

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Patronis offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 1937 and 1938, insert:

5 Section 35. Paragraph (d) of subsection (1) of section
6 20.23, Florida Statutes, is amended to read:

7 20.23 Department of Transportation.—There is created a
8 Department of Transportation which shall be a decentralized
9 agency.

10 (1)

11 (d) The secretary may appoint up to three assistant
12 secretaries who shall be directly responsible to the secretary
13 and who shall perform such duties as are assigned by the
14 secretary. The secretary shall designate to an assistant
15 secretary the duties related to enhancing economic prosperity,
16 including, but not limited to, the responsibility of liaison

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17 with the head of economic development in the Executive Office of
18 the Governor. Such assistant secretary shall be directly
19 responsible for providing the Executive Office of the Governor
20 with investment opportunities and transportation projects that
21 expand the state's role as a global hub for trade and investment
22 and enhance the supply chain system in the state to process,
23 assemble, and ship goods to markets throughout the eastern
24 United States, Canada, the Caribbean, and Latin America. The
25 secretary may delegate to any assistant secretary the authority
26 to act in the absence of the secretary.

27 Section 36. Subsection (3) of section 311.09, Florida
28 Statutes, is amended to read:

29 311.09 Florida Seaport Transportation and Economic
30 Development Council.—

31 (3) The council shall prepare a 5-year Florida Seaport
32 Mission Plan defining the goals and objectives of the council
33 concerning the development of port facilities and an intermodal
34 transportation system consistent with the goals of the Florida
35 Transportation Plan developed pursuant to s. 339.155. The
36 Florida Seaport Mission Plan shall include specific
37 recommendations for the construction of transportation
38 facilities connecting any port to another transportation mode
39 and for the efficient, cost-effective development of
40 transportation facilities or port facilities for the purpose of
41 enhancing ~~international~~ trade, promoting cargo flow, increasing
42 cruise passenger movements, increasing port revenues, and
43 providing economic benefits to the state. The council shall
44 develop a priority list of projects based on these

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45 recommendations annually and submit the list to the Department
46 of Transportation. The council shall update the 5-year Florida
47 Seaport Mission Plan annually and shall submit the plan no later
48 than February 1 of each year to the President of the Senate; the
49 Speaker of the House of Representatives; the Office of Tourism,
50 Trade, and Economic Development; the Department of
51 Transportation; and the Department of Community Affairs. The
52 council shall develop programs, based on an examination of
53 existing programs in Florida and other states, for the training
54 of minorities and secondary school students in job skills
55 associated with employment opportunities in the maritime
56 industry, and report on progress and recommendations for further
57 action to the President of the Senate and the Speaker of the
58 House of Representatives annually.

59 Section 37. Section 311.14, Florida Statutes, is amended
60 to read:

61 311.14 Seaport ~~freight-mobility~~ planning.-

62 (1) The Florida Seaport Transportation and Economic
63 Development Council, in cooperation with the Office of the State
64 Public Transportation Administrator within the Department of
65 Transportation, shall develop freight-mobility and trade-
66 corridor plans to assist in making freight-mobility investments
67 that contribute to the economic growth of the state. Such plans
68 should enhance the integration and connectivity of the
69 transportation system across and between transportation modes
70 throughout Florida for people and freight.

71 (2) The Office of the State Public Transportation
72 Administrator shall act to integrate freight-mobility and trade-
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73 corridor plans into the Florida Transportation Plan developed
74 pursuant to s. 339.155 and into the plans and programs of
75 metropolitan planning organizations as provided in s. 339.175.
76 The office may also provide assistance in expediting the
77 transportation permitting process relating to the construction
78 of seaport freight-mobility projects located outside the
79 physical borders of seaports. The Department of Transportation
80 may contract, as provided in s. 334.044, with any port listed in
81 s. 311.09(1) or any such other statutorily authorized seaport
82 entity to act as an agent in the construction of seaport
83 freight-mobility projects.

84 (3) Each port shall develop a strategic plan with a 10-
85 year horizon. Each plan must include the following:

86 (a) An economic development component that identifies
87 targeted business opportunities for increasing business and
88 attracting new business for which a particular facility has a
89 strategic advantage over its competitors, identifies financial
90 resources and other inducements to encourage growth of existing
91 business and acquisition of new business, and provides a
92 projected schedule for attainment of the plan's goals.

93 (b) An infrastructure development and improvement
94 component that identifies all projected infrastructure
95 improvements within the plan area which require improvement,
96 expansion, or development in order for a port to attain a
97 strategic advantage for competition with national and
98 international competitors.

99 (c) A component that identifies all intermodal
100 transportation facilities, including sea, air, rail, or road

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101 facilities, which are available or have potential, with
102 improvements, to be available for necessary national and
103 international commercial linkages and provides a plan for the
104 integration of port, airport, and railroad activities with
105 existing and planned transportation infrastructure.

106 (d) A component that identifies physical, environmental,
107 and regulatory barriers to achievement of the plan's goals and
108 provides recommendations for overcoming those barriers.

109 (e) An intergovernmental coordination component that
110 specifies modes and methods to coordinate plan goals and
111 missions with the missions of the Department of Transportation,
112 other state agencies, and affected local, general-purpose
113 governments.

114
115 To the extent feasible, the port strategic plan must be
116 consistent with the local government comprehensive plans of the
117 units of local government in which the port is located. Upon
118 approval of a plan by the port's board, the plan shall be
119 submitted to the Florida Seaport Transportation and Economic
120 Development Council.

121 (4) The Florida Seaport Transportation and Economic
122 Development Council shall review the strategic plans submitted
123 by each port and prioritize strategic needs for inclusion in the
124 Florida Seaport Mission Plan prepared pursuant to s. 311.09(3).

125 Section 38. Subsection (1) of section 339.155, Florida
126 Statutes, is amended to read:

127 339.155 Transportation planning.—

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128 (1) THE FLORIDA TRANSPORTATION PLAN.—The department shall
129 develop and annually update a statewide transportation plan, to
130 be known as the Florida Transportation Plan. The plan shall be
131 designed so as to be easily read and understood by the general
132 public. The plan shall consider the needs of the entire state
133 transportation system and examine the use of all modes of
134 transportation to effectively and efficiently meet such needs.

135 The purpose of the Florida Transportation Plan is to establish
136 and define the state's long-range transportation goals and
137 objectives to be accomplished over a period of at least 20 years
138 within the context of the State Comprehensive Plan, and any
139 other statutory mandates and authorizations and based upon the
140 prevailing principles of:

141 (a) Preserving the existing transportation
142 infrastructure.†

143 (b) Enhancing Florida's economic competitiveness.† and

144 (c) Improving travel choices to ensure mobility.

145 (d) Expanding the state's role as a hub for trade and
146 investment. ~~The Florida Transportation Plan shall consider the~~
147 ~~needs of the entire state transportation system and examine the~~
148 ~~use of all modes of transportation to effectively and~~
149 ~~efficiently meet such needs.~~

150 Section 39. Subsection (2) of section 339.63, Florida
151 Statutes, is amended to read:

152 339.63 System facilities designated; additions and
153 deletions.—

154 (2) The Strategic Intermodal System and the Emerging
155 Strategic Intermodal System include four ~~three~~ different types
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156 of facilities that each form one component of an interconnected
157 transportation system which types include:

158 (a) Existing or planned hubs that are ports and terminals
159 including airports, seaports, spaceports, passenger terminals,
160 and rail terminals serving to move goods or people between
161 Florida regions or between Florida and other markets in the
162 United States and the rest of the world.~~†~~

163 (b) Existing or planned corridors that are highways, rail
164 lines, waterways, and other exclusive-use facilities connecting
165 major markets within Florida or between Florida and other states
166 or nations.~~†~~ and

167 (c) Existing or planned intermodal connectors that are
168 highways, rail lines, waterways or local public transit systems
169 serving as connectors between the components listed in
170 paragraphs (a) and (b).

171 (d) Existing or planned facilities that significantly
172 improve the state's competitive position to compete for the
173 movement of additional goods into and through this state.

174 Section 40. Subsection (12) is added to section 373.406,
175 Florida Statutes, to read:

176 373.406 Exemptions.—The following exemptions shall apply:

177 (12) An overwater pier, dock, or a similar structure
178 located in a deepwater port listed in s. 311.09 is not
179 considered to be part of a stormwater management system for
180 which this chapter or chapter 403 requires stormwater from
181 impervious surfaces to be treated if:

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182 (a) The port has a stormwater pollution prevention plan
183 for industrial activities pursuant to the National Pollutant
184 Discharge Elimination System Program; and

185 (b) The stormwater pollution prevention plan also provides
186 similar pollution prevention measures for other activities that
187 are not subject to the National Pollutant Discharge Elimination
188 System Program and that occur on the port's overwater piers,
189 docks, and similar structures.

190 Section 41. Paragraph (a) of subsection (8) of section
191 373.4133, Florida Statutes, is amended to read:

192 373.4133 Port conceptual permits.—

193 (8) Except as otherwise provided in this section, the
194 following procedures apply to the approval or denial of an
195 application for a port conceptual permit or a final permit or
196 authorization:

197 (a) Applications for a port conceptual permit, including
198 any request for the conceptual approval of the use of
199 sovereignty submerged lands, shall be processed in accordance
200 with the provisions of ss. 373.427 and 120.60, with the
201 following exceptions:—

202 1. An application for a port conceptual permit, and any
203 applications for subsequent construction contained in a port
204 conceptual permit, must be approved or denied within 60 days
205 after receipt of a completed application.

206 2. The department may request additional information no
207 more than twice, unless the applicant waives this limitation in
208 writing. If the applicant does not provide a response to the
209 second request for additional information within 90 days or

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210 another time period mutually agreed upon between the applicant
211 and department, the application shall be considered withdrawn.

212 ~~However,~~

213 3. If the applicant believes that any request for
214 additional information is not authorized by law or agency rule,
215 the applicant may request an informal hearing pursuant to s.
216 120.57(2) before the Secretary of Environmental Protection to
217 determine whether the application is complete.

218 4. If a third party petitions to challenge the issuance of
219 a port conceptual permit by the department, the petitioner
220 initiating the action has the burden of ultimate persuasion and,
221 in the first instance, has the burden of going forward with the
222 evidence.

223 Section 42. Subsection (3) of section 403.813, Florida
224 Statutes, is amended to read:

225 403.813 Permits issued at district centers; exceptions.—

226 (3) A permit is not required under this chapter, chapter
227 373, chapter 61-691, Laws of Florida, or chapter 25214 or
228 chapter 25270, 1949, Laws of Florida, for maintenance dredging
229 conducted under this section by the seaports of Jacksonville,
230 Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami,
231 Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City,
232 Pensacola, Key West, and Fernandina or by inland navigation
233 districts if the dredging to be performed is no more than is
234 necessary to restore previously dredged areas to original design
235 specifications or configurations, previously undisturbed natural
236 areas are not significantly impacted, and the work conducted

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237 does not violate the protections for manatees under s.

238 379.2431(2)(d). In addition:

239 (a) A mixing zone for turbidity is granted within a 150-
240 meter radius from the point of dredging while dredging is
241 ongoing, except that the mixing zone may not extend into areas
242 supporting wetland communities, submerged aquatic vegetation, or
243 hardbottom communities.

244 (b) The discharge of the return water from the site used
245 for the disposal of dredged material shall be allowed only if
246 such discharge does not result in a violation of water quality
247 standards in the receiving waters. The return-water discharge
248 into receiving waters shall be granted a mixing zone for
249 turbidity within a 150-meter radius from the point of discharge
250 into the receiving waters during and immediately after the
251 dredging, except that the mixing zone may not extend into areas
252 supporting wetland communities, submerged aquatic vegetation, or
253 hardbottom communities. Ditches, pipes, and similar types of
254 linear conveyances may not be considered receiving waters for
255 the purposes of this paragraph.

256 (c) The state may not exact a charge for material that
257 this subsection allows a public port or an inland navigation
258 district to remove. In addition, consent to use any sovereignty
259 submerged lands pursuant to this section is hereby granted.

260 (d) The use of flocculants at the site used for disposal
261 of the dredged material is allowed if the use, including
262 supporting documentation, is coordinated in advance with the
263 department and the department has determined that the use is not
264 harmful to water resources.

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265 (e) The spoil material from maintenance dredging may be
266 deposited in a self-contained, upland disposal site. The site is
267 not required to be permitted if:

268 1. The site exists as of January 1, 2011;

269 2. A professional engineer certifies that the site has
270 been designed in accordance with generally accepted engineering
271 standards for such disposal sites;

272 3. The site has adequate capacity to receive and retain
273 the dredged material; and

274 4. The site has operating and maintenance procedures
275 established that allow for discharge of return flow of water and
276 to prevent the escape of the spoil material into the waters of
277 the state.

278 (f) The department must be notified at least 30 days
279 before the commencement of maintenance dredging. The notice
280 shall include, if applicable, the professional engineer
281 certification required by paragraph (e).

282 (g) ~~(e)~~ This subsection does not prohibit maintenance
283 dredging of areas where the loss of original design function and
284 constructed configuration has been caused by a storm event,
285 provided that the dredging is performed as soon as practical
286 after the storm event. Maintenance dredging that commences
287 within 3 years after the storm event shall be presumed to
288 satisfy this provision. If more than 3 years are needed to
289 commence the maintenance dredging after the storm event, a
290 request for a specific time extension to perform the maintenance
291 dredging shall be submitted to the department, prior to the end
292 of the 3-year period, accompanied by a statement, including
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293 supporting documentation, demonstrating that contractors are not
294 available or that additional time is needed to obtain
295 authorization for the maintenance dredging from the United
296 States Army Corps of Engineers.

301 **T I T L E A M E N D M E N T**

302 Remove line 212 and insert:
303 specified properties; amending s. 20.23, F.S.; requiring
304 the Secretary of Transportation to designate duties
305 relating to certain investment opportunities and
306 transportation projects to an assistant secretary;
307 amending s. 311.09, F.S.; revising requirements for the
308 inclusion of certain goals and objectives in the Florida
309 Seaport Mission Plan; requiring the Florida Seaport
310 Transportation and Economic Development Council to develop
311 a priority list of projects and submit the list to the
312 Department of Transportation; amending s. 311.14, F.S.;
313 requiring certain ports to develop strategic plans;
314 providing criteria for such plans; requiring such plans to
315 be consistent with local government comprehensive plans;
316 requiring such plans to be submitted to the Florida
317 Seaport Transportation and Economic Development Council;
318 requiring the Florida Seaport Transportation and Economic
319 Development Council to review such plans and include
320 related information in the Florida Seaport Mission Plan;

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321 amending s. 339.155, F.S.; clarifying and revising the
322 principles on which the Florida Transportation Plan is
323 based; amending s. 339.63, F.S.; adding certain existing
324 and planned facilities to the list of facilities included
325 in the Strategic Intermodal System and the Emerging
326 Strategic Intermodal System; amending s. 373.406, F.S.;
327 exempting overwater piers, docks, and structures located
328 in deepwater ports from stormwater management system
329 requirements under specified conditions; amending s.
330 373.4133, F.S.; requiring the Department of Environmental
331 Protection to approve or deny an application for a port
332 conceptual permit within a specified time; providing a
333 limitation for the request of additional information from
334 an applicant by the department; providing that failure of
335 an applicant to respond to such a request within a
336 specified time constitutes withdrawal of the application;
337 providing that a third party who challenge the issuance of
338 a port conceptual permit has the burden of ultimate
339 persuasion and the burden of going forward with evidence;
340 amending s. 403.813, F.S.; exempting specified seaports
341 and inland navigation districts from requirements to
342 conduct maintenance dredging under certain conditions;
343 excluding ditches, pipes, and similar linear conveyances
344 from consideration as receiving waters for the disposal of
345 dredged materials; authorizing public ports and inland
346 navigation districts to use sovereignty submerged lands in
347 connection with maintenance dredging; authorizing the
348 disposal of spoil material on specified sites; providing

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349 an exemption from permitting requirements for sites that
350 meet specified criteria; requiring notice to the
351 Department of Environmental Protection of intent to use
352 the exemption; providing an effective date.

353