

1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 amending s. 20.23, F.S.; removing the Secretary of
4 Transportation's authority to appoint an inspector
5 general; removing responsibilities of the Fort Myers
6 Urban Office; amending ss. 311.07 and 311.09, F.S.;
7 revising the minimum amount of funds that the
8 department must request for the Florida Seaport
9 Transportation and Economic Development Program;
10 amending s. 316.003, F.S.; revising definitions and
11 defining the term "port-of-entry" for purposes of the
12 Florida Uniform Traffic Control Law; amending s.
13 316.081, F.S.; revising provisions that require
14 driving on the right side of the roadway; amending s.
15 316.130, F.S.; revising provisions relating to right-
16 of-way when a pedestrian is crossing the roadway;
17 amending s. 316.2065, F.S.; revising provisions for
18 operating a bicycle on a roadway; removing the
19 definition of "substandard-width lane"; amending s.
20 316.545, F.S.; revising provisions for fines for
21 certain commercial motor vehicles that obtain a
22 temporary registration permit; amending s. 333.01,
23 F.S.; revising definitions for purposes of airport
24 zoning provisions; amending s. 333.025, F.S.; revising
25 provisions for permits issued by the department for
26 construction or alteration of a structure hazardous to

27 | air navigation; providing for administrative review of
28 | a denial of a permit; amending s. 333.03, F.S.;
29 | revising provisions for certain political subdivisions
30 | to adopt certain airport zoning regulations; amending
31 | s. 333.04, F.S.; revising provisions for incorporation
32 | of airport protection zoning regulations into a
33 | comprehensive plan or policy; providing for conflict
34 | between specified regulations and other regulations
35 | applicable to the same area; amending s. 333.05, F.S.;
36 | revising procedure for adoption of zoning regulations;
37 | amending s. 333.06, F.S.; revising airport zoning
38 | requirements; repealing s. 333.065, F.S., relating to
39 | guidelines regarding land use near airports; amending
40 | s. 333.07, F.S.; revising provisions for permits and
41 | variances; requiring a person proposing to erect,
42 | construct, or alter any structure, increase the height
43 | of any structure, permit the growth of any vegetation,
44 | or otherwise use his or her property in violation of
45 | the airport protection zoning regulations to apply for
46 | a permit; revising provisions for removal of a
47 | nonconforming structure or vegetation; removing
48 | provisions for a variance to airport zoning
49 | regulations for such structure or vegetation;
50 | providing certain considerations for the political
51 | subdivision or its administrative agency to consider
52 | when issuing or denying a permit; revising

53 requirements relating to markings and lighting for the
54 owner of the structure or vegetation; repealing s.
55 333.08, F.S., relating to appeals of agency action
56 relating to airport zoning regulations; amending s.
57 333.09, F.S.; revising provisions for administration
58 of airport zoning regulations; requiring certain
59 political subdivisions ~~or their administrative~~
60 agencies to provide certain processes for permits with
61 respect to airport zoning regulations; providing for
62 appeal of decisions made in the administration of such
63 regulations; repealing s. 333.10, F.S., relating to
64 boards of adjustment; amending s. 333.11, F.S.;
65 revising provisions for judicial review; amending s.
66 333.12, F.S.; revising provisions for acquisition of
67 air rights by political subdivision; amending s.
68 333.13, F.S.; revising provisions for enforcement and
69 remedies for violations; creating s. 333.135, F.S.;
70 providing a period for political subdivisions to
71 conform airport ordinances with changes made by the
72 act; providing a period for political subdivisions to
73 adopt airport zoning regulations; directing the
74 department to administer specified permitting process
75 for certain political subdivisions; repealing s.
76 333.14, F.S., relating to a short title; amending s.
77 334.03, F.S.; revising the definition of "511" or "511
78 service" used in the Florida Transportation Code;

79 removing the definition of the term "interactive voice
80 response"; amending ss. 334.044 and 334.60, F.S.;
81 revising department's duty to provide oversight of
82 traveler information systems; amending s. 338.165,
83 F.S.; removing certain facilities from the list of
84 facilities whose toll revenues can be used to secure
85 bonds; amending s. 338.227, F.S.; providing that the
86 validation of turnpike revenues bonds is optional
87 instead of mandatory; providing requirements regarding
88 a complaint for such validation; amending s. 338.231,
89 F.S.; increasing the length of time that a prepaid
90 toll account must be inactive before reverting to
91 unclaimed property; amending s. 339.135, F.S.;
92 revising requirements for amendments to the
93 department's adopted work program to be submitted to
94 the Legislative Budget Commission; providing that a
95 municipality or county that applies transportation
96 concurrency may not require a developer to pay a fee
97 for the removal of vegetation within the right-of-way
98 limits of road improvements; defining the term "fee";
99 providing for a municipality to exempt itself from
100 such provisions; directing the Office of Economic and
101 Demographic Research to determine the economic
102 benefits of the state's investment in the department's
103 adopted work program; requiring a report to the
104 Legislature; amending s. 215.82, F.S., relating to

105 validation of bonds; conforming to changes made by the
 106 act; reenacting s. 350.81(6), F.S., relating to
 107 communications services offered by governmental
 108 entities, to incorporate the amendment made by the act
 109 to s. 333.01, F.S., in a reference thereto; providing
 110 an effective date.

111

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

113

114 Section 1. Paragraphs (d) and (e) of subsection (3) and
 115 paragraphs (d), (e), and (f) of subsection (4) of section 20.23,
 116 Florida Statutes, are amended to read:

117 20.23 Department of Transportation.—There is created a
 118 Department of Transportation which shall be a decentralized
 119 agency.

120 (3)

121 ~~(d) The secretary shall appoint an inspector general~~
 122 ~~pursuant to s. 20.055 who shall be directly responsible to the~~
 123 ~~secretary and shall serve at the pleasure of the secretary.~~

124 (d) ~~(e)~~ The secretary shall appoint a general counsel who
 125 shall be directly responsible to the secretary. The general
 126 counsel is responsible for all legal matters of the department.
 127 The department may employ as many attorneys as it deems
 128 necessary to advise and represent the department in all
 129 transportation matters.

130 (4)

131 ~~(d) The district director for the Fort Myers Urban Office~~
 132 ~~of the Department of Transportation is responsible for~~
 133 ~~developing the 5-year Transportation Plan for Charlotte,~~
 134 ~~Collier, DeSoto, Glades, Hendry, and Lee Counties. The Fort~~
 135 ~~Myers Urban Office also is responsible for providing policy,~~
 136 ~~direction, local government coordination, and planning for those~~
 137 ~~counties.~~

138 (d)~~(e)~~1. The responsibility for the turnpike system shall
 139 be delegated by the secretary to the executive director of the
 140 turnpike enterprise, who shall serve at the pleasure of the
 141 secretary. The executive director shall report directly to the
 142 secretary, and the turnpike enterprise shall operate pursuant to
 143 ss. 338.22-338.241.

144 2. To facilitate the most efficient and effective
 145 management of the turnpike enterprise, including the use of best
 146 business practices employed by the private sector, the turnpike
 147 enterprise, except as provided in s. 287.055, shall be exempt
 148 from departmental policies, procedures, and standards, subject
 149 to the secretary having the authority to apply any such
 150 policies, procedures, and standards to the turnpike enterprise
 151 from time to time as deemed appropriate.

152 (e)~~(f)~~1. The responsibility for developing and operating
 153 the high-speed and passenger rail systems established in chapter
 154 341, directing funding for passenger rail systems under s.
 155 341.303, and coordinating publicly funded passenger rail
 156 operations in the state, including freight rail interoperability

157 issues, shall be delegated by the secretary to the executive
158 director of the rail enterprise, who shall serve at the pleasure
159 of the secretary. The executive director shall report directly
160 to the secretary, and the rail enterprise shall operate pursuant
161 to ss. 341.8201-341.842.

162 2. To facilitate the most efficient and effective
163 management of the rail enterprise, including the use of best
164 business practices employed by the private sector, the rail
165 enterprise, except as provided in s. 287.055, shall be exempt
166 from departmental policies, procedures, and standards, subject
167 to the secretary having the authority to apply any such
168 policies, procedures, and standards to the rail enterprise from
169 time to time as deemed appropriate.

170 Section 2. Subsection (2) of section 311.07, Florida
171 Statutes, is amended to read:

172 311.07 Florida seaport transportation and economic
173 development funding.—

174 (2) A minimum of \$25 ~~\$15~~ million per year shall be made
175 available from the State Transportation Trust Fund to fund the
176 Florida Seaport Transportation and Economic Development Program.
177 The Florida Seaport Transportation and Economic Development
178 Council created in s. 311.09 shall develop guidelines for
179 project funding. Council staff, the Department of
180 Transportation, and the Department of Economic Opportunity shall
181 work in cooperation to review projects and allocate funds in
182 accordance with the schedule required for the Department of

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

185 Section 3. Subsection (9) of section 311.09, Florida
 186 Statutes, is amended to read:

187 311.09 Florida Seaport Transportation and Economic
 188 Development Council.—

189 (9) The Department of Transportation shall include no less
 190 than \$25 ~~\$15~~ million per year in its annual legislative budget
 191 request for the Florida Seaport Transportation and Economic
 192 Development Program funded under s. 311.07. Such budget shall
 193 include funding for projects approved by the council which have
 194 been determined by each agency to be consistent. The Department
 195 of Transportation shall include the specific approved Florida
 196 Seaport Transportation and Economic Development Program projects
 197 to be funded under s. 311.07 during the ensuing fiscal year in
 198 the tentative work program developed pursuant to s. 339.135(4).
 199 The total amount of funding to be allocated to Florida Seaport
 200 Transportation and Economic Development Program projects under
 201 s. 311.07 during the successive 4 fiscal years shall also be
 202 included in the tentative work program developed pursuant to s.
 203 339.135(4). The council may submit to the Department of
 204 Transportation a list of approved projects that could be made
 205 production-ready within the next 2 years. The list shall be
 206 submitted by the Department of Transportation as part of the
 207 needs and project list prepared pursuant to s. 339.135(2)(b).
 208 However, the Department of Transportation shall, upon written

209 request of the Florida Seaport Transportation and Economic
 210 Development Council, submit work program amendments pursuant to
 211 s. 339.135(7) to the Governor within 10 days after the later of
 212 the date the request is received by the Department of
 213 Transportation or the effective date of the amendment,
 214 termination, or closure of the applicable funding agreement
 215 between the Department of Transportation and the affected
 216 seaport, as required to release the funds from the existing
 217 commitment. Notwithstanding s. 339.135(7)(c), any work program
 218 amendment to transfer prior year funds from one approved seaport
 219 project to another seaport project is subject to the procedures
 220 in s. 339.135(7)(d). Notwithstanding any provision of law to the
 221 contrary, the Department of Transportation may transfer
 222 unexpended budget between the seaport projects as identified in
 223 the approved work program amendments.

224 Section 4. Subsections (6) and (47) of section 316.003,
 225 Florida Statutes, are amended, and subsection (94) is added to
 226 that section, to read:

227 316.003 Definitions.—The following words and phrases, when
 228 used in this chapter, shall have the meanings respectively
 229 ascribed to them in this section, except where the context
 230 otherwise requires:

231 (6) CROSSWALK.—

232 (a) "Marked crosswalk" means pavement marking lines on the
 233 roadway surface, which may include contrasting pavement texture,
 234 style, or colored portions of the roadway, at an intersection

235 which is used by pedestrians for crossing the roadway. ~~That part~~
236 ~~of a roadway at an intersection included within the connections~~
237 ~~of the lateral lines of the sidewalks on opposite sides of the~~
238 ~~highway, measured from the curbs or, in the absence of curbs,~~
239 ~~from the edges of the traversable roadway.~~

240 (b) "Midblock crosswalk" means pavement marking lines on
241 the roadway surface, which may include contrasting pavement
242 texture, style, or a colored portion of the roadway, located
243 between intersections at a signalized or nonsignalized crosswalk
244 that is used by pedestrians for crossing the roadway and may
245 include a pedestrian refuge island. ~~Any portion of a roadway at~~
246 ~~an intersection or elsewhere distinctly indicated for pedestrian~~
247 ~~crossing by lines or other markings on the surface.~~

248 (c) "Unmarked crosswalk" means a portion of the roadway at
249 an intersection which is used by pedestrians for crossing the
250 roadway and is not marked by pavement marking lines on the
251 roadway surface.

252 (47) SIDEWALK.—~~That portion of a street between the~~
253 ~~curbline, or the lateral line, of a roadway and the adjacent~~
254 ~~property lines, intended for use by pedestrians, adjacent to the~~
255 roadway between the curb or edge of the roadway and the property
256 line.

257 (94) PORT-OF-ENTRY.—A designated location that allows
258 drivers of commercial motor vehicles to purchase temporary
259 registration permits necessary to operate legally within the
260 state. The locations and the designated routes to such locations

261 shall be determined by the Department of Transportation.

262 Section 5. Subsection (2) of section 316.081, Florida
 263 Statutes, is amended to read:

264 316.081 Driving on right side of roadway; exceptions.—

265 (2) Upon all roadways, any vehicle proceeding at less than
 266 the normal speed of traffic based on existing ~~at the time and~~
 267 ~~place and under the~~ conditions ~~then existing~~ shall be driven in
 268 the right-hand lane then available for traffic or, if no lane is
 269 marked for traffic, as close as is safe and reasonable
 270 ~~practicable~~ to the right-hand curb or edge of the roadway except
 271 when overtaking and passing another vehicle proceeding in the
 272 same direction or when preparing for a left turn at an
 273 intersection or into a private road or driveway.

274 Section 6. Paragraphs (b) and (c) of subsection (7) of
 275 section 316.130, Florida Statutes, are amended to read:

276 316.130 Pedestrians; traffic regulations.—

277 (7)

278 (b) The driver of a vehicle at any crosswalk location
 279 where the approach is not controlled by a traffic signal or stop
 280 sign ~~signage so indicates~~ shall stop and remain stopped to allow
 281 a pedestrian to cross a roadway when the pedestrian is in the
 282 crosswalk or steps into the crosswalk and is upon the half of
 283 the roadway upon which the vehicle is traveling or turning, or
 284 when the pedestrian is approaching so closely from the opposite
 285 half of the roadway as to be in danger. Any pedestrian crossing
 286 a roadway at a point where a pedestrian tunnel or overhead

287 pedestrian crossing has been provided shall yield the right-of-
 288 way to all vehicles upon the roadway.

289 ~~(c) When traffic control signals are not in place or in~~
 290 ~~operation and there is no signage indicating otherwise, the~~
 291 ~~driver of a vehicle shall yield the right of way, slowing down~~
 292 ~~or stopping if need be to so yield, to a pedestrian crossing the~~
 293 ~~roadway within a crosswalk when the pedestrian is upon the half~~
 294 ~~of the roadway upon which the vehicle is traveling or when the~~
 295 ~~pedestrian is approaching so closely from the opposite half of~~
 296 ~~the roadway as to be in danger. Any pedestrian crossing a~~
 297 ~~roadway at a point where a pedestrian tunnel or overhead~~
 298 ~~pedestrian crossing has been provided shall yield the right-of-~~
 299 ~~way to all vehicles upon the roadway.~~

300 Section 7. Subsection (5) of section 316.2065, Florida
 301 Statutes, is amended to read:

302 316.2065 Bicycle regulations.—

303 (5) (a) Any person operating a bicycle upon a roadway at
 304 less than the normal speed of traffic ~~at the time and place~~ and
 305 under existing the conditions ~~then existing~~ shall ride in the
 306 lane marked for bicycle use or, if no lane is marked for bicycle
 307 use, as close as is safe and reasonable ~~practicable~~ to the
 308 right-hand curb or edge of the roadway except under any of the
 309 following situations:

- 310 1. When overtaking and passing another bicycle or vehicle
- 311 proceeding in the same direction.
- 312 2. When preparing for a left turn at an intersection or

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313 into a private road or driveway.

314 3. When reasonably necessary to avoid any condition or
315 potential conflict, including, but not limited to, a fixed or
316 moving object, parked or moving vehicle, bicycle, pedestrian,
317 animal, surface hazard, or turn lane, ~~or substandard width lane,~~
318 ~~which makes it unsafe to continue along the right hand curb or~~
319 ~~edge or within a bicycle lane. For the purposes of this~~
320 ~~subsection, a "substandard width lane" is a lane that is too~~
321 ~~narrow for a bicycle and another vehicle to travel safely side~~
322 ~~by side within the lane.~~

323 (b) Any person operating a bicycle upon a one-way highway
324 with two or more marked traffic lanes may ride as near the left-
325 hand curb or edge of such roadway as safe and reasonable
326 practicable.

327 Section 8. Paragraph (b) of subsection (2) of section
328 316.545, Florida Statutes, is amended to read:

329 316.545 Weight and load unlawful; special fuel and motor
330 fuel tax enforcement; inspection; penalty; review.—

331 (2)

332 (b) The officer or inspector shall inspect the license
333 plate or registration certificate of the commercial vehicle, ~~as~~
334 ~~defined in s. 316.003(66),~~ to determine if its gross weight is
335 in compliance with the declared gross vehicle weight. If its
336 gross weight exceeds the declared weight, the penalty shall be 5
337 cents per pound on the difference between such weights. In those
338 cases when the commercial vehicle, as defined in s. 316.003(66),

339 is being operated over the highways of the state with an expired
340 registration or with no registration from this or any other
341 jurisdiction or is not registered under the applicable
342 provisions of chapter 320, the penalty herein shall apply on the
343 basis of 5 cents per pound on that scaled weight which exceeds
344 35,000 pounds on laden truck tractor-semitrailer combinations or
345 tandem trailer truck combinations, 10,000 pounds on laden
346 straight trucks or straight truck-trailer combinations, or
347 10,000 pounds on any unladen commercial motor vehicle.
348 Commercial motor vehicles entering the state at designated port-
349 of-entry locations or operating on designated routes to a port-
350 of-entry location, which obtain temporary registration permits,
351 shall be assessed a penalty limited to the difference between
352 its gross weight and the declared gross vehicle weight at 5
353 cents per pound. If the license plate or registration has not
354 been expired for more than 90 days, the penalty imposed under
355 this paragraph may not exceed \$1,000. In the case of special
356 mobile equipment ~~as defined in s. 316.003(48)~~, which qualifies
357 for the license tax provided for in s. 320.08(5)(b), being
358 operated on the highways of the state with an expired
359 registration or otherwise not properly registered under the
360 applicable provisions of chapter 320, a penalty of \$75 shall
361 apply in addition to any other penalty which may apply in
362 accordance with this chapter. A vehicle found in violation of
363 this section may be detained until the owner or operator
364 produces evidence that the vehicle has been properly registered.

365 Any costs incurred by the retention of the vehicle shall be the
366 sole responsibility of the owner. A person who has been assessed
367 a penalty pursuant to this paragraph for failure to have a valid
368 vehicle registration certificate pursuant to the provisions of
369 chapter 320 is not subject to the delinquent fee authorized in
370 s. 320.07 if such person obtains a valid registration
371 certificate within 10 working days after such penalty was
372 assessed.

373 Section 9. Section 333.01, Florida Statutes, is amended to
374 read:

375 333.01 Definitions.—For the purpose of this chapter, the
376 ~~term following words, terms, and phrases shall have the meanings~~
377 ~~herein given, unless otherwise specifically defined, or unless~~
378 ~~another intention clearly appears, or the context otherwise~~
379 ~~requires:~~

380 (1) "Aeronautical study" means a Federal Aviation
381 Administration review conducted pursuant to 14 C.F.R. part 77,
382 concerning the effect of proposed construction or alteration on
383 the use of air navigation facilities or navigable airspace by
384 aircraft.

385 ~~(1) "Aeronautics" means transportation by aircraft; the~~
386 ~~operation, construction, repair, or maintenance of aircraft,~~
387 ~~aircraft power plants and accessories, including the repair,~~
388 ~~packing, and maintenance of parachutes; the design,~~
389 ~~establishment, construction, extension, operation, improvement,~~
390 ~~repair, or maintenance of airports, restricted landing areas, or~~

391 ~~other air navigation facilities, and air instruction.~~

392 (2) "Airport" means any area of land or water designed and
 393 set aside for the landing and taking off of aircraft and
 394 utilized or to be utilized in the interest of the public for
 395 such purpose.

396 (3) "Airport hazard" means any obstruction that exceeds
 397 ~~structure or tree or use of land which would exceed~~ the federal
 398 obstruction standards as contained in 14 C.F.R. ss. 77.15,
 399 77.17, 77.19, 77.21, and 77.23, ~~77.25, 77.28, and 77.29~~ and that
 400 ~~which~~ obstructs the airspace required for the flight of aircraft
 401 in taking off, maneuvering, or landing or is otherwise hazardous
 402 to such taking off, maneuvering, or landing of aircraft and for
 403 which no person has previously obtained a permit ~~or variance~~
 404 pursuant to s. 333.025 or s. 333.07.

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

408 (5) "Airport land use compatibility zoning" means airport
 409 zoning regulations governing ~~restricting~~ the use of land
 410 adjacent to or in the immediate vicinity of airports in the
 411 manner provided ~~enumerated~~ in s. 333.03 ~~333.03(2) to activities~~
 412 ~~and purposes compatible with the continuation of normal airport~~
 413 ~~operations including landing and takeoff of aircraft in order to~~
 414 ~~promote public health, safety, and general welfare.~~

415 (6) "Airport layout plan" means a scaled detailed, scale
 416 engineering drawing, or set of drawings, in either paper or

417 electronic form, of existing, including pertinent dimensions, of
 418 an airport's current and planned airport facilities which
 419 provides a graphic representation of the existing and long-term
 420 development plan for the airport and demonstrates the
 421 preservation and continuity of safety, utility, and efficiency
 422 of the airport, their locations, and runway usage.

423 (7) "Airport master plan" means a comprehensive plan of an
 424 airport that describes the immediate and long-term development
 425 plans to meet future aviation demand.

426 (8) "Airport protection zoning" means airport zoning
 427 regulations governing airport hazards in the manner provided in
 428 s. 333.03.

429 (9) "Department" means the Department of Transportation as
 430 created under s. 20.23.

431 (10) "Educational facility" means any structure, land, or
 432 use thereof that includes a public or private kindergarten
 433 through 12th grade school, charter school, magnet school, college
 434 campus, or university campus. For the purpose of this chapter,
 435 the term "educational facility" does not include space used for
 436 educational purposes within a multitenant building.

437 (11) "Landfill" has the same meaning as defined in s.
 438 403.703.

439 (12) ~~(7)~~ "Obstruction" means any object of natural growth
 440 or terrain, or permanent or temporary construction or
 441 alteration, including equipment or materials used and any
 442 permanent or temporary apparatus, or alteration of any permanent

443 or temporary existing structure by a change in its height,
 444 including appurtenances, or lateral dimensions, including
 445 equipment or material used therein, existing or proposed, which
 446 exceeds ~~manmade object or object of natural growth or terrain~~
 447 ~~that violates~~ the standards contained in 14 C.F.R. ss. 77.15,
 448 77.17, 77.19, 77.21, and 77.23, ~~77.25, 77.28, and 77.29.~~

449 ~~(13)-(8)~~ "Person" means any individual, firm,
 450 copartnership, corporation, company, association, joint-stock
 451 association, or body politic, and includes any trustee,
 452 receiver, assignee, or other similar representative thereof.

453 ~~(14)-(9)~~ "Political subdivision" means the local government
 454 of any county, city, town, village, or other subdivision or
 455 agency of the state thereof, or any district or special
 456 district, port commission, port authority, or other such agency
 457 authorized to establish or operate airports in the state.

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

461 ~~(16)-(10)~~ "Runway protection clear zone" means an area at
 462 ground level beyond the runway end to enhance the safety and
 463 protection of people and property on the ground ~~a runway clear~~
 464 ~~zone as defined in 14 C.F.R. s. 151.9(b).~~

465 ~~(17)-(11)~~ "Structure" means any object, constructed,
 466 erected, altered, or installed ~~by humans,~~ including, but without
 467 limitation thereof, buildings, towers, smokestacks, utility
 468 poles, power generation equipment, and overhead transmission

469 lines.

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

471 (18) "Substantial modification" means any repair,
 472 reconstruction, rehabilitation, or improvement of a structure
 473 when the actual cost of the repair, reconstruction,
 474 rehabilitation, or improvement of the structure equals or
 475 exceeds 50 percent of the market value of the structure.

476 Section 10. Section 333.025, Florida Statutes, is amended
 477 to read:

478 333.025 Permit required for structures exceeding federal
 479 obstruction standards.—

480 (1) Any person proposing the construction or alteration in
 481 ~~order to prevent the erection~~ of structures hazardous ~~dangerous~~
 482 to air navigation, subject to the provisions of subsections (2),
 483 (3), and (4), ~~each person~~ shall secure from the department ~~of~~
 484 ~~Transportation~~ a permit for the proposed construction or
 485 ~~erection, alteration, or modification~~ of any structure the
 486 result of which would exceed the federal obstruction standards
 487 as contained in 14 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and
 488 ~~77.23, 77.25, 77.28, and 77.29~~. However, permits from the
 489 department ~~of Transportation~~ will be required only within an
 490 airport hazard area where federal obstruction standards are
 491 exceeded and if the proposed construction is within a 10-
 492 nautical-mile radius of the airport reference point, located at
 493 the approximate geometric ~~geographical~~ center of all usable
 494 runways of a public-use airport, or a publicly owned or operated

495 ~~airport, a military airport, or an airport licensed by the state~~
 496 ~~for public use.~~

497 (2) Existing, planned, and proposed ~~Affected airports will~~
 498 ~~be considered as having these facilities~~ on public-use airports
 499 contained in an ~~which are shown on the~~ airport master plan, on
 500 ~~or~~ an airport layout plan submitted to the Federal Aviation
 501 Administration Airport District Office, or in comparable
 502 military documents, ~~and will be so protected~~ from the structures
 503 that exceed federal obstruction standards. ~~Planned or proposed~~
 504 ~~public-use airports which are the subject of a notice or~~
 505 ~~proposal submitted to the Federal Aviation Administration or to~~
 506 ~~the Department of Transportation shall also be protected.~~

507 (3) Permit requirements of subsection (1) shall not apply
 508 to structures ~~projects~~ which received construction permits from
 509 the Federal Communications Commission for structures exceeding
 510 federal obstruction standards prior to May 20, 1975, ~~provided~~
 511 ~~such structures now exist;~~ nor shall such requirements ~~it~~ apply
 512 to previously approved structures now existing, or any necessary
 513 replacement or repairs to such existing structures, so long as
 514 the height and location is unchanged.

515 (4) When political subdivisions have adopted adequate
 516 airport airspace protection zoning regulations in compliance
 517 with s. 333.03, ~~and such regulations are on file with the~~
 518 department ~~of Transportation,~~ and have established a permitting
 519 process in compliance with s. 333.09(2), a permit for such
 520 structure shall not be required from the department ~~of~~

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521 Transportation. To evaluate technical consistency with this
522 section there is a 15-day department review period concurrent
523 with the permitting process prescribed by s. 333.09. Upon
524 receipt of a complete permit application, the local government
525 shall forward a copy of the application to the department's
526 Aviation Office by certified mail, return receipt requested, or
527 by delivery service that provides a receipt evidencing delivery.
528 Cranes, construction equipment, and other temporary structures
529 in use or in place for a period not to exceed 18 consecutive
530 months are exempt from department review, unless such review is
531 requested by the department.

532 (5) The department ~~of Transportation~~ shall, within 30 days
533 after ~~of~~ the receipt of an application for a permit, issue or
534 deny a permit for the construction or erection, ~~alteration, or~~
535 ~~modification~~ of any structure ~~the result of~~ which would exceed
536 federal obstruction standards as contained in 14 C.F.R. ss.
537 77.15, 77.17, 77.19, 77.21, and 77.23, ~~77.25, 77.28, and 77.29.~~
538 The department shall review permit applications in conformity
539 with s. 120.60.

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

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

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

544 (c)-(a) The nature of the terrain and height of existing
545 structures.

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

547 (d) Whether the construction of the proposed structure
 548 would impact the state licensing standards for a public-use
 549 airport, contained in chapter 330 and rule 14-60, Florida
 550 Administrative Code.

551 (e)-(e) The character of existing and planned flight flying
 552 operations and planned developments at public-use of airports.

553 (f)-(d) Federal airways, visual flight rules, flyways and
 554 corridors, and instrument approaches as designated by the Federal
 555 Aviation Administration.

556 (g)-(e) Whether the construction of the proposed structure
 557 would cause an increase in the minimum descent altitude or the
 558 decision height at the affected airport.

559 ~~(f) Technological advances.~~

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

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

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

563 (h)-(j) The cumulative effects on navigable airspace of all
 564 existing structures, ~~proposed structures identified in the~~
 565 ~~applicable jurisdictions' comprehensive plans,~~ and all other
 566 known proposed structures in the area.

567 (7) When issuing a permit under this section, the
 568 department ~~of Transportation shall, as a specific condition of~~
 569 ~~such permit,~~ require the owner ~~obstruction marking and lighting~~
 570 of the permitted structure or vegetation to install, operate,
 571 and maintain thereon, at his or her own expense, marking and
 572 lighting in conformance with the specific standards established

573 by the Federal Aviation Administration ~~as provided in s.~~
 574 ~~333.07(3)(b).~~

575 (8) The department ~~of Transportation~~ shall not approve a
 576 permit for the construction or alteration ~~erection~~ of a
 577 structure unless the applicant submits both documentation
 578 showing compliance with the federal requirement for notification
 579 of proposed construction or alteration and a valid aeronautical
 580 study evaluation, and a ~~no~~ permit may not ~~shall~~ be approved
 581 solely on the basis that such proposed structure will not exceed
 582 federal obstruction standards as contained in 14 C.F.R. ss.
 583 77.15, 77.17, 77.19, 77.21, or 77.23, 77.25, 77.28, or 77.29, or
 584 any other federal aviation regulation.

585 (9) The denial of a permit under this section shall be
 586 subject to the administrative review provisions of chapter 120.

587 Section 11. Section 333.03, Florida Statutes, is amended
 588 to read:

589 333.03 Requirement ~~Power~~ to adopt airport zoning
 590 regulations.—

591 (1) (a) ~~In order to prevent the creation or establishment~~
 592 ~~of airport hazards,~~ Every political subdivision having an
 593 airport hazard area within its territorial limits shall, ~~by~~
 594 ~~October 1, 1977,~~ adopt, administer, and enforce, ~~under the~~
 595 ~~police power and~~ in the manner and upon the conditions
 596 hereinafter prescribed in this section, airport protection
 597 zoning regulations for such airport hazards ~~hazard area~~.

598 (b) Where an airport is owned or controlled by a political

599 subdivision and an ~~any~~ airport hazard area ~~appertaining to such~~
 600 ~~airport~~ is located wholly or partly outside the territorial
 601 limits of the ~~said~~ political subdivision, the political
 602 subdivision owning or controlling the airport and any ~~the~~
 603 political subdivision within which the airport hazard area is
 604 located, shall either:

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

609 2. By ordinance, regulation, or resolution duly adopted,
 610 create a joint airport zoning board that, ~~which board shall have~~
 611 ~~the same power to~~ adopt, administer, and enforce airport
 612 protection zoning regulations applicable to the airport hazard
 613 area in each ~~question as that vested in paragraph (a) in the~~
 614 political subdivision in ~~within~~ which the airport hazard ~~such~~
 615 area is located. Each such joint airport zoning board shall have
 616 as members two representatives appointed by each participating
 617 political subdivision ~~participating in its creation and,~~ in
 618 addition, a chair elected by a majority of the members so
 619 appointed. The ~~However,~~ the airport manager or representative of
 620 each airport in ~~managers of~~ the affected participating political
 621 subdivisions shall serve on the board in a nonvoting capacity.

622 (c) Airport protection zoning regulations adopted under
 623 paragraph (a) shall, as a minimum, require:

624 1. A permit ~~variance~~ for the ~~erection,~~ construction, or

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625 alteration, ~~or modification~~ of any structure which would cause
626 the structure to exceed the federal obstruction standards as
627 contained in 14 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and
628 77.23, 77.25, 77.28, and 77.29;

629 2. Obstruction marking and lighting for structures
630 exceeding the federal obstruction standards as contained in 14
631 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and 77.23, as specified
632 in s. 333.07(3);

633 3. Documentation showing compliance with the federal
634 requirement for notification of proposed construction or
635 alteration and a valid aeronautical study evaluation submitted
636 by each person applying for a permit variance;

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

639 5. That no permit variance shall be approved solely on the
640 basis that such proposed structure will not exceed federal
641 obstruction standards as contained in 14 C.F.R. ss. 77.15,
642 77.17, 77.19, 77.21, and 77.23, 77.25, 77.28, or 77.29, or any
643 other federal aviation regulation.

644 (d) The department is available to provide assistance to
645 political subdivisions with regard to federal obstruction
646 standards shall issue copies of the federal obstruction
647 standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25,
648 77.28, and 77.29 to each political subdivision having airport
649 hazard areas and, in cooperation with political subdivisions,
650 shall issue appropriate airport zoning maps depicting within

651 ~~each county the maximum allowable height of any structure or~~
652 ~~tree. Material distributed pursuant to this subsection shall be~~
653 ~~at no cost to authorized recipients.~~

654 (2) In the manner provided in subsection (1), ~~interim~~
655 airport land use compatibility zoning regulations shall be
656 adopted, administered, and enforced. Airport land use
657 compatibility zoning ~~When political subdivisions have adopted~~
658 ~~land development~~ regulations shall, at a minimum, in accordance
659 ~~with the provisions of chapter 163 which address the use of land~~
660 ~~in the manner consistent with the provisions herein, adoption of~~
661 ~~airport land use compatibility regulations pursuant to this~~
662 ~~subsection shall not be required. Interim airport land use~~
663 ~~compatibility zoning regulations shall consider the following:~~

664 (a) Prohibiting any new and restricting any existing
665 landfills ~~Whether sanitary landfills are located within the~~
666 following areas:

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

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

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

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

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677 so that it attracts or sustains hazardous bird movements from
678 feeding, water, or roosting areas into, or across, the runways
679 or approach and departure patterns of aircraft. The landfill
680 operator must be required to ~~political subdivision shall request~~
681 ~~from the airport authority or other governing body operating the~~
682 ~~airport a report on such bird feeding or roosting areas that at~~
683 ~~the time of the request are known to the airport. In preparing~~
684 ~~its report, the authority, or other governing body, shall~~
685 ~~consider whether the landfill will incorporate bird management~~
686 ~~techniques or other practices to minimize bird hazards to~~
687 ~~airborne aircraft. The airport authority or other governing body~~
688 ~~shall respond to the political subdivision no later than 30 days~~
689 ~~after receipt of such request.~~

690 (c) Where an airport authority or other governing body
691 operating a ~~publicly owned,~~ public-use airport has conducted a
692 noise study in accordance with the provisions of 14 C.F.R. part
693 150, or where the public-use airport owner has established noise
694 contours pursuant to another public study approved by the Federal
695 Aviation Administration, incompatible uses, as established in
696 Appendix A of the 14 C.F.R. part 150 noise study or as a part of
697 an alternative Federal Aviation Administration-approved public
698 study, shall not be permitted within the noise contours
699 established by that study, except where such use is specifically
700 contemplated by such study with appropriate mitigation or similar
701 techniques described in the study ~~neither residential~~
702 ~~construction nor any educational facility as defined in chapter~~

703 ~~1013, with the exception of aviation school facilities, shall be~~
704 ~~permitted within the area contiguous to the airport defined by~~
705 ~~an outer noise contour that is considered incompatible with that~~
706 ~~type of construction by 14 C.F.R. part 150, Appendix A or an~~
707 ~~equivalent noise level as established by other types of noise~~
708 ~~studies.~~

709 (d) Where an airport authority or other governing body
710 operating a ~~publicly owned,~~ public-use airport has not conducted
711 a noise study, neither residential construction nor any
712 educational facility ~~as defined in chapter 1013,~~ with the
713 exception of aviation school facilities, shall be permitted
714 within an area contiguous to the airport measuring one-half the
715 length of the longest runway on either side of and at the end of
716 each runway centerline.

717 (3) In the manner provided in subsection (1), airport
718 zoning regulations that shall be adopted which restrict new
719 incompatible uses, ~~activities,~~ or substantial modifications to
720 existing incompatible uses ~~construction~~ within runway protection
721 clear zones shall be adopted, ~~including uses, activities, or~~
722 ~~construction in runway clear zones which are incompatible with~~
723 ~~normal airport operations or endanger public health, safety, and~~
724 ~~welfare by resulting in congregations of people, emissions of~~
725 ~~light or smoke, or attraction of birds. Such regulations shall~~
726 ~~prohibit the construction of an educational facility of a public~~
727 ~~or private school at either end of a runway of a publicly owned,~~
728 ~~public-use airport within an area which extends 5 miles in a~~

729 ~~direct line along the centerline of the runway, and which has a~~
730 ~~width measuring one half the length of the runway. Exceptions~~
731 ~~approving construction of an educational facility within the~~
732 ~~delineated area shall only be granted when the political~~
733 ~~subdivision administering the zoning regulations makes specific~~
734 ~~findings detailing how the public policy reasons for allowing~~
735 ~~the construction outweigh health and safety concerns prohibiting~~
736 ~~such a location.~~

737 ~~(4) The procedures outlined in subsections (1), (2), and~~
738 ~~(3) for the adoption of such regulations are supplemental to any~~
739 ~~existing procedures utilized by political subdivisions in the~~
740 ~~adoption of such regulations.~~

741 ~~(4)~~(5) The department ~~of Transportation~~ shall provide
742 technical assistance to any political subdivision requesting
743 assistance in the preparation of an airport zoning regulation
744 code. A copy of all local airport zoning codes, rules, and
745 regulations, and amendments and proposed and granted permits
746 ~~variances thereto~~, shall be filed with the department. All
747 updates and amendments to local airport zoning codes, rules, and
748 regulations shall be filed with the department within 30 days
749 after adoption.

750 ~~(5)~~(6) Nothing in subsection (2) or subsection (3) shall
751 be construed to require the removal, alteration, sound
752 conditioning, or other change, or to interfere with the
753 continued use or adjacent expansion of any educational structure
754 or site in existence on July 1, 1993, ~~or be construed to~~

755 ~~prohibit the construction of any new structure for which a site~~
 756 ~~has been determined as provided in former s. 235.19, as of July~~
 757 ~~1, 1993.~~

758 (6) This section does not preclude an airport authority,
 759 political subdivision or its administrative agency, or other
 760 governing body operating a public-use airport from establishing
 761 airport protection zoning regulations more restrictive than
 762 prescribed in this section in order to protect the safety and
 763 welfare of the public in the air and on the ground.

764 Section 12. Section 333.04, Florida Statutes, is amended
 765 to read:

766 333.04 Comprehensive zoning regulations; most stringent to
 767 prevail where conflicts occur.—

768 (1) INCORPORATION.—In the event that a political
 769 subdivision has adopted, or hereafter adopts, a comprehensive
 770 plan or policy ~~zoning ordinance~~ regulating, among other things,
 771 the height of buildings, structures, and natural objects, and
 772 uses of property, any airport zoning regulations applicable to
 773 the same area or portion thereof may be incorporated in and made
 774 a part of such comprehensive plans or policies ~~zoning~~
 775 ~~regulations~~, and be administered and enforced in connection
 776 therewith.

777 (2) CONFLICT.—In the event of conflict between any airport
 778 zoning regulations adopted under this chapter and any other
 779 regulations applicable to the same area, whether the conflict be
 780 with respect to the height of structures or vegetation ~~trees~~,

781 the use of land, or any other matter, and whether such
 782 regulations were adopted by the political subdivision which
 783 adopted the airport zoning regulations or by some other
 784 political subdivision, the more stringent limitation or
 785 requirement shall govern and prevail.

786 Section 13. Section 333.05, Florida Statutes, is amended
 787 to read:

788 333.05 Procedure for adoption of zoning regulations.—

789 (1) NOTICE AND HEARING.—~~No~~ Airport zoning regulations may
 790 not shall be adopted, amended, or deleted ~~changed~~
 791 chapter except by action of the legislative body of the
 792 political subdivision or subdivisions affected in question, or
 793 the joint board provided in s. 333.03(1)(b)2. ~~333.03(1)(b)~~ by
 794 the political subdivisions ~~bodies~~ therein provided and set
 795 forth, after a public hearing in relation thereto, at which
 796 parties in interest and citizens shall have an opportunity to be
 797 heard. Notice of the hearing shall be published at least once a
 798 week for 2 consecutive weeks in a newspaper ~~an official paper,~~
 799 ~~or a paper~~ of general circulation, in the political subdivision
 800 or subdivisions where in which are located the airport zoning
 801 regulations are areas to be adopted, amended, or deleted ~~zoned~~.

802 (2) AIRPORT ZONING COMMISSION.—Before ~~Prior to~~ the initial
 803 zoning of any airport area under this chapter the political
 804 subdivision or joint airport zoning board which is to adopt,
 805 administer, and enforce the regulations shall appoint a
 806 commission, to be known as the airport zoning commission, to

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807 recommend the boundaries of the various zones to be established
 808 and the regulations to be adopted therefor. Such commission
 809 shall make a preliminary report and hold public hearings thereon
 810 before submitting its final report, and the legislative body of
 811 the political subdivision or the joint airport zoning board
 812 shall not hold its public hearings or take any action until it
 813 has received the final report of such commission, and at least
 814 15 days shall elapse between the receipt of the final report of
 815 the commission and the hearing to be held by the latter board.
 816 Where a planning ~~city plan~~ commission, airport commission, or
 817 comprehensive zoning commission already exists, it may be
 818 appointed as the airport zoning commission.

819 Section 14. Section 333.06, Florida Statutes, is amended
 820 to read:

821 333.06 Airport zoning requirements.—

822 (1) REASONABLENESS.—All airport zoning regulations adopted
 823 under this chapter shall be reasonable and ~~none~~ shall not impose
 824 any requirement or restriction which is not reasonably necessary
 825 to effectuate the purposes of this chapter. In determining what
 826 regulations it may adopt, each political subdivision and joint
 827 airport zoning board shall consider, among other things, the
 828 character of the flying operations expected to be conducted at
 829 the airport, the nature of the terrain within the airport hazard
 830 area and runway protection ~~clear~~ zones, the character of the
 831 neighborhood, the uses to which the property to be zoned is put
 832 and adaptable, and the impact of any new use, activity, or

833 construction on the airport's operating capability and capacity.

834 (2) INDEPENDENT JUSTIFICATION.—The purpose of all airport
835 zoning regulations adopted under this chapter is to provide both
836 airspace protection and land uses ~~use~~ compatible with airport
837 operations. Each aspect of this purpose requires independent
838 justification in order to promote the public interest in safety,
839 health, and general welfare. Specifically, construction in a
840 runway protection ~~clear~~ zone which does not exceed airspace
841 height restrictions is not conclusive ~~evidence per se~~ that such
842 use, activity, or construction is compatible with airport
843 operations.

844 (3) NONCONFORMING USES.—No airport protection zoning
845 regulations adopted under this chapter shall require the
846 removal, lowering, or other change or alteration of any
847 structure or vegetation ~~tree~~ not conforming to the regulations
848 when adopted or amended, or otherwise interfere with the
849 continuance of any nonconforming use, except as provided in s.
850 333.07(1) and (3).

851 (4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO AFFECTED
852 LOCAL GOVERNMENTS.—An airport master plan shall be prepared by
853 each public-use ~~publicly owned and operated~~ airport licensed by
854 the department ~~of Transportation~~ under chapter 330. The
855 authorized entity having responsibility for governing the
856 operation of the airport, when either requesting from or
857 submitting to a state or federal governmental agency with
858 funding or approval jurisdiction a "finding of no significant

859 impact," an environmental assessment, a site-selection study, an
 860 airport master plan, or any amendment to an airport master plan,
 861 shall submit simultaneously a copy of said request, submittal,
 862 assessment, study, plan, or amendments by certified mail to all
 863 affected local governments. For the purposes of this subsection,
 864 "affected local government" is defined as any city or county
 865 having jurisdiction over the airport and any city or county
 866 located within 2 miles of the boundaries of the land subject to
 867 the airport master plan.

868 Section 15. Section 333.065, Florida Statutes, is
 869 repealed.

870 Section 16. Section 333.07, Florida Statutes, is amended
 871 to read:

872 333.07 Local government permitting of airspace ~~Permits and~~
 873 ~~variances.-~~

874 (1) PERMITS.-

875 (a) Any person proposing to erect, construct, or alter any
 876 structure, increase the height of any structure, permit the
 877 growth of any vegetation, or otherwise use his or her property
 878 in violation of the airport protection zoning regulations
 879 adopted under this chapter shall apply for a permit. A ~~Any~~
 880 ~~airport zoning regulations adopted under this chapter may~~
 881 ~~require that a permit be obtained before any new structure or~~
 882 ~~use may be constructed or established and before any existing~~
 883 ~~use or structure may be substantially changed or substantially~~
 884 ~~altered or repaired. In any event, however, all such regulations~~

885 ~~shall provide that before any nonconforming structure or tree~~
886 ~~may be replaced, substantially altered or repaired, rebuilt,~~
887 ~~allowed to grow higher, or replanted, a permit must be secured~~
888 ~~from the administrative agency authorized to administer and~~
889 ~~enforce the regulations, authorizing such replacement, change,~~
890 ~~or repair. No permit may not shall be issued granted~~ that would
891 allow the establishment or creation of an airport hazard or
892 would permit a nonconforming structure or vegetation tree or
893 nonconforming use to be made or become higher or to become a
894 greater hazard to air navigation than it was when the applicable
895 regulation was adopted or than it is when the application for a
896 permit is made.

897 (b) Whenever the political subdivision or its
898 administrative agency determines that a nonconforming use or
899 nonconforming structure or vegetation tree has been abandoned or
900 is more than 80 percent torn down, destroyed, deteriorated, or
901 decayed, ~~a~~ no permit may not ~~shall~~ be granted that would allow
902 ~~the said~~ structure or vegetation tree to exceed the applicable
903 height limit or otherwise deviate from the zoning regulations.~~†~~
904 ~~and,~~ Whether or not an application is made for a permit under
905 this subsection ~~or not,~~ the ~~said~~ agency ~~may by appropriate~~
906 ~~action, compel~~ the owner of the nonconforming structure or
907 vegetation may be required tree, at his or her own expense, to
908 lower, remove, reconstruct, alter, or equip such object as may
909 be necessary to conform to the regulations. If the owner of the
910 nonconforming structure or vegetation tree shall neglect or

911 refuse to comply with such order for 10 days after notice
912 ~~thereof~~, the ~~said~~ agency may report the violation to the
913 political subdivision involved therein, which subdivision,
914 through its appropriate agency, may proceed to have the object
915 so lowered, removed, reconstructed, altered or equipped, and
916 assess the cost and expense thereof upon the object or the land
917 whereon it is or was located, ~~and, unless such an assessment is~~
918 ~~paid within 90 days from the service of notice thereof on the~~
919 ~~owner or the owner's agent, of such object or land, the sum~~
920 ~~shall be a lien on said land, and shall bear interest thereafter~~
921 ~~at the rate of 6 percent per annum until paid, and shall be~~
922 ~~collected in the same manner as taxes on real property are~~
923 ~~collected by said political subdivision, or, at the option of~~
924 ~~said political subdivision, said lien may be enforced in the~~
925 ~~manner provided for enforcement of liens by chapter 85.~~

926 ~~(c) Except as provided herein, applications for permits~~
927 ~~shall be granted, provided the matter applied for meets the~~
928 ~~provisions of this chapter and the regulations adopted and in~~
929 ~~force hereunder.~~

930 ~~(2) VARIANCES.~~

931 ~~(a) Any person desiring to erect any structure, increase~~
932 ~~the height of any structure, permit the growth of any tree, or~~
933 ~~otherwise use his or her property in violation of the airport~~
934 ~~zoning regulations adopted under this chapter or any land~~
935 ~~development regulation adopted pursuant to the provisions of~~
936 ~~chapter 163 pertaining to airport land use compatibility, may~~

937 ~~apply to the board of adjustment for a variance from the zoning~~
938 ~~regulations in question. At the time of filing the application,~~
939 ~~the applicant shall forward to the department by certified mail,~~
940 ~~return receipt requested, a copy of the application. The~~
941 ~~department shall have 45 days from receipt of the application to~~
942 ~~comment and to provide its comments or waiver of that right to~~
943 ~~the applicant and the board of adjustment. The department shall~~
944 ~~include its explanation for any objections stated in its~~
945 ~~comments. If the department fails to provide its comments within~~
946 ~~45 days of receipt of the application, its right to comment is~~
947 ~~waived. The board of adjustment may proceed with its~~
948 ~~consideration of the application only upon the receipt of the~~
949 ~~department's comments or waiver of that right as demonstrated by~~
950 ~~the filing of a copy of the return receipt with the board.~~
951 ~~Noncompliance with this section shall be grounds to appeal~~
952 ~~pursuant to s. 333.08 and to apply for judicial relief pursuant~~
953 ~~to s. 333.11. Such variances may only be allowed where a literal~~
954 ~~application or enforcement of the regulations would result in~~
955 ~~practical difficulty or unnecessary hardship and where the~~
956 ~~relief granted would not be contrary to the public interest but~~
957 ~~would do substantial justice and be in accordance with the~~
958 ~~spirit of the regulations and this chapter. However, any~~
959 ~~variance may be allowed subject to any reasonable conditions~~
960 ~~that the board of adjustment may deem necessary to effectuate~~
961 ~~the purposes of this chapter.~~

962 ~~(b) The Department of Transportation shall have the~~

963 ~~authority to appeal any variance granted under this chapter~~
964 ~~pursuant to s. 333.08, and to apply for judicial relief pursuant~~
965 ~~to s. 333.11.~~

966 (2) CONSIDERATIONS WHEN ISSUING OR DENYING PERMITS.-In
967 determining whether to issue or deny a permit, the political
968 subdivision or its administrative agency shall consider the
969 following, as applicable:

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

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

972 (c) The nature of the terrain and height of existing
973 structures.

974 (d) The state licensing standards for a public-use
975 airport, contained in chapter 330 and rule 14-60, Florida
976 Administrative Code, for the construction or alteration of the
977 proposed structure.

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

980 (f) Federal airways, visual flight rules, flyways and
981 corridors, and instrument approaches as designated by the
982 Federal Aviation Administration.

983 (g) Effect of the construction or alteration of the
984 proposed structure on the minimum descent altitude or the
985 decision height at the affected airport.

986 (h) The cumulative effects on navigable airspace of all
987 existing structures and all other known proposed structures in
988 the area.

989 (i) Requirements contained in s. 333.03(2) and (3).
 990 (j) Additional requirements adopted by the political
 991 subdivision or administrative agency pertinent to evaluation and
 992 protection of airspace and airport operations.

993 (3) OBSTRUCTION MARKING AND LIGHTING.—

994 ~~(a) In issuing a granting any permit or variance under~~
 995 ~~this section, the political subdivision or its administrative~~
 996 ~~agency or board of adjustment shall require the owner of the~~
 997 ~~structure or vegetation tree in question to install, operate,~~
 998 ~~and maintain thereon, at his or her own expense, ~~such~~ marking~~
 999 ~~and lighting in conformance with the specific standards~~
 1000 ~~established by the Federal Aviation Administration as may be~~
 1001 ~~necessary to indicate to aircraft pilots the presence of an~~
 1002 ~~obstruction.~~

1003 (b) Such marking and lighting shall conform to the
 1004 specific standards established by rule by the department of
 1005 Transportation.

1006 ~~(c) Existing structures not in compliance on October 1,~~
 1007 ~~1988, shall be required to comply whenever the existing marking~~
 1008 ~~requires refurbishment, whenever the existing lighting requires~~
 1009 ~~replacement, or within 5 years of October 1, 1988, whichever~~
 1010 ~~occurs first.~~

1011 Section 17. Section 333.08, Florida Statutes, is repealed.

1012 Section 18. Section 333.09, Florida Statutes, is amended
 1013 to read:

1014 333.09 Administration of airport zoning regulations.—

1015 (1) ADMINISTRATION.-All airport zoning regulations adopted
 1016 under this chapter shall provide for the administration and
 1017 enforcement of such regulations by the political subdivision or
 1018 its administrative agency ~~an administrative agency which may be~~
 1019 ~~an agency created by such regulations or any official, board, or~~
 1020 ~~other existing agency of the political subdivision adopting the~~
 1021 ~~regulations or of one of the political subdivisions which~~
 1022 ~~participated in the creation of the joint airport zoning board~~
 1023 ~~adopting the regulations, if satisfactory to that political~~
 1024 ~~subdivision, but in no case shall such administrative agency be~~
 1025 ~~or include any member of the board of adjustment.~~ The duties of
 1026 any administrative agency designated pursuant to this chapter
 1027 shall include that of hearing and deciding all permits under s.
 1028 333.07(1), ~~deciding all matters under s. 333.07(3),~~ as they
 1029 pertain to such agency, and all other matters under this chapter
 1030 applying to said agency, ~~but such agency shall not have or~~
 1031 ~~exercise any of the powers herein delegated to the board of~~
 1032 ~~adjustment.~~

1033 (2) LOCAL GOVERNMENT PROCESS.-

1034 (a) A political subdivision required to adopt airport
 1035 zoning regulations under this chapter shall provide a process to:

1036 1. Issue or deny permits consistent with s. 333.07,
 1037 including requests for exceptions to airport zoning regulations.

1038 2. Notify the department of receipt of a complete
 1039 application consistent with s. 333.025(4).

1040 3. Enforce any permit, order, requirement, decision, or

1041 determination made by the administrative agency with respect to
1042 airport zoning regulations.

1043 (b) If a zoning board or permitting body already exists
1044 within a political subdivision, the zoning board or permitting
1045 body may implement the permitting and appeals process. Otherwise,
1046 the political subdivision shall implement the permitting and
1047 appeals process in a manner consistent with its constitutional
1048 powers and areas of jurisdiction.

1049 (3) APPEALS.—

1050 (a) A person or a political subdivision or its
1051 administrative agency or a joint airport zoning board that
1052 contends a decision made by a political subdivision or its
1053 administrative agency is an improper application of airport
1054 zoning regulations, may use the process established for an
1055 appeal.

1056 (b) All appeals taken under this section must be taken
1057 within a reasonable time, as provided by the political
1058 subdivision or its administrative agency, by filing with the
1059 entity from which appeal is taken a notice of appeal specifying
1060 the grounds for appeal.

1061 (c) An appeal shall stay all proceedings in the underlying
1062 action appealed from, unless the entity from which the appeal is
1063 taken certifies pursuant to the rules for appeal that by reason
1064 of the facts stated in the certificate a stay would, in its
1065 opinion, cause imminent peril to life or property. In such cases,
1066 proceedings shall not be stayed except by order of the political

1067 subdivision or its administrative agency on notice to the entity
 1068 from which the appeal is taken and for good cause shown.

1069 (d) The political subdivision or its administrative agency
 1070 shall set a reasonable time for the hearing of appeals, give
 1071 public notice and due notice to the parties in interest, and
 1072 decide the same within a reasonable time. Upon the hearing, any
 1073 party may appear in person, by agent, or by attorney.

1074 (e) The political subdivision or its administrative agency
 1075 may, in conformity with the provisions of this chapter, reverse,
 1076 affirm, or modify the order, requirement, decision, or
 1077 determination from which the appeal is taken.

1078 Section 19. Section 333.10, Florida Statutes, is repealed.

1079 Section 20. Section 333.11, Florida Statutes, is amended
 1080 to read:

1081 333.11 Judicial review.—

1082 (1) Any person, ~~aggrieved, or taxpayer affected, by any~~
 1083 ~~decision of a board of adjustment, or any governing body of a~~
 1084 ~~political subdivision, or the Department of Transportation or~~
 1085 ~~any joint airport zoning board,~~ affected by a decision of a
 1086 political subdivision or its ~~of any~~ administrative agency
 1087 ~~hereunder,~~ may apply for judicial relief to the circuit court in
 1088 the judicial circuit where the political subdivision ~~board of~~
 1089 ~~adjustment~~ is located within 30 days after rendition of the
 1090 decision ~~by the board of adjustment.~~ Review shall be by petition
 1091 for writ of certiorari, which shall be governed by the Florida
 1092 Rules of Appellate Procedure.

1093 ~~(2) Upon presentation of such petition to the court, it~~
 1094 ~~may allow a writ of certiorari, directed to the board of~~
 1095 ~~adjustment, to review such decision of the board. The allowance~~
 1096 ~~of the writ shall not stay the proceedings upon the decision~~
 1097 ~~appealed from, but the court may, on application, on notice to~~
 1098 ~~the board, on due hearing and due cause shown, grant a~~
 1099 ~~restraining order.~~

1100 ~~(3) The board of adjustment shall not be required to~~
 1101 ~~return the original papers acted upon by it, but it shall be~~
 1102 ~~sufficient to return certified or sworn copies thereof or of~~
 1103 ~~such portions thereof as may be called for by the writ. The~~
 1104 ~~return shall concisely set forth such other facts as may be~~
 1105 ~~pertinent and material to show the grounds of the decision~~
 1106 ~~appealed from and shall be verified.~~

1107 (2)~~(4)~~ The court shall have exclusive jurisdiction to
 1108 affirm, modify, or set aside the decision brought up for review,
 1109 ~~in whole or in part,~~ and, if need be, to order further
 1110 proceedings by the political subdivision or its administrative
 1111 agency board of adjustment. The findings of fact by the
 1112 political subdivision or its administrative agency board, if
 1113 supported by substantial evidence, shall be accepted by the
 1114 court as conclusive, and no objection to a decision of the
 1115 political subdivision or its administrative agency board shall
 1116 be considered by the court unless such objection was raised in
 1117 the underlying proceeding ~~shall have been urged before the~~
 1118 ~~board, or, if it was not so urged, unless there were reasonable~~

1119 ~~grounds for failure to do so.~~

1120 (3)~~(5)~~ In any case where ~~in which~~ airport zoning
 1121 regulations adopted under this chapter, ~~although generally~~
 1122 ~~reasonable,~~ are held by a court to interfere with the use and
 1123 enjoyment of a particular structure or parcel of land to such an
 1124 extent, or to be so onerous in their application to such a
 1125 structure or parcel of land, as to constitute a taking or
 1126 deprivation of that property in violation of the State
 1127 Constitution or the Constitution of the United States, such
 1128 holding shall not affect the application of such regulations to
 1129 other structures and parcels of land, or such regulations as are
 1130 not involved in the particular decision.

1131 (4)~~(6)~~ A judicial ~~no~~ appeal to any court may not ~~shall~~ be
 1132 ~~or is~~ permitted under this section, ~~to any courts,~~ until the
 1133 appellant has exhausted all its remedies through application for
 1134 local government permits, exceptions, and appeals as herein
 1135 ~~provided, save and except an appeal from a decision of the board~~
 1136 ~~of adjustment, the appeal herein provided being from such final~~
 1137 ~~decision of such board only, the appellant being hereby required~~
 1138 ~~to exhaust his or her remedies hereunder of application for~~
 1139 ~~permits, exceptions and variances, and appeal to the board of~~
 1140 ~~adjustment, and gaining a determination by said board, before~~
 1141 ~~being permitted to appeal to the court hereunder.~~

1142 Section 21. Section 333.12, Florida Statutes, is amended
 1143 to read:

1144 333.12 Acquisition of air rights. When ~~In any case which:~~

1145 ~~it is desired to remove, lower or otherwise terminate a~~
 1146 nonconforming structure or use presents an air hazard and the
 1147 structure cannot be removed, lowered, or otherwise terminated;
 1148 or the approach protection necessary cannot, because of
 1149 constitutional limitations, be provided by airport regulations
 1150 under this chapter; or it appears advisable that the necessary
 1151 approach protection be provided by acquisition of property
 1152 rights rather than by airport zoning regulations, the political
 1153 subdivision within which the property or nonconforming use is
 1154 located, or the political subdivision owning or operating the
 1155 airport or being served by it, may acquire, by purchase, grant,
 1156 or condemnation in the manner provided by chapter 73, such air
 1157 right, avigation ~~navigation~~ easement, or other estate, portion
 1158 or interest in the property or nonconforming structure or use or
 1159 such interest in the air above such property, vegetation ~~tree~~,
 1160 structure, or use, in question, as may be necessary to
 1161 effectuate the purposes of this chapter, and in so doing, if by
 1162 condemnation, to have the right to take immediate possession of
 1163 the property, interest in property, air right, or other right
 1164 sought to be condemned, at the time, and in the manner and form,
 1165 and as authorized by chapter 74. In the case of the purchase of
 1166 any property, or any ~~or any~~ easement, or estate or interest therein or
 1167 the acquisition of the same by the power of eminent domain the
 1168 political subdivision making such purchase or exercising such
 1169 power shall in addition to the damages for the taking, injury,
 1170 or destruction of property also pay the cost of the removal and

1171 relocation of any structure or any public utility which is
 1172 required to be moved to a new location.

1173 Section 22. Section 333.13, Florida Statutes, is amended
 1174 to read:

1175 333.13 Enforcement and remedies.—

1176 (1) Each violation of this chapter or of any regulations,
 1177 orders, or rulings promulgated or made pursuant to this chapter
 1178 shall constitute a misdemeanor of the second degree, punishable
 1179 as provided in s. 775.082 or s. 775.083, and each day a
 1180 violation continues to exist shall constitute a separate
 1181 offense.

1182 (2) In addition, the political subdivision or agency
 1183 adopting the airport zoning regulations under this chapter may
 1184 institute in any court of competent jurisdiction an action to
 1185 prevent, restrain, correct, or abate any violation of this
 1186 chapter or of airport zoning regulations adopted under this
 1187 chapter or of any order or ruling made in connection with their
 1188 administration or enforcement, and the court shall adjudge to
 1189 the plaintiff such relief, by way of injunction (which may be
 1190 mandatory) or otherwise, as may be proper under all the facts
 1191 and circumstances of the case in order to fully effectuate the
 1192 purposes of this chapter and of the regulations adopted and
 1193 orders and rulings made pursuant thereto.

1194 (3) The department of ~~Transportation~~ may institute a civil
 1195 action for injunctive relief in the appropriate circuit court to
 1196 prevent violation of any provision of this chapter.

1197 Section 23. Section 333.135, Florida Statutes, is created
 1198 to read:

1199 333.135 Transition provisions.—

1200 (1) Any airport zoning regulation in effect on July 1,
 1201 2015, that includes provisions in conflict with this chapter
 1202 shall be amended to conform to the requirements of this chapter
 1203 by July 1, 2016.

1204 (2) Any political subdivision having an airport within its
 1205 territorial limits which has not adopted airport zoning
 1206 regulations, shall, by October 1, 2017, adopt airport zoning
 1207 regulations consistent with the provisions of this chapter.

1208 (3) For those political subdivisions that have not yet
 1209 adopted airport zoning regulations pursuant to this chapter, the
 1210 department shall administer the permitting process as provided in
 1211 s. 333.025.

1212 Section 24. Section 333.14, Florida Statutes, is repealed.

1213 Section 25. Subsections (36) and (37) of section 334.03,
 1214 Florida Statutes, are amended to read:

1215 334.03 Definitions.—When used in the Florida
 1216 Transportation Code, the term:

1217 (36) "511" or "511 services" means all ~~three-digit~~
 1218 ~~telecommunications dialing to access interactive voice response~~
 1219 ~~telephone~~ traveler information services provided in the state,
 1220 including, but not limited to, the terms ~~as~~ defined by the
 1221 Federal Communications Commission in FCC Order No. 00-256, July
 1222 31, 2000.

1223 ~~(37) "Interactive voice response" means a software~~
 1224 ~~application that accepts a combination of voice telephone input~~
 1225 ~~and touch-tone keypad selection and provides appropriate~~
 1226 ~~responses in the form of voice, fax, callback, e-mail, and other~~
 1227 ~~media.~~

1228 Section 26. Subsection (31) of section 334.044, Florida
 1229 Statutes, is amended to read:

1230 334.044 Department; powers and duties.—The department
 1231 shall have the following general powers and duties:

1232 (31) To provide oversight of traveler information systems
 1233 ~~that may include the provision of interactive voice response~~
 1234 ~~telephone systems accessible via the 511 services number~~ as
 1235 assigned by the Federal Communications Commission for traveler
 1236 information services. The department shall ensure that uniform
 1237 standards and criteria for the collection and dissemination of
 1238 traveler information are applied ~~using interactive voice~~
 1239 ~~response systems.~~

1240 Section 27. Section 334.60, Florida Statutes, is amended
 1241 to read:

1242 334.60 511 traveler information system.—The department is
 1243 the state's lead agency for implementing 511 services and is the
 1244 state's point of contact for coordinating all 511 services ~~with~~
 1245 ~~telecommunications service providers.~~ The department shall:

- 1246 (1) Implement and administer 511 services in the state;
- 1247 (2) Coordinate with other transportation authorities in
- 1248 the state to provide multimodal traveler information through 511

1249 services and other means;

1250 (3) Develop uniform standards and criteria for the
 1251 collection and dissemination of traveler information using ~~the~~
 1252 511 services ~~number or other interactive voice response systems;~~
 1253 and

1254 (4) Enter into joint participation agreements or contracts
 1255 with highway authorities and public transit districts to share
 1256 the costs of implementing and administering 511 services in the
 1257 state. The department may also enter into other agreements or
 1258 contracts with private firms relating to the 511 services to
 1259 offset the costs of implementing and administering 511 services
 1260 in the state.

1261
 1262 The department shall adopt rules to administer the coordination
 1263 of 511 traveler information ~~phone~~ services in the state.

1264 Section 28. Subsection (4) of section 338.165, Florida
 1265 Statutes, is amended to read:

1266 338.165 Continuation of tolls.—

1267 (4) Notwithstanding any other law to the contrary,
 1268 pursuant to s. 11, Art. VII of the State Constitution, and
 1269 subject to the requirements of subsection (2), the Department of
 1270 Transportation may request the Division of Bond Finance to issue
 1271 bonds secured by toll revenues collected on the Alligator Alley,
 1272 the Sunshine Skyway Bridge, ~~the Beeline-East Expressway, the~~
 1273 ~~Navarre Bridge,~~ and the Pinellas Bayway to fund transportation
 1274 projects located within the county or counties in which the

1275 project is located and contained in the adopted work program of
 1276 the department.

1277 Section 29. Subsection (5) is added to section 338.227,
 1278 Florida Statutes, to read:

1279 338.227 Turnpike revenue bonds.—

1280 (5) Notwithstanding s. 215.82, bonds issued pursuant to
 1281 this section are not required to be validated pursuant to
 1282 chapter 75, but may be validated at the option of the Division
 1283 of Bond Finance. Any complaint for such validation shall be
 1284 filed in the circuit court of the county where the seat of state
 1285 government is situated; the notice required to be published by
 1286 s. 75.06 shall be published only in the county where the
 1287 complaint is filed; and the complaint and order of the circuit
 1288 court shall be served only on the state attorney of the circuit
 1289 in which the action is pending.

1290 Section 30. Paragraph (c) of subsection (3) of section
 1291 338.231, Florida Statutes, is amended to read:

1292 338.231 Turnpike tolls, fixing; pledge of tolls and other
 1293 revenues.—The department shall at all times fix, adjust, charge,
 1294 and collect such tolls and amounts for the use of the turnpike
 1295 system as are required in order to provide a fund sufficient
 1296 with other revenues of the turnpike system to pay the cost of
 1297 maintaining, improving, repairing, and operating such turnpike
 1298 system; to pay the principal of and interest on all bonds issued
 1299 to finance or refinance any portion of the turnpike system as
 1300 the same become due and payable; and to create reserves for all

1301 such purposes.

1302 (3)

1303 (c) Notwithstanding any other provision of law to the
 1304 contrary, any prepaid toll account of any kind which has
 1305 remained inactive for 10 ~~3~~ years shall be presumed unclaimed and
 1306 its disposition shall be handled by the Department of Financial
 1307 Services in accordance with all applicable provisions of chapter
 1308 717 relating to the disposition of unclaimed property, and the
 1309 prepaid toll account shall be closed by the department.

1310 Section 31. Paragraph (g) of subsection (7) of section
 1311 339.135, Florida Statutes, is amended, and paragraph (h) is
 1312 added to that subsection, to read:

1313 339.135 Work program; legislative budget request;
 1314 definitions; preparation, adoption, execution, and amendment.—

1315 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

1316 (g) Any work program amendment which also requires the
 1317 transfer of fixed capital outlay appropriations between
 1318 categories within the department or the increase of an
 1319 appropriation category is subject to the approval of the
 1320 Legislative Budget Commission. ~~If a meeting of the Legislative
 1321 Budget Commission cannot be held within 30 days of the
 1322 department submitting an amendment to the Legislative Budget
 1323 Commission, then the chair and vice chair of the Legislative
 1324 Budget Commission may authorize such amendment to be approved
 1325 pursuant to the provisions of s. 216.177.~~

1326 (h) Any work program amendment which also adds a new

1327 project, or phase thereof, to the adopted work program in excess
1328 of \$3 million is subject to the approval of the Legislative
1329 Budget Commission. Any work program amendment submitted under
1330 this paragraph must include, as supplemental information, a list
1331 of projects, or phases thereof, in the current 5-year adopted
1332 work program that are eligible for the funds within the
1333 appropriation category being utilized for the proposed
1334 amendment. The department shall provide narrative with the
1335 rationale for not advancing an existing project, or phase
1336 thereof, in lieu of the proposed amendment.

1337 Section 32. (1) If a municipality or county applies
1338 transportation concurrency, it may not require a developer to
1339 pay a fee for the removal of vegetation within the right-of-way
1340 limits of road improvements for which the developer completed or
1341 contributed funding as required for transportation concurrency
1342 for a development project.

1343 (2) This section does not affect the ability of a
1344 municipality or county to require any tree removal permits or
1345 tree removal plans.

1346 (3) As used in this section, the term "fee" does not
1347 include any costs associated with applying for a tree removal
1348 permit or preparing a tree removal plan.

1349 (4) This section does not affect a municipality or
1350 county's ability to establish and enforce landscaping
1351 requirements.

1352 (5) A municipality may, by majority vote of its governing

1353 body, exempt itself from this section.

1354 Section 33. (1) The Office of Economic and Demographic
1355 Research shall evaluate and determine the economic benefits, as
1356 defined in s. 288.005(1), Florida Statutes, of the state's
1357 investment in the Department of Transportation's adopted work
1358 program developed in accordance with s. 339.135(5) for fiscal
1359 year 2015-2016, including the following 4 fiscal years. At a
1360 minimum, a separate return on investment shall be projected for
1361 each of the following areas:

1362 (a) Roads and highways.

1363 (b) Rails.

1364 (c) Public transit.

1365 (d) Aviation.

1366 (e) Seaports.

1367
1368 The analysis is limited to the funding anticipated by the
1369 adopted work program, but may address the continuing economic
1370 impact for those transportation projects in the 5 years beyond
1371 the conclusion of the adopted work program. The analysis must
1372 also evaluate the number of jobs created, the increase or
1373 decrease in personal income, and the impact on gross domestic
1374 product from the direct, indirect, and induced effects on the
1375 state's investment in each area.

1376 (2) The Department of Transportation and each of its
1377 district offices shall provide the Office of Economic and
1378 Demographic Research full access to all data necessary to

1379 complete the analysis, including any confidential data.

1380 (3) The Office of Economic and Demographic Research shall
1381 submit the analysis to the President of the Senate and the
1382 Speaker of the House of Representatives by January 1, 2016.

1383 Section 34. Subsection (2) of section 215.82, Florida
1384 Statutes, is amended to read:

1385 215.82 Validation; when required.—

1386 (2) Any bonds issued pursuant to this act which are
1387 validated shall be validated in the manner provided by chapter
1388 75. In actions to validate bonds to be issued in the name of the
1389 State Board of Education under s. 9(a) and (d), Art. XII of the
1390 State Constitution and bonds to be issued pursuant to chapter
1391 259, the Land Conservation Act of 1972, the complaint shall be
1392 filed in the circuit court of the county where the seat of state
1393 government is situated, the notice required to be published by
1394 s. 75.06 shall be published only in the county where the
1395 complaint is filed, and the complaint and order of the circuit
1396 court shall be served only on the state attorney of the circuit
1397 in which the action is pending. In any action to validate bonds
1398 issued pursuant to s. 1010.62 or issued pursuant to s. 9(a)(1),
1399 Art. XII of the State Constitution or issued pursuant to s.
1400 215.605 ~~or s. 338.227~~, the complaint shall be filed in the
1401 circuit court of the county where the seat of state government
1402 is situated, the notice required to be published by s. 75.06
1403 shall be published in a newspaper of general circulation in the
1404 county where the complaint is filed and in two other newspapers

1405 of general circulation in the state, and the complaint and order
 1406 of the circuit court shall be served only on the state attorney
 1407 of the circuit in which the action is pending; provided,
 1408 however, that if publication of notice pursuant to this section
 1409 would require publication in more newspapers than would
 1410 publication pursuant to s. 75.06, such publication shall be made
 1411 pursuant to s. 75.06.

1412 Section 35. For the purpose of incorporating the amendment
 1413 made by this act to section 333.01, Florida Statutes, in a
 1414 reference thereto, subsection (6) of section 350.81, Florida
 1415 Statutes, is reenacted to read:

1416 350.81 Communications services offered by governmental
 1417 entities.—

1418 (6) To ensure the safe and secure transportation of
 1419 passengers and freight through an airport facility, as defined
 1420 in s. 159.27(17), an airport authority or other governmental
 1421 entity that provides or is proposing to provide communications
 1422 services only within the boundaries of its airport layout plan,
 1423 as defined in s. 333.01(6), to subscribers which are integral
 1424 and essential to the safe and secure transportation of
 1425 passengers and freight through the airport facility, is exempt
 1426 from this section. An airport authority or other governmental
 1427 entity that provides or is proposing to provide shared-tenant
 1428 service under s. 364.339, but not dial tone enabling subscribers
 1429 to complete calls outside the airport layout plan, to one or
 1430 more subscribers within its airport layout plan which are not

1431 integral and essential to the safe and secure transportation of
1432 passengers and freight through the airport facility is exempt
1433 from this section. An airport authority or other governmental
1434 entity that provides or is proposing to provide communications
1435 services to one or more subscribers within its airport layout
1436 plan which are not integral and essential to the safe and secure
1437 transportation of passengers and freight through the airport
1438 facility, or to one or more subscribers outside its airport
1439 layout plan, is not exempt from this section. By way of example
1440 and not limitation, the integral, essential subscribers may
1441 include airlines and emergency service entities, and the
1442 nonintegral, nonessential subscribers may include retail shops,
1443 restaurants, hotels, or rental car companies.

1444 Section 36. This act shall take effect July 1, 2015.