

By the Committees on Commerce and Tourism; and Transportation;
and Senator Ring

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1 A bill to be entitled
2 An act relating to freight mobility development;
3 requesting the Division of Statutory Revision to
4 redesignate the title of ch. 311, F.S.; amending s.
5 311.07, F.S.; redesignating the ports to be benefitted
6 by the Florida Seaport Transportation and Economic
7 Development Program; increasing the minimum amount of
8 annual funding from the State Transportation Trust
9 Fund to the Florida Seaport Transportation and
10 Economic Development Program; requiring the Florida
11 Seaport Transportation and Economic Development
12 Council to develop guidelines for project funding;
13 providing for the allocation of funds to projects and
14 placement of projects in the tentative work program;
15 authorizing program funds to be used for data
16 collection and analysis; correcting a cross-reference;
17 deleting a requirement that intermodal access projects
18 eligible for funding under the program be identified
19 in the 5-year Florida Seaport Mission Plan;
20 authorizing program funds to be used for updates to a
21 seaport master plan or strategic development plan;
22 deleting limits on the maximum amount of matching
23 funds that a port may receive under the program;
24 making audits of a project receiving funds under the
25 program subject to the discretion of the Department of
26 Transportation; amending s. 311.09, F.S.; revising the
27 criteria that the Florida Seaport Transportation and
28 Economic Development Council must use in evaluating
29 certain proposed projects for funding; deleting

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30 responsibilities of the Department of Community
31 Affairs with respect to projects approved by the
32 council; requiring the Department of Transportation to
33 review the applications for projects approved by the
34 council for consistency with the Statewide Seaport and
35 Waterways System Plan; requiring the Department of
36 Transportation to assess the transportation impacts
37 and economic benefits of projects approved by the
38 council; requiring the Department of Economic
39 Opportunity to review projects approved by the council
40 for consistency with state economic development goals
41 and policies and with state, regional, and local
42 plans; conforming cross-references; requiring the
43 Department of Transportation to request a specified
44 minimum amount of funding for the Florida Seaport
45 Transportation and Economic Development Program in its
46 annual budget request; requiring the Department of
47 Transportation to include projects approved under the
48 program to be included in the tentative work program;
49 creating s. 311.10, F.S.; creating the Strategic Port
50 Investment Initiative; requiring a specified minimum
51 amount of annual funding from the State Transportation
52 Trust Fund to the initiative; requiring the Department
53 of Transportation to create a prioritized list of
54 strategic investment projects; specifying criteria for
55 placing a proposed project on the list; requiring the
56 Department of Transportation to include projects on
57 the list of strategic investment projects in the
58 tentative work program; amending s. 311.14, F.S.;

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59 requiring the Department of Transportation to develop
60 a Statewide Seaport and Waterways System Plan;
61 specifying the contents of the plan; deleting
62 requirements for the creation of freight-mobility and
63 trade-corridor plans; amending ss. 311.22 and 320.20,
64 F.S.; conforming cross-references to changes made by
65 the act; amending s. 339.63, F.S.; establishing
66 procedures for designating a facility as part of the
67 Strategic Intermodal System; providing for a waiver of
68 transportation concurrency for such a facility;
69 providing an effective date.

70
71 Be It Enacted by the Legislature of the State of Florida:

72
73 Section 1. The Division of Statutory Revision is requested
74 to redesignate the title of chapter 311, Florida Statutes, as
75 "Seaport Programs and Facilities."

76 Section 2. Section 311.07, Florida Statutes, is amended to
77 read:

78 311.07 Florida seaport transportation and economic
79 development funding.—

80 (1) There is created the Florida Seaport Transportation and
81 Economic Development Program within the Department of
82 Transportation to finance port transportation or port facilities
83 projects that will improve the movement and intermodal
84 transportation of cargo or passengers in commerce and trade and
85 ~~that will~~ support the interests, purposes, and requirements of
86 all ports listed in s. 311.09 located in this state.

87 (2) A minimum of \$15 ~~\$8~~ million per year shall be made

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88 available from the State Transportation Trust Fund to fund the
89 Florida Seaport Transportation and Economic Development Program.
90 The Florida Seaport Transportation and Economic Development
91 Council created in s. 311.09 shall develop guidelines for
92 project funding. Council staff, the Department of
93 Transportation, and the Department of Economic Opportunity shall
94 work in cooperation to review projects and allocate funds in
95 accordance with the schedule required for the Department of
96 Transportation to include these projects in the tentative work
97 program developed pursuant to s. 339.135(4).

98 (3) (a) Program Funds of the Florida Seaport Transportation
99 and Economic Development Program shall be used to fund approved
100 projects on a 50-50 matching basis with any of the deepwater
101 ports, as listed in s. 311.09, as listed in s. 403.021(9)(b),
102 which is governed by a public body or any other deepwater port
103 that ~~which~~ is governed by a public body and that ~~which~~ complies
104 with the water quality provisions of s. 403.061, the
105 comprehensive master plan requirements of s. 163.3178(2)(k), and
106 the local financial management and reporting provisions of part
107 III of chapter 218. However, program funds used to fund projects
108 that involve the rehabilitation of wharves, docks, berths,
109 bulkheads, or similar structures shall require a 25-percent
110 match of funds. Program funds also may be used by the Seaport
111 Transportation and Economic Development Council for data
112 collection and analysis that ~~to develop trade data information~~
113 ~~products which~~ will assist Florida's seaports and international
114 trade.

115 (b) Projects eligible for funding by grants under the
116 program are limited to the following port facilities or port

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117 transportation projects:

118 1. Transportation facilities within the jurisdiction of the
119 port.

120 2. The dredging or deepening of channels, turning basins,
121 or harbors.

122 3. The construction or rehabilitation of wharves, docks,
123 structures, jetties, piers, storage facilities, cruise
124 terminals, automated people mover systems, or any facilities
125 necessary or useful in connection with any of the foregoing.

126 4. The acquisition of vessel tracking systems, container
127 cranes, or other mechanized equipment used in the movement of
128 cargo or passengers in international commerce.

129 5. The acquisition of land to be used for port purposes.

130 6. The acquisition, improvement, enlargement, or extension
131 of existing port facilities.

132 7. Environmental protection projects that ~~which~~ are
133 necessary because of requirements imposed by a state agency as a
134 condition of a permit or other form of state approval; that
135 ~~which~~ are necessary for environmental mitigation required as a
136 condition of a state, federal, or local environmental permit;
137 that ~~which~~ are necessary for the acquisition of spoil disposal
138 sites and improvements to existing and future spoil sites; or
139 that ~~which~~ result from the funding of eligible projects listed
140 in this paragraph.

141 8. A transportation facility ~~facilities~~ as defined in s.
142 334.03(31) which is ~~are~~ not otherwise part of the Department of
143 Transportation's adopted work program.

144 9. ~~Seaport~~ Intermodal access projects ~~identified in the 5-~~
145 ~~year Florida Seaport Mission Plan as provided in s. 311.09(3).~~

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146 10. Construction or rehabilitation of port facilities as
147 defined in s. 315.02, excluding any park or recreational
148 facilities, in ports listed in s. 311.09(1) with operating
149 revenues of \$5 million or less, ~~if provided that~~ such projects
150 create economic development opportunities, capital improvements,
151 and positive financial returns to such ports.

152 11. Updates to a seaport master plan or strategic plan
153 development, including the purchase of data to support such plan
154 updates.

155 (c) To be eligible for consideration by the council
156 pursuant to this section, a project must be consistent with the
157 port comprehensive master plan that ~~which~~ is incorporated as
158 part of the approved local government comprehensive plan as
159 required by s. 163.3178(2)(k) or other provisions of the
160 Community Planning Act, part II of chapter 163.

161 ~~(4) A port eligible for matching funds under the program~~
162 ~~may receive a distribution of not more than \$7 million during~~
163 ~~any 1 calendar year and a distribution of not more than \$30~~
164 ~~million during any 5 calendar year period.~~

165 ~~(4)-(5)~~ Any port that ~~which~~ receives funding under the
166 program shall institute procedures to ensure that jobs created
167 as a result of the state funding are ~~shall be~~ subject to equal
168 opportunity hiring practices in the manner provided in s.
169 110.112.

170 ~~(5)-(6)~~ The Department of Transportation may conduct a final
171 audit of a ~~shall subject any~~ project that receives funds
172 pursuant to this section and s. 320.20 ~~to a final audit~~. The
173 department may adopt rules and perform such other acts as are
174 necessary or convenient to ensure that the final audits are

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175 conducted and that any deficiency or questioned costs noted by
176 the audit are resolved.

177 Section 3. Section 311.09, Florida Statutes, is amended to
178 read:

179 311.09 Florida Seaport Transportation and Economic
180 Development Council.—

181 (1) The Florida Seaport Transportation and Economic
182 Development Council is created within the Department of
183 Transportation. The council consists of the following 17 ~~18~~
184 members: the port director, or the port director's designee, of
185 each of the ports of Jacksonville, Port Canaveral, Port Citrus,
186 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,
187 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
188 West, and Fernandina; the secretary of the Department of
189 Transportation or his or her designee; and the director of the
190 Department of Economic Opportunity or his or her designee.

191 (2) The council shall adopt bylaws governing the manner in
192 which the business of the council will be conducted. The bylaws
193 shall specify the procedure by which the chairperson of the
194 council is elected.

195 (3) The council shall prepare a 5-year Florida Seaport
196 Mission Plan defining the goals and objectives of the council
197 concerning the development of port facilities and an intermodal
198 transportation system consistent with the goals of the Florida
199 Transportation Plan developed pursuant to s. 339.155. The
200 Florida Seaport Mission Plan shall include specific
201 recommendations for the construction of transportation
202 facilities connecting any port to another transportation mode
203 and for the efficient, cost-effective development of

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204 transportation facilities or port facilities for the purpose of
205 enhancing trade, promoting cargo flow, increasing cruise
206 passenger movements, increasing port revenues, and providing
207 economic benefits to the state. The council shall develop a
208 priority list of projects based on these recommendations
209 annually and submit the list to the Department of
210 Transportation. The council shall update the 5-year Florida
211 Seaport Mission Plan annually and shall submit the plan no later
212 than February 1 of each year to the President of the Senate, the
213 Speaker of the House of Representatives, the Department of
214 Economic Opportunity, and the Department of Transportation. The
215 council shall develop programs, based on an examination of
216 existing programs in Florida and other states, for the training
217 of minorities and secondary school students in job skills
218 associated with employment opportunities in the maritime
219 industry, and report on progress and recommendations for further
220 action to the President of the Senate and the Speaker of the
221 House of Representatives annually.

222 (4) The council shall adopt rules for evaluating projects
223 that ~~which~~ may be funded under ss. 311.07 and 320.20. The rules
224 shall provide criteria for evaluating proposed projects, which
225 include, but are not limited to, the following factors:

226 (a) The consistency of the project with relevant plans;

227 (b) The potential economic benefits of the project;

228 (c) Whether the project will create a competitive advantage
229 for a port over other ports in this state;

230 (d) The amount of time between the approval of funding and
231 the commencement of construction of the project; and

232 (e) Whether the project will increase the capacity of the

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233 seaport system. ~~the economic benefit of the project, measured by~~
234 ~~the potential for the proposed project to maintain or increase~~
235 ~~cargo flow, cruise passenger movement, international commerce,~~
236 ~~port revenues, and the number of jobs for the port's local~~
237 ~~community.~~

238 (5) The council shall review and approve or disapprove each
239 project eligible to be funded pursuant to the Florida Seaport
240 Transportation and Economic Development Program. The council
241 shall annually submit to the Secretary of Transportation and the
242 executive director of the Department of Economic Opportunity, or
243 his or her designee, a list of projects that ~~which~~ have been
244 approved by the council. The list shall specify the recommended
245 funding level for each project; and, if staged implementation of
246 the project is appropriate, the funding requirements for each
247 stage shall be specified.

248 ~~(6) The Department of Community Affairs shall review the~~
249 ~~list of projects approved by the council to determine~~
250 ~~consistency with approved local government comprehensive plans~~
251 ~~of the units of local government in which the port is located~~
252 ~~and consistency with the port master plan. The Department of~~
253 ~~Community Affairs shall identify and notify the council of those~~
254 ~~projects which are not consistent, to the maximum extent~~
255 ~~feasible, with such comprehensive plans and port master plans.~~

256 (6) ~~(7)~~ The Department of Transportation shall review the
257 applications for ~~list of~~ projects approved by the council for
258 consistency with the Florida Transportation Plan, the Statewide
259 Seaport and Waterways System Plan, and the department's adopted
260 work program. In evaluating the consistency of a project, the
261 department shall assess the transportation impacts and economic

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262 benefits for each project. ~~determine whether the transportation~~
263 ~~impact of the proposed project is adequately handled by existing~~
264 ~~state-owned transportation facilities or by the construction of~~
265 ~~additional state-owned transportation facilities as identified~~
266 ~~in the Florida Transportation Plan and the department's adopted~~
267 ~~work program. In reviewing for consistency a transportation~~
268 ~~facility project as defined in s. 334.03(31) which is not~~
269 ~~otherwise part of the department's work program, the department~~
270 ~~shall evaluate whether the project is needed to provide for~~
271 ~~projected movement of cargo or passengers from the port to a~~
272 ~~state transportation facility or local road. If the project is~~
273 ~~needed to provide for projected movement of cargo or passengers,~~
274 ~~the project shall be approved for consistency as a consideration~~
275 ~~to facilitate the economic development and growth of the state~~
276 ~~in a timely manner.~~ The Department of Transportation shall
277 identify those projects that ~~which~~ are inconsistent with the
278 Florida Transportation Plan, the Statewide Seaport and Waterways
279 System Plan, ~~or and~~ the adopted work program and shall notify
280 the council of projects found to be inconsistent.

281 (7)-(8) The Department of Economic Opportunity shall review
282 the applications for ~~list of~~ projects approved by the council to
283 evaluate the economic benefit of the project and to determine
284 whether the project is consistent with the Florida Seaport
285 Mission Plan and with state economic development goals and
286 policies. The Department of Economic Opportunity shall review
287 the consistency of the proposed project with state, regional,
288 and local plans, as appropriate, and the economic benefits of
289 each project based upon the rules adopted pursuant to subsection
290 (4). The Department of Economic Opportunity shall identify those

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291 projects that ~~which~~ it has determined do not offer an economic
292 benefit to the state, are not consistent with an appropriate
293 plan, or are not consistent with the Florida Seaport Mission
294 Plan or state economic development goals and policies, and shall
295 notify the council of its findings.

296 ~~(8)(9)~~ The council shall review the findings of the
297 Department of Economic Opportunity and the Department of
298 Transportation. Projects found to be inconsistent pursuant to
299 subsection (6) or subsection (7) ~~subsections (6), (7), and (8)~~
300 and projects that ~~which~~ have been determined not to offer an
301 economic benefit to the state pursuant to subsection (7) ~~may~~ ~~(8)~~
302 ~~shall~~ not be included in the list of projects to be funded.

303 ~~(9)(10)~~ The Department of Transportation shall request at
304 least \$15 million ~~include~~ in its annual legislative budget
305 request for the a Florida Seaport Transportation and Economic
306 Development ~~grant~~ program under s. 311.07 ~~for expenditure of~~
307 ~~funds of not less than \$8 million per year.~~ Such budget shall
308 include funding for projects approved by the council which have
309 been determined by each agency to be consistent with the
310 appropriate plans and state economic goals and policies ~~and~~
311 ~~which have been determined by the Department of Economic~~
312 ~~Opportunity to be economically beneficial.~~ The department shall
313 include the specific ~~approved seaport~~ projects approved under
314 the Florida Seaport Transportation and Economic Development
315 Program to be funded under s. 311.07 ~~this section~~ during the
316 ensuing fiscal year in the tentative work program developed
317 pursuant to s. 339.135(4). The total amount of funding allocated
318 ~~to be allocated to seaport~~ projects approved under the Florida
319 Seaport Transportation and Economic Development Program under s.

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320 311.07 during the successive 4 fiscal years shall also be
321 included in the tentative work program developed pursuant to s.
322 339.135(4). The council may submit to the department a list of
323 approved projects that could be made production-ready within the
324 next 2 years. The list shall be submitted by the department as
325 part of the needs and project list prepared pursuant to s.
326 339.135(2)(b). However, the department shall, upon written
327 request of the Florida Seaport Transportation and Economic
328 Development Council, submit work program amendments pursuant to
329 s. 339.135(7) to the Governor within 10 days after the later of
330 the date the request is received by the department or the
331 effective date of the amendment, termination, or closure of the
332 applicable funding agreement between the department and the
333 affected seaport, as required to release the funds from the
334 existing commitment. Notwithstanding s. 339.135(7)(c), any work
335 program amendment to transfer prior year funds from one approved
336 seaport project to another seaport project is subject to the
337 procedures in s. 339.135(7)(d). Notwithstanding any provision of
338 law to the contrary, the department may transfer unexpended
339 budget between the seaport projects as identified in the
340 approved work program amendments.

341 (10)~~(11)~~ The council shall meet at the call of its
342 chairperson, at the request of a majority of its membership, or
343 at such times as may be prescribed in its bylaws. However, the
344 council must meet at least semiannually. A majority of voting
345 members of the council constitutes a quorum for the purpose of
346 transacting the business of the council. All members of the
347 council are voting members. A vote of the majority of the voting
348 members present is sufficient for any action of the council,

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349 except that a member representing the Department of
350 Transportation or the Department of Economic Opportunity may
351 vote to overrule any action of the council approving a project
352 pursuant to subsection (5). The bylaws of the council may
353 require a greater vote for a particular action.

354 (11)~~(12)~~ Members of the council shall serve without
355 compensation but are entitled to receive reimbursement for per
356 diem and travel expenses as provided in s. 112.061. The council
357 may elect to provide an administrative staff to provide services
358 to the council on matters relating to the Florida Seaport
359 Transportation and Economic Development Program and the council.
360 The cost for such administrative services shall be paid by all
361 ports that receive funding from the Florida Seaport
362 Transportation and Economic Development Program, based upon a
363 pro rata formula measured by each recipient's share of the funds
364 as compared to the total funds disbursed to all recipients
365 during the year. The share of costs for administrative services
366 shall be paid in its total amount by the recipient port upon
367 execution by the port and the Department of Transportation of a
368 joint participation agreement for each council-approved project,
369 and such payment is in addition to the matching funds required
370 to be paid by the recipient port. Except as otherwise exempted
371 by law, all moneys derived from the Florida Seaport
372 Transportation and Economic Development Program shall be
373 expended in accordance with the provisions of s. 287.057.
374 Seaports subject to competitive negotiation requirements of a
375 local governing body shall abide by the provisions of s.
376 287.055.

377 (12)~~(13)~~ Until July 1, 2014, Citrus County may apply for a

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378 grant through the Florida Seaport Transportation and Economic
379 Development Council to perform a feasibility study regarding the
380 establishment of a port in Citrus County. The council shall
381 evaluate such application pursuant to subsections (5)-(8) ~~(5)-~~
382 ~~(9)~~ and, if approved, the Department of Transportation shall
383 include the feasibility study in its budget request pursuant to
384 subsection (9) ~~(10)~~. If the study determines that a port in
385 Citrus County is not feasible, the membership of Port Citrus on
386 the council shall terminate.

387 Section 4. Section 311.10, Florida Statutes, is created to
388 read:

389 311.10 Strategic Port Investment Initiative.—There is
390 created the Strategic Port Investment Initiative within the
391 Department of Transportation. Beginning in the 2012-2013 fiscal
392 year, a minimum of \$35 million annually shall be made available
393 from the State Transportation Trust Fund to fund the initiative.
394 The Department of Transportation shall work with the deepwater
395 ports listed in s. 311.09 to annually develop, update, and
396 maintain a prioritized list of strategic investment projects. A
397 proposed project may be placed on the list only if the project
398 will meet the state's economic development goal of becoming a
399 hub for trade, logistics, and export-oriented activities by:

400 (a) Providing important access and major on-port capacity
401 improvements;

402 (b) Providing capital improvements that will strategically
403 position the state to maximize opportunities in international
404 trade and logistics or in the cruise industry;

405 (c) Achieving the state's goals for an integrated
406 intermodal transportation system; and

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407 (d) Demonstrating the feasibility of receiving matching
408 funds through local or private partners.

409 (2) Before finalizing the list of strategic investment
410 projects, the Department of Transportation must hold a public
411 workshop with the Department of Economic Opportunity and the
412 deepwater ports listed in s. 311.09 to review the proposed
413 projects. The Department of Transportation shall finalize the
414 list of projects after considering the comments received during
415 the workshop.

416 (3) The Department of Transportation, to the extent
417 feasible, shall include the projects on the list of strategic
418 investment projects, in the tentative work program developed
419 pursuant to s. 339.135(4).

420 Section 5. Section 311.14, Florida Statutes, is amended to
421 read:

422 311.14 Seaport planning.—

423 (1) The Department of Transportation shall develop, in
424 coordination with the ports listed in s. 311.09 and other
425 partners, a Statewide Seaport and Waterways System Plan. The
426 plan must be consistent with the principles of the Florida
427 Transportation Plan under s. 339.155 and must consider the needs
428 identified in individual port master plans and those needs from
429 the seaport strategic plans required under this section. The
430 plan must identify 5-year, 10-year, and 20-year needs for the
431 seaport system and include seaport, waterway, road, and rail
432 projects that are needed to support the success of the
433 transportation system as a whole in supporting state economic
434 development goals. ~~The Florida Seaport Transportation and~~
435 ~~Economic Development Council, in cooperation with the Office of~~

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436 ~~the State Public Transportation Administrator within the~~
437 ~~Department of Transportation, shall develop freight-mobility and~~
438 ~~trade-corridor plans to assist in making freight-mobility~~
439 ~~investments that contribute to the economic growth of the state.~~
440 ~~Such plans should enhance the integration and connectivity of~~
441 ~~the transportation system across and between transportation~~
442 ~~modes throughout Florida for people and freight.~~

443 ~~(2) The Office of the State Public Transportation~~
444 ~~Administrator shall act to integrate freight-mobility and trade-~~
445 ~~corridor plans into the Florida Transportation Plan developed~~
446 ~~pursuant to s. 339.155 and into the plans and programs of~~
447 ~~metropolitan planning organizations as provided in s. 339.175.~~
448 ~~The office may also provide assistance in expediting the~~
449 ~~transportation permitting process relating to the construction~~
450 ~~of seaport freight-mobility projects located outside the~~
451 ~~physical borders of seaports. The Department of Transportation~~
452 ~~may contract, as provided in s. 334.044, with any port listed in~~
453 ~~s. 311.09(1) or any such other statutorily authorized seaport~~
454 ~~entity to act as an agent in the construction of seaport~~
455 ~~freight-mobility projects.~~

456 (2) ~~(3)~~ Each port shall develop a strategic plan with a 10-
457 year horizon. Each plan must include the following:

458 (a) An economic development component that identifies
459 targeted business opportunities for increasing business and
460 attracting new business for which a particular facility has a
461 strategic advantage over its competitors, identifies financial
462 resources and other inducements to encourage growth of existing
463 business and acquisition of new business, and provides a
464 projected schedule for attainment of the plan's goals.

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465 (b) An infrastructure development and improvement component
466 that identifies all projected infrastructure improvements within
467 the plan area which require improvement, expansion, or
468 development in order for a port to attain a strategic advantage
469 for competition with national and international competitors.

470 (c) A component that identifies all intermodal
471 transportation facilities, including sea, air, rail, or road
472 facilities, which are available or have potential, with
473 improvements, to be available for necessary national and
474 international commercial linkages and provides a plan for the
475 integration of port, airport, and railroad activities with
476 existing and planned transportation infrastructure.

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

480 (e) An intergovernmental coordination component that
481 specifies modes and methods to coordinate plan goals and
482 missions with the missions of the Department of Transportation,
483 other state agencies, and affected local, general-purpose
484 governments.

485
486 To the extent feasible, the port strategic plan must be
487 consistent with the local government comprehensive plans of the
488 units of local government in which the port is located. Upon
489 approval of a plan by the port's board, the plan shall be
490 submitted to the Florida Seaport Transportation and Economic
491 Development Council.

492 (3)~~(4)~~ The Florida Seaport Transportation and Economic
493 Development Council shall review the strategic plans submitted

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494 by each port and prioritize strategic needs for inclusion in the
495 Florida Seaport Mission Plan prepared pursuant to s. 311.09(3).

496 Section 6. Subsection (2) of section 311.22, Florida
497 Statutes, is amended to read:

498 311.22 Additional authorization for funding certain
499 dredging projects.—

500 (2) The council shall adopt rules for evaluating the
501 projects that may be funded pursuant to this section. The rules
502 must provide criteria for evaluating the economic benefit of the
503 project. The rules must include the creation of an
504 administrative review process by the council which is similar to
505 the process described in s. 311.09(5)-(11) ~~s. 311.09(5)-(12)~~,
506 and provide for a review by the Department of Transportation and
507 the Department of Economic Opportunity of all projects submitted
508 for funding under this section.

509 Section 7. Subsections (3) and (4) of section 320.20,
510 Florida Statutes, are amended to read:

511 320.20 Disposition of license tax moneys.—The revenue
512 derived from the registration of motor vehicles, including any
513 delinquent fees and excluding those revenues collected and
514 distributed under the provisions of s. 320.081, must be
515 distributed monthly, as collected, as follows:

516 (3) Notwithstanding any other provision of law except
517 subsections (1) and (2), on July 1, 1996, and annually
518 thereafter, \$15 million shall be deposited in the State
519 Transportation Trust Fund solely for the purposes of funding the
520 Florida Seaport Transportation and Economic Development Program
521 as provided for in chapter 311. Such revenues shall be
522 distributed on a 50-50 matching basis to any port listed in s.

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523 311.09(1) to be used for funding projects as described in s.
524 311.07(3)(b). Such revenues may be assigned, pledged, or set
525 aside as a trust for the payment of principal or interest on
526 bonds, tax anticipation certificates, or any other form of
527 indebtedness issued by an individual port or appropriate local
528 government having jurisdiction thereof, or collectively by
529 interlocal agreement among any of the ports, or used to purchase
530 credit support to permit such borrowings. However, such debt
531 does ~~shall~~ not constitute a general obligation of the State of
532 Florida. The state does hereby covenant with holders of such
533 revenue bonds or other instruments of indebtedness issued
534 hereunder that it will not repeal, ~~or~~ impair, or amend in any
535 manner that ~~which~~ will materially and adversely affect the
536 rights of such holders so long as bonds authorized by this
537 section are outstanding. Any revenues that ~~which~~ are not pledged
538 to the repayment of bonds as authorized by this section may be
539 utilized for purposes authorized under the Florida Seaport
540 Transportation and Economic Development Program. This revenue
541 source is in addition to any amounts provided for and
542 appropriated in accordance with s. 311.07. The Florida Seaport
543 Transportation and Economic Development Council shall approve
544 distribution of funds to ports for projects that ~~which~~ have been
545 approved pursuant to s. 311.09(5)-(8) ~~s. 311.09(5)-(9)~~. The
546 council and the Department of Transportation are authorized to
547 perform such acts as are required to facilitate and implement
548 the provisions of this subsection. To better enable the ports to
549 cooperate to their mutual advantage, the governing body of each
550 port may exercise powers provided to municipalities or counties
551 in s. 163.01(7)(d) subject to the provisions of chapter 311 and

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552 special acts, if any, pertaining to a port. The use of funds
553 provided pursuant to this subsection are limited to eligible
554 projects listed in this subsection. Income derived from a
555 project completed with the use of program funds, beyond
556 operating costs and debt service, shall be restricted to further
557 port capital improvements consistent with maritime purposes and
558 for no other purpose. Use of such income for nonmaritime
559 purposes is prohibited. ~~The provisions of s. 311.07(4) do not~~
560 ~~apply to any funds received pursuant to this subsection.~~ The
561 revenues available under this subsection may ~~shall~~ not be
562 pledged to the payment of any bonds other than the Florida Ports
563 Financing Commission Series 1996 and Series 1999 Bonds currently
564 outstanding; provided, however, such revenues may be pledged to
565 secure payment of refunding bonds to refinance the Florida Ports
566 Financing Commission Series 1996 and Series 1999 Bonds. No
567 refunding bonds secured by revenues available under this
568 subsection may be issued with a final maturity later than the
569 final maturity of the Florida Ports Financing Commission Series
570 1996 and Series 1999 Bonds or which provide for higher debt
571 service in any year than is currently payable on such bonds. Any
572 revenue bonds or other indebtedness issued after July 1, 2000,
573 other than refunding bonds shall be issued by the Division of
574 Bond Finance at the request of the Department of Transportation
575 pursuant to the State Bond Act.

576 (4) Notwithstanding any other provision of law except
577 subsections (1), (2), and (3), on July 1, 1999, and annually
578 thereafter, \$10 million shall be deposited in the State
579 Transportation Trust Fund solely for the purposes of funding the
580 Florida Seaport Transportation and Economic Development Program

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581 as provided in chapter 311 and for funding seaport intermodal
582 access projects of statewide significance as provided in s.
583 341.053. Such revenues shall be distributed to any port listed
584 in s. 311.09(1), to be used for funding projects as follows:

585 (a) For any seaport intermodal access projects that are
586 identified in the 1997-1998 Tentative Work Program of the
587 Department of Transportation, up to the amounts needed to offset
588 the funding requirements of this section.

589 (b) For seaport intermodal access projects as described in
590 s. 341.053(5) that are identified in the 5-year Florida Seaport
591 Mission Plan as provided in s. 311.09(3). Funding for such
592 projects shall be on a matching basis as mutually determined by
593 the Florida Seaport Transportation and Economic Development
594 Council and the Department of Transportation, provided a minimum
595 of 25 percent of total project funds shall come from any port
596 funds, local funds, private funds, or specifically earmarked
597 federal funds.

598 (c) On a 50-50 matching basis for projects as described in
599 s. 311.07(3)(b).

600 (d) For seaport intermodal access projects that involve the
601 dredging or deepening of channels, turning basins, or harbors;
602 or the rehabilitation of wharves, docks, or similar structures.
603 Funding for such projects shall require a 25 percent match of
604 the funds received pursuant to this subsection. Matching funds
605 shall come from any port funds, federal funds, local funds, or
606 private funds.

607
608 Such revenues may be assigned, pledged, or set aside as a trust
609 for the payment of principal or interest on bonds, tax

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610 anticipation certificates, or any other form of indebtedness
611 issued by an individual port or appropriate local government
612 having jurisdiction thereof, or collectively by interlocal
613 agreement among any of the ports, or used to purchase credit
614 support to permit such borrowings. However, such debt does ~~shall~~
615 not constitute a general obligation of the state. This state
616 does hereby covenant with holders of such revenue bonds or other
617 instruments of indebtedness issued hereunder that it will not
618 repeal, ~~or~~ impair, or amend this subsection in any manner that
619 ~~which~~ will materially and adversely affect the rights of holders
620 so long as bonds authorized by this subsection are outstanding.
621 Any revenues that are not pledged to the repayment of bonds as
622 authorized by this section may be utilized for purposes
623 authorized under the Florida Seaport Transportation and Economic
624 Development Program. This revenue source is in addition to any
625 amounts provided for and appropriated in accordance with s.
626 311.07 and subsection (3). The Florida Seaport Transportation
627 and Economic Development Council shall approve distribution of
628 funds to ports for projects that have been approved pursuant to
629 s. 311.09(5)-(8) ~~s. 311.09(5)-(9)~~, or for seaport intermodal
630 access projects identified in the 5-year Florida Seaport Mission
631 Plan as provided in s. 311.09(3) and mutually agreed upon by the
632 FSTED Council and the Department of Transportation. All
633 contracts for actual construction of projects authorized by this
634 subsection must include a provision encouraging employment of
635 participants in the welfare transition program. The goal for
636 employment of participants in the welfare transition program is
637 25 percent of all new employees employed specifically for the
638 project, unless the Department of Transportation and the Florida

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639 Seaport Transportation and Economic Development Council
640 demonstrate that such a requirement would severely hamper the
641 successful completion of the project. In such an instance,
642 Workforce Florida, Inc., shall establish an appropriate
643 percentage of employees that must be participants in the welfare
644 transition program. The council and the Department of
645 Transportation are authorized to perform such acts as are
646 required to facilitate and implement the provisions of this
647 subsection. To better enable the ports to cooperate to their
648 mutual advantage, the governing body of each port may exercise
649 powers provided to municipalities or counties in s. 163.01(7)(d)
650 subject to the provisions of chapter 311 and special acts, if
651 any, pertaining to a port. The use of funds provided pursuant to
652 this subsection is limited to eligible projects listed in this
653 subsection. ~~The provisions of s. 311.07(4) do not apply to any~~
654 ~~funds received pursuant to this subsection.~~ The revenues
655 available under this subsection may ~~shall~~ not be pledged to the
656 payment of any bonds other than the Florida Ports Financing
657 Commission Series 1996 and Series 1999 Bonds currently
658 outstanding; provided, however, such revenues may be pledged to
659 secure payment of refunding bonds to refinance the Florida Ports
660 Financing Commission Series 1996 and Series 1999 Bonds. No
661 refunding bonds secured by revenues available under this
662 subsection may be issued with a final maturity later than the
663 final maturity of the Florida Ports Financing Commission Series
664 1996 and Series 1999 Bonds or which provide for higher debt
665 service in any year than is currently payable on such bonds. Any
666 revenue bonds or other indebtedness issued after July 1, 2000,
667 other than refunding bonds shall be issued by the Division of

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668 Bond Finance at the request of the Department of Transportation
669 pursuant to the State Bond Act.

670 Section 8. Subsection (5) is added to section 339.63,
671 Florida Statutes, to read:

672 339.63 System facilities designated; additions and
673 deletions.—

674 (5) (a) The Secretary of Transportation shall designate a
675 planned facility as part of the Strategic Intermodal System upon
676 request of the facility if the facility meets the criteria and
677 thresholds established in subsection (4), meets the definition
678 of an intermodal logistics center, and has been designated in a
679 local comprehensive plan or local government development order
680 as an intermodal logistics center or an equivalent planning
681 term.

682 (b) As used in this section, the term "intermodal logistics
683 center" means a facility or group of facilities serving as a
684 point of intermodal transfer of freight in a specific area
685 physically separated from a seaport where activities relating to
686 transport, logistics, goods distribution, consolidation, or
687 value-added activities are carried out and whose activities and
688 services are designed to support or be supported by one or more
689 seaports, as provide in s. 311.09.

690 (c) A facility that is designated part of the Strategic
691 Intermodal System and is within the jurisdiction of a local
692 government that maintains a transportation concurrency system
693 shall receive a waiver of transportation concurrency
694 requirements applicable to Strategic Intermodal System
695 facilities in order to accommodate any development at the
696 facility which occurs pursuant to a building permit issued on or

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697 before December 31, 2017, but only if such facility is located
698 within:

699 1. An area designated pursuant to s. 288.0656(7) as a rural
700 area of critical economic concern;

701 2. A rural enterprise zone as defined in s. 290.004; or

702 3. Ten miles of the boundary of a rural area of critical
703 economic concern or a rural enterprise zone.

704 Section 9. This act shall take effect July 1, 2012.