

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 to provide certain processes
 60 for permits with respect to airport zoning
 61 regulations; providing for appeal of decisions made in
 62 the administration of such regulations; repealing s.
 63 333.10, F.S., relating to boards of adjustment;
 64 amending s. 333.11, F.S.; revising provisions for
 65 judicial review; amending s. 333.12, F.S.; revising
 66 provisions for acquisition of air rights by political
 67 subdivision; amending s. 333.13, F.S.; revising
 68 provisions for enforcement and remedies for
 69 violations; creating s. 333.135, F.S.; providing a
 70 period for political subdivisions to conform airport
 71 ordinances with changes made by the act; providing a
 72 period for political subdivisions to adopt airport
 73 zoning regulations; directing the department to
 74 administer specified permitting process for certain
 75 local governments; repealing s. 333.14, F.S., relating
 76 to a short title; amending s. 334.03, F.S.; revising
 77 the definition of "511" or "511 service" used in the
 78 Florida Transportation Code; removing the definition

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

105 the act; providing an effective date.

106

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

108

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

112 20.23 Department of Transportation.—There is created a
 113 Department of Transportation which shall be a decentralized
 114 agency.

115 (3)

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

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

125 (4)

126 ~~(d) The district director for the Fort Myers Urban Office~~
 127 ~~of the Department of Transportation is responsible for~~
 128 ~~developing the 5-year Transportation Plan for Charlotte,~~
 129 ~~Collier, DeSoto, Glades, Hendry, and Lee Counties. The Fort~~
 130 ~~Myers Urban Office also is responsible for providing policy,~~

131 ~~direction, local government coordination, and planning for those~~
 132 ~~counties.~~

133 (d)~~(e)~~1. The responsibility for the turnpike system shall
 134 be delegated by the secretary to the executive director of the
 135 turnpike enterprise, who shall serve at the pleasure of the
 136 secretary. The executive director shall report directly to the
 137 secretary, and the turnpike enterprise shall operate pursuant to
 138 ss. 338.22-338.241.

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

147 (e)~~(f)~~1. The responsibility for developing and operating
 148 the high-speed and passenger rail systems established in chapter
 149 341, directing funding for passenger rail systems under s.
 150 341.303, and coordinating publicly funded passenger rail
 151 operations in the state, including freight rail interoperability
 152 issues, shall be delegated by the secretary to the executive
 153 director of the rail enterprise, who shall serve at the pleasure
 154 of the secretary. The executive director shall report directly
 155 to the secretary, and the rail enterprise shall operate pursuant
 156 to ss. 341.8201-341.842.

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

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

167 311.07 Florida seaport transportation and economic
 168 development funding.—

169 (2) A minimum of \$25 ~~\$15~~ million per year shall be made
 170 available from the State Transportation Trust Fund to fund the
 171 Florida Seaport Transportation and Economic Development Program.
 172 The Florida Seaport Transportation and Economic Development
 173 Council created in s. 311.09 shall develop guidelines for
 174 project funding. Council staff, the Department of
 175 Transportation, and the Department of Economic Opportunity shall
 176 work in cooperation to review projects and allocate funds in
 177 accordance with the schedule required for the Department of
 178 Transportation to include these projects in the tentative work
 179 program developed pursuant to s. 339.135(4).

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

182 311.09 Florida Seaport Transportation and Economic

183 Development Council.—

184 (9) The Department of Transportation shall include no less

185 than \$25 ~~\$15~~ million per year in its annual legislative budget

186 request for the Florida Seaport Transportation and Economic

187 Development Program funded under s. 311.07. Such budget shall

188 include funding for projects approved by the council which have

189 been determined by each agency to be consistent. The Department

190 of Transportation shall include the specific approved Florida

191 Seaport Transportation and Economic Development Program projects

192 to be funded under s. 311.07 during the ensuing fiscal year in

193 the tentative work program developed pursuant to s. 339.135(4).

194 The total amount of funding to be allocated to Florida Seaport

195 Transportation and Economic Development Program projects under

196 s. 311.07 during the successive 4 fiscal years shall also be

197 included in the tentative work program developed pursuant to s.

198 339.135(4). The council may submit to the Department of

199 Transportation a list of approved projects that could be made

200 production-ready within the next 2 years. The list shall be

201 submitted by the Department of Transportation as part of the

202 needs and project list prepared pursuant to s. 339.135(2)(b).

203 However, the Department of Transportation shall, upon written

204 request of the Florida Seaport Transportation and Economic

205 Development Council, submit work program amendments pursuant to

206 s. 339.135(7) to the Governor within 10 days after the later of

207 the date the request is received by the Department of

208 Transportation or the effective date of the amendment,

209 termination, or closure of the applicable funding agreement
 210 between the Department of Transportation and the affected
 211 seaport, as required to release the funds from the existing
 212 commitment. Notwithstanding s. 339.135(7)(c), any work program
 213 amendment to transfer prior year funds from one approved seaport
 214 project to another seaport project is subject to the procedures
 215 in s. 339.135(7)(d). Notwithstanding any provision of law to the
 216 contrary, the Department of Transportation may transfer
 217 unexpended budget between the seaport projects as identified in
 218 the approved work program amendments.

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

222 316.003 Definitions.—The following words and phrases, when
 223 used in this chapter, shall have the meanings respectively
 224 ascribed to them in this section, except where the context
 225 otherwise requires:

226 (6) CROSSWALK.—

227 (a) "Marked crosswalk" means pavement marking lines on the
 228 roadway surface, which may include contrasting pavement texture,
 229 style, or colored portions of the roadway, at an intersection
 230 which is used by pedestrians for crossing the roadway. ~~That part~~
 231 ~~of a roadway at an intersection included within the connections~~
 232 ~~of the lateral lines of the sidewalks on opposite sides of the~~
 233 ~~highway, measured from the curbs or, in the absence of curbs,~~
 234 ~~from the edges of the traversable roadway.~~

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

243 (c) "Unmarked crosswalk" means a portion of the roadway at
 244 an intersection which is used by pedestrians for crossing the
 245 roadway and is not marked by pavement marking lines on the
 246 roadway surface.

247 (47) SIDEWALK.—That portion of a street between the
 248 curbline, or the lateral line, of a roadway and the adjacent
 249 property lines, intended for use by pedestrians, adjacent to the
 250 roadway between the curb or edge of the roadway and the property
 251 line.

252 (94) PORT-OF-ENTRY.—A designated location that allows
 253 drivers of commercial motor vehicles to purchase temporary
 254 registration permits necessary to operate legally within the
 255 state. The locations and the designated routes to such locations
 256 shall be determined by the Department of Transportation.

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

259 316.081 Driving on right side of roadway; exceptions.—

260 (2) Upon all roadways, any vehicle proceeding at less than

261 the normal speed of traffic based on existing ~~at the time and~~
 262 ~~place and under the~~ conditions ~~then existing~~ shall be driven in
 263 the right-hand lane then available for traffic or, if no lane is
 264 marked for traffic, as close as is safe and reasonable
 265 ~~practicable~~ to the right-hand curb or edge of the roadway except
 266 when overtaking and passing another vehicle proceeding in the
 267 same direction or when preparing for a left turn at an
 268 intersection or into a private road or driveway.

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

271 316.130 Pedestrians; traffic regulations.—

272 (7)

273 (b) The driver of a vehicle at any crosswalk location
 274 where the approach is not controlled by a traffic signal or stop
 275 sign signage so indicates shall stop and remain stopped to allow
 276 a pedestrian to cross a roadway when the pedestrian is in the
 277 crosswalk or steps into the crosswalk and is upon the half of
 278 the roadway upon which the vehicle is traveling or turning, or
 279 when the pedestrian is approaching so closely from the opposite
 280 half of the roadway as to be in danger. Any pedestrian crossing
 281 a roadway at a point where a pedestrian tunnel or overhead
 282 pedestrian crossing has been provided shall yield the right-of-
 283 way to all vehicles upon the roadway.

284 ~~(c) When traffic control signals are not in place or in~~
 285 ~~operation and there is no signage indicating otherwise, the~~
 286 ~~driver of a vehicle shall yield the right-of-way, slowing down~~

287 ~~or stopping if need be to so yield, to a pedestrian crossing the~~
 288 ~~roadway within a crosswalk when the pedestrian is upon the half~~
 289 ~~of the roadway upon which the vehicle is traveling or when the~~
 290 ~~pedestrian is approaching so closely from the opposite half of~~
 291 ~~the roadway as to be in danger. Any pedestrian crossing a~~
 292 ~~roadway at a point where a pedestrian tunnel or overhead~~
 293 ~~pedestrian crossing has been provided shall yield the right of~~
 294 ~~way to all vehicles upon the roadway.~~

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

297 316.2065 Bicycle regulations.—

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

305 1. When overtaking and passing another bicycle or vehicle
 306 proceeding in the same direction.

307 2. When preparing for a left turn at an intersection or
 308 into a private road or driveway.

309 3. When reasonably necessary to avoid any condition or
 310 potential conflict, including, but not limited to, a fixed or
 311 moving object, parked or moving vehicle, bicycle, pedestrian,
 312 animal, surface hazard, or ~~turn lane, or substandard-width lane,~~

313 ~~which makes it unsafe to continue along the right hand curb or~~
 314 ~~edge or within a bicycle lane. For the purposes of this~~
 315 ~~subsection, a "substandard-width lane" is a lane that is too~~
 316 ~~narrow for a bicycle and another vehicle to travel safely side~~
 317 ~~by side within the lane.~~

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

322 Section 8. Paragraph (b) of subsection (2) of section
 323 316.545, Florida Statutes, is amended to read:

324 316.545 Weight and load unlawful; special fuel and motor
 325 fuel tax enforcement; inspection; penalty; review.—

326 (2)

327 (b) The officer or inspector shall inspect the license
 328 plate or registration certificate of the commercial vehicle, ~~as~~
 329 ~~defined in s. 316.003(66),~~ to determine if its gross weight is
 330 in compliance with the declared gross vehicle weight. If its
 331 gross weight exceeds the declared weight, the penalty shall be 5
 332 cents per pound on the difference between such weights. In those
 333 cases when the commercial vehicle, as defined in s. 316.003(66),
 334 is being operated over the highways of the state with an expired
 335 registration or with no registration from this or any other
 336 jurisdiction or is not registered under the applicable
 337 provisions of chapter 320, the penalty herein shall apply on the
 338 basis of 5 cents per pound on that scaled weight which exceeds

339 35,000 pounds on laden truck tractor-semitrailer combinations or
 340 tandem trailer truck combinations, 10,000 pounds on laden
 341 straight trucks or straight truck-trailer combinations, or
 342 10,000 pounds on any unladen commercial motor vehicle.
 343 Commercial motor vehicles entering the state at designated port-
 344 of-entry locations or operating on designated routes to a port-
 345 of-entry location, which obtain temporary registration permits,
 346 shall be assessed a penalty limited to the difference between
 347 its gross weight and the declared gross vehicle weight at 5
 348 cents per pound. If the license plate or registration has not
 349 been expired for more than 90 days, the penalty imposed under
 350 this paragraph may not exceed \$1,000. In the case of special
 351 mobile equipment ~~as defined in s. 316.003(48)~~, which qualifies
 352 for the license tax provided for in s. 320.08(5)(b), being
 353 operated on the highways of the state with an expired
 354 registration or otherwise not properly registered under the
 355 applicable provisions of chapter 320, a penalty of \$75 shall
 356 apply in addition to any other penalty which may apply in
 357 accordance with this chapter. A vehicle found in violation of
 358 this section may be detained until the owner or operator
 359 produces evidence that the vehicle has been properly registered.
 360 Any costs incurred by the retention of the vehicle shall be the
 361 sole responsibility of the owner. A person who has been assessed
 362 a penalty pursuant to this paragraph for failure to have a valid
 363 vehicle registration certificate pursuant to the provisions of
 364 chapter 320 is not subject to the delinquent fee authorized in

365 s. 320.07 if such person obtains a valid registration
 366 certificate within 10 working days after such penalty was
 367 assessed.

368 Section 9. Section 333.01, Florida Statutes, is amended to
 369 read:

370 333.01 Definitions.—For the purpose of this chapter, the
 371 ~~term following words, terms, and phrases shall have the meanings~~
 372 ~~herein given, unless otherwise specifically defined, or unless~~
 373 ~~another intention clearly appears, or the context otherwise~~
 374 ~~requires:~~

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

380 ~~(1) "Aeronautics" means transportation by aircraft; the~~
 381 ~~operation, construction, repair, or maintenance of aircraft,~~
 382 ~~aircraft power plants and accessories, including the repair,~~
 383 ~~packing, and maintenance of parachutes; the design,~~
 384 ~~establishment, construction, extension, operation, improvement,~~
 385 ~~repair, or maintenance of airports, restricted landing areas, or~~
 386 ~~other air navigation facilities, and air instruction.~~

387 (2) "Airport" means any area of land or water designed and
 388 set aside for the landing and taking off of aircraft and
 389 utilized or to be utilized in the interest of the public for
 390 such purpose.

391 (3) "Airport hazard" means any obstruction that exceeds
 392 ~~structure or tree or use of land which would exceed~~ the federal
 393 obstruction standards as contained in 14 C.F.R. ss. 77.15,
 394 77.17, 77.19, 77.21, and 77.23, ~~77.25, 77.28, and 77.29~~ and that
 395 ~~which~~ obstructs the airspace required for the flight of aircraft
 396 in taking off, maneuvering, or landing or is otherwise hazardous
 397 to such taking off, maneuvering, or landing of aircraft and for
 398 which no person has previously obtained a permit ~~or variance~~
 399 pursuant to s. 333.025 or s. 333.07.

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

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

410 (6) "Airport layout plan" means a scaled detailed, scale
 411 engineering drawing, or set of drawings, in either paper or
 412 electronic form, of existing, including pertinent dimensions, of
 413 ~~an airport's current~~ and planned airport facilities which
 414 provides a graphic representation of the existing and long-term
 415 development plan for the airport and demonstrates the
 416 preservation and continuity of safety, utility, and efficiency

417 of the airport, their locations, and runway usage.

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

421 (8) "Department" means the Department of Transportation as
 422 created under s. 20.23.

423 (9) "Educational facility" means any structure, land, or
 424 use thereof that includes a public or private kindergarten
 425 through 12th grade school, charter school, magnet school,
 426 community college campus, college campus, or university campus.
 427 For the purpose of this chapter, the term "educational facility"
 428 does not include space used for educational purposes within a
 429 multitenant building.

430 (10) "Landfill" has the same meaning as provided in s.
 431 403.703.

432 (11)-(7)- "Obstruction" means any object of natural growth
 433 or terrain, or permanent or temporary construction or
 434 alteration, including equipment or materials used and any
 435 permanent or temporary apparatus, or alteration of any permanent
 436 or temporary existing structure by a change in its height,
 437 including appurtenances, or lateral dimensions, including
 438 equipment or material used therein, existing or proposed, which
 439 ~~manmade object or object of natural growth or terrain that~~
 440 violates the standards contained in 14 C.F.R. ss. 77.15, 77.17,
 441 77.19, 77.21, and 77.23, 77.25, 77.28, and 77.29.

442 (12)-(8)- "Person" means any individual, firm,

443 copartnership, corporation, company, association, joint-stock
 444 association, or body politic, and includes any trustee,
 445 receiver, assignee, or other similar representative thereof.

446 (13)~~(9)~~ "Political subdivision" means any county, city,
 447 town, village, or other subdivision or agency of the state
 448 ~~thereof~~, or any district or special district, port commission,
 449 port authority, or other such agency authorized to establish or
 450 operate airports in the state.

451 (14) "Public-use airport" means an airport, licensed by
 452 the state, which is open for use by the public.

453 (15)~~(10)~~ "Runway protection clear zone" means an area at
 454 ground level beyond the runway end to enhance the safety and
 455 protection of people and property on the ground ~~a runway clear~~
 456 ~~zone as defined in 14 C.F.R. s. 151.9(b).~~

457 (16)~~(11)~~ "Structure" means any object, constructed,
 458 erected, altered, or installed ~~by humans~~, including, but without
 459 limitation thereof, buildings, towers, smokestacks, utility
 460 poles, power generation equipment, and overhead transmission
 461 lines.

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

463 (17) "Substantial modification" means any repair,
 464 reconstruction, rehabilitation, or improvement of a structure
 465 when the actual cost of the repair, reconstruction,
 466 rehabilitation, or improvement of the structure equals or
 467 exceeds 50 percent of the market value of the structure.

468 Section 10. Section 333.025, Florida Statutes, is amended

469 to read:

470 333.025 Permit required for structures exceeding federal
471 obstruction standards.-

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

489 (2) Existing, planned, and proposed ~~Affected airports will~~
490 ~~be considered as having these facilities on public-use airports~~
491 contained in an ~~which are shown on the~~ airport master plan, on
492 ~~or~~ an airport layout plan submitted to the Federal Aviation
493 Administration Airport District Office, or in comparable
494 military documents, ~~and will be so~~ protected from the structures

495 that exceed federal obstruction standards. ~~Planned or proposed~~
 496 ~~public-use airports which are the subject of a notice or~~
 497 ~~proposal submitted to the Federal Aviation Administration or to~~
 498 ~~the Department of Transportation shall also be protected.~~

499 (3) Permit requirements of subsection (1) shall not apply
 500 to structures ~~projects~~ which received construction permits from
 501 the Federal Communications Commission for structures exceeding
 502 federal obstruction standards prior to May 20, 1975, ~~provided~~
 503 ~~such structures now exist;~~ nor shall such requirements ~~it~~ apply
 504 to previously approved structures now existing, or any necessary
 505 replacement or repairs to such existing structures, so long as
 506 the height and location is unchanged.

507 (4) When political subdivisions have adopted adequate
 508 airport airspace protection zoning regulations in compliance
 509 with s. 333.03, ~~and such regulations are on file with the~~
 510 ~~department of Transportation,~~ and have established a permitting
 511 process in compliance with s. 333.09(2), a permit for such
 512 structure shall not be required from the department ~~of~~
 513 ~~Transportation.~~ To evaluate technical consistency with this
 514 section there is a 15-day department review period concurrent
 515 with the permitting process prescribed by s. 333.09. Upon
 516 receipt of a complete permit application, the local government
 517 shall forward a copy of the application to the department by
 518 certified mail, return receipt requested, or by delivery service
 519 that provides a receipt evidencing delivery. Cranes,
 520 construction equipment, and other temporary structures in use or

521 in place for a period not to exceed 18 consecutive months are
 522 exempt from department review, unless such review is requested
 523 by the department.

524 (5) The department ~~of Transportation~~ shall, within 30 days
 525 after ~~of~~ the receipt of an application for a permit, issue or
 526 deny a permit for the construction or erection, alteration, ~~or~~
 527 ~~modification~~ of any structure ~~the result of~~ which would exceed
 528 federal obstruction standards as contained in 14 C.F.R. ss.
 529 77.15, 77.17, 77.19, 77.21, and 77.23, ~~77.25, 77.28, and 77.29~~.
 530 The department shall review permit applications in conformity
 531 with s. 120.60.

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

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

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

536 (c) ~~(a)~~ The nature of the terrain and height of existing
 537 structures.

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

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

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

545 (f) ~~(d)~~ Federal airways, visual flight rules, flyways and
 546 corridors, and instrument approaches as designated by the Federal

547 Aviation Administration.

548 ~~(g)(e)~~ Whether the construction of the proposed structure
 549 would cause an increase in the minimum descent altitude or the
 550 decision height at the affected airport.

551 ~~(f) Technological advances.~~

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

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

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

555 ~~(h)(j)~~ The cumulative effects on navigable airspace of all
 556 existing structures, ~~proposed structures identified in the~~
 557 ~~applicable jurisdictions' comprehensive plans,~~ and all other
 558 known proposed structures in the area.

559 (7) When issuing a permit under this section, the
 560 department ~~of Transportation~~ shall, ~~as a specific condition of~~
 561 ~~such permit,~~ require the owner ~~obstruction marking and lighting~~
 562 of the permitted structure or vegetation to install, operate,
 563 and maintain thereon, at his or her own expense, marking and
 564 lighting in conformance with the specific standards established
 565 by the Federal Aviation Administration as provided in s.
 566 ~~333.07(3)(b).~~

567 (8) The department ~~of Transportation~~ shall not approve a
 568 permit for the erection of a structure unless the applicant
 569 submits both documentation showing compliance with the federal
 570 requirement for notification of proposed construction and a
 571 valid aeronautical study evaluation, and a ~~no~~ permit may not
 572 ~~shall~~ be approved solely on the basis that such proposed

573 structure will not exceed federal obstruction standards as
 574 contained in 14 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, or 77.23,
 575 ~~77.25, 77.28, or 77.29,~~ or any other federal aviation
 576 regulation.

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

579 Section 11. Section 333.03, Florida Statutes, is amended
 580 to read:

581 333.03 Requirement ~~Power~~ to adopt airport zoning
 582 regulations.-

583 (1) (a) ~~In order to prevent the creation or establishment~~
 584 ~~of airport hazards,~~ Every political subdivision having an
 585 airport hazard area within its territorial limits shall, ~~by~~
 586 ~~October 1, 1977,~~ adopt, administer, and enforce, ~~under the~~
 587 ~~police power and~~ in the manner and upon the conditions
 588 ~~hereinafter~~ prescribed in this section, airport protection
 589 zoning regulations for such airport hazards ~~hazard area.~~

590 (b) Where an airport is owned or controlled by a political
 591 subdivision and an ~~any~~ airport hazard area ~~appertaining to such~~
 592 ~~airport~~ is located wholly or partly outside the territorial
 593 limits of the ~~said~~ political subdivision, the political
 594 subdivision owning or controlling the airport and any ~~the~~
 595 political subdivision within which the airport hazard area is
 596 located, shall either:

597 1. By interlocal agreement, ~~in accordance with the~~
 598 ~~provisions of chapter 163,~~ adopt, administer, and enforce a set

599 | of airport protection zoning regulations applicable to the
 600 | airport hazard area ~~in question~~; or

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

614 | (c) Airport protection zoning regulations adopted under
 615 | paragraph (a) shall, as a minimum, require:

616 | 1. A permit ~~variance~~ for the erection, construction, or
 617 | alteration, ~~or modification~~ of any structure which would cause
 618 | the structure to exceed the federal obstruction standards as
 619 | contained in 14 C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and
 620 | ~~77.23, 77.25, 77.28, and 77.29~~;

621 | 2. Obstruction marking and lighting for structures
 622 | exceeding the federal obstruction standards as contained in 14
 623 | C.F.R. ss. 77.15, 77.17, 77.19, 77.21, and 77.23, as specified
 624 | in s. 333.07(3);

625 3. Documentation showing compliance with the federal
 626 requirement for notification of proposed construction or
 627 alteration and a valid aeronautical study ~~evaluation~~ submitted
 628 by each person applying for a permit ~~variance~~;

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

631 5. That no permit ~~variance~~ shall be approved solely on the
 632 basis that such proposed structure will not exceed federal
 633 obstruction standards as contained in 14 C.F.R. ss. 77.15,
 634 77.17, 77.19, 77.21, and 77.23, ~~77.25, 77.28, or 77.29,~~ or any
 635 other federal aviation regulation.

636 (d) The department is available to provide assistance to
 637 political subdivisions with regard to federal obstruction
 638 standards ~~shall issue copies of the federal obstruction~~
 639 ~~standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25,~~
 640 ~~77.28, and 77.29 to each political subdivision having airport~~
 641 ~~hazard areas and, in cooperation with political subdivisions,~~
 642 ~~shall issue appropriate airport zoning maps depicting within~~
 643 ~~each county the maximum allowable height of any structure or~~
 644 ~~tree. Material distributed pursuant to this subsection shall be~~
 645 ~~at no cost to authorized recipients.~~

646 (2) In the manner provided in subsection (1), ~~interim~~
 647 airport land use compatibility zoning regulations shall be
 648 adopted. Airport land use compatibility zoning ~~When political~~
 649 ~~subdivisions have adopted land development regulations shall, at~~
 650 a minimum, ~~in accordance with the provisions of chapter 163~~

651 ~~which address the use of land in the manner consistent with the~~
 652 ~~provisions herein, adoption of airport land use compatibility~~
 653 ~~regulations pursuant to this subsection shall not be required.~~
 654 ~~Interim airport land use compatibility zoning regulations shall~~
 655 ~~consider the following:~~

656 (a) Prohibiting any new and restricting any existing
 657 landfills ~~Whether sanitary landfills are located~~ within the
 658 following areas:

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

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

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

668 (b) Where ~~Whether~~ any landfill is located and constructed
 669 so that it attracts or sustains hazardous bird movements from
 670 feeding, water, or roosting areas into, or across, the runways
 671 or approach and departure patterns of aircraft. The landfill
 672 operator must be required to ~~political subdivision shall request~~
 673 ~~from the airport authority or other governing body operating the~~
 674 ~~airport a report on such bird feeding or roosting areas that at~~
 675 ~~the time of the request are known to the airport. In preparing~~
 676 ~~its report, the authority, or other governing body, shall~~

677 ~~consider whether the landfill will~~ incorporate bird management
678 techniques or other practices to minimize bird hazards to
679 airborne aircraft. ~~The airport authority or other governing body~~
680 ~~shall respond to the political subdivision no later than 30 days~~
681 ~~after receipt of such request.~~

682 (c) Where an airport authority or other governing body
683 operating a ~~publicly owned,~~ public-use airport has conducted a
684 noise study in accordance with the provisions of 14 C.F.R. part
685 150, or where the public-use airport owner has established noise
686 contours pursuant to another public study approved by the Federal
687 Aviation Administration, incompatible uses, as established in
688 Appendix A of the part 150 noise study or as a part of an
689 alternative Federal Aviation Administration-approved public
690 study, shall not be permitted within the noise contours
691 established by that study, except where such use is specifically
692 contemplated by such study with appropriate mitigation or similar
693 techniques described in the study ~~neither residential~~
694 ~~construction nor any educational facility as defined in chapter~~
695 ~~1013, with the exception of aviation school facilities, shall be~~
696 ~~permitted within the area contiguous to the airport defined by~~
697 ~~an outer noise contour that is considered incompatible with that~~
698 ~~type of construction by 14 C.F.R. part 150, Appendix A or an~~
699 ~~equivalent noise level as established by other types of noise~~
700 ~~studies.~~

701 (d) Where an airport authority or other governing body
702 operating a ~~publicly owned,~~ public-use airport has not conducted

703 a noise study, neither residential construction nor any
 704 educational facility ~~as defined in chapter 1013~~, with the
 705 exception of aviation school facilities, shall be permitted
 706 within an area contiguous to the airport measuring one-half the
 707 length of the longest runway on either side of and at the end of
 708 each runway centerline.

709 (3) In the manner provided in subsection (1), airport
 710 zoning regulations that shall be adopted which restrict new
 711 incompatible uses, ~~activities,~~ or substantial modifications to
 712 existing incompatible uses ~~construction~~ within runway protection
 713 clear zones shall be adopted, ~~including uses, activities, or~~
 714 ~~construction in runway clear zones which are incompatible with~~
 715 ~~normal airport operations or endanger public health, safety, and~~
 716 ~~welfare by resulting in congregations of people, emissions of~~
 717 ~~light or smoke, or attraction of birds.~~ Such regulations shall
 718 ~~prohibit the construction of an educational facility of a public~~
 719 ~~or private school at either end of a runway of a publicly owned,~~
 720 ~~public use airport within an area which extends 5 miles in a~~
 721 ~~direct line along the centerline of the runway, and which has a~~
 722 ~~width measuring one half the length of the runway. Exceptions~~
 723 ~~approving construction of an educational facility within the~~
 724 ~~delineated area shall only be granted when the political~~
 725 ~~subdivision administering the zoning regulations makes specific~~
 726 ~~findings detailing how the public policy reasons for allowing~~
 727 ~~the construction outweigh health and safety concerns prohibiting~~
 728 ~~such a location.~~

729 ~~(4) The procedures outlined in subsections (1), (2), and~~
 730 ~~(3) for the adoption of such regulations are supplemental to any~~
 731 ~~existing procedures utilized by political subdivisions in the~~
 732 ~~adoption of such regulations.~~

733 (4)~~(5)~~ The department of ~~Transportation~~ shall provide
 734 technical assistance to any political subdivision requesting
 735 assistance in the preparation of an airport zoning regulation
 736 ~~code~~. A copy of all local airport zoning codes, rules, and
 737 regulations, and amendments and proposed and granted permits
 738 ~~variances thereto~~, shall be filed with the department. All
 739 updates and amendments to local airport zoning codes, rules, and
 740 regulations shall be filed with the department within 30 days
 741 after adoption.

742 (5)~~(6)~~ Nothing in subsection (2) or subsection (3) shall
 743 be construed to require the removal, alteration, sound
 744 conditioning, or other change, or to interfere with the
 745 continued use or adjacent expansion of any educational structure
 746 or site in existence on July 1, 1993, ~~or be construed to~~
 747 ~~prohibit the construction of any new structure for which a site~~
 748 ~~has been determined as provided in former s. 235.19, as of July~~
 749 ~~1, 1993.~~

750 (6) This section does not preclude an airport authority,
 751 political subdivision or its administrative agency, or other
 752 governing body operating a public-use airport from establishing
 753 airport protection zoning regulations more restrictive than
 754 prescribed in this section in order to protect the safety and

755 welfare of the public in the air and on the ground.

756 Section 12. Section 333.04, Florida Statutes, is amended
757 to read:

758 333.04 Comprehensive zoning regulations; most stringent to
759 prevail where conflicts occur.—

760 (1) INCORPORATION.—In the event that a political
761 subdivision has adopted, or hereafter adopts, a comprehensive
762 plan or policy ~~zoning ordinance~~ regulating, among other things,
763 the height of buildings, structures, and natural objects, and
764 uses of property, any airport protection zoning regulations
765 applicable to the same area or portion thereof may be
766 incorporated in and made a part of such comprehensive plans or
767 policies ~~zoning regulations~~, and be administered and enforced in
768 connection therewith.

769 (2) CONFLICT.—In the event of conflict between any airport
770 zoning regulations adopted under this chapter and any other
771 regulations applicable to the same area, whether the conflict be
772 with respect to the height of structures or vegetation ~~trees~~,
773 the use of land, or any other matter, and whether such
774 regulations were adopted by the political subdivision which
775 adopted the airport protection zoning regulations or by some
776 other political subdivision, the more stringent limitation or
777 requirement shall govern and prevail.

778 Section 13. Section 333.05, Florida Statutes, is amended
779 to read:

780 333.05 Procedure for adoption of zoning regulations.—

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

794 (2) AIRPORT ZONING COMMISSION.—Before ~~Prior to~~ the initial
 795 zoning of any airport area under this chapter the political
 796 subdivision or joint airport zoning board which is to adopt,
 797 administer, and enforce the regulations shall appoint a
 798 commission, to be known as the airport zoning commission, to
 799 recommend the boundaries of the various zones to be established
 800 and the regulations to be adopted therefor. Such commission
 801 shall make a preliminary report and hold public hearings thereon
 802 before submitting its final report, and the legislative body of
 803 the political subdivision or the joint airport zoning board
 804 shall not hold its public hearings or take any action until it
 805 has received the final report of such commission, and at least
 806 15 days shall elapse between the receipt of the final report of

807 | the commission and the hearing to be held by the latter board.
 808 | Where a planning ~~city plan~~ commission, airport commission, or
 809 | comprehensive zoning commission already exists, it may be
 810 | appointed as the airport zoning commission.

811 | Section 14. Section 333.06, Florida Statutes, is amended
 812 | to read:

813 | 333.06 Airport zoning requirements.—

814 | (1) REASONABLENESS.—All airport zoning regulations adopted
 815 | under this chapter shall be reasonable and ~~none~~ shall not impose
 816 | any requirement or restriction which is not reasonably necessary
 817 | to effectuate the purposes of this chapter. In determining what
 818 | regulations it may adopt, each political subdivision and joint
 819 | airport zoning board shall consider, among other things, the
 820 | character of the flying operations expected to be conducted at
 821 | the airport, the nature of the terrain within the airport hazard
 822 | area and runway protection ~~clear~~ zones, the character of the
 823 | neighborhood, the uses to which the property to be zoned is put
 824 | and adaptable, and the impact of any new use, activity, or
 825 | construction on the airport's operating capability and capacity.

826 | (2) INDEPENDENT JUSTIFICATION.—The purpose of all airport
 827 | zoning regulations adopted under this chapter is to provide both
 828 | airspace protection and land uses ~~use~~ compatible with airport
 829 | operations. Each aspect of this purpose requires independent
 830 | justification in order to promote the public interest in safety,
 831 | health, and general welfare. Specifically, construction in a
 832 | runway protection ~~clear~~ zone which does not exceed airspace

833 height restrictions is not conclusive ~~evidence per se~~ that such
 834 use, activity, or construction is compatible with airport
 835 operations.

836 (3) NONCONFORMING USES.—No airport protection zoning
 837 regulations adopted under this chapter shall require the
 838 removal, lowering, or other change or alteration of any
 839 structure or vegetation ~~tree~~ not conforming to the regulations
 840 when adopted or amended, or otherwise interfere with the
 841 continuance of any nonconforming use, except as provided in s.
 842 333.07(1) and (3).

843 (4) ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO AFFECTED
 844 LOCAL GOVERNMENTS.—An airport master plan shall be prepared by
 845 each public-use ~~publicly owned and operated~~ airport licensed by
 846 the department ~~of Transportation~~ under chapter 330. The
 847 authorized entity having responsibility for governing the
 848 operation of the airport, when either requesting from or
 849 submitting to a state or federal governmental agency with
 850 funding or approval jurisdiction a "finding of no significant
 851 impact," an environmental assessment, a site-selection study, an
 852 airport master plan, or any amendment to an airport master plan,
 853 shall submit simultaneously a copy of said request, submittal,
 854 assessment, study, plan, or amendments by certified mail to all
 855 affected local governments. For the purposes of this subsection,
 856 "affected local government" is defined as any city or county
 857 having jurisdiction over the airport and any city or county
 858 located within 2 miles of the boundaries of the land subject to

859 the airport master plan.

860 Section 15. Section 333.065, Florida Statutes, is
 861 repealed.

862 Section 16. Section 333.07, Florida Statutes, is amended
 863 to read:

864 333.07 Airspace obstructions and airport hazards ~~Permits~~
 865 ~~and variances.-~~

866 (1) PERMITS.-

867 (a) Any person proposing to erect, construct, or alter any
 868 structure, increase the height of any structure, permit the
 869 growth of any vegetation, or otherwise use his or her property
 870 in violation of the airport protection zoning regulations
 871 adopted under this chapter shall apply for a permit. A ~~Any~~
 872 ~~airport zoning regulations adopted under this chapter may~~
 873 ~~require that a permit be obtained before any new structure or~~
 874 ~~use may be constructed or established and before any existing~~
 875 ~~use or structure may be substantially changed or substantially~~
 876 ~~altered or repaired. In any event, however, all such regulations~~
 877 ~~shall provide that before any nonconforming structure or tree~~
 878 ~~may be replaced, substantially altered or repaired, rebuilt,~~
 879 ~~allowed to grow higher, or replanted, a permit must be secured~~
 880 ~~from the administrative agency authorized to administer and~~
 881 ~~enforce the regulations, authorizing such replacement, change,~~
 882 ~~or repair. No permit may not shall be issued granted that would~~
 883 allow the establishment or creation of an airport hazard or
 884 would permit a nonconforming structure or vegetation ~~tree~~ or

885 nonconforming use to be made or become higher or to become a
 886 greater hazard to air navigation than it was when the applicable
 887 regulation was adopted or than it is when the application for a
 888 permit is made.

889 (b) Whenever the political subdivision or its
 890 administrative agency determines that a nonconforming use or
 891 nonconforming structure or vegetation ~~tree~~ has been abandoned or
 892 is more than 80 percent torn down, destroyed, deteriorated, or
 893 decayed, ~~a~~ ~~no~~ permit may not ~~shall~~ be granted that would allow
 894 ~~the said~~ structure or vegetation ~~tree~~ to exceed the applicable
 895 height limit or otherwise deviate from the zoning regulations.~~.~~
 896 ~~and,~~ Whether or not an application is made for a permit under
 897 this subsection ~~or not,~~ the ~~said agency may by appropriate~~
 898 ~~action, compel~~ the owner of the nonconforming structure or
 899 vegetation may be required ~~tree~~, at his or her own expense, to
 900 lower, remove, reconstruct, or equip such object as may be
 901 necessary to conform to the regulations. If the owner of the
 902 nonconforming structure or vegetation ~~tree~~ shall neglect or
 903 refuse to comply with such order for 10 days after notice
 904 ~~thereof,~~ the ~~said~~ agency may report the violation to the
 905 political subdivision involved therein, which subdivision,
 906 through its appropriate agency, may proceed to have the object
 907 so lowered, removed, reconstructed, altered or equipped, and
 908 assess the cost and expense thereof upon the object or the land
 909 whereon it is or was located, ~~and, unless such an assessment is~~
 910 ~~paid within 90 days from the service of notice thereof on the~~

911 ~~owner or the owner's agent, of such object or land, the sum~~
 912 ~~shall be a lien on said land, and shall bear interest thereafter~~
 913 ~~at the rate of 6 percent per annum until paid, and shall be~~
 914 ~~collected in the same manner as taxes on real property are~~
 915 ~~collected by said political subdivision, or, at the option of~~
 916 ~~said political subdivision, said lien may be enforced in the~~
 917 ~~manner provided for enforcement of liens by chapter 85.~~

918 ~~(c) Except as provided herein, applications for permits~~
 919 ~~shall be granted, provided the matter applied for meets the~~
 920 ~~provisions of this chapter and the regulations adopted and in~~
 921 ~~force hereunder.~~

922 ~~(2) VARIANCES.~~

923 ~~(a) Any person desiring to erect any structure, increase~~
 924 ~~the height of any structure, permit the growth of any tree, or~~
 925 ~~otherwise use his or her property in violation of the airport~~
 926 ~~zoning regulations adopted under this chapter or any land~~
 927 ~~development regulation adopted pursuant to the provisions of~~
 928 ~~chapter 163 pertaining to airport land use compatibility, may~~
 929 ~~apply to the board of adjustment for a variance from the zoning~~
 930 ~~regulations in question. At the time of filing the application,~~
 931 ~~the applicant shall forward to the department by certified mail,~~
 932 ~~return receipt requested, a copy of the application. The~~
 933 ~~department shall have 45 days from receipt of the application to~~
 934 ~~comment and to provide its comments or waiver of that right to~~
 935 ~~the applicant and the board of adjustment. The department shall~~
 936 ~~include its explanation for any objections stated in its~~

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

954 ~~(b) The Department of Transportation shall have the~~
 955 ~~authority to appeal any variance granted under this chapter~~
 956 ~~pursuant to s. 333.08, and to apply for judicial relief pursuant~~
 957 ~~to s. 333.11.~~

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

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

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

964 (c) The nature of the terrain and height of existing
 965 structures.

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

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

972 (f) Federal airways, visual flight rules, flyways and
 973 corridors, and instrument approaches as designated by the
 974 Federal Aviation Administration.

975 (g) Effect of the construction or alteration of the
 976 proposed structure on the minimum descent altitude or the
 977 decision height at the affected airport.

978 (h) The cumulative effects on navigable airspace of all
 979 existing structures and all other known proposed structures in
 980 the area.

981 (i) Requirements contained in s. 333.03(2) and (3).

982 (j) Additional requirements adopted by the political
 983 subdivision or administrative agency pertinent to evaluation and
 984 protection of airspace and airport operations.

985 (3) OBSTRUCTION MARKING AND LIGHTING.—

986 ~~(a)~~ In issuing a ~~granting any permit or variance~~ under
 987 this section, the political subdivision or its administrative
 988 agency ~~or board of adjustment~~ shall require the owner of the

989 structure or vegetation ~~tree in question~~ to install, operate,
 990 and maintain thereon, at his or her own expense, ~~such~~ marking
 991 and lighting in conformance with the specific standards
 992 established by the Federal Aviation Administration ~~as may be~~
 993 ~~necessary to indicate to aircraft pilots the presence of an~~
 994 ~~obstruction.~~

995 (b) Such marking and lighting shall conform to the
 996 specific standards established by rule by the department ~~of~~
 997 Transportation.

998 ~~(c) Existing structures not in compliance on October 1,~~
 999 ~~1988, shall be required to comply whenever the existing marking~~
 1000 ~~requires refurbishment, whenever the existing lighting requires~~
 1001 ~~replacement, or within 5 years of October 1, 1988, whichever~~
 1002 ~~occurs first.~~

1003 Section 17. Section 333.08, Florida Statutes, is repealed.

1004 Section 18. Section 333.09, Florida Statutes, is amended
 1005 to read:

1006 333.09 Administration of airport zoning regulations.—

1007 (1) ADMINISTRATION.—All airport zoning regulations adopted
 1008 under this chapter shall provide for the administration and
 1009 enforcement of such regulations ~~by an administrative agency~~
 1010 ~~which may be an agency created by such regulations or any~~
 1011 ~~official, board, or other existing agency of the political~~
 1012 ~~subdivision adopting the regulations or of one of the political~~
 1013 ~~subdivisions which participated in the creation of the joint~~
 1014 ~~airport zoning board adopting the regulations, if satisfactory~~

1015 ~~to that political subdivision, but in no case shall such~~
 1016 ~~administrative agency be or include any member of the board of~~
 1017 ~~adjustment.~~ The duties of any administrative agency designated
 1018 pursuant to this chapter shall include that of hearing and
 1019 deciding all permits under s. 333.07(1), ~~deciding all matters~~
 1020 ~~under s. 333.07(3),~~ as they pertain to such agency, and all
 1021 other matters under this chapter applying to said agency, ~~but~~
 1022 ~~such agency shall not have or exercise any of the powers herein~~
 1023 ~~delegated to the board of adjustment.~~

1024 (2) LOCAL GOVERNMENT PROCESS.-

1025 (a) A political subdivision required to adopt airport
 1026 zoning regulations under this chapter shall provide a process to:

1027 1. Issue or deny permits consistent with s. 333.07,
 1028 including requests for exceptions to airport zoning regulations.

1029 2. Notify the department of receipt of a complete
 1030 application consistent with s. 333.025(4).

1031 3. Enforce any permit, order, requirement, decision, or
 1032 determination made by the administrative agency with respect to
 1033 airport zoning regulations.

1034 (b) If a zoning board or permitting body already exists
 1035 within a political subdivision, it may implement the permitting
 1036 process. Otherwise, the political subdivision shall implement the
 1037 permitting and appeals process in a manner consistent with its
 1038 constitutional powers and areas of jurisdiction.

1039 (3) APPEALS.-

1040 (a) A person aggrieved or a taxpayer affected by a decision

1041 in the administration of airport zoning regulations adopted under
 1042 this chapter, or a political subdivision or its administrative
 1043 agency or a joint airport zoning board that contends that the
 1044 decision is an improper application of airport zoning
 1045 regulations, may use the process established for an appeal.

1046 (b) All appeals taken under this section must be taken
 1047 within a reasonable time, as provided by the political
 1048 subdivision or its administrative agency, by filing with the
 1049 entity from which appeal is taken and with the board a notice of
 1050 appeal specifying the grounds thereof.

1051 (c) An appeal shall stay all proceedings in furtherance of
 1052 the action appealed from, unless the entity from which the appeal
 1053 is taken certifies pursuant to the rules for appeal that by
 1054 reason of the facts stated in the certificate a stay would, in
 1055 its opinion, cause imminent peril to life or property. In such
 1056 cases, proceedings shall not be stayed except by order of the
 1057 political subdivision or its administrative agency on notice to
 1058 the agency from which the appeal is taken on due cause shown.

1059 (d) The political subdivision or its administrative agency
 1060 shall set a reasonable time for the hearing of appeals, give
 1061 public notice and due notice to the parties in interest, and
 1062 decide the same within a reasonable time. Upon the hearing, any
 1063 party may appear in person, by agent, or by attorney.

1064 (e) The political subdivision or its administrative agency
 1065 may, in conformity with the provisions of this chapter, reverse,
 1066 affirm, or modify the order, requirement, decision, or

1067 determination appealed from.

1068 Section 19. Section 333.10, Florida Statutes, is repealed.

1069 Section 20. Section 333.11, Florida Statutes, is amended
1070 to read:

1071 333.11 Judicial review.—

1072 (1) Any person aggrieved, or taxpayer affected, by any
1073 decision of ~~a board of adjustment, or~~ any governing body of a
1074 political subdivision or ~~the Department of Transportation~~ or any
1075 joint airport zoning board, or of any administrative agency
1076 hereunder, may apply for judicial relief to the circuit court in
1077 the judicial circuit where the political subdivision ~~board of~~
1078 ~~adjustment~~ is located within 30 days after rendition of the
1079 decision ~~by the board of adjustment~~. Review shall be by petition
1080 for writ of certiorari, which shall be governed by the Florida
1081 Rules of Appellate Procedure.

1082 ~~(2) Upon presentation of such petition to the court, it~~
1083 ~~may allow a writ of certiorari, directed to the board of~~
1084 ~~adjustment, to review such decision of the board. The allowance~~
1085 ~~of the writ shall not stay the proceedings upon the decision~~
1086 ~~appealed from, but the court may, on application, on notice to~~
1087 ~~the board, on due hearing and due cause shown, grant a~~
1088 ~~restraining order.~~

1089 ~~(3) The board of adjustment shall not be required to~~
1090 ~~return the original papers acted upon by it, but it shall be~~
1091 ~~sufficient to return certified or sworn copies thereof or of~~
1092 ~~such portions thereof as may be called for by the writ. The~~

1093 ~~return shall concisely set forth such other facts as may be~~
 1094 ~~pertinent and material to show the grounds of the decision~~
 1095 ~~appealed from and shall be verified.~~

1096 (2)~~(4)~~ The court shall have exclusive jurisdiction to
 1097 affirm, modify, or set aside the decision brought up for review,
 1098 ~~in whole or in part,~~ and if need be, to order further
 1099 proceedings by the local government board ~~of adjustment~~. The
 1100 findings of fact by the local government board, if supported by
 1101 substantial evidence, shall be accepted by the court as
 1102 conclusive, and no objection to a decision of the local
 1103 government board shall be considered by the court ~~unless such~~
 1104 ~~objection shall have been urged before the board, or, if it was~~
 1105 ~~not so urged, unless there were reasonable grounds for failure~~
 1106 ~~to do so.~~

1107 (3)~~(5)~~ In any case where ~~in which~~ airport zoning
 1108 regulations adopted under this chapter, ~~although generally~~
 1109 ~~reasonable,~~ are held by a court to interfere with the use and
 1110 enjoyment of a particular structure or parcel of land to such an
 1111 extent, or to be so onerous in their application to such a
 1112 structure or parcel of land, as to constitute a taking or
 1113 deprivation of that property in violation of the State
 1114 Constitution or the Constitution of the United States, such
 1115 holding shall not affect the application of such regulations to
 1116 other structures and parcels of land, or such regulations as are
 1117 not involved in the particular decision.

1118 (4)~~(6)~~ A judicial ~~No~~ appeal may not ~~shall be or is~~

1119 permitted under this section, to any courts, until the appellant
 1120 has exhausted all its remedies through application for political
 1121 subdivision permits, exceptions, and appeals as herein provided,
 1122 ~~save and except an appeal from a decision of the board of~~
 1123 ~~adjustment, the appeal herein provided being from such final~~
 1124 ~~decision of such board only, the appellant being hereby required~~
 1125 ~~to exhaust his or her remedies hereunder of application for~~
 1126 ~~permits, exceptions and variances, and appeal to the board of~~
 1127 ~~adjustment, and gaining a determination by said board, before~~
 1128 ~~being permitted to appeal to the court hereunder.~~

1129 Section 21. Section 333.12, Florida Statutes, is amended
 1130 to read:

1131 333.12 Acquisition of air rights. ~~When In any case which:~~
 1132 ~~it is desired to remove, lower or otherwise terminate a~~
 1133 ~~nonconforming structure or use~~ presents an air hazard and the
 1134 structure cannot be removed, lowered, or otherwise terminated;
 1135 or the approach protection necessary cannot, because of
 1136 constitutional limitations, be provided by airport regulations
 1137 under this chapter; or it appears advisable that the necessary
 1138 approach protection be provided by acquisition of property
 1139 rights rather than by airport zoning regulations, the political
 1140 subdivision within which the property or nonconforming use is
 1141 located, or the political subdivision owning or operating the
 1142 airport or being served by it, may acquire, by purchase, grant,
 1143 or condemnation in the manner provided by chapter 73, such air
 1144 right, avigation ~~navigation~~ easement, or other estate, portion

1145 or interest in the property or nonconforming structure or use or
 1146 such interest in the air above such property, vegetation ~~tree~~,
 1147 structure, or use, in question, as may be necessary to
 1148 effectuate the purposes of this chapter, and in so doing, if by
 1149 condemnation, to have the right to take immediate possession of
 1150 the property, interest in property, air right, or other right
 1151 sought to be condemned, at the time, and in the manner and form,
 1152 and as authorized by chapter 74. In the case of the purchase of
 1153 any property, or any easement, or estate or interest therein or
 1154 the acquisition of the same by the power of eminent domain the
 1155 political subdivision making such purchase or exercising such
 1156 power shall in addition to the damages for the taking, injury,
 1157 or destruction of property also pay the cost of the removal and
 1158 relocation of any structure or any public utility which is
 1159 required to be moved to a new location.

1160 Section 22. Section 333.13, Florida Statutes, is amended
 1161 to read:

1162 333.13 Enforcement and remedies.—

1163 (1) Each violation of this chapter or of any regulations,
 1164 orders, or rulings promulgated or made pursuant to this chapter
 1165 shall constitute a misdemeanor of the second degree, punishable
 1166 as provided in s. 775.082 or s. 775.083, and each day a
 1167 violation continues to exist shall constitute a separate
 1168 offense.

1169 (2) In addition, the political subdivision or agency
 1170 adopting the airport zoning regulations under this chapter may

1171 institute in any court of competent jurisdiction an action to
 1172 prevent, restrain, correct, or abate any violation of this
 1173 chapter or of airport zoning regulations adopted under this
 1174 chapter or of any order or ruling made in connection with their
 1175 administration or enforcement, and the court shall adjudge to
 1176 the plaintiff such relief, by way of injunction (which may be
 1177 mandatory) or otherwise, as may be proper under all the facts
 1178 and circumstances of the case in order to fully effectuate the
 1179 purposes of this chapter and of the regulations adopted and
 1180 orders and rulings made pursuant thereto.

1181 (3) The department ~~of Transportation~~ may institute a civil
 1182 action for injunctive relief in the appropriate circuit court to
 1183 prevent violation of any provision of this chapter.

1184 Section 23. Section 333.135, Florida Statutes, is created
 1185 to read:

1186 333.135 Transition provisions.-

1187 (1) Any airport ordinance in effect on July 1, 2015, that
 1188 includes provisions in conflict with this chapter shall be
 1189 amended to conform to the requirements of this chapter by July 1,
 1190 2016.

1191 (2) Any political subdivision having an airport hazard area
 1192 within its territorial limits which has not adopted airport
 1193 zoning regulations, shall, by October 1, 2017, adopt airport
 1194 zoning regulations consistent with the provisions of this chapter
 1195 for such airport hazard area.

1196 (3) For those local governments that have not yet adopted

1197 airport protection zoning regulations pursuant to this chapter,
 1198 the department shall administer the permitting process as
 1199 provided in s. 333.025.

1200 Section 24. Section 333.14, Florida Statutes, is repealed.

1201 Section 25. Subsections (36) and (37) of section 334.03,
 1202 Florida Statutes, are amended to read:

1203 334.03 Definitions.—When used in the Florida
 1204 Transportation Code, the term:

1205 (36) "511" or "511 services" means all three-digit
 1206 ~~telecommunications dialing to access interactive voice response~~
 1207 ~~telephone~~ traveler information services provided in the state to
 1208 include, but not limited to, the terms as defined by the Federal
 1209 Communications Commission in FCC Order No. 00-256, July 31,
 1210 2000.

1211 ~~(37) "Interactive voice response" means a software~~
 1212 ~~application that accepts a combination of voice telephone input~~
 1213 ~~and touch-tone keypad selection and provides appropriate~~
 1214 ~~responses in the form of voice, fax, callback, e-mail, and other~~
 1215 ~~media.~~

1216 Section 26. Subsection (31) of section 334.044, Florida
 1217 Statutes, is amended to read:

1218 334.044 Department; powers and duties.—The department
 1219 shall have the following general powers and duties:

1220 (31) To provide oversight of traveler information systems
 1221 ~~that may include the provision of interactive voice response~~
 1222 ~~telephone systems accessible via the 511~~ services number as

1223 assigned by the Federal Communications Commission for traveler
 1224 information services. The department shall ensure that uniform
 1225 standards and criteria for the collection and dissemination of
 1226 traveler information are applied ~~using interactive voice~~
 1227 ~~response systems.~~

1228 Section 27. Section 334.60, Florida Statutes, is amended
 1229 to read:

1230 334.60 511 traveler information system.—The department is
 1231 the state's lead agency for implementing 511 services and is the
 1232 state's point of contact for coordinating all 511 services ~~with~~
 1233 ~~telecommunications service providers.~~ The department shall:

- 1234 (1) Implement and administer 511 services in the state;
- 1235 (2) Coordinate with other transportation authorities in
 1236 the state to provide multimodal traveler information through 511
 1237 services and other means;
- 1238 (3) Develop uniform standards and criteria for the
 1239 collection and dissemination of traveler information using ~~the~~
 1240 511 services ~~number or other interactive voice response systems;~~
 1241 and
- 1242 (4) Enter into joint participation agreements or contracts
 1243 with highway authorities and public transit districts to share
 1244 the costs of implementing and administering 511 services in the
 1245 state. The department may also enter into other agreements or
 1246 contracts with private firms relating to the 511 services to
 1247 offset the costs of implementing and administering 511 services
 1248 in the state.

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

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

338.165 Continuation of tolls.—

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

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

338.227 Turnpike revenue bonds.—

(5) Notwithstanding s. 215.82, bonds issued pursuant to this section are not required to be validated pursuant to chapter 75, but may be validated at the option of the Division of Bond Finance. Any complaint for such validation shall be filed in the circuit court of the county where the seat of state government is situated; the notice required to be published by s. 75.06 shall be published only in the county where the

1275 complaint is filed; and the complaint and order of the circuit
 1276 court shall be served only on the state attorney of the circuit
 1277 in which the action is pending.

1278 Section 30. Paragraph (c) of subsection (3) of section
 1279 338.231, Florida Statutes, is amended to read:

1280 338.231 Turnpike tolls, fixing; pledge of tolls and other
 1281 revenues.—The department shall at all times fix, adjust, charge,
 1282 and collect such tolls and amounts for the use of the turnpike
 1283 system as are required in order to provide a fund sufficient
 1284 with other revenues of the turnpike system to pay the cost of
 1285 maintaining, improving, repairing, and operating such turnpike
 1286 system; to pay the principal of and interest on all bonds issued
 1287 to finance or refinance any portion of the turnpike system as
 1288 the same become due and payable; and to create reserves for all
 1289 such purposes.

1290 (3)

1291 (c) Notwithstanding any other provision of law to the
 1292 contrary, any prepaid toll account of any kind which has
 1293 remained inactive for 10 ~~3~~ years shall be presumed unclaimed and
 1294 its disposition shall be handled by the Department of Financial
 1295 Services in accordance with all applicable provisions of chapter
 1296 717 relating to the disposition of unclaimed property, and the
 1297 prepaid toll account shall be closed by the department.

1298 Section 31. Paragraph (g) of subsection (7) of section
 1299 339.135, Florida Statutes, is amended, and paragraph (h) is
 1300 added to that subsection, to read:

1301 339.135 Work program; legislative budget request;
 1302 definitions; preparation, adoption, execution, and amendment.—

1303 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

1304 (g) Any work program amendment which also requires the
 1305 transfer of fixed capital outlay appropriations between
 1306 categories within the department or the increase of an
 1307 appropriation category is subject to the approval of the
 1308 Legislative Budget Commission. ~~If a meeting of the Legislative~~
 1309 ~~Budget Commission cannot be held within 30 days of the~~
 1310 ~~department submitting an amendment to the Legislative Budget~~
 1311 ~~Commission, then the chair and vice chair of the Legislative~~
 1312 ~~Budget Commission may authorize such amendment to be approved~~
 1313 ~~pursuant to the provisions of s. 216.177.~~

1314 (h) Any work program amendment which also adds a new
 1315 project, or phase thereof, to the adopted work program in excess
 1316 of \$3 million is subject to the approval of the Legislative
 1317 Budget Commission. Any work program amendment submitted under
 1318 this paragraph must include, as supplemental information, a list
 1319 of projects, or phases thereof, in the current 5-year adopted
 1320 work program that are eligible for the funds within the
 1321 appropriation category being utilized for the proposed
 1322 amendment. The department shall provide narrative with the
 1323 rationale for not advancing an existing project, or phase
 1324 thereof, in lieu of the proposed amendment.

1325 Section 32. (1) If a municipality or county applies
 1326 transportation concurrency, it may not require a developer to

1327 pay a fee for the removal of vegetation within the right-of-way
 1328 limits of road improvements for which the developer completed or
 1329 contributed funding as required for transportation concurrency
 1330 for a development project.

1331 (2) This section does not affect the ability of a
 1332 municipality or county to require any tree removal permits or
 1333 tree removal plans.

1334 (3) As used in this section, the term "fee" does not
 1335 include any costs associated with applying for a tree removal
 1336 permit or preparing a tree removal plan.

1337 (4) This section does not affect a municipality or
 1338 county's ability to establish and enforce landscaping
 1339 requirements.

1340 (5) A municipality may, by majority vote of its governing
 1341 body, exempt itself from this section.

1342 Section 33. (1) The Office of Economic and Demographic
 1343 Research shall evaluate and determine the economic benefits, as
 1344 defined in s. 288.005(1), Florida Statutes, of the state's
 1345 investment in the Department of Transportation's adopted work
 1346 program developed in accordance with s. 339.135(5) for fiscal
 1347 year 2015-2016, including the following 4 fiscal years. At a
 1348 minimum, a separate return on investment shall be projected for
 1349 each of the following areas:

1350 (a) Roads and highways.

1351 (b) Rails.

1352 (c) Public transit.

1353 (d) Aviation.

1354 (e) Seaports.

1355

1356 The analysis is limited to the funding anticipated by the
 1357 adopted work program, but may address the continuing economic
 1358 impact for those transportation projects in the 5 years beyond
 1359 the conclusion of the adopted work program. The analysis must
 1360 also evaluate the number of jobs created, the increase or
 1361 decrease in personal income, and the impact on gross domestic
 1362 product from the direct, indirect, and induced effects on the
 1363 state's investment in each area.

1364 (2) The Department of Transportation and each of its
 1365 district offices shall provide the Office of Economic and
 1366 Demographic Research full access to all data necessary to
 1367 complete the analysis, including any confidential data.

1368 (3) The Office of Economic and Demographic Research shall
 1369 submit the analysis to the President of the Senate and the
 1370 Speaker of the House of Representatives by January 1, 2016.

1371 Section 34. Subsection (2) of section 215.82, Florida
 1372 Statutes, is amended to read:

1373 215.82 Validation; when required.—

1374 (2) Any bonds issued pursuant to this act which are
 1375 validated shall be validated in the manner provided by chapter
 1376 75. In actions to validate bonds to be issued in the name of the
 1377 State Board of Education under s. 9(a) and (d), Art. XII of the
 1378 State Constitution and bonds to be issued pursuant to chapter

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1379 259, the Land Conservation Act of 1972, the complaint shall be
 1380 filed in the circuit court of the county where the seat of state
 1381 government is situated, the notice required to be published by
 1382 s. 75.06 shall be published only in the county where the
 1383 complaint is filed, and the complaint and order of the circuit
 1384 court shall be served only on the state attorney of the circuit
 1385 in which the action is pending. In any action to validate bonds
 1386 issued pursuant to s. 1010.62 or issued pursuant to s. 9(a)(1),
 1387 Art. XII of the State Constitution or issued pursuant to s.
 1388 215.605 ~~or s. 338.227~~, the complaint shall be filed in the
 1389 circuit court of the county where the seat of state government
 1390 is situated, the notice required to be published by s. 75.06
 1391 shall be published in a newspaper of general circulation in the
 1392 county where the complaint is filed and in two other newspapers
 1393 of general circulation in the state, and the complaint and order
 1394 of the circuit court shall be served only on the state attorney
 1395 of the circuit in which the action is pending; provided,
 1396 however, that if publication of notice pursuant to this section
 1397 would require publication in more newspapers than would
 1398 publication pursuant to s. 75.06, such publication shall be made
 1399 pursuant to s. 75.06.

1400 Section 35. This act shall take effect July 1, 2015.