adoption of such regulations are supplemental to any~~

1561 ~~existing procedures utilized by political subdivisions in the~~
 1562 ~~adoption of such regulations.~~

1563 (3)-(5) Political subdivisions ~~The Department of~~
 1564 ~~Transportation shall provide technical assistance to any~~
 1565 ~~political subdivision requesting assistance in the preparation~~
 1566 ~~of an airport zoning code. a copy of all local airport~~
 1567 protection zoning codes, rules, and regulations and airport land
 1568 use compatibility zoning regulations, together with any related
 1569 amendments, to the department's Aviation and Spaceports Office
 1570 within 30 days after adoption, and amendments and proposed and
 1571 ~~granted variances thereto, shall be filed with the department.~~

1572 (4)-(6) Nothing in Subsection (2) does not or subsection
 1573 ~~(3) shall be construed to require the removal, alteration, sound~~
 1574 ~~conditioning, or other change to, or to interfere with the~~
 1575 ~~continued use or adjacent expansion of, any educational facility~~
 1576 ~~structure or site in existence on July 1, 1993, or be construed~~
 1577 ~~to prohibit the construction of any new structure for which a~~
 1578 ~~site has been determined as provided in former s. 235.19, as of~~
 1579 ~~July 1, 1993.~~

1580 (5) This section does not preclude an airport authority, a
 1581 political subdivision or its administrative agency, or other
 1582 governing body operating a public-use airport from establishing
 1583 airport zoning regulations more restrictive than prescribed in
 1584 this section in order to protect the health, safety, and welfare
 1585 of the public in the air and on the ground.

1586 Section 13. Section 333.04, Florida Statutes, is amended

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1587 to read:

1588 333.04 Comprehensive plans or policies ~~zoning regulations~~;
 1589 most stringent zoning regulations to prevail where conflicts
 1590 occur.—

1591 (1) INCORPORATION.—~~If In the event that~~ a political
 1592 subdivision ~~has adopted, or hereafter adopts,~~ a comprehensive
 1593 plan or policy that regulates zoning ordinance regulating, ~~among~~
 1594 ~~other things,~~ the height of buildings, structures, and natural
 1595 objects, and uses of property, any airport zoning regulations
 1596 applicable to the same area or portion thereof may be
 1597 incorporated in and made a part of such comprehensive plan or
 1598 policy ~~zoning regulations,~~ and be administered and enforced in
 1599 connection therewith.

1600 (2) CONFLICT.—If there is a ~~In the event of~~ conflict
 1601 between any airport zoning regulations adopted under this
 1602 chapter and any other regulations applicable to the same area,
 1603 whether the conflict be with respect to the height of structures
 1604 or vegetation trees, the use of land, or any other matter, and
 1605 whether such regulations were adopted by the political
 1606 subdivision that ~~which~~ adopted the airport zoning regulations or
 1607 by some other political subdivision, the more stringent
 1608 limitation or requirement shall govern and prevail.

1609 Section 14. Section 333.05, Florida Statutes, is amended
 1610 to read:

1611 333.05 Procedure for adoption of zoning regulations.—

1612 (1) NOTICE AND HEARING.—~~No~~ Airport zoning regulations may

1613 ~~not shall~~ be adopted, amended, or ~~repealed~~ changed under this
 1614 chapter except by action of the legislative body of the
 1615 political subdivision or affected subdivisions ~~in question~~, or
 1616 the joint board provided for in s. 333.03(1)(b)2. ~~333.03(1)(b)~~
 1617 ~~by the bodies therein provided and set forth~~, after a public
 1618 hearing on the adoption, amendment, or repeal ~~in relation~~
 1619 ~~thereto~~, at which parties in interest and citizens shall have an
 1620 opportunity to be heard. Notice of the hearing shall be
 1621 published at least once a week for 2 consecutive weeks in a
 1622 newspaper ~~an official paper, or a paper~~ of general circulation,
 1623 in the political subdivision or subdivisions where ~~in which~~ are
 1624 ~~located~~ the airport zoning regulations ~~areas~~ to be adopted,
 1625 amended, or deleted ~~zoned~~.

1626 (2) AIRPORT ZONING COMMISSION.—~~Before~~ Prior to the initial
 1627 zoning of any airport area under this chapter, the political
 1628 subdivision or joint airport zoning board that ~~which~~ is to
 1629 adopt, administer, and enforce the regulations shall appoint a
 1630 commission, to be known as the airport zoning commission, to
 1631 recommend the boundaries of the various zones to be established
 1632 and the regulations to be adopted therefor. The ~~Such~~ commission
 1633 shall make a preliminary report and hold public hearings on the
 1634 preliminary report ~~thereon~~ before submitting its final report.7
 1635 ~~and~~ The legislative body of the political subdivision or the
 1636 joint airport zoning board may ~~shall~~ not hold ~~its~~ public
 1637 hearings or take any action until it has received the final
 1638 report of the ~~such~~ commission, and at least 15 days have elapsed

1639 ~~shall elapse~~ between the receipt of the final report of the
 1640 commission and the hearing to be held by the legislative body or
 1641 the latter board. Where a planning city plan commission, airport
 1642 commission, or comprehensive zoning commission already exists,
 1643 it may be appointed as the airport zoning commission.

1644 Section 15. Section 333.06, Florida Statutes, is amended
 1645 to read:

1646 333.06 Airport zoning regulation requirements.—

1647 (1) REASONABLENESS.—All airport zoning regulations adopted
 1648 under this chapter shall be reasonable and may not ~~none shall~~
 1649 impose any requirement or restriction that ~~which~~ is not
 1650 reasonably necessary to effectuate the purposes of this chapter.
 1651 In determining what regulations it may adopt, each political
 1652 subdivision and joint airport zoning board shall consider, among
 1653 other things, the character of the flying operations expected to
 1654 be conducted at the airport, the nature of the terrain within
 1655 the airport hazard area and runway protection ~~clear~~ zones, the
 1656 character of the neighborhood, the uses to which the property to
 1657 be zoned is put and adaptable, and the impact of any new use,
 1658 activity, or construction on the airport's operating capability
 1659 and capacity.

1660 (2) INDEPENDENT JUSTIFICATION.—The purpose of all airport
 1661 zoning regulations adopted under this chapter is to provide ~~both~~
 1662 airspace protection and land uses ~~use~~ compatible with airport
 1663 operations. Each aspect of this purpose requires independent
 1664 justification in order to promote the public interest in safety,

1665 health, and general welfare. Specifically, construction in a
1666 runway protection ~~clear~~ zone which does not exceed airspace
1667 height restrictions is not conclusive ~~evidence per se~~ that such
1668 use, activity, or construction is compatible with airport
1669 operations.

1670 (3) NONCONFORMING USES.—No Airport protection zoning
1671 regulations adopted under this chapter may not ~~shall~~ require the
1672 removal, lowering, or other change or alteration of any
1673 obstruction ~~structure or tree~~ not conforming to the regulations
1674 when adopted or amended, or otherwise interfere with the
1675 continuance of any nonconforming use, except as provided in s.
1676 333.07(1) and (3).

1677 (4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO AFFECTED
1678 LOCAL GOVERNMENTS.—An airport master plan shall be prepared by
1679 each public-use ~~publicly owned and operated~~ airport licensed by
1680 the department ~~of Transportation~~ under chapter 330. The
1681 authorized entity having responsibility for governing the
1682 operation of the airport, when ~~either~~ requesting from or
1683 submitting to a state or federal governmental agency with
1684 funding or approval jurisdiction a "finding of no significant
1685 impact," an environmental assessment, a site-selection study, an
1686 airport master plan, or any amendment to an airport master plan,
1687 shall submit simultaneously a copy of said request, submittal,
1688 assessment, study, plan, or amendments by certified mail to all
1689 affected local governments. For ~~the~~ purposes of this subsection,
1690 "affected local government" means ~~is defined as~~ any city or

1691 county having jurisdiction over the airport and any city or
 1692 county located within 2 miles of the boundaries of the land
 1693 subject to the airport master plan.

1694 Section 16. Section 333.07, Florida Statutes, is amended
 1695 to read:

1696 333.07 Local government permitting of airspace
 1697 obstructions ~~Permits and variances.~~-

1698 (1) PERMITS.-

1699 (a) A person proposing to construct, alter, or allow an
 1700 airport obstruction in an airport hazard area in violation of
 1701 the airport protection zoning regulations adopted under this
 1702 chapter shall apply for a permit. ~~A Any airport zoning~~
 1703 ~~regulations adopted under this chapter may require that a permit~~
 1704 ~~be obtained before any new structure or use may be constructed~~
 1705 ~~or established and before any existing use or structure may be~~
 1706 ~~substantially changed or substantially altered or repaired. In~~
 1707 ~~any event, however, all such regulations shall provide that~~
 1708 ~~before any nonconforming structure or tree may be replaced,~~
 1709 ~~substantially altered or repaired, rebuilt, allowed to grow~~
 1710 ~~higher, or replanted, a permit must be secured from the~~
 1711 ~~administrative agency authorized to administer and enforce the~~
 1712 ~~regulations, authorizing such replacement, change, or repair. No~~
 1713 ~~permit may not shall be issued granted that would allow the~~
 1714 ~~establishment or creation of an airport hazard or that would~~
 1715 ~~permit a nonconforming obstruction structure or tree or~~
 1716 ~~nonconforming use to be made or become higher or to become a~~

1717 greater hazard to air navigation than ~~it was~~ when the applicable
1718 airport protection zoning regulation was adopted that allowed
1719 the establishment or creation of the obstruction or than ~~it is~~
1720 when the application for a permit is made.

1721 (b) Whenever the political subdivision or its
1722 administrative agency determines that a nonconforming
1723 obstruction ~~use or nonconforming structure or tree~~ has been
1724 abandoned or that is more than 80 percent of the obstruction is
1725 torn down, destroyed, deteriorated, or decayed, a ~~no~~ permit may
1726 not shall be granted that would allow the obstruction ~~said~~
1727 ~~structure or tree~~ to exceed the applicable height limit or
1728 otherwise deviate from the airport protection zoning
1729 regulations. Regardless of, and, whether an application is made
1730 for a permit under this subsection ~~or not, the said agency may~~
1731 ~~by appropriate action, compel~~ the owner of the nonconforming
1732 obstruction may be required ~~structure or tree~~, at his or her own
1733 expense, to lower, remove, reconstruct, alter, or equip such
1734 obstruction ~~object~~ as ~~may be~~ necessary to conform to the current
1735 airport protection zoning regulations. If the owner of the
1736 nonconforming obstruction fails or refuses ~~structure or tree~~
1737 ~~shall neglect or refuse~~ to comply with such requirement within
1738 ~~order for~~ 10 days after notice ~~thereof~~, the administrative ~~said~~
1739 agency may report the violation to the political subdivision
1740 involved therein, which subdivision, through its appropriate
1741 agency, may proceed to have the obstruction ~~object~~ so lowered,
1742 removed, reconstructed, altered, or equipped, and assess the

1743 cost and expense thereof upon the owner of the obstruction
1744 ~~object~~ or the land on which ~~whereon~~ it is or was located, ~~and,~~
1745 ~~unless such an assessment is paid within 90 days from the~~
1746 ~~service of notice thereof on the owner or the owner's agent, of~~
1747 ~~such object or land, the sum shall be a lien on said land, and~~
1748 ~~shall bear interest thereafter at the rate of 6 percent per~~
1749 ~~annum until paid, and shall be collected in the same manner as~~
1750 ~~taxes on real property are collected by said political~~
1751 ~~subdivision, or, at the option of said political subdivision,~~
1752 ~~said lien may be enforced in the manner provided for enforcement~~
1753 ~~of liens by chapter 85.~~

1754 ~~(c) Except as provided herein, applications for permits~~
1755 ~~shall be granted, provided the matter applied for meets the~~
1756 ~~provisions of this chapter and the regulations adopted and in~~
1757 ~~force hereunder.~~

1758 (2) CONSIDERATIONS WHEN ISSUING OR DENYING PERMITS.—In
1759 determining whether to issue or deny a permit, the political
1760 subdivision or its administrative agency shall consider the
1761 following, as applicable:

1762 (a) The safety of persons on the ground and in the air.

1763 (b) The safe and efficient use of navigable airspace.

1764 (c) The nature of the terrain and height of existing
1765 structures.

1766 (d) The effect of the construction or alteration on the
1767 state licensing standards for a public-use airport contained in
1768 chapter 330 and rules adopted thereunder.

1769 (e) The character of existing and planned flight
1770 operations and developments at public-use airports.

1771 (f) Federal airways, visual flight rules, flyways and
1772 corridors, and instrument approaches as designated by the
1773 Federal Aviation Administration.

1774 (g) The effect of the construction or alteration of the
1775 proposed structure on the minimum descent altitude or the
1776 decision height at the affected airport.

1777 (h) The cumulative effects on navigable airspace of all
1778 existing structures and all other known proposed structures in
1779 the area.

1780 (i) Additional requirements adopted by the political
1781 subdivision or administrative agency pertinent to evaluation and
1782 protection of airspace and airport operations.

1783 ~~(2) VARIANCES.~~

1784 ~~(a) Any person desiring to erect any structure, increase~~
1785 ~~the height of any structure, permit the growth of any tree, or~~
1786 ~~otherwise use his or her property in violation of the airport~~
1787 ~~zoning regulations adopted under this chapter or any land~~
1788 ~~development regulation adopted pursuant to the provisions of~~
1789 ~~chapter 163 pertaining to airport land use compatibility, may~~
1790 ~~apply to the board of adjustment for a variance from the zoning~~
1791 ~~regulations in question. At the time of filing the application,~~
1792 ~~the applicant shall forward to the department by certified mail,~~
1793 ~~return receipt requested, a copy of the application. The~~
1794 ~~department shall have 45 days from receipt of the application to~~

1795 ~~comment and to provide its comments or waiver of that right to~~
1796 ~~the applicant and the board of adjustment. The department shall~~
1797 ~~include its explanation for any objections stated in its~~
1798 ~~comments. If the department fails to provide its comments within~~
1799 ~~45 days of receipt of the application, its right to comment is~~
1800 ~~waived. The board of adjustment may proceed with its~~
1801 ~~consideration of the application only upon the receipt of the~~
1802 ~~department's comments or waiver of that right as demonstrated by~~
1803 ~~the filing of a copy of the return receipt with the board.~~
1804 ~~Noncompliance with this section shall be grounds to appeal~~
1805 ~~pursuant to s. 333.08 and to apply for judicial relief pursuant~~
1806 ~~to s. 333.11. Such variances may only be allowed where a literal~~
1807 ~~application or enforcement of the regulations would result in~~
1808 ~~practical difficulty or unnecessary hardship and where the~~
1809 ~~relief granted would not be contrary to the public interest but~~
1810 ~~would do substantial justice and be in accordance with the~~
1811 ~~spirit of the regulations and this chapter. However, any~~
1812 ~~variance may be allowed subject to any reasonable conditions~~
1813 ~~that the board of adjustment may deem necessary to effectuate~~
1814 ~~the purposes of this chapter.~~

1815 ~~(b) The Department of Transportation shall have the~~
1816 ~~authority to appeal any variance granted under this chapter~~
1817 ~~pursuant to s. 333.08, and to apply for judicial relief pursuant~~
1818 ~~to s. 333.11.~~

1819 (3) OBSTRUCTION MARKING AND LIGHTING.—

1820 ~~(a) When issuing a In granting any permit or variance~~

1821 under this section, the political subdivision or its
1822 administrative agency ~~or board of adjustment~~ shall require the
1823 owner of the obstruction structure or tree in question to
1824 install, operate, and maintain thereon, at the owner's ~~his or~~
1825 ~~her own~~ expense, ~~such~~ marking and lighting in conformance with
1826 the specific standards established by the Federal Aviation
1827 Administration as may be necessary to indicate to aircraft
1828 ~~pilots the presence of an obstruction.~~

1829 ~~(b) Such marking and lighting shall conform to the~~
1830 ~~specific standards established by rule by the Department of~~
1831 ~~Transportation.~~

1832 ~~(c) Existing structures not in compliance on October 1,~~
1833 ~~1988, shall be required to comply whenever the existing marking~~
1834 ~~requires refurbishment, whenever the existing lighting requires~~
1835 ~~replacement, or within 5 years of October 1, 1988, whichever~~
1836 ~~occurs first.~~

1837 Section 17. Section 333.09, Florida Statutes, is amended
1838 to read:

1839 333.09 Administration of airport zoning regulations.—

1840 (1) ADMINISTRATION.—All airport zoning regulations adopted
1841 under this chapter shall provide for the administration and
1842 enforcement of such regulations by the political subdivision or
1843 its ~~an~~ administrative agency ~~which may be an agency created by~~
1844 ~~such regulations or any official, board, or other existing~~
1845 ~~agency of the political subdivision adopting the regulations or~~
1846 ~~of one of the political subdivisions which participated in the~~

1847 ~~creation of the joint airport zoning board adopting the~~
 1848 ~~regulations, if satisfactory to that political subdivision, but~~
 1849 ~~in no case shall such administrative agency be or include any~~
 1850 ~~member of the board of adjustment.~~ The duties of an any
 1851 administrative agency designated pursuant to this chapter shall
 1852 include ~~that of~~ hearing and deciding all permits under s. 333.07
 1853 ~~333.07(1), deciding all matters under s. 333.07(3),~~ as they
 1854 pertain to such agency~~,~~ and all other matters under this chapter
 1855 applying to such said agency~~, but such agency shall not have or~~
 1856 ~~exercise any of the powers herein delegated to the board of~~
 1857 ~~adjustment.~~

1858 (2) LOCAL GOVERNMENT PROCESS.—

1859 (a) A political subdivision required to adopt airport
 1860 zoning regulations under this chapter shall provide a process to:

1861 1. Issue or deny permits consistent with s. 333.07.

1862 2. Provide the department with a copy of a complete
 1863 application consistent with s. 333.025(4).

1864 3. Enforce the issuance or denial of a permit or other
 1865 determination made by the administrative agency with respect to
 1866 airport zoning regulations.

1867 (b) If a zoning board or permitting body already exists
 1868 within a political subdivision, the zoning board or permitting
 1869 body may implement the airport zoning regulation permitting and
 1870 appeals processes.

1871 (3) APPEALS.—

1872 (a) A person, a political subdivision or its administrative

1873 agency, or a joint airport zoning board that contends that a
1874 decision made by a political subdivision or its administrative
1875 agency is an improper application of airport zoning regulations
1876 may use the process established for an appeal.

1877 (b) All appeals taken under this section must be taken
1878 within a reasonable time, as provided by the political
1879 subdivision or its administrative agency, by filing with the
1880 entity from which the appeal is taken a notice of appeal
1881 specifying the grounds for appeal.

1882 (c) An appeal shall stay all proceedings in the underlying
1883 action appealed from, unless the entity from which the appeal is
1884 taken certifies, pursuant to the rules for appeal, that by reason
1885 of the facts stated in the certificate a stay would, in its
1886 opinion, cause imminent peril to life or property. In such cases,
1887 proceedings may not be stayed except by order of the political
1888 subdivision or its administrative agency on notice to the entity
1889 from which the appeal is taken and for good cause shown.

1890 (d) The political subdivision or its administrative agency
1891 shall set a reasonable time for the hearing of appeals, give
1892 public notice and due notice to the parties in interest, and
1893 decide the issue within a reasonable time. Upon the hearing, any
1894 party may appear in person, by agent, or by attorney.

1895 (e) The political subdivision or its administrative agency
1896 may, in accordance with this chapter, affirm, reverse, or modify
1897 the decision on the permit or other determination from which the
1898 appeal is taken.

1899 Section 18. Section 333.11, Florida Statutes, is amended
 1900 to read:

1901 333.11 Judicial review.—

1902 (1) A ~~Any person,~~ ~~aggrieved,~~ ~~or taxpayer affected,~~ ~~by any~~
 1903 ~~decision of a board of adjustment, or any governing body of a~~
 1904 ~~political subdivision, or the Department of Transportation or~~
 1905 ~~any joint airport zoning board~~ affected by a decision of a
 1906 political subdivision, ~~or its~~ ~~of any~~ administrative agency
 1907 hereunder, may apply for judicial relief to the circuit court in
 1908 the judicial circuit where the political subdivision ~~board of~~
 1909 ~~adjustment~~ is located within 30 days after rendition of the
 1910 decision ~~by the board of adjustment~~. Review shall be by petition
 1911 for writ of certiorari, which shall be governed by the Florida
 1912 Rules of Appellate Procedure.

1913 ~~(2) Upon presentation of such petition to the court, it~~
 1914 ~~may allow a writ of certiorari, directed to the board of~~
 1915 ~~adjustment, to review such decision of the board. The allowance~~
 1916 ~~of the writ shall not stay the proceedings upon the decision~~
 1917 ~~appealed from, but the court may, on application, on notice to~~
 1918 ~~the board, on due hearing and due cause shown, grant a~~
 1919 ~~restraining order.~~

1920 ~~(3) The board of adjustment shall not be required to~~
 1921 ~~return the original papers acted upon by it, but it shall be~~
 1922 ~~sufficient to return certified or sworn copies thereof or of~~
 1923 ~~such portions thereof as may be called for by the writ. The~~
 1924 ~~return shall concisely set forth such other facts as may be~~

1925 ~~pertinent and material to show the grounds of the decision~~
 1926 ~~appealed from and shall be verified.~~

1927 (2)~~(4)~~ The court has ~~shall have~~ exclusive jurisdiction to
 1928 affirm, reverse, or modify, ~~or set aside~~ the decision on the
 1929 permit or other determination from which the appeal is taken
 1930 ~~brought up for review, in whole or in part, and, if appropriate~~
 1931 ~~need be, to order further proceedings by the~~ political
 1932 subdivision or its administrative agency board of adjustment.
 1933 The findings of fact by the political subdivision or its
 1934 administrative agency board, if supported by substantial
 1935 evidence, shall be accepted by the court as conclusive, and an
 1936 ~~no~~ objection to a decision of the political subdivision or its
 1937 administrative agency may not board shall be considered by the
 1938 court unless such objection was raised in the underlying
 1939 proceeding shall have been urged before the board, or, if it was
 1940 ~~not so urged, unless there were reasonable grounds for failure~~
 1941 ~~to do so.~~

1942 (3)~~(5)~~ In any case in which airport zoning regulations
 1943 adopted under this chapter, ~~although generally reasonable,~~ are
 1944 held by a court to interfere with the use and enjoyment of a
 1945 particular structure or parcel of land to such an extent, or to
 1946 be so onerous in their application to such a structure or parcel
 1947 of land, as to constitute a taking or deprivation of that
 1948 property in violation of the State Constitution or the
 1949 Constitution of the United States, such holding shall not affect
 1950 the application of such regulations to other structures and

1951 parcels of land, or such regulations as are not involved in the
 1952 particular decision.

1953 ~~(4)-(6)~~ A judicial ~~Ne~~ appeal to any court may not shall be
 1954 ~~or is~~ permitted under this section until the appellant has
 1955 exhausted all of its remedies through application for local
 1956 government permits, exceptions, and appeals, ~~to any courts, as~~
 1957 ~~herein provided, save and except an appeal from a decision of~~
 1958 ~~the board of adjustment, the appeal herein provided being from~~
 1959 ~~such final decision of such board only, the appellant being~~
 1960 ~~hereby required to exhaust his or her remedies hereunder of~~
 1961 ~~application for permits, exceptions and variances, and appeal to~~
 1962 ~~the board of adjustment, and gaining a determination by said~~
 1963 ~~board, before being permitted to appeal to the court hereunder.~~

1964 Section 19. Section 333.12, Florida Statutes, is amended
 1965 to read:

1966 333.12 Acquisition of air rights. ~~If In any case which: it~~
 1967 ~~is desired to remove, lower or otherwise terminate a~~
 1968 nonconforming obstruction is determined to be an airport hazard
 1969 and the owner will not remove, lower, or otherwise eliminate it
 1970 ~~structure or use; if or~~ the approach protection necessary
 1971 cannot, because of constitutional limitations, be provided by
 1972 airport regulations under this chapter; or if it appears
 1973 advisable that the necessary approach protection be provided by
 1974 acquisition of property rights rather than by airport zoning
 1975 regulations, the political subdivision within which the property
 1976 or nonconforming obstruction ~~use~~ is located, or the political

1977 subdivision owning or operating the airport or being served by
 1978 it, may acquire~~7~~ by purchase, grant, or condemnation in the
 1979 manner provided by chapter 73~~7~~ such property, air right,
 1980 avigation ~~navigation~~ easement, or other estate, portion, or
 1981 interest in the property or nonconforming obstruction ~~structure~~
 1982 ~~or use~~ or such interest in the air above such property~~7~~, ~~tree~~,
 1983 ~~structure, or use, in question~~, as may be necessary to
 1984 effectuate the purposes of this chapter, and ~~in so doing~~, if by
 1985 condemnation, may ~~to have the right to~~ take immediate possession
 1986 of the property, interest in property, air right, or other right
 1987 sought to be condemned, at the time, ~~and~~ in the manner and form,
 1988 and as authorized by chapter 74. If the political subdivision
 1989 acquires any ~~In the case of the purchase of any~~ property, ~~or any~~
 1990 easement, or estate or interest therein by purchase or ~~the~~
 1991 ~~acquisition of the same~~ by the power of eminent domain, the
 1992 political subdivision ~~making such purchase or exercising such~~
 1993 ~~power~~ shall, in addition to the damages for the taking, injury,
 1994 or destruction of property, ~~also~~ pay the cost of the removal and
 1995 relocation of any structure or any public utility that must
 1996 ~~which is required to~~ be moved to a new location.

1997 Section 20. Section 333.13, Florida Statutes, is amended
 1998 to read:

1999 333.13 Enforcement and remedies.—

2000 (1) A ~~Each~~ violation of this chapter or ~~of~~ any airport
 2001 zoning regulations, orders, or rulings adopted ~~promulgated~~ or
 2002 made under ~~pursuant to~~ this chapter is ~~shall~~ constitute a

2003 | misdemeanor of the second degree, punishable as provided in s.
 2004 | 775.082 or s. 775.083, and each day a violation continues to
 2005 | exist constitutes ~~shall constitute~~ a separate offense.

2006 | (2) In addition, the political subdivision or agency
 2007 | adopting the airport zoning regulations under this chapter may
 2008 | institute in any court of competent jurisdiction an action to
 2009 | prevent, restrain, correct, or abate a ~~any~~ violation of this
 2010 | chapter, any ~~or of~~ airport zoning regulations adopted under this
 2011 | chapter, or ~~of~~ any order or ruling made in connection with their
 2012 | administration or enforcement, and the court shall adjudge to
 2013 | the plaintiff such relief, by way of injunction (which may be
 2014 | mandatory) or otherwise, as may be proper under all the facts
 2015 | and circumstances of the case in order to fully effectuate the
 2016 | purposes of this chapter and of the regulations adopted and
 2017 | orders and rulings made pursuant thereto.

2018 | (3) The department ~~of Transportation~~ may institute a civil
 2019 | action for injunctive relief in the appropriate circuit court to
 2020 | prevent violation of ~~any provision of~~ this chapter.

2021 | Section 21. Section 333.135, Florida Statutes, is created
 2022 | to read:

2023 | 333.135 Transition provisions.—

2024 | (1) For those political subdivisions that have not adopted
 2025 | airport zoning regulations pursuant to this chapter, the
 2026 | department shall administer the permitting process as provided in
 2027 | s. 333.025.

2028 | (2) By July 1, 2017:

2029 (a) Any airport zoning regulation in effect on July 1,
 2030 2016, that includes provisions in conflict with this chapter
 2031 shall be amended to conform to the requirements of this chapter.

2032 (b) Any political subdivision having an airport within its
 2033 territorial limits which has not adopted airport zoning
 2034 regulations shall adopt airport zoning regulations consistent
 2035 with this chapter.

2036 Section 22. Sections 333.065, 333.08, 333.10, and 333.14,
 2037 Florida Statutes, are repealed.

2038 Section 23. For the purpose of incorporating the amendment
 2039 made by this act to section 333.01, Florida Statutes, in a
 2040 reference thereto, subsection (6) of section 350.81, Florida
 2041 Statutes, is reenacted to read:

2042 350.81 Communications services offered by governmental
 2043 entities.—

2044 (6) To ensure the safe and secure transportation of
 2045 passengers and freight through an airport facility, as defined
 2046 in s. 159.27(17), an airport authority or other governmental
 2047 entity that provides or is proposing to provide communications
 2048 services only within the boundaries of its airport layout plan,
 2049 as defined in s. 333.01(6), to subscribers which are integral
 2050 and essential to the safe and secure transportation of
 2051 passengers and freight through the airport facility, is exempt
 2052 from this section. An airport authority or other governmental
 2053 entity that provides or is proposing to provide shared-tenant
 2054 service under s. 364.339, but not dial tone enabling subscribers

2055 to complete calls outside the airport layout plan, to one or
2056 more subscribers within its airport layout plan which are not
2057 integral and essential to the safe and secure transportation of
2058 passengers and freight through the airport facility is exempt
2059 from this section. An airport authority or other governmental
2060 entity that provides or is proposing to provide communications
2061 services to one or more subscribers within its airport layout
2062 plan which are not integral and essential to the safe and secure
2063 transportation of passengers and freight through the airport
2064 facility, or to one or more subscribers outside its airport
2065 layout plan, is not exempt from this section. By way of example
2066 and not limitation, the integral, essential subscribers may
2067 include airlines and emergency service entities, and the
2068 nonintegral, nonessential subscribers may include retail shops,
2069 restaurants, hotels, or rental car companies.

2070 Section 24. Paragraph (a) of subsection (1) of section
2071 337.18, Florida Statutes, is amended to read:

2072 337.18 Surety bonds for construction or maintenance
2073 contracts; requirement with respect to contract award; bond
2074 requirements; defaults; damage assessments.—

2075 (1) (a) A surety bond shall be required of the successful
2076 bidder in an amount equal to the awarded contract price.
2077 However, the department may choose, in its discretion and
2078 applicable only to multiyear maintenance contracts, to allow for
2079 incremental annual contract bonds that cumulatively total the
2080 full, awarded, multiyear contract price.

2081 1. The department may waive the requirement for all or a
2082 portion of a surety bond if:

2083 a. ~~For a project for which~~ The contract price is \$250,000
2084 or less ~~and,~~ the department ~~may waive the requirement for all or~~
2085 ~~a portion of a surety bond if it~~ determines that the project is
2086 of a noncritical nature and nonperformance will not endanger
2087 public health, safety, or property;

2088 b. The prime contractor is a qualified nonprofit agency
2089 for the blind or for the other severely handicapped under s.
2090 413.036(2); or

2091 c. The prime contractor is using a subcontractor that is a
2092 qualified nonprofit agency for the blind or for the other
2093 severely handicapped under s. 413.036(2). However, the
2094 department may not waive more than the amount of the
2095 subcontract.

2096 2. If the Secretary of Transportation or the secretary's
2097 designee determines that it is in the best interests of the
2098 department to reduce the bonding requirement for a project and
2099 that to do so will not endanger public health, safety, or
2100 property, the department may waive the requirement of a surety
2101 bond in an amount equal to the awarded contract price for a
2102 project having a contract price of \$250 million or more and, in
2103 its place, may set a surety bond amount that is a portion of the
2104 total contract price and provide an alternate means of security
2105 for the balance of the contract amount that is not covered by
2106 the surety bond or provide for incremental surety bonding and

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2107 | provide an alternate means of security for the balance of the
2108 | contract amount that is not covered by the surety bond. Such
2109 | alternative means of security may include letters of credit,
2110 | United States bonds and notes, parent company guarantees, and
2111 | cash collateral. The department may require alternate means of
2112 | security if a surety bond is waived. The surety on such bond
2113 | shall be a surety company authorized to do business in the
2114 | state. All bonds shall be payable to the department and
2115 | conditioned for the prompt, faithful, and efficient performance
2116 | of the contract according to plans and specifications and within
2117 | the time period specified, and for the prompt payment of all
2118 | persons defined in s. 713.01 furnishing labor, material,
2119 | equipment, and supplies for work provided in the contract;
2120 | however, whenever an improvement, demolition, or removal
2121 | contract price is \$25,000 or less, the security may, in the
2122 | discretion of the bidder, be in the form of a cashier's check,
2123 | bank money order of any state or national bank, certified check,
2124 | or postal money order. The department shall adopt rules to
2125 | implement this subsection. Such rules shall include provisions
2126 | under which the department shall refuse to accept bonds on
2127 | contracts when a surety wrongfully fails or refuses to settle or
2128 | provide a defense for claims or actions arising under a contract
2129 | for which the surety previously furnished a bond.

2130 | Section 25. Subsection (4) of section 338.165, Florida
2131 | Statutes, is amended, and subsection (11) is added to that
2132 | section, to read:

2133 338.165 Continuation of tolls.—

2134 (4) Notwithstanding any other law to the contrary,
2135 pursuant to s. 11, Art. VII of the State Constitution, and
2136 subject to ~~the requirements of~~ subsection (2), the Department of
2137 Transportation may request the Division of Bond Finance to issue
2138 bonds secured by toll revenues collected on the Alligator Alley
2139 and, the Sunshine Skyway Bridge, ~~the Beeline-East Expressway,~~
2140 ~~the Navarre Bridge, and the Pinellas Bayway~~ to fund
2141 transportation projects located within the county or counties in
2142 which the project is located and contained in the adopted work
2143 program of the department.

2144 (11) The department's Pinellas Bayway system may be
2145 transferred by the department and become part of the turnpike
2146 system under the Florida Turnpike Enterprise Law. The transfer
2147 shall not affect the rights of the parties, or their successors
2148 in interest, under the settlement agreement and final judgment
2149 in Leon County Circuit Court Case Number 67-1081, Leonard Lee
2150 Ratner, Esther Ratner, and Leeco Gas and Oil Co., Plaintiffs,
2151 vs. State Road Department of the State of Florida, Defendants.
2152 Upon transfer of the Pinellas Bayway system to the turnpike
2153 system, the department shall also transfer to the Florida
2154 Turnpike Enterprise the funds deposited in the reserve account
2155 established by chapter 85-364, Laws of Florida, as amended by
2156 chapters 95-382 and 2014-223, Laws of Florida, which funds shall
2157 be used by the Florida Turnpike Enterprise solely to help fund
2158 the costs of repair or replacement of the transferred

2159 facilities.

2160 Section 26. Chapter 85-364, Laws of Florida, as amended by
2161 chapters 95-382 and 2014-223, Laws of Florida, is repealed.

2162 Section 27. Subsection (5) of section 338.231, Florida
2163 Statutes, is amended to read:

2164 338.231 Turnpike tolls, fixing; pledge of tolls and other
2165 revenues.—The department shall at all times fix, adjust, charge,
2166 and collect such tolls and amounts for the use of the turnpike
2167 system as are required in order to provide a fund sufficient
2168 with other revenues of the turnpike system to pay the cost of
2169 maintaining, improving, repairing, and operating such turnpike
2170 system; to pay the principal of and interest on all bonds issued
2171 to finance or refinance any portion of the turnpike system as
2172 the same become due and payable; and to create reserves for all
2173 such purposes.

2174 ~~(5) In each fiscal year while any of the bonds of the~~
2175 ~~Broward County Expressway Authority series 1984 and series 1986~~
2176 ~~remain outstanding, the department is authorized to pledge~~
2177 ~~revenues from the turnpike system to the payment of principal~~
2178 ~~and interest of such series of bonds and the operation and~~
2179 ~~maintenance expenses of the Sawgrass Expressway, to the extent~~
2180 ~~gross toll revenues of the Sawgrass Expressway are insufficient~~
2181 ~~to make such payments. The terms of an agreement relative to the~~
2182 ~~pledge of turnpike system revenue will be negotiated with the~~
2183 ~~parties of the 1984 and 1986 Broward County Expressway Authority~~
2184 ~~lease purchase agreements, and subject to the covenants of those~~

2185 ~~agreements. The agreement must establish that the Sawgrass~~
 2186 ~~Expressway is subject to the planning, management, and operating~~
 2187 ~~control of the department limited only by the terms of the~~
 2188 ~~lease-purchase agreements. The department shall provide for the~~
 2189 ~~payment of operation and maintenance expenses of the Sawgrass~~
 2190 ~~Expressway until such agreement is in effect. This pledge of~~
 2191 ~~turnpike system revenues is subordinate to the debt service~~
 2192 ~~requirements of any future issue of turnpike bonds, the payment~~
 2193 ~~of turnpike system operation and maintenance expenses, and~~
 2194 ~~subject to any subsequent resolution or trust indenture relating~~
 2195 ~~to the issuance of such turnpike bonds.~~

2196 Section 28. Paragraph (i) of subsection (6) of section
 2197 339.175, Florida Statutes, is amended to read:

2198 339.175 Metropolitan planning organization.—

2199 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,
 2200 privileges, and authority of an M.P.O. are those specified in
 2201 this section or incorporated in an interlocal agreement
 2202 authorized under s. 163.01. Each M.P.O. shall perform all acts
 2203 required by federal or state laws or rules, now and subsequently
 2204 applicable, which are necessary to qualify for federal aid. It
 2205 is the intent of this section that each M.P.O. shall be involved
 2206 in the planning and programming of transportation facilities,
 2207 including, but not limited to, airports, intercity and high-
 2208 speed rail lines, seaports, and intermodal facilities, to the
 2209 extent permitted by state or federal law.

2210 (i) The TBARTA Metropolitan Planning Organization Chairs A

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2211 ~~chair's~~ Coordinating Committee is created within the Tampa Bay
 2212 Area Regional Transportation Authority, composed of the M.P.O.'s
 2213 serving Citrus, Hernando, Hillsborough, Manatee, Pasco,
 2214 Pinellas, Polk, and Sarasota Counties. The authority shall
 2215 provide administrative support and direction to the committee,
 2216 and the department and member M.P.O.'s shall provide necessary
 2217 funding to the authority for this purpose. The committee must,
 2218 at a minimum:

- 2219 1. Coordinate transportation projects deemed to be
- 2220 regionally significant by the committee.
- 2221 2. Review the impact of regionally significant land use
- 2222 decisions on the region.
- 2223 3. Review all proposed regionally significant
- 2224 transportation projects in the respective transportation
- 2225 improvement programs which affect more than one of the M.P.O.'s
- 2226 represented on the committee.
- 2227 4. Institute a conflict resolution process to address any
- 2228 conflict that may arise in the planning and programming of such
- 2229 regionally significant projects.

2230 Section 29. Subsection (2) of section 339.2818, Florida
 2231 Statutes, is amended to read:

2232 339.2818 Small County Outreach Program.—

2233 (2) ~~(a)~~ For the purposes of this section, the term "small
 2234 county" means any county that has a population of 170,000
 2235 ~~150,000~~ or less as determined by the most recent official
 2236 estimate pursuant to s. 186.901.

2237 ~~(b) Notwithstanding paragraph (a), for the 2015-2016~~
 2238 ~~fiscal year, for purposes of this section, the term "small~~
 2239 ~~county" means any county that has a population of 165,000 or~~
 2240 ~~less as determined by the most recent official estimate pursuant~~
 2241 ~~to s. 186.901. This paragraph expires July 1, 2016.~~

2242 Section 30. Subsections (1) and (2) of section 339.55,
 2243 Florida Statutes, is amended to read:

2244 339.55 State-funded infrastructure bank.—

2245 (1) There is created within the Department of
 2246 Transportation a state-funded infrastructure bank for the
 2247 purpose of providing loans and credit enhancements to government
 2248 units and private entities for use in constructing and improving
 2249 transportation facilities or ancillary facilities that produce
 2250 or distribute natural gas or fuel.

2251 (2) The bank may lend capital costs or provide credit
 2252 enhancements for:

2253 (a) A transportation facility project that is on the State
 2254 Highway System or that provides for increased mobility on the
 2255 state's transportation system or provides intermodal
 2256 connectivity with airports, seaports, rail facilities, and other
 2257 transportation terminals, pursuant to s. 341.053, for the
 2258 movement of people and goods.

2259 (b) Projects of the Transportation Regional Incentive
 2260 Program which are identified pursuant to s. 339.2819(4).

2261 (c)1. Emergency loans for damages incurred to public-use
 2262 commercial deepwater seaports, public-use airports, and other

2263 public-use transit and intermodal facilities that are within an
 2264 area that is part of an official state declaration of emergency
 2265 pursuant to chapter 252 and all other applicable laws. Such
 2266 loans:

2267 a. May not exceed 24 months in duration except in extreme
 2268 circumstances, for which the Secretary of Transportation may
 2269 grant up to 36 months upon making written findings specifying
 2270 the conditions requiring a 36-month term.

2271 b. Require application from the recipient to the
 2272 department that includes documentation of damage claims filed
 2273 with the Federal Emergency Management Agency or an applicable
 2274 insurance carrier and documentation of the recipient's overall
 2275 financial condition.

2276 c. Are subject to approval by the Secretary of
 2277 Transportation and the Legislative Budget Commission.

2278 2. Loans provided under this paragraph must be repaid upon
 2279 receipt by the recipient of eligible program funding for damages
 2280 in accordance with the claims filed with the Federal Emergency
 2281 Management Agency or an applicable insurance carrier, but no
 2282 later than the duration of the loan.

2283 (d) Beginning July 1, 2017, the development and
 2284 construction of natural gas or fuel production or distribution
 2285 facilities used primarily to support the state's transportation
 2286 system. Loans provided under this paragraph may be used to
 2287 refinance outstanding debt.

2288 Section 31. Section 341.0532, Florida Statutes, is

2289 repealed.

2290 Section 32. Section 341.301, Florida Statutes, is amended
2291 to read:

2292 341.301 Definitions; ss. 341.302-341.303.—As used in ss.
2293 341.302-341.303, the term:

2294 (1) "Ancillary development" includes any lessee or
2295 licensee of the department, including other governmental
2296 entities, vendors, retailers, restaurateurs, or contract service
2297 providers, within a ~~department-owned~~ rail corridor owned by the
2298 department or in which the department has an easement interest,
2299 a right to operate, or a right of access. The term does not
2300 include, except for providers of commuter rail service,
2301 intercity rail passenger service by an intercity rail passenger
2302 operator or by National Railroad Passenger Corporation, or
2303 freight rail service. The term includes air and subsurface
2304 rights, services that provide a local area network for devices
2305 for transmitting data over wireless networks, and advertising.

2306 (2) "Branch line continuance project" means a project that
2307 involves branch line rehabilitation, new connecting track, rail
2308 banking, and other similar types of projects, including those
2309 specifically identified in the federal Railroad Revitalization
2310 and Regulatory Reform Act of 1976, and subsequent amendments to
2311 that act.

2312 (3) "Commuter rail passenger" or "passengers" means all
2313 persons, ticketed or unticketed, using the commuter rail service
2314 on a ~~department-owned~~ rail corridor owned by the department or

2315 in which the department has an easement interest, a right to
 2316 operate, or a right of access:

2317 (a) On board trains, locomotives, rail cars, or rail
 2318 equipment employed in commuter rail service or entraining
 2319 thereon and detraining therefrom;

2320 (b) On or about the rail corridor for any purpose related
 2321 to the commuter rail service, including parking, inquiring about
 2322 commuter rail service, or purchasing tickets therefor, and
 2323 coming to, waiting for, leaving from, or observing trains,
 2324 locomotives, rail cars, or rail equipment; or

2325 (c) Meeting, assisting, or in the company of any person
 2326 described in paragraph (a) or paragraph (b).

2327 (4) "Commuter rail service" means the transportation of
 2328 commuter rail passengers and other passengers by rail pursuant
 2329 to a rail program provided by the department or any other
 2330 governmental entity.

2331 (5) "Department train" means a train operating in the rail
 2332 corridor pursuant to an easement interest, a right to operate,
 2333 or a right to access granted to the department, or an assignee
 2334 of the department, or an "other train" as defined in s.
 2335 341.302(17)(a)4.

2336 (6)~~(5)~~ "Governmental entity" or "entities" has the same
 2337 meaning as provided in s. 11.45, including a "public agency" as
 2338 defined in s. 163.01.

2339 (7) "Intercity rail passenger operator" means a private
 2340 rail operator of passenger rail service in a minimum of three

2341 counties, other than National Railroad Passenger Corporation,
 2342 whose ridership consists of passengers traveling between two or
 2343 more metropolitan areas.

2344 (8)~~(6)~~ "Intercity rail transportation system" means the
 2345 network of railroad facilities used or available for interstate
 2346 and intrastate passenger and freight operations by railroads,
 2347 whether or not on a schedule or whether or not restricted.

2348 (9)~~(7)~~ "Limited covered accident" means:

2349 (a) A collision directly between the trains, locomotives,
 2350 rail cars, or rail equipment of the department and the freight
 2351 rail operator only, where the collision is caused by or arising
 2352 from the willful misconduct of the freight rail operator or its
 2353 subsidiaries, agents, licensees, employees, officers, or
 2354 directors or where punitive damages or exemplary damages are
 2355 awarded due to the conduct of the freight rail operator or its
 2356 subsidiaries, agents, licensees, employees, officers, or
 2357 directors; ~~or~~

2358 (b) A collision directly between the trains, locomotives,
 2359 rail cars, or rail equipment of the department and National
 2360 Railroad Passenger Corporation only, where the collision is
 2361 caused by or arising from the willful misconduct of National
 2362 Railroad Passenger Corporation or its subsidiaries, agents,
 2363 licensees, employees, officers, or directors or where punitive
 2364 damages or exemplary damages are awarded due to the conduct of
 2365 National Railroad Passenger Corporation or its subsidiaries,
 2366 agents, licensees, employees, officers, or directors; or

2367 (c) A collision directly between the trains, locomotives,
 2368 rail cars, or rail equipment of the department and the intercity
 2369 rail passenger operator only, where the collision is caused by
 2370 or arising from the willful misconduct of the intercity rail
 2371 passenger operator or its subsidiaries, agents, licensees,
 2372 employees, officers, or directors or where punitive damages or
 2373 exemplary damages are awarded due to the conduct of the
 2374 intercity rail passenger operator or its subsidiaries, agents,
 2375 licensees, employees, officers, or directors.

2376 (10)-(8) "Rail corridor" means a linear contiguous strip of
 2377 real property that is used for rail service. The term includes
 2378 the corridor and structures essential to railroad operations,
 2379 including the land, structures, improvements, rights-of-way,
 2380 easements, rail lines, rail beds, guideway structures, switches,
 2381 yards, parking facilities, power relays, switching houses, rail
 2382 stations, any ancillary development, and any other facilities or
 2383 equipment used for the purposes of construction, operation, or
 2384 maintenance of a railroad that provides rail service.

2385 (11)-(9) "Rail corridor invitee" means all persons who are
 2386 on or about a ~~department-owned~~ rail corridor owned by the
 2387 department or in which the department has an easement interest,
 2388 a right to operate, or a right of access:

2389 (a) For any purpose related to any ancillary development
 2390 thereon; or

2391 (b) Meeting, assisting, or in the company of any person
 2392 described in paragraph (a).

2393 (12)~~(10)~~ "Rail programs" means those programs administered
 2394 by the state or other governmental entities which involve
 2395 projects affecting the movement of people or goods by rail lines
 2396 that have been or will be constructed to serve freight or
 2397 passenger markets within a city or between cities.

2398 (13)~~(11)~~ "Rail service development project" means a
 2399 project undertaken by a public agency to determine whether a new
 2400 or innovative technique or measure can be utilized to improve or
 2401 expand rail service. The duration of the project funding shall
 2402 be limited according to the type of project and in no case shall
 2403 exceed 3 years. Rail service development projects include those
 2404 projects and other actions undertaken to enhance railroad
 2405 operating efficiency or increased rail service, including
 2406 measures that result in improved speed profiles, operations, or
 2407 technological applications that lead to reductions in operating
 2408 costs and increases in productivity or service.

2409 (14)~~(12)~~ "Railroad" or "rail system" means any common
 2410 carrier fixed-guideway transportation system such as the
 2411 conventional steel rail-supported, steel-wheeled system as well
 2412 as the high-speed rail system defined in s. 341.8203.

2413 (15)~~(13)~~ "Railroad capital improvement project" means a
 2414 project identified by the rail component of the Florida
 2415 Transportation Plan, which project involves the leasing,
 2416 acquisition, design, construction, reconstruction, or
 2417 improvement to the existing intercity rail transportation system
 2418 or future segments thereof, including such items as locomotives

2419 and other rolling stock, tracks, terminals, and rights-of-way
 2420 for the continuance or expansion of rail service as necessary to
 2421 ensure the continued effectiveness of the state's rail
 2422 facilities and systems in meeting mobility and industrial
 2423 development needs.

2424 ~~(16)-(14)~~ "Railroad operations" means the use of the rail
 2425 corridor to conduct commuter rail service by an intercity rail
 2426 passenger operator or by National Railroad Passenger
 2427 Corporation, intercity rail passenger service, or freight rail
 2428 service.

2429 ~~(17)-(15)~~ "Train" means any locomotive engine that is
 2430 powered by diesel fuel, electricity, or other means, with or
 2431 without cars coupled thereto, and operated upon a railroad track
 2432 or any other form of fixed guideway, except that the term does
 2433 not include a light rail vehicle such as a streetcar or people
 2434 mover.

2435 Section 33. Subsection (17) of section 341.302, Florida
 2436 Statutes, is amended to read:

2437 341.302 Rail program; duties and responsibilities of the
 2438 department.—The department, in conjunction with other
 2439 governmental entities, including the rail enterprise and the
 2440 private sector, shall develop and implement a rail program of
 2441 statewide application designed to ensure the proper maintenance,
 2442 safety, revitalization, and expansion of the rail system to
 2443 assure its continued and increased availability to respond to
 2444 statewide mobility needs. Within the resources provided pursuant

2445 to chapter 216, and as authorized under federal law, the
 2446 department shall:

2447 (17) In conjunction with the acquisition, ownership,
 2448 construction, operation, maintenance, and management of a rail
 2449 corridor, have the authority to:

2450 (a) Assume obligations pursuant to the following:

2451 1.a. The department may assume the obligation by contract
 2452 to forever protect, defend, indemnify, and hold harmless the
 2453 freight rail operator, or its successors, from whom the
 2454 department has acquired a real property interest in the rail
 2455 corridor, and that freight rail operator's officers, agents, and
 2456 employees, from and against any liability, cost, and expense,
 2457 including, but not limited to, commuter rail passengers and rail
 2458 corridor invitees in the rail corridor, regardless of whether
 2459 the loss, damage, destruction, injury, or death giving rise to
 2460 any such liability, cost, or expense is caused in whole or in
 2461 part, and to whatever nature or degree, by the fault, failure,
 2462 negligence, misconduct, nonfeasance, or misfeasance of such
 2463 freight rail operator, its successors, or its officers, agents,
 2464 and employees, or any other person or persons whomsoever; ~~or~~

2465 b. The department may assume the obligation by contract to
 2466 forever protect, defend, indemnify, and hold harmless National
 2467 Railroad Passenger Corporation, or its successors, and officers,
 2468 agents, and employees of National Railroad Passenger
 2469 Corporation, from and against any liability, cost, and expense,
 2470 including, but not limited to, commuter rail passengers and rail

2471 corridor invitees in the rail corridor, regardless of whether
2472 the loss, damage, destruction, injury, or death giving rise to
2473 any such liability, cost, or expense is caused in whole or in
2474 part, and to whatever nature or degree, by the fault, failure,
2475 negligence, misconduct, nonfeasance, or misfeasance of National
2476 Railroad Passenger Corporation, its successors, or its officers,
2477 agents, and employees, or any other person or persons
2478 whomsoever; or

2479 c. The department may assume the obligation by contract to
2480 forever protect, defend, indemnify, and hold harmless an
2481 intercity rail passenger operator or its successors, or a
2482 freight rail operator or its successors, from whom the
2483 department has acquired an easement interest, a right to
2484 operate, or a right of access in the rail corridor and that
2485 intercity rail passenger operator's or freight rail operator's
2486 officers, agents, and employees from and against any liability,
2487 cost, and expense, including, but not limited to, commuter rail
2488 passengers and rail corridor invitees in the rail corridor,
2489 regardless of whether the loss, damage, destruction, injury, or
2490 death giving rise to any such liability, cost, or expense is
2491 caused in whole or in part, and to whatever nature or degree, by
2492 the fault, failure, negligence, misconduct, nonfeasance, or
2493 misfeasance of such intercity rail passenger operator or such
2494 freight rail operator, its successors, or its officers, agents,
2495 and employees or any other person.

2496 2. The assumption of liability of the department by

2497 contract pursuant to sub-subparagraph 1.a. or sub-subparagraph
2498 1.b. may not in any instance exceed the following parameters of
2499 allocation of risk:

2500 a. The department may be solely responsible for any loss,
2501 injury, or damage to commuter rail passengers, or rail corridor
2502 invitees, or trespassers, regardless of circumstances or cause,
2503 subject to sub-subparagraph b. and subparagraphs 3., 4., 5., and
2504 6.

2505 b.(I) In the event of a limited covered accident, the
2506 authority of the department to protect, defend, and indemnify
2507 the freight operator for all liability, cost, and expense,
2508 including punitive or exemplary damages, in excess of the
2509 deductible or self-insurance retention fund established under
2510 paragraph (b) and actually in force at the time of the limited
2511 covered accident exists only if the freight operator agrees,
2512 with respect to the limited covered accident, to protect,
2513 defend, and indemnify the department for the amount of the
2514 deductible or self-insurance retention fund established under
2515 paragraph (b) and actually in force at the time of the limited
2516 covered accident.

2517 (II) In the event of a limited covered accident, the
2518 authority of the department to protect, defend, and indemnify
2519 National Railroad Passenger Corporation for all liability, cost,
2520 and expense, including punitive or exemplary damages, in excess
2521 of the deductible or self-insurance retention fund established
2522 under paragraph (b) and actually in force at the time of the

2523 limited covered accident exists only if National Railroad
 2524 Passenger Corporation agrees, with respect to the limited
 2525 covered accident, to protect, defend, and indemnify the
 2526 department for the amount of the deductible or self-insurance
 2527 retention fund established under paragraph (b) and actually in
 2528 force at the time of the limited covered accident.

2529 (III) In the event of a limited covered accident, the
 2530 authority of the department to protect, defend, and indemnify
 2531 the intercity rail passenger operator for all liability, cost,
 2532 and expense, including punitive or exemplary damages, in excess
 2533 of the deductible or self-insurance retention fund established
 2534 under paragraph (b) and actually in force at the time of the
 2535 limited covered accident exists only if the intercity rail
 2536 passenger operator agrees, with respect to the limited covered
 2537 accident, to protect, defend, and indemnify the department for
 2538 the amount of the deductible or self-insurance retention fund
 2539 established under paragraph (b) and actually in force at the
 2540 time of the limited covered accident.

2541 3. When only one train is involved in an incident, the
 2542 department may be solely responsible for any loss, injury, or
 2543 damage if the train is a department train or other train
 2544 pursuant to subparagraph 4., but only if:

2545 a. When an incident occurs with only a freight train
 2546 involved, including incidents with trespassers or at grade
 2547 crossings, the freight rail operator is solely responsible for
 2548 any loss, injury, or damage, except for commuter rail passengers

2549 and rail corridor invitees; ~~or~~

2550 b. When an incident occurs with only a National Railroad
 2551 Passenger Corporation train involved, including incidents with
 2552 trespassers or at grade crossings, National Railroad Passenger
 2553 Corporation is solely responsible for any loss, injury, or
 2554 damage, except for commuter rail passengers and rail corridor
 2555 invitees; or

2556 c. When an incident occurs with only an intercity rail
 2557 passenger train involved, including incidents with trespassers
 2558 or at grade crossings, the intercity rail passenger operator is
 2559 solely responsible for any loss, injury, or damage, except for
 2560 commuter rail passengers and rail corridor invitees.

2561 4. For the purposes of this subsection:

2562 a. Any train involved in an incident that is not ~~neither~~
 2563 the department's train, ~~nor~~ the freight rail operator's train,
 2564 or an intercity rail passenger operator's train, hereinafter
 2565 referred to in this subsection as an "other train," may be
 2566 treated as a department train, solely for purposes of any
 2567 allocation of liability between the department and the freight
 2568 rail operator only, but only if the department and the freight
 2569 rail operator share responsibility equally as to third parties
 2570 outside the rail corridor who incur loss, injury, or damage as a
 2571 result of any incident involving both a department train and a
 2572 freight rail operator train, and the allocation as between the
 2573 department and the freight rail operator, regardless of whether
 2574 the other train is treated as a department train, shall remain

2575 one-half each as to third parties outside the rail corridor who
 2576 incur loss, injury, or damage as a result of the incident. The
 2577 involvement of any other train shall not alter the sharing of
 2578 equal responsibility as to third parties outside the rail
 2579 corridor who incur loss, injury, or damage as a result of the
 2580 incident; ~~or~~

2581 b. Any train involved in an incident that is not ~~neither~~
 2582 the department's train or ~~nor~~ the National Railroad Passenger
 2583 Corporation's train, ~~hereinafter~~ referred to in this subsection
 2584 as an "other train," may be treated as a department train,
 2585 solely for purposes of any allocation of liability between the
 2586 department and National Railroad Passenger Corporation only, but
 2587 only if the department and National Railroad Passenger
 2588 Corporation share responsibility equally as to third parties
 2589 outside the rail corridor who incur loss, injury, or damage as a
 2590 result of any incident involving both a department train and a
 2591 National Railroad Passenger Corporation train, and the
 2592 allocation as between the department and National Railroad
 2593 Passenger Corporation, regardless of whether the other train is
 2594 treated as a department train, shall remain one-half each as to
 2595 third parties outside the rail corridor who incur loss, injury,
 2596 or damage as a result of the incident. The involvement of any
 2597 other train shall not alter the sharing of equal responsibility
 2598 as to third parties outside the rail corridor who incur loss,
 2599 injury, or damage as a result of the incident; or

2600 c. Any train involved in an incident that is not the

2601 department's train, the intercity rail passenger operator's
2602 train, or the freight rail operator's train, referred to in this
2603 subsection as an "other train," may be treated as a department
2604 train, solely for purposes of any allocation of liability
2605 between the department and the intercity rail passenger operator
2606 only, but only if the department and the intercity rail
2607 passenger operator share responsibility equally as to third
2608 parties outside the rail corridor who incur loss, injury, or
2609 damage as a result of any incident involving both a department
2610 train and an intercity rail passenger train, and the allocation
2611 as between the department and the intercity rail passenger
2612 operator, regardless of whether the other train is treated as a
2613 department train, shall remain one-half each as to third parties
2614 outside the rail corridor who incur loss, injury, or damage as a
2615 result of the incident. The involvement of any other train shall
2616 not alter the sharing of equal responsibility as to third
2617 parties outside the rail corridor who incur loss, injury, or
2618 damages as a result of the incident.

2619 5. When more than one train is involved in an incident:
2620 a.(I) If only a department train and freight rail
2621 operator's train, or only an other train as described in sub-
2622 subparagraph 4.a. and a freight rail operator's train, are
2623 involved in an incident, the department may be responsible for
2624 its property and all of its people, all commuter rail
2625 passengers, and rail corridor invitees, but only if the freight
2626 rail operator is responsible for its property and all of its

2627 | people, and the department and the freight rail operator each
 2628 | share one-half responsibility as to trespassers or third parties
 2629 | outside the rail corridor who incur loss, injury, or damage as a
 2630 | result of the incident; ~~or~~

2631 | (II) If only a department train and a National Railroad
 2632 | Passenger Corporation train, or only an other train as described
 2633 | in sub-subparagraph 4.b. and a National Railroad Passenger
 2634 | Corporation train, are involved in an incident, the department
 2635 | may be responsible for its property and all of its people, all
 2636 | commuter rail passengers, and rail corridor invitees, but only
 2637 | if National Railroad Passenger Corporation is responsible for
 2638 | its property and all of its people, all National Railroad
 2639 | Passenger Corporation's rail passengers, and the department and
 2640 | National Railroad Passenger Corporation each share one-half
 2641 | responsibility as to trespassers or third parties outside the
 2642 | rail corridor who incur loss, injury, or damage as a result of
 2643 | the incident; or

2644 | (III) If only a department train and an intercity rail
 2645 | passenger operator's train, or only an other train as described
 2646 | in sub-subparagraph 4.a. and an intercity rail passenger
 2647 | operator's train, are involved in an incident, the department
 2648 | may be responsible for its property and all of its people, all
 2649 | commuter rail passengers, and rail corridor invitees, but only
 2650 | if the intercity rail passenger operator is responsible for its
 2651 | property and all of its people, and the department and the
 2652 | intercity rail passenger operator each share one-half

2653 responsibility as to trespassers or third parties outside the
2654 rail corridor who incur loss, injury, or damage as a result of
2655 the incident.

2656 b.(I) If a department train, a freight rail operator
2657 train, and any other train are involved in an incident, the
2658 allocation of liability between the department and the freight
2659 rail operator, regardless of whether the other train is treated
2660 as a department train, shall remain one-half each as to third
2661 parties outside the rail corridor who incur loss, injury, or
2662 damage as a result of the incident; the involvement of any other
2663 train shall not alter the sharing of equal responsibility as to
2664 third parties outside the rail corridor who incur loss, injury,
2665 or damage as a result of the incident; and, if the owner,
2666 operator, or insurer of the other train makes any payment to
2667 injured third parties outside the rail corridor who incur loss,
2668 injury, or damage as a result of the incident, the allocation of
2669 credit between the department and the freight rail operator as
2670 to such payment shall not in any case reduce the freight rail
2671 operator's third-party-sharing allocation of one-half under this
2672 paragraph to less than one-third of the total third party
2673 liability; ~~or~~

2674 (II) If a department train, a National Railroad Passenger
2675 Corporation train, and any other train are involved in an
2676 incident, the allocation of liability between the department and
2677 National Railroad Passenger Corporation, regardless of whether
2678 the other train is treated as a department train, shall remain

2679 | one-half each as to third parties outside the rail corridor who
 2680 | incur loss, injury, or damage as a result of the incident; the
 2681 | involvement of any other train shall not alter the sharing of
 2682 | equal responsibility as to third parties outside the rail
 2683 | corridor who incur loss, injury, or damage as a result of the
 2684 | incident; and, if the owner, operator, or insurer of the other
 2685 | train makes any payment to injured third parties outside the
 2686 | rail corridor who incur loss, injury, or damage as a result of
 2687 | the incident, the allocation of credit between the department
 2688 | and National Railroad Passenger Corporation as to such payment
 2689 | shall not in any case reduce National Railroad Passenger
 2690 | Corporation's third-party-sharing allocation of one-half under
 2691 | this sub-subparagraph to less than one-third of the total third
 2692 | party liability; or

2693 | (III) If a department train, an intercity rail passenger
 2694 | operator train, and any other train are involved in an incident,
 2695 | the allocation of liability between the department and the
 2696 | intercity rail passenger operator, regardless of whether the
 2697 | other train is treated as a department train, shall remain one-
 2698 | half each as to third parties outside the rail corridor who
 2699 | incur loss, injury, or damage as a result of the incident; the
 2700 | involvement of any other train shall not alter the sharing of
 2701 | equal responsibility as to third parties outside the rail
 2702 | corridor who incur loss, injury, or damage as a result of the
 2703 | incident; and, if the owner, operator, or insurer of the other
 2704 | train makes any payment to injured third parties outside the

2705 rail corridor who incur loss, injury, or damage as a result of
2706 the incident, the allocation of credit between the department
2707 and the intercity rail passenger operator as to such payment
2708 shall not in any case reduce the intercity rail passenger
2709 operator's third-party-sharing allocation of one-half under this
2710 sub-subparagraph to less than one-third of the total third party
2711 liability.

2712 6. Any such contractual duty to protect, defend,
2713 indemnify, and hold harmless such a freight rail operator,
2714 intercity rail passenger operator, or National Railroad
2715 Passenger Corporation shall expressly include a specific cap on
2716 the amount of the contractual duty, which amount shall not
2717 exceed \$200 million without prior legislative approval, and the
2718 department to purchase liability insurance and establish a self-
2719 insurance retention fund in the amount of the specific cap
2720 established under this subparagraph, provided that:

2721 a. No such contractual duty shall in any case be effective
2722 nor otherwise extend the department's liability in scope and
2723 effect beyond the contractual liability insurance and self-
2724 insurance retention fund required pursuant to this paragraph;
2725 and

2726 b.(I) The freight rail operator's compensation to the
2727 department for future use of the department's rail corridor
2728 shall include a monetary contribution to the cost of such
2729 liability coverage for the sole benefit of the freight rail
2730 operator.

2731 (II) National Railroad Passenger Corporation's
2732 compensation to the department for future use of the
2733 department's rail corridor shall include a monetary contribution
2734 to the cost of such liability coverage for the sole benefit of
2735 National Railroad Passenger Corporation.

2736 (III) The intercity rail passenger operator's compensation
2737 to the department for future use of the department's rail
2738 corridor shall include a monetary contribution to the cost of
2739 such liability coverage for the sole benefit of the intercity
2740 rail passenger operator.

2741 (b) Purchase liability insurance, which amount shall not
2742 exceed \$200 million, and establish a self-insurance retention
2743 fund for the purpose of paying the deductible limit established
2744 in the insurance policies it may obtain, including coverage for
2745 the department, any intercity rail passenger operator, any
2746 freight rail operator ~~as described in paragraph (a)~~, National
2747 Railroad Passenger Corporation, commuter rail service providers,
2748 governmental entities, or any ancillary development, which self-
2749 insurance retention fund or deductible shall not exceed \$10
2750 million. The insureds shall pay a reasonable monetary
2751 contribution to the cost of such liability coverage for the sole
2752 benefit of the insured. Such insurance and self-insurance
2753 retention fund may provide coverage for all damages, including,
2754 but not limited to, compensatory, special, and exemplary, and be
2755 maintained to provide an adequate fund to cover claims and
2756 liabilities for loss, injury, or damage arising out of or

2757 | connected with the ownership, operation, maintenance, and
 2758 | management of a rail corridor.

2759 | (c) Incur expenses for the purchase of advertisements,
 2760 | marketing, and promotional items.

2761 |

2762 | Neither the assumption by contract to protect, defend,
 2763 | indemnify, and hold harmless; the purchase of insurance; nor the
 2764 | establishment of a self-insurance retention fund shall be deemed
 2765 | to be a waiver of any defense of sovereign immunity for torts
 2766 | nor deemed to increase the limits of the department's or the
 2767 | governmental entity's liability for torts as provided in s.
 2768 | 768.28. The requirements of s. 287.022(1) shall not apply to the
 2769 | purchase of any insurance under this subsection. The provisions
 2770 | of this subsection shall apply and inure fully as to any other
 2771 | governmental entity providing commuter rail service and
 2772 | constructing, operating, maintaining, or managing a rail
 2773 | corridor on publicly owned right-of-way, including a public
 2774 | easement on private right-of-way, under contract by the
 2775 | governmental entity with the department or a governmental entity
 2776 | designated by the department. Notwithstanding any law to the
 2777 | contrary, procurement for the construction, operation,
 2778 | maintenance, and management of any rail corridor described in
 2779 | this subsection, whether by the department, a governmental
 2780 | entity under contract with the department, or a governmental
 2781 | entity designated by the department, shall be pursuant to s.
 2782 | 287.057 and shall include, but not be limited to, criteria for

2783 the consideration of qualifications, technical aspects of the
 2784 proposal, and price. Further, any such contract for design-build
 2785 shall be procured pursuant to the criteria in s. 337.11(7).

2786 Section 34. Subsection (2) of section 343.92, Florida
 2787 Statutes, is amended to read:

2788 343.92 Tampa Bay Area Regional Transportation Authority.—

2789 (2) The governing board of the authority shall consist of
 2790 15 voting ~~16~~ members.

2791 (a) ~~There shall be one nonvoting, ex officio member of the~~
 2792 ~~board who shall be appointed by~~ The secretary of the department
 2793 shall appoint two advisors to the board ~~but~~ who must be the
 2794 district secretary for each ~~one~~ of the department districts
 2795 within the seven-county area of the authority, ~~at the discretion~~
 2796 ~~of the secretary of the department.~~

2797 (b) The ~~There shall be~~ 15 voting members of the board
 2798 shall be as follows:

2799 1. The county commissions of Citrus, Hernando,
 2800 Hillsborough, Pasco, Pinellas, Manatee, and Sarasota Counties
 2801 shall each appoint one elected official to the board. Members
 2802 appointed under this subparagraph shall serve 2-year terms with
 2803 not more than three consecutive terms being served by any
 2804 person. If a member under this subparagraph leaves elected
 2805 office, a vacancy exists on the board to be filled as provided
 2806 in this subparagraph.

2807 2. The West Central Florida M.P.O. Chairs Coordinating
 2808 Committee shall appoint one member to the board who must be a

2809 chair of one of the six metropolitan planning organizations in
2810 the region. The member appointed under this subparagraph shall
2811 serve a 2-year term with not more than three consecutive terms
2812 being served by any person.

2813 3.a. Two members of the board shall be the mayor, or the
2814 mayor's designee, of the largest municipality within the service
2815 area of each of the following independent transit agencies or
2816 their legislatively created successor agencies: Pinellas
2817 Suncoast Transit Authority and Hillsborough Area Regional
2818 Transit Authority. The largest municipality is that municipality
2819 with the largest population as determined by the most recent
2820 United States Decennial Census.

2821 b. Should a mayor choose not to serve, his or her designee
2822 must be an elected official selected by the mayor from that
2823 largest municipality's city council or city commission. A mayor
2824 or his or her designee shall serve a 2-year term with not more
2825 than three consecutive terms being served by any person.

2826 c. A designee's term ends if the mayor leaves office for
2827 any reason. If a designee leaves elected office on the city
2828 council or commission, a vacancy exists on the board to be
2829 filled by the mayor of that municipality as provided in sub-
2830 subparagraph a.

2831 d. A mayor who has served three consecutive terms on the
2832 board must designate an elected official from that largest
2833 municipality's city council or city commission to serve on the
2834 board for at least one term.

2835 4.a. One membership on the board shall rotate every 2
2836 years between the mayor, or his or her designee, of the largest
2837 municipality within Manatee County and the mayor, or his or her
2838 designee, of the largest municipality within Sarasota County.
2839 The mayor, or his or her designee, from the largest municipality
2840 within Manatee County shall serve the first 2-year term. The
2841 largest municipality is that municipality with the largest
2842 population as determined by the most recent United States
2843 Decennial Census.

2844 b. Should a mayor choose not to serve, his or her designee
2845 must be an elected official selected by the mayor from that
2846 municipality's city council or city commission.

2847 5. The Governor shall appoint to the board four business
2848 representatives, each of whom must reside in one of the seven
2849 counties governed by the authority, none of whom may be elected
2850 officials, and at least one but not more than two of whom shall
2851 represent counties within the federally designated Tampa Bay
2852 Transportation Management Area. Members appointed by the
2853 Governor shall serve 3-year terms with not more than two
2854 consecutive terms being served by any person.

2855 (c) Appointments may be staggered to avoid mass turnover
2856 at the end of any 2-year or 4-year period. A vacancy during a
2857 term shall be filled by the respective appointing authority
2858 within 90 days in the same manner as the original appointment
2859 and only for the remainder of the unexpired term.

2860 Section 35. Paragraphs (d), (e), and (f) of subsection (3)

2861 of section 343.922, Florida Statutes, are amended, and paragraph
 2862 (g) is added to that subsection, to read:

2863 343.922 Powers and duties.—

2864 (3)

2865 (d) After its adoption, the master plan shall be updated
 2866 every 5 ~~2~~ years before July 1.

2867 (e) The authority shall present the original master plan
 2868 and updates to the governing bodies of the counties within the
 2869 seven-county region, to the TBARTA Metropolitan Planning
 2870 Organization ~~West Central Florida M.P.O.~~ Chairs Coordinating
 2871 Committee, and to the legislative delegation members
 2872 representing those counties within 90 days after adoption.

2873 (f) The authority shall coordinate plans and projects with
 2874 the TBARTA Metropolitan Planning Organization ~~West Central~~
 2875 ~~Florida M.P.O.~~ Chairs Coordinating Committee, to the extent
 2876 practicable, and participate in the regional M.P.O. planning
 2877 process to ensure regional comprehension of the authority's
 2878 mission, goals, and objectives.

2879 (g) The authority shall provide administrative support and
 2880 direction to the TBARTA Metropolitan Planning Organization
 2881 Chairs Coordinating Committee as provided in s. 339.175(6)(i).

2882 Section 36. Section 348.565, Florida Statutes, is amended
 2883 to read:

2884 348.565 Revenue bonds for specified projects.—The existing
 2885 facilities that constitute the Tampa-Hillsborough County
 2886 Expressway System are hereby approved to be refinanced by

2887 revenue bonds issued by the Division of Bond Finance of the
 2888 State Board of Administration pursuant to s. 11(f), Art. VII of
 2889 the State Constitution and the State Bond Act or by revenue
 2890 bonds issued by the authority pursuant to s. 348.56(1)(b). In
 2891 addition, the following projects of the Tampa-Hillsborough
 2892 County Expressway Authority are approved to be financed or
 2893 refinanced by the issuance of revenue bonds in accordance with
 2894 this part and s. 11(f), Art. VII of the State Constitution:

2895 (1) Brandon area feeder roads.

2896 (2) Capital improvements to the expressway system,
 2897 including safety and operational improvements and toll
 2898 collection equipment.

2899 (3) Lee Roy Selmon Crosstown Expressway System widening
 2900 and any extensions thereof.

2901 (4) The connector highway linking the Lee Roy Selmon
 2902 Crosstown Expressway to Interstate 4.

2903 (5) Capital projects that the authority is authorized to
 2904 acquire, construct, reconstruct, equip, operate, and maintain
 2905 pursuant to this part, provided that any such capital project
 2906 financed by the issuance of bonds or other evidence of
 2907 indebtedness does not pledge the full faith and credit of the
 2908 state.

2909 Section 37. Subsection (3) and paragraph (a) of subsection
 2910 (4) of section 348.753, Florida Statutes, are amended to read:

2911 348.753 Central Florida Expressway Authority.—

2912 (3) The governing body of the authority shall consist of

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2913 nine members. The chairs of the boards of the county commissions
2914 of Seminole, Lake, and Osceola Counties shall each appoint one
2915 member from his or her respective county, who must ~~may~~ be a
2916 commission member or chair or a county mayor. The Mayor of
2917 Orange County shall appoint a member from the Orange County
2918 Commission. The Governor shall appoint three citizen members,
2919 each of whom must be a citizen of ~~either~~ Orange County, Seminole
2920 County, Lake County, or Osceola County. The ~~eighth member must~~
2921 ~~be the~~ Mayor of Orange County and. The ~~ninth member must be the~~
2922 Mayor of the City of Orlando shall also serve as members. The
2923 executive director of the Florida Turnpike Enterprise shall
2924 serve as a nonvoting advisor to the governing body of the
2925 authority. Each member appointed by the Governor shall serve for
2926 4 years, with his or her term ending on December 31 of his or
2927 her last year of service. Each county-appointed member shall
2928 serve for 2 years. ~~The terms of standing board members expire~~
2929 ~~June 20, 2014~~. Each appointed member shall hold office until his
2930 or her successor has been appointed and has qualified. A vacancy
2931 occurring during a term must be filled only for the balance of
2932 the unexpired term. Each appointed member of the authority shall
2933 be a person of outstanding reputation for integrity,
2934 responsibility, and business ability, but, except as provided in
2935 this subsection, a person who is an officer or employee of a
2936 municipality or county may not be an appointed member of the
2937 authority. Any member of the authority is eligible for
2938 reappointment.

2939 (4) (a) The authority shall elect one of its members as
 2940 chair of the authority. The authority shall also elect one of
 2941 its members as vice chair, ~~one of its members as secretary,~~ and
 2942 one of its members as treasurer. The chair, vice chair,
 2943 ~~secretary,~~ and treasurer shall hold such offices at the will of
 2944 the authority. Five members of the authority constitute a
 2945 quorum, and the vote of five members is necessary for any action
 2946 taken by the authority. A vacancy in the authority does not
 2947 impair the right of a quorum of the authority to exercise all of
 2948 the rights and perform all of the duties of the authority.

2949 Section 38. Subsection (12) of section 565.02, Florida
 2950 Statutes, is renumbered as subsection (13), and a new subsection
 2951 (12) is added to that section to read:

2952 565.02 License fees; vendors; clubs; caterers; and
 2953 others.—

2954 (12) Upon the filing of an application and payment of an
 2955 annual fee of \$1,100, the division may issue a permit
 2956 authorizing the owner or lessee of a commercial megacycle, as
 2957 defined in s. 316.003, to sell beer and wine for consumption on
 2958 the megacycle while operating under s. 316.2069.

2959 Section 39. Paragraph (j) is added to subsection (2) of
 2960 section 810.09, Florida Statutes, to read:

2961 810.09 Trespass on property other than structure or
 2962 conveyance.—

2963 (2)

2964 (j)1. The offender commits a felony of the third degree,

2965 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
2966 if the offender trespasses with the intent to injure another
2967 person, damage property, or impede the operation or use of an
2968 aircraft, runway, taxiway, ramp, or apron area and the property
2969 trespassed upon is the operational area of an airport that is
2970 legally posted and identified in substantially the following
2971 manner: "THIS AREA IS A DESIGNATED OPERATIONAL AREA OF AN
2972 AIRPORT. ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A
2973 FELONY."

2974 2. For purposes of this paragraph, the term "operational
2975 area of an airport" means any portion of an airport to which
2976 access by the public is prohibited by fences or appropriate
2977 signs and includes runways, taxiways, ramps, apron areas,
2978 aircraft parking and storage areas, fuel storage areas,
2979 maintenance areas, and any other area of an airport used or
2980 intended to be used for landing, takeoff, or surface maneuvering
2981 of aircraft.

2982 Section 40. (1)(a) The Office of Economic and Demographic
2983 Research shall evaluate and determine the economic benefits, as
2984 defined in s. 288.005(1), Florida Statutes, of the state's
2985 investment in the Department of Transportation's adopted work
2986 program developed in accordance with s. 339.135(5), Florida
2987 Statutes, for fiscal year 2016-2017 and the following 4 fiscal
2988 years. At a minimum, a separate return on investment shall be
2989 projected for each of the following areas:

2990 1. Roads and highways.

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- 2. Rails.
- 3. Public transit.
- 4. Aviation.
- 5. Seaports.

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

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

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

Section 41. The Department of Transportation, in consultation with the Department of Highway Safety and Motor Vehicles, shall study the use and safe operation of driver-assistive truck platooning technology, as defined in s. 316.003, Florida Statutes, for the purpose of developing a pilot project to test vehicles that are equipped to operate using driver-assistive truck platooning technology.

3017 (1) Upon conclusion of the study, the Department of
3018 Transportation, in consultation with the Department of Highway
3019 Safety and Motor Vehicles, may conduct a pilot project to test
3020 the use and safe operation of vehicles equipped with driver-
3021 assistive truck platooning technology.

3022 (2) Notwithstanding ss. 316.0895 and 316.303, Florida
3023 Statutes, the Department of Transportation may conduct the pilot
3024 project in such a manner and at such locations as determined by
3025 the Department of Transportation based on the study.

3026 (3) Before the start of the pilot project, manufacturers
3027 of driver-assistive truck platooning technology being tested in
3028 the pilot project must submit to the Department of Highway
3029 Safety and Motor Vehicles an instrument of insurance, surety
3030 bond, or proof of self-insurance acceptable to the department in
3031 the amount of \$5 million.

3032 (4) Upon conclusion of the pilot project, the Department
3033 of Transportation, in consultation with the Department of
3034 Highway Safety and Motor Vehicles, shall submit the results of
3035 the study and any findings or recommendations from the pilot
3036 project to the Governor, the President of the Senate, and the
3037 Speaker of the House of Representatives.

3038 Section 42. Paragraph (c) of subsection (1) of section
3039 212.05, Florida Statutes, is amended to read:

3040 212.05 Sales, storage, use tax.—It is hereby declared to
3041 be the legislative intent that every person is exercising a
3042 taxable privilege who engages in the business of selling

3043 | tangible personal property at retail in this state, including
 3044 | the business of making mail order sales, or who rents or
 3045 | furnishes any of the things or services taxable under this
 3046 | chapter, or who stores for use or consumption in this state any
 3047 | item or article of tangible personal property as defined herein
 3048 | and who leases or rents such property within the state.

3049 | (1) For the exercise of such privilege, a tax is levied on
 3050 | each taxable transaction or incident, which tax is due and
 3051 | payable as follows:

3052 | (c) At the rate of 6 percent of the gross proceeds derived
 3053 | from the lease or rental of tangible personal property, as
 3054 | defined herein; however, the following special provisions apply
 3055 | to the lease or rental of motor vehicles:

3056 | 1. When a motor vehicle is leased or rented for a period
 3057 | of less than 12 months:

3058 | a. If the motor vehicle is rented in Florida, the entire
 3059 | amount of such rental is taxable, even if the vehicle is dropped
 3060 | off in another state.

3061 | b. If the motor vehicle is rented in another state and
 3062 | dropped off in Florida, the rental is exempt from Florida tax.

3063 | 2. Except as provided in subparagraph 3., for the lease or
 3064 | rental of a motor vehicle for a period of not less than 12
 3065 | months, sales tax is due on the lease or rental payments if the
 3066 | vehicle is registered in this state; provided, however, that no
 3067 | tax shall be due if the taxpayer documents use of the motor
 3068 | vehicle outside this state and tax is being paid on the lease or

3069 rental payments in another state.

3070 3. The tax imposed by this chapter does not apply to the
 3071 lease or rental of a commercial motor vehicle as defined in s.
 3072 316.003(13)(a) ~~316.003(66)(a)~~ to one lessee or rentee for a
 3073 period of not less than 12 months when tax was paid on the
 3074 purchase price of such vehicle by the lessor. To the extent tax
 3075 was paid with respect to the purchase of such vehicle in another
 3076 state, territory of the United States, or the District of
 3077 Columbia, the Florida tax payable shall be reduced in accordance
 3078 with the provisions of s. 212.06(7). This subparagraph shall
 3079 only be available when the lease or rental of such property is
 3080 an established business or part of an established business or
 3081 the same is incidental or germane to such business.

3082 Section 43. Subsection (1) of section 316.1303, Florida
 3083 Statutes, is amended to read:

3084 316.1303 Traffic regulations to assist mobility-impaired
 3085 persons.—

3086 (1) Whenever a pedestrian who is mobility impaired is in
 3087 the process of crossing a public street or highway with the
 3088 assistance of a guide dog or service animal designated as such
 3089 with a visible means of identification, a walker, a crutch, an
 3090 orthopedic cane, or a wheelchair, the driver of a vehicle
 3091 approaching the intersection, ~~as defined in s. 316.003(17),~~
 3092 shall bring his or her vehicle to a full stop before arriving at
 3093 the intersection and, before proceeding, shall take precautions
 3094 necessary to avoid injuring the pedestrian.

3095 Section 44. Paragraph (b) of subsection (2) and paragraph
 3096 (a) of subsection (4) of section 316.545, Florida Statutes, are
 3097 amended to read:

3098 316.545 Weight and load unlawful; special fuel and motor
 3099 fuel tax enforcement; inspection; penalty; review.—

3100 (2)

3101 (b) The officer or inspector shall inspect the license
 3102 plate or registration certificate of the commercial vehicle, ~~as~~
 3103 ~~defined in s. 316.003(66),~~ to determine whether ~~if~~ its gross
 3104 weight is in compliance with the declared gross vehicle weight.
 3105 If its gross weight exceeds the declared weight, the penalty
 3106 shall be 5 cents per pound on the difference between such
 3107 weights. In those cases when the commercial vehicle, ~~as defined~~
 3108 ~~in s. 316.003(66),~~ is being operated over the highways of the
 3109 state with an expired registration or with no registration from
 3110 this or any other jurisdiction or is not registered under the
 3111 applicable provisions of chapter 320, the penalty herein shall
 3112 apply on the basis of 5 cents per pound on that scaled weight
 3113 which exceeds 35,000 pounds on laden truck tractor-semitrailer
 3114 combinations or tandem trailer truck combinations, 10,000 pounds
 3115 on laden straight trucks or straight truck-trailer combinations,
 3116 or 10,000 pounds on any unladen commercial motor vehicle. If the
 3117 license plate or registration has not been expired for more than
 3118 90 days, the penalty imposed under this paragraph may not exceed
 3119 \$1,000. In the case of special mobile equipment ~~as defined in s.~~
 3120 ~~316.003(48),~~ which qualifies for the license tax provided for in

3121 s. 320.08(5)(b), being operated on the highways of the state
 3122 with an expired registration or otherwise not properly
 3123 registered under the applicable provisions of chapter 320, a
 3124 penalty of \$75 shall apply in addition to any other penalty
 3125 which may apply in accordance with this chapter. A vehicle found
 3126 in violation of this section may be detained until the owner or
 3127 operator produces evidence that the vehicle has been properly
 3128 registered. Any costs incurred by the retention of the vehicle
 3129 shall be the sole responsibility of the owner. A person who has
 3130 been assessed a penalty pursuant to this paragraph for failure
 3131 to have a valid vehicle registration certificate pursuant to the
 3132 provisions of chapter 320 is not subject to the delinquent fee
 3133 authorized in s. 320.07 if such person obtains a valid
 3134 registration certificate within 10 working days after such
 3135 penalty was assessed.

3136 (4)(a) A ~~No~~ commercial vehicle may not, ~~as defined in s.~~
 3137 ~~316.003(66)~~, shall be operated over the highways of this state
 3138 unless it has been properly registered under ~~the provisions of~~
 3139 s. 207.004. Whenever any law enforcement officer identified in
 3140 s. 207.023(1), upon inspecting the vehicle or combination of
 3141 vehicles, determines that the vehicle is in violation of s.
 3142 207.004, a penalty in the amount of \$50 shall be assessed, and
 3143 the vehicle may be detained until payment is collected by the
 3144 law enforcement officer.

3145 Section 45. Subsection (2) of section 316.605, Florida
 3146 Statutes, is amended to read:

3147 316.605 Licensing of vehicles.—

3148 (2) Any commercial motor vehicle, ~~as defined in s.~~
 3149 ~~316.003(66)~~, operating over the highways of this state with an
 3150 expired registration, with no registration from this or any
 3151 other jurisdiction, or with no registration under the applicable
 3152 provisions of chapter 320 shall be in violation of s. 320.07(3)
 3153 and shall subject the owner or operator of such vehicle to the
 3154 penalty provided. In addition, a commercial motor vehicle found
 3155 in violation of this section may be detained by any law
 3156 enforcement officer until the owner or operator produces
 3157 evidence that the vehicle has been properly registered and that
 3158 any applicable delinquent penalties have been paid.

3159 Section 46. Subsection (6) of section 316.6105, Florida
 3160 Statutes, is amended to read:

3161 316.6105 Violations involving operation of motor vehicle
 3162 in unsafe condition or without required equipment; procedure for
 3163 disposition.—

3164 (6) This section does not apply to commercial motor
 3165 vehicles ~~as defined in s. 316.003(66)~~ or transit buses owned or
 3166 operated by a governmental entity.

3167 Section 47. Paragraph (a) of subsection (2) of section
 3168 316.613, Florida Statutes, is amended to read:

3169 316.613 Child restraint requirements.—

3170 (2) As used in this section, the term "motor vehicle"
 3171 means a motor vehicle as defined in s. 316.003 that is operated
 3172 on the roadways, streets, and highways of the state. The term

3173 does not include:

3174 (a) A school bus ~~as defined in s. 316.003(45)~~.

3175 Section 48. Subsection (8) of section 316.622, Florida
3176 Statutes, is amended to read:

3177 316.622 Farm labor vehicles.—

3178 (8) The department shall provide to the Department of
3179 Business and Professional Regulation each quarter a copy of each
3180 accident report involving a farm labor vehicle, ~~as defined in s.~~
3181 ~~316.003(62), commencing with the first quarter of the 2006-2007~~
3182 ~~fiscal year.~~

3183 Section 49. Paragraph (b) of subsection (1) of section
3184 316.650, Florida Statutes, is amended to read:

3185 316.650 Traffic citations.—

3186 (1)

3187 (b) The department shall prepare, and supply to every
3188 traffic enforcement agency in the state, an appropriate
3189 affidavit-of-compliance form that shall be issued along with the
3190 form traffic citation for any violation of s. 316.610 and that
3191 indicates the specific defect needing to be corrected. However,
3192 such affidavit of compliance may ~~shall~~ not be issued in the case
3193 of a violation of s. 316.610 by a commercial motor vehicle ~~as~~
3194 ~~defined in s. 316.003(66)~~. Such affidavit-of-compliance form
3195 shall be distributed in the same manner and to the same parties
3196 as is the form traffic citation.

3197 Section 50. Subsection (1) of section 316.70, Florida
3198 Statutes, is amended to read:

3199 | 316.70 Nonpublic sector buses; safety rules.—

3200 | (1) The Department of Transportation shall establish and
 3201 | revise standards to ensure ~~assure~~ the safe operation of
 3202 | nonpublic sector buses, ~~as defined in s. 316.003(78)~~, which
 3203 | standards shall be those contained in 49 C.F.R. parts 382, 385,
 3204 | and 390-397 and which shall be directed toward ensuring ~~towards~~
 3205 | ~~assuring~~ that:

3206 | (a) Nonpublic sector buses are safely maintained,
 3207 | equipped, and operated.

3208 | (b) Nonpublic sector buses are carrying the insurance
 3209 | required by law and carrying liability insurance on the checked
 3210 | baggage of passengers not to exceed the standard adopted by the
 3211 | United States Department of Transportation.

3212 | (c) Florida license tags are purchased for nonpublic
 3213 | sector buses pursuant to s. 320.38.

3214 | (d) The driving records of drivers of nonpublic sector
 3215 | buses are checked by their employers at least once each year to
 3216 | ascertain whether the driver has a suspended or revoked driver
 3217 | license.

3218 | Section 51. Paragraph (a) of subsection (1) of section
 3219 | 320.01, Florida Statutes, is amended to read:

3220 | 320.01 Definitions, general.—As used in the Florida
 3221 | Statutes, except as otherwise provided, the term:

3222 | (1) "Motor vehicle" means:

3223 | (a) An automobile, motorcycle, truck, trailer,
 3224 | semitrailer, truck tractor and semitrailer combination, or any

3225 other vehicle operated on the roads of this state, used to
 3226 transport persons or property, and propelled by power other than
 3227 muscular power, but the term does not include traction engines,
 3228 road rollers, special mobile equipment as defined in s. 316.003
 3229 ~~316.003(48)~~, vehicles that run only upon a track, bicycles,
 3230 swamp buggies, or mopeds.

3231 Section 52. Section 320.08, Florida Statutes, is amended
 3232 to read:

3233 320.08 License taxes.—Except as otherwise provided herein,
 3234 there are hereby levied and imposed annual license taxes for the
 3235 operation of motor vehicles, mopeds, motorized bicycles as
 3236 defined in s. 316.003(4) ~~316.003(2)~~, tri-vehicles as defined in
 3237 s. 316.003, and mobile homes⁷ as defined in s. 320.01, which
 3238 shall be paid to and collected by the department or its agent
 3239 upon the registration or renewal of registration of the
 3240 following:

- 3241 (1) MOTORCYCLES AND MOPEDS.—
- 3242 (a) Any motorcycle: \$10 flat.
- 3243 (b) Any moped: \$5 flat.
- 3244 (c) Upon registration of a motorcycle, motor-driven cycle,
 3245 or moped, in addition to the license taxes specified in this
 3246 subsection, a nonrefundable motorcycle safety education fee in
 3247 the amount of \$2.50 shall be paid. The proceeds of such
 3248 additional fee shall be deposited in the Highway Safety
 3249 Operating Trust Fund to fund a motorcycle driver improvement
 3250 program implemented pursuant to s. 322.025, the Florida

3251 Motorcycle Safety Education Program established in s. 322.0255,
 3252 or the general operations of the department.

3253 (d) An ancient or antique motorcycle: \$7.50 flat, of which
 3254 \$2.50 shall be deposited into the General Revenue Fund.

3255 (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—

3256 (a) An ancient or antique automobile, as defined in s.
 3257 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.

3258 (b) Net weight of less than 2,500 pounds: \$14.50 flat.

3259 (c) Net weight of 2,500 pounds or more, but less than
 3260 3,500 pounds: \$22.50 flat.

3261 (d) Net weight of 3,500 pounds or more: \$32.50 flat.

3262 (3) TRUCKS.—

3263 (a) Net weight of less than 2,000 pounds: \$14.50 flat.

3264 (b) Net weight of 2,000 pounds or more, but not more than
 3265 3,000 pounds: \$22.50 flat.

3266 (c) Net weight more than 3,000 pounds, but not more than
 3267 5,000 pounds: \$32.50 flat.

3268 (d) A truck defined as a "goat," or other vehicle if used
 3269 in the field by a farmer or in the woods for the purpose of
 3270 harvesting a crop, including naval stores, during such
 3271 harvesting operations, and which is not principally operated
 3272 upon the roads of the state: \$7.50 flat. The term "goat" means a
 3273 motor vehicle designed, constructed, and used principally for
 3274 the transportation of citrus fruit within citrus groves or for
 3275 the transportation of crops on farms, and which can also be used
 3276 for hauling associated equipment or supplies, including required

3277 sanitary equipment, and the towing of farm trailers.

3278 (e) An ancient or antique truck, as defined in s. 320.086:
3279 \$7.50 flat.

3280 (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS
3281 VEHICLE WEIGHT.—

3282 (a) Gross vehicle weight of 5,001 pounds or more, but less
3283 than 6,000 pounds: \$60.75 flat, of which \$15.75 shall be
3284 deposited into the General Revenue Fund.

3285 (b) Gross vehicle weight of 6,000 pounds or more, but less
3286 than 8,000 pounds: \$87.75 flat, of which \$22.75 shall be
3287 deposited into the General Revenue Fund.

3288 (c) Gross vehicle weight of 8,000 pounds or more, but less
3289 than 10,000 pounds: \$103 flat, of which \$27 shall be deposited
3290 into the General Revenue Fund.

3291 (d) Gross vehicle weight of 10,000 pounds or more, but
3292 less than 15,000 pounds: \$118 flat, of which \$31 shall be
3293 deposited into the General Revenue Fund.

3294 (e) Gross vehicle weight of 15,000 pounds or more, but
3295 less than 20,000 pounds: \$177 flat, of which \$46 shall be
3296 deposited into the General Revenue Fund.

3297 (f) Gross vehicle weight of 20,000 pounds or more, but
3298 less than 26,001 pounds: \$251 flat, of which \$65 shall be
3299 deposited into the General Revenue Fund.

3300 (g) Gross vehicle weight of 26,001 pounds or more, but
3301 less than 35,000: \$324 flat, of which \$84 shall be deposited
3302 into the General Revenue Fund.

3303 (h) Gross vehicle weight of 35,000 pounds or more, but
 3304 less than 44,000 pounds: \$405 flat, of which \$105 shall be
 3305 deposited into the General Revenue Fund.

3306 (i) Gross vehicle weight of 44,000 pounds or more, but
 3307 less than 55,000 pounds: \$773 flat, of which \$201 shall be
 3308 deposited into the General Revenue Fund.

3309 (j) Gross vehicle weight of 55,000 pounds or more, but
 3310 less than 62,000 pounds: \$916 flat, of which \$238 shall be
 3311 deposited into the General Revenue Fund.

3312 (k) Gross vehicle weight of 62,000 pounds or more, but
 3313 less than 72,000 pounds: \$1,080 flat, of which \$280 shall be
 3314 deposited into the General Revenue Fund.

3315 (l) Gross vehicle weight of 72,000 pounds or more: \$1,322
 3316 flat, of which \$343 shall be deposited into the General Revenue
 3317 Fund.

3318 (m) Notwithstanding the declared gross vehicle weight, a
 3319 truck tractor used within a 150-mile radius of its home address
 3320 is eligible for a license plate for a fee of \$324 flat if:

3321 1. The truck tractor is used exclusively for hauling
 3322 forestry products; or

3323 2. The truck tractor is used primarily for the hauling of
 3324 forestry products, and is also used for the hauling of
 3325 associated forestry harvesting equipment used by the owner of
 3326 the truck tractor.

3327
 3328 Of the fee imposed by this paragraph, \$84 shall be deposited

3329 into the General Revenue Fund.

3330 (n) A truck tractor or heavy truck, not operated as a for-
 3331 hire vehicle, which is engaged exclusively in transporting raw,
 3332 unprocessed, and nonmanufactured agricultural or horticultural
 3333 products within a 150-mile radius of its home address, is
 3334 eligible for a restricted license plate for a fee of:

3335 1. If such vehicle's declared gross vehicle weight is less
 3336 than 44,000 pounds, \$87.75 flat, of which \$22.75 shall be
 3337 deposited into the General Revenue Fund.

3338 2. If such vehicle's declared gross vehicle weight is
 3339 44,000 pounds or more and such vehicle only transports from the
 3340 point of production to the point of primary manufacture; to the
 3341 point of assembling the same; or to a shipping point of a rail,
 3342 water, or motor transportation company, \$324 flat, of which \$84
 3343 shall be deposited into the General Revenue Fund.

3344
 3345 Such not-for-hire truck tractors and heavy trucks used
 3346 exclusively in transporting raw, unprocessed, and
 3347 nonmanufactured agricultural or horticultural products may be
 3348 incidentally used to haul farm implements and fertilizers
 3349 delivered direct to the growers. The department may require any
 3350 documentation deemed necessary to determine eligibility prior to
 3351 issuance of this license plate. For the purpose of this
 3352 paragraph, "not-for-hire" means the owner of the motor vehicle
 3353 must also be the owner of the raw, unprocessed, and
 3354 nonmanufactured agricultural or horticultural product, or the

3355 user of the farm implements and fertilizer being delivered.

3356 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
 3357 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

3358 (a)1. A semitrailer drawn by a GVW truck tractor by means
 3359 of a fifth-wheel arrangement: \$13.50 flat per registration year
 3360 or any part thereof, of which \$3.50 shall be deposited into the
 3361 General Revenue Fund.

3362 2. A semitrailer drawn by a GVW truck tractor by means of
 3363 a fifth-wheel arrangement: \$68 flat per permanent registration,
 3364 of which \$18 shall be deposited into the General Revenue Fund.

3365 (b) A motor vehicle equipped with machinery and designed
 3366 for the exclusive purpose of well drilling, excavation,
 3367 construction, spraying, or similar activity, and which is not
 3368 designed or used to transport loads other than the machinery
 3369 described above over public roads: \$44 flat, of which \$11.50
 3370 shall be deposited into the General Revenue Fund.

3371 (c) A school bus used exclusively to transport pupils to
 3372 and from school or school or church activities or functions
 3373 within their own county: \$41 flat, of which \$11 shall be
 3374 deposited into the General Revenue Fund.

3375 (d) A wrecker, as defined in s. 320.01, which is used to
 3376 tow a vessel as defined in s. 327.02, a disabled, abandoned,
 3377 stolen-recovered, or impounded motor vehicle as defined in s.
 3378 320.01, or a replacement motor vehicle as defined in s. 320.01:
 3379 \$41 flat, of which \$11 shall be deposited into the General
 3380 Revenue Fund.

3381 (e) A wrecker that is used to tow any nondisabled motor
 3382 vehicle, a vessel, or any other cargo unless used as defined in
 3383 paragraph (d), as follows:

3384 1. Gross vehicle weight of 10,000 pounds or more, but less
 3385 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited
 3386 into the General Revenue Fund.

3387 2. Gross vehicle weight of 15,000 pounds or more, but less
 3388 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited
 3389 into the General Revenue Fund.

3390 3. Gross vehicle weight of 20,000 pounds or more, but less
 3391 than 26,000 pounds: \$251 flat, of which \$65 shall be deposited
 3392 into the General Revenue Fund.

3393 4. Gross vehicle weight of 26,000 pounds or more, but less
 3394 than 35,000 pounds: \$324 flat, of which \$84 shall be deposited
 3395 into the General Revenue Fund.

3396 5. Gross vehicle weight of 35,000 pounds or more, but less
 3397 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited
 3398 into the General Revenue Fund.

3399 6. Gross vehicle weight of 44,000 pounds or more, but less
 3400 than 55,000 pounds: \$772 flat, of which \$200 shall be deposited
 3401 into the General Revenue Fund.

3402 7. Gross vehicle weight of 55,000 pounds or more, but less
 3403 than 62,000 pounds: \$915 flat, of which \$237 shall be deposited
 3404 into the General Revenue Fund.

3405 8. Gross vehicle weight of 62,000 pounds or more, but less
 3406 than 72,000 pounds: \$1,080 flat, of which \$280 shall be

3407 deposited into the General Revenue Fund.

3408 9. Gross vehicle weight of 72,000 pounds or more: \$1,322

3409 flat, of which \$343 shall be deposited into the General Revenue

3410 Fund.

3411 (f) A hearse or ambulance: \$40.50 flat, of which \$10.50

3412 shall be deposited into the General Revenue Fund.

3413 (6) MOTOR VEHICLES FOR HIRE.—

3414 (a) Under nine passengers: \$17 flat, of which \$4.50 shall

3415 be deposited into the General Revenue Fund; plus \$1.50 per cwt,

3416 of which 50 cents shall be deposited into the General Revenue

3417 Fund.

3418 (b) Nine passengers and over: \$17 flat, of which \$4.50

3419 shall be deposited into the General Revenue Fund; plus \$2 per

3420 cwt, of which 50 cents shall be deposited into the General

3421 Revenue Fund.

3422 (7) TRAILERS FOR PRIVATE USE.—

3423 (a) Any trailer weighing 500 pounds or less: \$6.75 flat

3424 per year or any part thereof, of which \$1.75 shall be deposited

3425 into the General Revenue Fund.

3426 (b) Net weight over 500 pounds: \$3.50 flat, of which \$1

3427 shall be deposited into the General Revenue Fund; plus \$1 per

3428 cwt, of which 25 cents shall be deposited into the General

3429 Revenue Fund.

3430 (8) TRAILERS FOR HIRE.—

3431 (a) Net weight under 2,000 pounds: \$3.50 flat, of which \$1

3432 shall be deposited into the General Revenue Fund; plus \$1.50 per

3433 cwt, of which 50 cents shall be deposited into the General
 3434 Revenue Fund.

3435 (b) Net weight 2,000 pounds or more: \$13.50 flat, of which
 3436 \$3.50 shall be deposited into the General Revenue Fund; plus
 3437 \$1.50 per cwt, of which 50 cents shall be deposited into the
 3438 General Revenue Fund.

3439 (9) RECREATIONAL VEHICLE-TYPE UNITS.—

3440 (a) A travel trailer or fifth-wheel trailer, as defined by
 3441 s. 320.01(1)(b), that does not exceed 35 feet in length: \$27
 3442 flat, of which \$7 shall be deposited into the General Revenue
 3443 Fund.

3444 (b) A camping trailer, as defined by s. 320.01(1)(b)2.:
 3445 \$13.50 flat, of which \$3.50 shall be deposited into the General
 3446 Revenue Fund.

3447 (c) A motor home, as defined by s. 320.01(1)(b)4.:

3448 1. Net weight of less than 4,500 pounds: \$27 flat, of
 3449 which \$7 shall be deposited into the General Revenue Fund.

3450 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
 3451 which \$12.25 shall be deposited into the General Revenue Fund.

3452 (d) A truck camper as defined by s. 320.01(1)(b)3.:

3453 1. Net weight of less than 4,500 pounds: \$27 flat, of
 3454 which \$7 shall be deposited into the General Revenue Fund.

3455 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
 3456 which \$12.25 shall be deposited into the General Revenue Fund.

3457 (e) A private motor coach as defined by s. 320.01(1)(b)5.:

3458 1. Net weight of less than 4,500 pounds: \$27 flat, of

3459 | which \$7 shall be deposited into the General Revenue Fund.
 3460 | 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
 3461 | which \$12.25 shall be deposited into the General Revenue Fund.
 3462 | (10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS;
 3463 | 35 FEET TO 40 FEET.—
 3464 | (a) Park trailers.—Any park trailer, as defined in s.
 3465 | 320.01(1)(b)7.: \$25 flat.
 3466 | (b) A travel trailer or fifth-wheel trailer, as defined in
 3467 | s. 320.01(1)(b), that exceeds 35 feet: \$25 flat.
 3468 | (11) MOBILE HOMES.—
 3469 | (a) A mobile home not exceeding 35 feet in length: \$20
 3470 | flat.
 3471 | (b) A mobile home over 35 feet in length, but not
 3472 | exceeding 40 feet: \$25 flat.
 3473 | (c) A mobile home over 40 feet in length, but not
 3474 | exceeding 45 feet: \$30 flat.
 3475 | (d) A mobile home over 45 feet in length, but not
 3476 | exceeding 50 feet: \$35 flat.
 3477 | (e) A mobile home over 50 feet in length, but not
 3478 | exceeding 55 feet: \$40 flat.
 3479 | (f) A mobile home over 55 feet in length, but not
 3480 | exceeding 60 feet: \$45 flat.
 3481 | (g) A mobile home over 60 feet in length, but not
 3482 | exceeding 65 feet: \$50 flat.
 3483 | (h) A mobile home over 65 feet in length: \$80 flat.
 3484 | (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised

3485 motor vehicle dealer, independent motor vehicle dealer, marine
 3486 boat trailer dealer, or mobile home dealer and manufacturer
 3487 license plate: \$17 flat, of which \$4.50 shall be deposited into
 3488 the General Revenue Fund.

3489 (13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or
 3490 official license plate: \$4 flat, of which \$1 shall be deposited
 3491 into the General Revenue Fund.

3492 (14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor
 3493 vehicle for hire operated wholly within a city or within 25
 3494 miles thereof: \$17 flat, of which \$4.50 shall be deposited into
 3495 the General Revenue Fund; plus \$2 per cwt, of which 50 cents
 3496 shall be deposited into the General Revenue Fund.

3497 (15) TRANSPORTER.—Any transporter license plate issued to
 3498 a transporter pursuant to s. 320.133: \$101.25 flat, of which
 3499 \$26.25 shall be deposited into the General Revenue Fund.

3500 Section 53. Subsection (1) of section 320.0801, Florida
 3501 Statutes, is amended to read:

3502 320.0801 Additional license tax on certain vehicles.—

3503 (1) In addition to the license taxes specified in s.
 3504 320.08 and in subsection (2), there is hereby levied and imposed
 3505 an annual license tax of 10 cents for the operation of a motor
 3506 vehicle, as defined in s. 320.01, and moped, as defined in s.
 3507 316.003 ~~316.003(77)~~, which tax shall be paid to the department
 3508 or its agent upon the registration or renewal of registration of
 3509 the vehicle. Notwithstanding ~~the provisions of~~ s. 320.20,
 3510 revenues collected from the tax imposed in this subsection shall

3511 be deposited in the Emergency Medical Services Trust Fund and
 3512 used solely for the purpose of carrying out ~~the provisions of~~
 3513 ss. 395.401, 395.4015, 395.404, and 395.4045 and s. 11, chapter
 3514 87-399, Laws of Florida.

3515 Section 54. Section 320.38, Florida Statutes, is amended
 3516 to read:

3517 320.38 When nonresident exemption not allowed.—The
 3518 provisions of s. 320.37 authorizing the operation of motor
 3519 vehicles over the roads of this state by nonresidents of this
 3520 state when such vehicles are duly registered or licensed under
 3521 the laws of some other state or foreign country do not apply to
 3522 any nonresident who accepts employment or engages in any trade,
 3523 profession, or occupation in this state, except a nonresident
 3524 migrant or seasonal farm worker as defined in s. 316.003
 3525 ~~316.003(61)~~. In every case in which a nonresident, except a
 3526 nonresident migrant or seasonal farm worker as defined in s.
 3527 316.003 ~~316.003(61)~~, accepts employment or engages in any trade,
 3528 profession, or occupation in this state or enters his or her
 3529 children to be educated in the public schools of this state,
 3530 such nonresident shall, within 10 days after the commencement of
 3531 such employment or education, register his or her motor vehicles
 3532 in this state if such motor vehicles are proposed to be operated
 3533 on the roads of this state. Any person who is enrolled as a
 3534 student in a college or university and who is a nonresident but
 3535 who is in this state for a period of up to 6 months engaged in a
 3536 work-study program for which academic credits are earned from a

3537 college whose credits or degrees are accepted for credit by at
3538 least three accredited institutions of higher learning, as
3539 defined in s. 1005.02, is not required to have a Florida
3540 registration for the duration of the work-study program if the
3541 person's vehicle is properly registered in another jurisdiction.
3542 Any nonresident who is enrolled as a full-time student in such
3543 institution of higher learning is also exempt for the duration
3544 of such enrollment.

3545 Section 55. Subsection (1) of section 322.031, Florida
3546 Statutes, is amended to read:

3547 322.031 Nonresident; when license required.—

3548 (1) In each case in which a nonresident, except a
3549 nonresident migrant or seasonal farm worker as defined in s.
3550 316.003 ~~316.003(61)~~, accepts employment or engages in a trade,
3551 profession, or occupation in this state or enters his or her
3552 children to be educated in the public schools of this state,
3553 such nonresident shall, within 30 days after beginning such
3554 employment or education, be required to obtain a Florida driver
3555 license if such nonresident operates a motor vehicle on the
3556 highways of this state. The spouse or dependent child of such
3557 nonresident shall also be required to obtain a Florida driver
3558 license within that 30-day period before operating a motor
3559 vehicle on the highways of this state.

3560 Section 56. Subsection (3) of section 450.181, Florida
3561 Statutes, is amended to read:

3562 450.181 Definitions.—As used in part II, unless the

3563 context clearly requires a different meaning:

3564 (3) The term "migrant laborer" has the same meaning as
 3565 migrant or seasonal farm worker ~~workers~~ as defined in s. 316.003
 3566 ~~316.003(61)~~.

3567 Section 57. Subsection (5) of section 559.903, Florida
 3568 Statutes, is amended to read:

3569 559.903 Definitions.—As used in this act:

3570 (5) "Motor vehicle" means any automobile, truck, bus,
 3571 recreational vehicle, motorcycle, motor scooter, or other motor
 3572 powered vehicle, but does not include trailers, mobile homes,
 3573 travel trailers, trailer coaches without independent motive
 3574 power, watercraft or aircraft, or special mobile equipment as
 3575 defined in s. 316.003 ~~316.003(48)~~.

3576 Section 58. Subsection (1) of section 655.960, Florida
 3577 Statutes, is amended to read:

3578 655.960 Definitions; ss. 655.960-655.965.—As used in this
 3579 section and ss. 655.961-655.965, unless the context otherwise
 3580 requires:

3581 (1) "Access area" means any paved walkway or sidewalk
 3582 which is within 50 feet of any automated teller machine. The
 3583 term does not include any street or highway open to the use of
 3584 the public, as defined in s. 316.003(76)(a) ~~316.003(53)(a)~~ or
 3585 (b), including any adjacent sidewalk, as defined in s. 316.003
 3586 ~~316.003(47)~~.

3587 Section 59. Paragraph (b) of subsection (2) of section
 3588 732.402, Florida Statutes, is amended to read:

3589 732.402 Exempt property.—

3590 (2) Exempt property shall consist of:

3591 (b) Two motor vehicles as defined in s. 316.003
 3592 ~~316.003(21)~~, which do not, individually as to either such motor
 3593 vehicle, have a gross vehicle weight in excess of 15,000 pounds,
 3594 held in the decedent's name and regularly used by the decedent
 3595 or members of the decedent's immediate family as their personal
 3596 motor vehicles.

3597 Section 60. Subsection (1) of section 860.065, Florida
 3598 Statutes, is amended to read:

3599 860.065 Commercial transportation; penalty for use in
 3600 commission of a felony.—

3601 (1) It is unlawful for any person to attempt to obtain,
 3602 solicit to obtain, or obtain any means of public or commercial
 3603 transportation or conveyance, including vessels, aircraft,
 3604 railroad trains, or commercial vehicles as defined in s. 316.003
 3605 ~~316.003(66)~~, with the intent to use such public or commercial
 3606 transportation or conveyance to commit any felony or to
 3607 facilitate the commission of any felony.

3608 Section 61. This act shall take effect July 1, 2016.