

By Senator Ring

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1                                   A bill to be entitled  
2           An act relating to freight mobility development;  
3           providing definitions; providing tax credits of a  
4           specified amount relating to increased trade  
5           activities at port facilities for use against  
6           specifically enumerated taxes for a specified number  
7           of tax years; providing eligibility criteria,  
8           limitations, conditions, requirements, and  
9           prohibitions relating to applying for, approving,  
10          calculating, claiming, issuing, recapturing, carrying  
11          over, and redeeming such tax credits; providing for  
12          application; requiring the Department of Economic  
13          Opportunity to adopt rules; requesting the Division of  
14          Statutory Revision to redesignate the title of ch.  
15          311, F.S.; amending s. 311.07, F.S.; redesignating the  
16          ports to be benefitted by the Florida Seaport  
17          Transportation and Economic Development Program;  
18          increasing the minimum amount of annual funding from  
19          the State Transportation Trust Fund to the Florida  
20          Seaport Transportation and Economic Development  
21          Program; requiring the Florida Seaport Transportation  
22          and Economic Development Council to develop guidelines  
23          for project funding; providing for the allocation of  
24          funds to projects and placement of projects in the  
25          tentative work program; authorizing program funds to  
26          be used for data collection and analysis; correcting a  
27          cross-reference; deleting a requirement that  
28          intermodal access projects eligible for funding under  
29          the program be identified in the 5-year Florida

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30 Seaport Mission Plan; authorizing program funds to be  
31 used for updates to a seaport master plan or strategic  
32 development plan; deleting limits on the maximum  
33 amount of matching funds that a port may receive under  
34 the program; making audits of a project receiving  
35 funds under the program subject to the discretion of  
36 the Department of Transportation; amending s. 311.09,  
37 F.S.; revising the criteria that the Florida Seaport  
38 Transportation and Economic Development Council must  
39 use in evaluating certain proposed projects for  
40 funding; deleting responsibilities of the Department  
41 of Community Affairs with respect to projects approved  
42 by the council; requiring the Department of  
43 Transportation to review the applications for projects  
44 approved by the council for consistency with the  
45 Statewide Seaport and Waterways System Plan; requiring  
46 the Department of Transportation to assess the  
47 transportation impacts and economic benefits of  
48 projects approved by the council; requiring the  
49 Department of Economic Opportunity to review projects  
50 approved by the council for consistency with state  
51 economic development goals and policies and with  
52 state, regional, and local plans; conforming cross-  
53 references; requiring the Department of Transportation  
54 to request a specified minimum amount of funding for  
55 the Florida Seaport Transportation and Economic  
56 Development Program in its annual budget request;  
57 requiring the Department of Transportation to include  
58 projects approved under the program to be included in

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59 the tentative work program; creating s. 311.10, F.S.;

60 creating the Strategic Port Investment Initiative;

61 requiring a specified minimum amount of annual funding

62 from the State Transportation Trust Fund to the

63 initiative; requiring the Department of Transportation

64 to create a prioritized list of strategic investment

65 projects; specifying criteria for placing a proposed

66 project on the list; requiring the Department of

67 Transportation to include projects on the list of

68 strategic investment projects in the tentative work

69 program; amending s. 311.14, F.S.; requiring the

70 Department of Transportation to develop a Statewide

71 Seaport and Waterways System Plan; specifying the

72 contents of the plan; deleting requirements for the

73 creation of freight-mobility and trade-corridor plans;

74 amending ss. 311.22 and 320.20, F.S.; conforming

75 cross-references to changes made by the act; providing

76 an effective date.

77

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

79

80 Section 1. Freight and logistics facility credit.—

81 (1) DEFINITIONS.—As used in this section, the term:

82 (a) "Capital investment" means the amount properly

83 chargeable to a capital account for improvements to rehabilitate

84 or expand depreciable real property placed in service during the

85 taxable year and the cost of machinery, tools, and equipment

86 used in a freight and logistics facility directly related to the

87 movement of cargo. The term includes expenditures associated

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88 with any exterior, structural, mechanical, or electrical  
89 improvements necessary to expand or rehabilitate a building for  
90 commercial or industrial use and excavations, grading, paving,  
91 driveways, roads, sidewalks, landscaping, or other land  
92 improvements. For purposes of this section, machinery, tools,  
93 and equipment shall be deemed to include only that property  
94 placed in service by the freight and logistics facility on or  
95 after January 1, 2013. The term does not include:

96 1. The cost of acquiring any real property or building.

97 2. The cost of furnishings.

98 3. Any expenditure associated with appraisal,  
99 architectural, engineering, or interior design fees.

100 4. Loan fees, points, or capitalized interest.

101 5. Legal, accounting, realtor, sales and marketing, or  
102 other professional fees.

103 6. Closing costs, permit fees, user fees, zoning fees,  
104 impact fees, or inspection fees.

105 7. The costs of temporary facilities incurred during  
106 construction or the costs of bids, insurance, signage,  
107 utilities, bonding, or copying or lost rent.

108 8. Utility hookup or access fees.

109 9. Outbuildings.

110 10. The cost of any well or septic system.

111 (b) "Freight and logistics facility" means a company that:

112 1. Is engaged in port-related activities, including, but  
113 not limited to, warehousing, distribution, freight forwarding  
114 and handling, and goods processing;

115 2. Uses maritime port facilities as identified in s.  
116 311.09, Florida Statutes; and

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117       3. Transports at least 10 percent more cargo, measured in  
118 20-foot equivalent marine containers, through maritime port  
119 facilities identified in s. 311.09, Florida Statutes, during the  
120 taxable year than was transported by the company through such  
121 facilities during the previous taxable year.

122       (c) "New, permanent full-time position" means a job of  
123 indefinite duration, created by the company after establishing  
124 or expanding a freight and logistics facility in this state,  
125 requiring a minimum of 35 hours of employment per week for each  
126 employee for the entire normal year of the company's operations,  
127 or a position of indefinite duration that requires a minimum of  
128 35 hours of employment per week for each employee for the  
129 portion of the taxable year in which the employee was initially  
130 hired for, or transferred to, the freight and logistics facility  
131 in this state. Seasonal or temporary positions, or a job created  
132 when a job function is shifted from an existing location in this  
133 state to the freight and logistics facility, and positions in  
134 building and grounds maintenance, security, and other such  
135 positions that are ancillary to the principal activities  
136 performed by the employees at the freight and logistics facility  
137 do not qualify as new, permanent full-time positions.

138       (d) "Normal year" means at least 48 weeks in a calendar  
139 year.

140       (e) "Qualified full-time employee" means an employee  
141 filling a new, permanent full-time position in a freight and  
142 logistics facility in this state.

143       (f) "Qualified trade activities" means the completed  
144 exportation or importation of at least one International  
145 Organization for Standardization ocean container, with a minimum

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146 20-foot length, through a port facility identified in s. 311.09,  
147 Florida Statutes. An export container must be loaded on a barge  
148 or ocean-going vessel, and an import container must be  
149 discharged from a barge or ocean-going vessel, at such facility.

150 (g) "Taxable year" has the same meaning as provided in s.  
151 220.03(1)(y), Florida Statutes.

152 (2) ELIGIBLE CREDIT AMOUNTS.—

153 (a) For taxable years beginning on or after January 1,  
154 2013, but before January 1, 2017, a taxpayer satisfying the  
155 requirements of this section is allowed a credit against the  
156 taxes imposed by chapters 199, 201, 212, and 220, Florida  
157 Statutes, and s. 624.509, Florida Statutes. The amount of the  
158 credit earned under this section equals:

159 1. Three thousand dollars per qualified full-time employee  
160 hired as a result of increased qualified trade activities by the  
161 taxpayer; or

162 2. Five percent of the capital investment made by the  
163 taxpayer to facilitate the increased qualified trade activities.

164  
165 The election of which tax credit amount to claim is the  
166 responsibility of the taxpayer. Both tax credits may not be  
167 claimed for the same activities occurring in a calendar year.  
168 The portion of the \$3,000 credit earned with respect to any  
169 qualified full-time employee who works in this state for less  
170 than 12 full months during the applicable taxable year is  
171 determined by multiplying the credit amount by a fraction the  
172 numerator of which is the number of full months the employee  
173 worked for the freight and logistics facility in this state  
174 during the applicable taxable year and the denominator of which

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175 is 12. A taxpayer is not eligible for more than \$500,000 in tax  
176 credit for a taxable year.

177 (b) The Department of Economic Opportunity shall issue the  
178 tax credits under this section and may not issue more than \$10  
179 million in tax credits under this section in any fiscal year. If  
180 the amount of tax credits requested under this section for any  
181 taxable year exceeds \$10 million, the credits shall be allocated  
182 proportionately among all qualified taxpayers who requested the  
183 credit. The department may not issue tax credits under this  
184 section after the fiscal year ending on June 30, 2017. A  
185 taxpayer may not claim any tax credit under this section unless  
186 the taxpayer has applied to the department for the tax credit  
187 and the department has approved the credit. The department shall  
188 determine the credit amount allowable for the taxable year and  
189 provide a written certification to the taxpayer that specifies  
190 the amount of the tax credit approved by the department. The  
191 taxpayer must attach the certification to the applicable income  
192 tax return.

193 (c) The taxpayer may carry forward any unused credit amount  
194 for the next 10 taxable years.

195 (d) Credit may not be earned for any employee:

196 1. For whom a credit was previously earned under this  
197 section or s. 288.106, Florida Statutes, by a related party as  
198 defined in s. 267(b) of the Internal Revenue Code, as amended,  
199 or a trade or business under common control as defined in s.  
200 52(b) of the Internal Revenue Code, as amended;

201 2. Who was previously employed in the same job function in  
202 this state by a related party as defined in s. 267(b) of the  
203 Internal Revenue Code, as amended, or a trade or business under

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204 common control as defined in s. 52(b) of the Internal Revenue  
205 Code, as amended;

206 3. Whose job function was previously performed at a  
207 different location in this state by an employee of the taxpayer,  
208 by a related party as defined in s. 267(b) of the Internal  
209 Revenue Code, as amended, or by a trade or business under common  
210 control as defined in s. 52(b) of the Internal Revenue Code, as  
211 amended; or

212 4. Whose job function previously qualified for a credit  
213 under this section at a different major business facility that  
214 constitutes an employing unit, as defined in s. 443.036, Florida  
215 Statutes, on behalf of the taxpayer, by a related party as  
216 defined in s. 267(b) of the Internal Revenue Code, as amended,  
217 or by a trade or business under common control as defined in s.  
218 52(b) of the Internal Revenue Code, as amended.

219 (e) For purposes of this section, the amount of any credit  
220 attributable to a partnership, an electing small business  
221 corporation (S corporation), or a limited liability company  
222 shall be allocated to the individual partners, shareholders, or  
223 members, respectively, in proportion to their ownership or  
224 interest in such business entities.

225 (f) For purposes of this section, two or more affiliated  
226 companies may elect to aggregate the number of jobs created for  
227 qualified full-time employees or the amounts of capital  
228 investments as the result of the establishment or expansion by  
229 the individual companies in order to qualify for the credit  
230 allowed.

231 (g) Recapture of the credit amount is required, and shall  
232 be accomplished by increasing the tax in any of the 5 taxable

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233 years after the year in which a credit has been earned under  
234 this section, if the number of qualified full-time employees  
235 falls below the average number of qualified full-time employees  
236 during the taxable year. The tax increase amount shall be  
237 determined by:

238 1. Recalculating the credit that would have been earned for  
239 the original taxable year using the decreased number of  
240 qualified full-time employees; and

241 2. Subtracting the recalculated credit amount from the  
242 amount previously earned.

243  
244 If the average number of qualified full-time employees employed  
245 at a freight and logistics facility falls below the number  
246 employed by the taxpayer before claiming any credits under this  
247 section in any of the 5 taxable years after the year in which  
248 the credits were earned, all credits earned with respect to the  
249 freight and logistics facility must be recaptured. A credit  
250 amount may not be recaptured more than once under this  
251 subsection. Any recapture under this subsection reduces the  
252 credits earned but not yet allowed, and the credits allowed but  
253 carried forward before the taxpayer's tax liability is  
254 increased.

255 (3) ADMINISTRATION.—The Department of Economic Opportunity  
256 shall adopt rules to administer this section, including, but not  
257 limited to:

258 (a) The computation, carryover, and recapture of credits  
259 under this section.

260 (b) The establishment of criteria to determine eligibility  
261 for credits under this section, including, but not limited to,

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262 the identification of freight and logistics facilities,  
263 qualified full-time employees at such facilities, and capital  
264 investments.

265 (c) The computation, carryover, recapture, and redemption  
266 of credits under this section by affiliated companies.

267 Section 2. The Division of Statutory Revision is requested  
268 to redesignate the title of chapter 311, Florida Statutes, as  
269 "Seaport Programs and Facilities."

270 Section 3. Section 311.07, Florida Statutes, is amended to  
271 read:

272 311.07 Florida seaport transportation and economic  
273 development funding.—

274 (1) There is created the Florida Seaport Transportation and  
275 Economic Development Program within the Department of  
276 Transportation to finance port transportation or port facilities  
277 projects that will improve the movement and intermodal  
278 transportation of cargo or passengers in commerce and trade and  
279 that will support the interests, purposes, and requirements of  
280 ports that have a representative on the Florida Seaport  
281 Transportation and Economic Development Council located in this  
282 state.

283 (2) A minimum of \$15 ~~\$8~~ million per year shall be made  
284 available from the State Transportation Trust Fund to fund the  
285 Florida Seaport Transportation and Economic Development Program.  
286 The Florida Seaport Transportation and Economic Development  
287 Council shall develop guidelines for project funding. Council  
288 staff, the Department of Transportation, and the Department of  
289 Economic Opportunity shall work in cooperation to review  
290 projects and allocate funds in accordance with the schedule

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291 required for the Department of Transportation to include these  
292 projects in the tentative work program developed pursuant to s.  
293 339.135(4).

294 (3) (a) Program Funds of the Florida Seaport Transportation  
295 and Economic Development Program shall be used to fund approved  
296 projects on a 50-50 matching basis with any of the deepwater  
297 ports that have a representative on the Florida Seaport  
298 Transportation and Economic Development Council, as listed in s.  
299 403.021(9)(b), which is governed by a public body or any other  
300 deepwater port that ~~which~~ is governed by a public body and that  
301 ~~which~~ complies with the water quality provisions of s. 403.061,  
302 the comprehensive master plan requirements of s. 163.3178(2)(k),  
303 and the local financial management and reporting provisions of  
304 part III of chapter 218. However, program funds used to fund  
305 projects that involve the rehabilitation of wharves, docks,  
306 berths, bulkheads, or similar structures shall require a 25-  
307 percent match of funds. Program funds also may be used by the  
308 Seaport Transportation and Economic Development Council for data  
309 collection and analysis that ~~to develop trade data information~~  
310 ~~products which~~ will assist Florida's seaports and international  
311 trade.

312 (b) Projects eligible for funding by grants under the  
313 program are limited to the following port facilities or port  
314 transportation projects:

- 315 1. Transportation facilities within the jurisdiction of the  
316 port.
- 317 2. The dredging or deepening of channels, turning basins,  
318 or harbors.
- 319 3. The construction or rehabilitation of wharves, docks,

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320 structures, jetties, piers, storage facilities, cruise  
321 terminals, automated people mover systems, or any facilities  
322 necessary or useful in connection with any of the foregoing.

323 4. The acquisition of vessel tracking systems, container  
324 cranes, or other mechanized equipment used in the movement of  
325 cargo or passengers in international commerce.

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

327 6. The acquisition, improvement, enlargement, or extension  
328 of existing port facilities.

329 7. Environmental protection projects that ~~which~~ are  
330 necessary because of requirements imposed by a state agency as a  
331 condition of a permit or other form of state approval; that  
332 ~~which~~ are necessary for environmental mitigation required as a  
333 condition of a state, federal, or local environmental permit;  
334 that ~~which~~ are necessary for the acquisition of spoil disposal  
335 sites and improvements to existing and future spoil sites; or  
336 that ~~which~~ result from the funding of eligible projects listed  
337 in this paragraph.

338 8. A transportation facility ~~facilities~~ as defined in s.  
339 334.03(31) which is ~~are~~ not otherwise part of the Department of  
340 Transportation's adopted work program.

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

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

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349 11. Updates to a seaport master plan or strategic  
350 development plan, including the purchase of data to support such  
351 plan updates.

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

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

362 ~~(4)(5)~~ Any port that ~~which~~ receives funding under the  
363 program shall institute procedures to ensure that jobs created  
364 as a result of the state funding are ~~shall be~~ subject to equal  
365 opportunity hiring practices in the manner provided in s.  
366 110.112.

367 ~~(5)(6)~~ The Department of Transportation may conduct a final  
368 audit of a ~~shall subject any~~ project that receives funds  
369 pursuant to this section and s. 320.20 ~~to a final audit~~. The  
370 department may adopt rules and perform such other acts as are  
371 necessary or convenient to ensure that the final audits are  
372 conducted and that any deficiency or questioned costs noted by  
373 the audit are resolved.

374 Section 4. Section 311.09, Florida Statutes, is amended to  
375 read:

376 311.09 Florida Seaport Transportation and Economic  
377 Development Council.—

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378 (1) The Florida Seaport Transportation and Economic  
379 Development Council is created within the Department of  
380 Transportation. The council consists of the following 18  
381 members: the port director, or the port director's designee, of  
382 each of the ports of Jacksonville, Port Canaveral, Port Citrus,  
383 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,  
384 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key  
385 West, and Fernandina; the secretary of the Department of  
386 Transportation or his or her designee; and the director of the  
387 Department of Economic Opportunity or his or her designee.

388 (2) The council shall adopt bylaws governing the manner in  
389 which the business of the council will be conducted. The bylaws  
390 shall specify the procedure by which the chairperson of the  
391 council is elected.

392 (3) The council shall prepare a 5-year Florida Seaport  
393 Mission Plan defining the goals and objectives of the council  
394 concerning the development of port facilities and an intermodal  
395 transportation system consistent with the goals of the Florida  
396 Transportation Plan developed pursuant to s. 339.155. The  
397 Florida Seaport Mission Plan shall include specific  
398 recommendations for the construction of transportation  
399 facilities connecting any port to another transportation mode  
400 and for the efficient, cost-effective development of  
401 transportation facilities or port facilities for the purpose of  
402 enhancing trade, promoting cargo flow, increasing cruise  
403 passenger movements, increasing port revenues, and providing  
404 economic benefits to the state. The council shall develop a  
405 priority list of projects based on these recommendations  
406 annually and submit the list to the Department of

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407 Transportation. The council shall update the 5-year Florida  
408 Seaport Mission Plan annually and shall submit the plan no later  
409 than February 1 of each year to the President of the Senate, the  
410 Speaker of the House of Representatives, the Department of  
411 Economic Opportunity, and the Department of Transportation. The  
412 council shall develop programs, based on an examination of  
413 existing programs in Florida and other states, for the training  
414 of minorities and secondary school students in job skills  
415 associated with employment opportunities in the maritime  
416 industry, and report on progress and recommendations for further  
417 action to the President of the Senate and the Speaker of the  
418 House of Representatives annually.

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

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

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

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

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

429 (e) Whether the project will increase the capacity of the  
430 seaport system. ~~the economic benefit of the project, measured by~~  
431 ~~the potential for the proposed project to maintain or increase~~  
432 ~~cargo flow, cruise passenger movement, international commerce,~~  
433 ~~port revenues, and the number of jobs for the port's local~~  
434 ~~community.~~

435 (5) The council shall review and approve or disapprove each

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436 project eligible to be funded pursuant to the Florida Seaport  
437 Transportation and Economic Development Program. The council  
438 shall annually submit to the Secretary of Transportation and the  
439 executive director of the Department of Economic Opportunity, or  
440 his or her designee, a list of projects that ~~which~~ have been  
441 approved by the council. The list shall specify the recommended  
442 funding level for each project; and, if staged implementation of  
443 the project is appropriate, the funding requirements for each  
444 stage shall be specified.

445 ~~(6) The Department of Community Affairs shall review the~~  
446 ~~list of projects approved by the council to determine~~  
447 ~~consistency with approved local government comprehensive plans~~  
448 ~~of the units of local government in which the port is located~~  
449 ~~and consistency with the port master plan. The Department of~~  
450 ~~Community Affairs shall identify and notify the council of those~~  
451 ~~projects which are not consistent, to the maximum extent~~  
452 ~~feasible, with such comprehensive plans and port master plans.~~

453 (6)(7) The Department of Transportation shall review the  
454 applications for ~~list of~~ projects approved by the council for  
455 consistency with the Florida Transportation Plan, the Statewide  
456 Seaport and Waterways System Plan, and the department's adopted  
457 work program. In evaluating the consistency of a project, the  
458 department shall assess the transportation impacts and economic  
459 benefits for each project. ~~determine whether the transportation~~  
460 ~~impact of the proposed project is adequately handled by existing~~  
461 ~~state-owned transportation facilities or by the construction of~~  
462 ~~additional state-owned transportation facilities as identified~~  
463 ~~in the Florida Transportation Plan and the department's adopted~~  
464 ~~work program. In reviewing for consistency a transportation~~

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465 ~~facility project as defined in s. 334.03(31) which is not~~  
466 ~~otherwise part of the department's work program, the department~~  
467 ~~shall evaluate whether the project is needed to provide for~~  
468 ~~projected movement of cargo or passengers from the port to a~~  
469 ~~state transportation facility or local road. If the project is~~  
470 ~~needed to provide for projected movement of cargo or passengers,~~  
471 ~~the project shall be approved for consistency as a consideration~~  
472 ~~to facilitate the economic development and growth of the state~~  
473 ~~in a timely manner.~~ The Department of Transportation shall  
474 identify those projects that ~~which~~ are inconsistent with the  
475 Florida Transportation Plan, the Statewide Seaport and Waterways  
476 System Plan, or ~~and~~ the adopted work program and shall notify  
477 the council of projects found to be inconsistent.

478 ~~(7)-(8)~~ The Department of Economic Opportunity shall review  
479 the applications for ~~list of~~ projects approved by the council to  
480 evaluate the economic benefit of the project and to determine  
481 whether the project is consistent with the Florida Seaport  
482 Mission Plan and with state economic development goals and  
483 policies. The Department of Economic Opportunity shall review  
484 the consistency of the proposed project with state, regional,  
485 and local plans, as appropriate, and the economic benefits of  
486 each project based upon the rules adopted pursuant to subsection  
487 (4). The Department of Economic Opportunity shall identify those  
488 projects that ~~which~~ it has determined do not offer an economic  
489 benefit to the state, are not consistent with an appropriate  
490 plan, or are not consistent with the Florida Seaport Mission  
491 Plan or state economic development goals and policies, and shall  
492 notify the council of its findings.

493 ~~(8)-(9)~~ The council shall review the findings of the

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494 Department of Economic Opportunity and the Department of  
495 Transportation. Projects found to be inconsistent pursuant to  
496 subsections (6) and (7) ~~(6), (7), and (8)~~ and projects that  
497 ~~which~~ have been determined not to offer an economic benefit to  
498 the state pursuant to subsection (7) ~~may (8)~~ shall not be  
499 included in the list of projects to be funded.

500 (9) ~~(10)~~ The Department of Transportation shall request at  
501 least \$15 million ~~include~~ in its annual legislative budget  
502 request for the a Florida Seaport Transportation and Economic  
503 Development ~~grant~~ program under s. 311.07 ~~for expenditure of~~  
504 ~~funds of not less than \$8 million per year~~. Such budget shall  
505 include funding for projects approved by the council which have  
506 been determined by each agency to be consistent with the  
507 appropriate plans and state economic goals and policies ~~and~~  
508 ~~which have been determined by the Department of Economic~~  
509 ~~Opportunity to be economically beneficial~~. The department shall  
510 include the specific ~~approved seaport~~ projects approved under  
511 the Florida Seaport Transportation and Economic Development  
512 Program to be funded under s. 377.07 ~~this section~~ during the  
513 ensuing fiscal year in the tentative work program developed  
514 pursuant to s. 339.135(4). The total amount of funding allocated  
515 ~~to be allocated to seaport~~ projects approved under the Florida  
516 Seaport Transportation and Economic Development Program under s.  
517 311.07 during the successive 4 fiscal years shall also be  
518 included in the tentative work program developed pursuant to s.  
519 339.135(4). The council may submit to the department a list of  
520 approved projects that could be made production-ready within the  
521 next 2 years. The list shall be submitted by the department as  
522 part of the needs and project list prepared pursuant to s.

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523 339.135(2)(b). However, the department shall, upon written  
524 request of the Florida Seaport Transportation and Economic  
525 Development Council, submit work program amendments pursuant to  
526 s. 339.135(7) to the Governor within 10 days after the later of  
527 the date the request is received by the department or the  
528 effective date of the amendment, termination, or closure of the  
529 applicable funding agreement between the department and the  
530 affected seaport, as required to release the funds from the  
531 existing commitment. Notwithstanding s. 339.135(7)(c), any work  
532 program amendment to transfer prior year funds from one approved  
533 seaport project to another seaport project is subject to the  
534 procedures in s. 339.135(7)(d). Notwithstanding any provision of  
535 law to the contrary, the department may transfer unexpended  
536 budget between the seaport projects as identified in the  
537 approved work program amendments.

538 (10)~~(11)~~ The council shall meet at the call of its  
539 chairperson, at the request of a majority of its membership, or  
540 at such times as may be prescribed in its bylaws. However, the  
541 council must meet at least semiannually. A majority of voting  
542 members of the council constitutes a quorum for the purpose of  
543 transacting the business of the council. All members of the  
544 council are voting members. A vote of the majority of the voting  
545 members present is sufficient for any action of the council,  
546 except that a member representing the Department of  
547 Transportation or the Department of Economic Opportunity may  
548 vote to overrule any action of the council approving a project  
549 pursuant to subsection (5). The bylaws of the council may  
550 require a greater vote for a particular action.

551 (11)~~(12)~~ Members of the council shall serve without

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552 compensation but are entitled to receive reimbursement for per  
553 diem and travel expenses as provided in s. 112.061. The council  
554 may elect to provide an administrative staff to provide services  
555 to the council on matters relating to the Florida Seaport  
556 Transportation and Economic Development Program and the council.  
557 The cost for such administrative services shall be paid by all  
558 ports that receive funding from the Florida Seaport  
559 Transportation and Economic Development Program, based upon a  
560 pro rata formula measured by each recipient's share of the funds  
561 as compared to the total funds disbursed to all recipients  
562 during the year. The share of costs for administrative services  
563 shall be paid in its total amount by the recipient port upon  
564 execution by the port and the Department of Transportation of a  
565 joint participation agreement for each council-approved project,  
566 and such payment is in addition to the matching funds required  
567 to be paid by the recipient port. Except as otherwise exempted  
568 by law, all moneys derived from the Florida Seaport  
569 Transportation and Economic Development Program shall be  
570 expended in accordance with the provisions of s. 287.057.  
571 Seaports subject to competitive negotiation requirements of a  
572 local governing body shall abide by the provisions of s.  
573 287.055.

574 (12)~~(13)~~ Until July 1, 2014, Citrus County may apply for a  
575 grant through the Florida Seaport Transportation and Economic  
576 Development Council to perform a feasibility study regarding the  
577 establishment of a port in Citrus County. The council shall  
578 evaluate such application pursuant to subsections (5)-(8) ~~(5)-~~  
579 ~~(9)~~ and, if approved, the Department of Transportation shall  
580 include the feasibility study in its budget request pursuant to

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581 subsection (9) ~~(10)~~. If the study determines that a port in  
582 Citrus County is not feasible, the membership of Port Citrus on  
583 the council shall terminate.

584 Section 5. Section 311.10, Florida Statutes, is created to  
585 read:

586 311.10 Strategic Port Investment Initiative.—There is  
587 created the Strategic Port Investment Initiative within the  
588 Department of Transportation. Beginning in the 2012-2013 fiscal  
589 year, a minimum of \$35 million annually shall be made available  
590 from the State Transportation Trust Fund to fund the initiative.  
591 The Department of Transportation shall work with the deepwater  
592 ports represented on the Florida Seaport Transportation and  
593 Economic Development Council to annually develop, update, and  
594 maintain a prioritized list of strategic investment projects. A  
595 proposed project may be placed on the list only if the project  
596 will meet the state's economic development goal of becoming a  
597 hub for trade, logistics, and export-oriented activities by:

598 (a) Providing important access and major on-port capacity  
599 improvements;

600 (b) Providing capital improvements that will strategically  
601 position the state to maximize opportunities in international  
602 trade and logistics and in the cruise industry;

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

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

607 (2) Before finalizing the list of strategic investment  
608 projects, the Department of Transportation must hold a public  
609 workshop with the Department of Economic Opportunity and the

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610 deepwater ports represented on the Florida Seaport  
611 Transportation and Economic Development Council to review the  
612 proposed projects. The Department of Transportation shall  
613 finalize the list of projects after considering the comments  
614 received during the workshop.

615 (3) The Department of Transportation, to the extent  
616 feasible, shall include the projects on the list of strategic  
617 investment projects, in the tentative work program developed  
618 pursuant to s. 339.135(4).

619 Section 6. Section 311.14, Florida Statutes, is amended to  
620 read:

621 311.14 Seaport planning.—

622 (1) The Department of Transportation shall develop, in  
623 coordination with the ports represented on the Florida Seaport  
624 Transportation and Economic Development Council and other  
625 partners, a Statewide Seaport and Waterways System Plan. The  
626 plan must be consistent with the principles of the Florida  
627 Transportation Plan under s. 339.155 and must consider the needs  
628 identified in individual port master plans and those needs from  
629 the seaport strategic plans required under this section. The  
630 plan must identify 5-year, 10-year, and 20-year needs for the  
631 seaport system and include seaport, waterway, road, and rail  
632 projects that are needed to support the success of the  
633 transportation system as a whole in supporting state economic  
634 development goals. ~~The Florida Seaport Transportation and~~  
635 ~~Economic Development Council, in cooperation with the Office of~~  
636 ~~the State Public Transportation Administrator within the~~  
637 ~~Department of Transportation, shall develop freight-mobility and~~  
638 ~~trade-corridor plans to assist in making freight-mobility~~

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639 ~~investments that contribute to the economic growth of the state.~~  
640 ~~Such plans should enhance the integration and connectivity of~~  
641 ~~the transportation system across and between transportation~~  
642 ~~modes throughout Florida for people and freight.~~

643 ~~(2) The Office of the State Public Transportation~~  
644 ~~Administrator shall act to integrate freight-mobility and trade-~~  
645 ~~corridor plans into the Florida Transportation Plan developed~~  
646 ~~pursuant to s. 339.155 and into the plans and programs of~~  
647 ~~metropolitan planning organizations as provided in s. 339.175.~~  
648 ~~The office may also provide assistance in expediting the~~  
649 ~~transportation permitting process relating to the construction~~  
650 ~~of seaport freight-mobility projects located outside the~~  
651 ~~physical borders of seaports. The Department of Transportation~~  
652 ~~may contract, as provided in s. 334.044, with any port listed in~~  
653 ~~s. 311.09(1) or any such other statutorily authorized seaport~~  
654 ~~entity to act as an agent in the construction of seaport~~  
655 ~~freight-mobility projects.~~

656 (2)~~(3)~~ Each port shall develop a strategic plan with a 10-  
657 year horizon. Each plan must include the following:

658 (a) An economic development component that identifies  
659 targeted business opportunities for increasing business and  
660 attracting new business for which a particular facility has a  
661 strategic advantage over its competitors, identifies financial  
662 resources and other inducements to encourage growth of existing  
663 business and acquisition of new business, and provides a  
664 projected schedule for attainment of the plan's goals.

665 (b) An infrastructure development and improvement component  
666 that identifies all projected infrastructure improvements within  
667 the plan area which require improvement, expansion, or

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668 development in order for a port to attain a strategic advantage  
669 for competition with national and international competitors.

670 (c) A component that identifies all intermodal  
671 transportation facilities, including sea, air, rail, or road  
672 facilities, which are available or have potential, with  
673 improvements, to be available for necessary national and  
674 international commercial linkages and provides a plan for the  
675 integration of port, airport, and railroad activities with  
676 existing and planned transportation infrastructure.

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

680 (e) An intergovernmental coordination component that  
681 specifies modes and methods to coordinate plan goals and  
682 missions with the missions of the Department of Transportation,  
683 other state agencies, and affected local, general-purpose  
684 governments.

685

686 To the extent feasible, the port strategic plan must be  
687 consistent with the local government comprehensive plans of the  
688 units of local government in which the port is located. Upon  
689 approval of a plan by the port's board, the plan shall be  
690 submitted to the Florida Seaport Transportation and Economic  
691 Development Council.

692 (3)~~(4)~~ The Florida Seaport Transportation and Economic  
693 Development Council shall review the strategic plans submitted  
694 by each port and prioritize strategic needs for inclusion in the  
695 Florida Seaport Mission Plan prepared pursuant to s. 311.09(3).

696 Section 7. Subsection (2) of section 311.22, Florida

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697 Statutes, is amended to read:

698 311.22 Additional authorization for funding certain  
699 dredging projects.—

700 (2) The council shall adopt rules for evaluating the  
701 projects that may be funded pursuant to this section. The rules  
702 must provide criteria for evaluating the economic benefit of the  
703 project. The rules must include the creation of an  
704 administrative review process by the council which is similar to  
705 the process described in s. 311.09(5)-(11) ~~s. 311.09(5)-(12)~~,  
706 and provide for a review by the Department of Transportation and  
707 the Department of Economic Opportunity of all projects submitted  
708 for funding under this section.

709 Section 8. Subsections (3) and (4) of section 320.20,  
710 Florida Statutes, are amended to read:

711 320.20 Disposition of license tax moneys.—The revenue  
712 derived from the registration of motor vehicles, including any  
713 delinquent fees and excluding those revenues collected and  
714 distributed under the provisions of s. 320.081, must be  
715 distributed monthly, as collected, as follows:

716 (3) Notwithstanding any other provision of law except  
717 subsections (1) and (2), on July 1, 1996, and annually  
718 thereafter, \$15 million shall be deposited in the State  
719 Transportation Trust Fund solely for the purposes of funding the  
720 Florida Seaport Transportation and Economic Development Program  
721 as provided for in chapter 311. Such revenues shall be  
722 distributed on a 50-50 matching basis to any port listed in s.  
723 311.09(1) to be used for funding projects as described in s.  
724 311.07(3)(b). Such revenues may be assigned, pledged, or set  
725 aside as a trust for the payment of principal or interest on

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726 bonds, tax anticipation certificates, or any other form of  
727 indebtedness issued by an individual port or appropriate local  
728 government having jurisdiction thereof, or collectively by  
729 interlocal agreement among any of the ports, or used to purchase  
730 credit support to permit such borrowings. However, such debt  
731 does ~~shall~~ not constitute a general obligation of the State of  
732 Florida. The state does hereby covenant with holders of such  
733 revenue bonds or other instruments of indebtedness issued  
734 hereunder that it will not repeal, ~~or~~ impair, or amend in any  
735 manner that ~~which~~ will materially and adversely affect the  
736 rights of such holders so long as bonds authorized by this  
737 section are outstanding. Any revenues that ~~which~~ are not pledged  
738 to the repayment of bonds as authorized by this section may be  
739 utilized for purposes authorized under the Florida Seaport  
740 Transportation and Economic Development Program. This revenue  
741 source is in addition to any amounts provided for and  
742 appropriated in accordance with s. 311.07. The Florida Seaport  
743 Transportation and Economic Development Council shall approve  
744 distribution of funds to ports for projects that ~~which~~ have been  
745 approved pursuant to s. 311.09(5)-(8) ~~s. 311.09(5)-(9)~~. The  
746 council and the Department of Transportation are authorized to  
747 perform such acts as are required to facilitate and implement  
748 the provisions of this subsection. To better enable the ports to  
749 cooperate to their mutual advantage, the governing body of each  
750 port may exercise powers provided to municipalities or counties  
751 in s. 163.01(7)(d) subject to the provisions of chapter 311 and  
752 special acts, if any, pertaining to a port. The use of funds  
753 provided pursuant to this subsection are limited to eligible  
754 projects listed in this subsection. Income derived from a

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755 project completed with the use of program funds, beyond  
756 operating costs and debt service, shall be restricted to further  
757 port capital improvements consistent with maritime purposes and  
758 for no other purpose. Use of such income for nonmaritime  
759 purposes is prohibited. ~~The provisions of s. 311.07(4) do not~~  
760 ~~apply to any funds received pursuant to this subsection.~~ The  
761 revenues available under this subsection may ~~shall~~ not be  
762 pledged to the payment of any bonds other than the Florida Ports  
763 Financing Commission Series 1996 and Series 1999 Bonds currently  
764 outstanding; provided, however, such revenues may be pledged to  
765 secure payment of refunding bonds to refinance the Florida Ports  
766 Financing Commission Series 1996 and Series 1999 Bonds. No  
767 refunding bonds secured by revenues available under this  
768 subsection may be issued with a final maturity later than the  
769 final maturity of the Florida Ports Financing Commission Series  
770 1996 and Series 1999 Bonds or which provide for higher debt  
771 service in any year than is currently payable on such bonds. Any  
772 revenue bonds or other indebtedness issued after July 1, 2000,  
773 other than refunding bonds shall be issued by the Division of  
774 Bond Finance at the request of the Department of Transportation  
775 pursuant to the State Bond Act.

776 (4) Notwithstanding any other provision of law except  
777 subsections (1), (2), and (3), on July 1, 1999, and annually  
778 thereafter, \$10 million shall be deposited in the State  
779 Transportation Trust Fund solely for the purposes of funding the  
780 Florida Seaport Transportation and Economic Development Program  
781 as provided in chapter 311 and for funding seaport intermodal  
782 access projects of statewide significance as provided in s.  
783 341.053. Such revenues shall be distributed to any port listed

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784 in s. 311.09(1), to be used for funding projects as follows:

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

789 (b) For seaport intermodal access projects as described in  
790 s. 341.053(5) that are identified in the 5-year Florida Seaport  
791 Mission Plan as provided in s. 311.09(3). Funding for such  
792 projects shall be on a matching basis as mutually determined by  
793 the Florida Seaport Transportation and Economic Development  
794 Council and the Department of Transportation, provided a minimum  
795 of 25 percent of total project funds shall come from any port  
796 funds, local funds, private funds, or specifically earmarked  
797 federal funds.

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

800 (d) For seaport intermodal access projects that involve the  
801 dredging or deepening of channels, turning basins, or harbors;  
802 or the rehabilitation of wharves, docks, or similar structures.  
803 Funding for such projects shall require a 25 percent match of  
804 the funds received pursuant to this subsection. Matching funds  
805 shall come from any port funds, federal funds, local funds, or  
806 private funds.

807  
808 Such revenues may be assigned, pledged, or set aside as a trust  
809 for the payment of principal or interest on bonds, tax  
810 anticipation certificates, or any other form of indebtedness  
811 issued by an individual port or appropriate local government  
812 having jurisdiction thereof, or collectively by interlocal

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813 agreement among any of the ports, or used to purchase credit  
814 support to permit such borrowings. However, such debt does ~~shall~~  
815 not constitute a general obligation of the state. This state  
816 does hereby covenant with holders of such revenue bonds or other  
817 instruments of indebtedness issued hereunder that it will not  
818 repeal, ~~or~~ impair, or amend this subsection in any manner that  
819 ~~which~~ will materially and adversely affect the rights of holders  
820 so long as bonds authorized by this subsection are outstanding.  
821 Any revenues that are not pledged to the repayment of bonds as  
822 authorized by this section may be utilized for purposes  
823 authorized under the Florida Seaport Transportation and Economic  
824 Development Program. This revenue source is in addition to any  
825 amounts provided for and appropriated in accordance with s.  
826 311.07 and subsection (3). The Florida Seaport Transportation  
827 and Economic Development Council shall approve distribution of  
828 funds to ports for projects that have been approved pursuant to  
829 s. 311.09(5)-(8) ~~s. 311.09(5)-(9)~~, or for seaport intermodal  
830 access projects identified in the 5-year Florida Seaport Mission  
831 Plan as provided in s. 311.09(3) and mutually agreed upon by the  
832 FSTED Council and the Department of Transportation. All  
833 contracts for actual construction of projects authorized by this  
834 subsection must include a provision encouraging employment of  
835 participants in the welfare transition program. The goal for  
836 employment of participants in the welfare transition program is  
837 25 percent of all new employees employed specifically for the  
838 project, unless the Department of Transportation and the Florida  
839 Seaport Transportation and Economic Development Council  
840 demonstrate that such a requirement would severely hamper the  
841 successful completion of the project. In such an instance,

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842 Workforce Florida, Inc., shall establish an appropriate  
843 percentage of employees that must be participants in the welfare  
844 transition program. The council and the Department of  
845 Transportation are authorized to perform such acts as are  
846 required to facilitate and implement the provisions of this  
847 subsection. To better enable the ports to cooperate to their  
848 mutual advantage, the governing body of each port may exercise  
849 powers provided to municipalities or counties in s. 163.01(7)(d)  
850 subject to the provisions of chapter 311 and special acts, if  
851 any, pertaining to a port. The use of funds provided pursuant to  
852 this subsection is limited to eligible projects listed in this  
853 subsection. ~~The provisions of s. 311.07(4) do not apply to any~~  
854 ~~funds received pursuant to this subsection.~~ The revenues  
855 available under this subsection may ~~shall~~ not be pledged to the  
856 payment of any bonds other than the Florida Ports Financing  
857 Commission Series 1996 and Series 1999 Bonds currently  
858 outstanding; provided, however, such revenues may be pledged to  
859 secure payment of refunding bonds to refinance the Florida Ports  
860 Financing Commission Series 1996 and Series 1999 Bonds. No  
861 refunding bonds secured by revenues available under this  
862 subsection may be issued with a final maturity later than the  
863 final maturity of the Florida Ports Financing Commission Series  
864 1996 and Series 1999 Bonds or which provide for higher debt  
865 service in any year than is currently payable on such bonds. Any  
866 revenue bonds or other indebtedness issued after July 1, 2000,  
867 other than refunding bonds shall be issued by the Division of  
868 Bond Finance at the request of the Department of Transportation  
869 pursuant to the State Bond Act.

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