

By Senator Perry

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1 A bill to be entitled
2 An act relating to the Florida Seaport Transportation
3 and Economic Development Council; amending s. 311.09,
4 F.S.; revising the membership of the Florida Seaport
5 Transportation and Economic Development Council to
6 include a representative of Putnam County; authorizing
7 Putnam County to apply for a grant for a port
8 feasibility study through the Florida Seaport
9 Transportation and Economic Development Council;
10 providing for the evaluation of the application;
11 requiring the Department of Transportation to include
12 the study in its budget request under certain
13 circumstances; terminating the membership of Putnam
14 County on the council under certain circumstances;
15 reenacting ss. 163.3178(2)(k), (5), and (6),
16 189.068(6), 311.07(1) and (3)(a) and (b), 311.091,
17 311.10(1) and (2), 311.101(2), 311.12(2)(a), (3), and
18 (6)(a), 311.121(2) and (3)(a), 311.14(1), 315.18,
19 320.20(3) and (4), 334.27(1), 337.14(7), 373.406(12),
20 373.4133(2) and (10), 373.4136(6)(d), and 403.061(38)
21 and (39), F.S., relating to coastal management, the
22 oversight of deepwater ports, Florida seaport
23 transportation and economic development funding, entry
24 into public-private infrastructure project agreements
25 for port-related public infrastructure projects, the
26 Strategic Port Investment Initiative within the
27 department, the Intermodal Logistics Center
28 Infrastructure Support Program, seaport security,
29 licensed security officers at Florida seaports,

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30 seaport planning, the confidentiality of certain
31 records held by deepwater ports, the disposition of
32 license tax moneys, the definition of the term
33 "governmental transportation entity," seaport
34 contractor services, exemptions for overwater piers,
35 docks, or similar structures in deepwater ports, port
36 conceptual permits, the authorized use of mitigation
37 banks, and the duties of the Department of
38 Environmental Protection in providing environmental
39 resource permits, respectively, to incorporate the
40 amendment made to s. 311.09, F.S., in references
41 thereto; providing an effective date.

42
43 Be It Enacted by the Legislature of the State of Florida:

44
45 Section 1. Subsection (1) of section 311.09, Florida
46 Statutes, is amended, and subsection (13) is added to that
47 section, to read:

48 311.09 Florida Seaport Transportation and Economic
49 Development Council.—

50 (1) The Florida Seaport Transportation and Economic
51 Development Council is created within the Department of
52 Transportation. The council consists of the following 18 ~~17~~
53 members: the port director, or the port director's designee, of
54 each of the ports of Jacksonville, Port Canaveral, Port Citrus,
55 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,
56 St. Petersburg, Putnam County, Tampa, Port St. Joe, Panama City,
57 Pensacola, Key West, and Fernandina; the secretary of the
58 Department of Transportation or his or her designee; and the

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59 secretary of the Department of Economic Opportunity or his or
60 her designee.

61 (13) Until July 1, 2024, Putnam County may apply for a
62 grant through the Florida Seaport Transportation and Economic
63 Development Council to perform a feasibility study regarding the
64 establishment of a port in Putnam County. The council shall
65 evaluate the grant application pursuant to subsections (5)-(9)
66 and, if approved, the Department of Transportation must include
67 the feasibility study in its budget request pursuant to
68 subsection (9). If the study determines that a port in Putnam
69 County is not feasible, the membership of Putnam County on the
70 council must terminate.

71 Section 2. For the purpose of incorporating the amendment
72 made by this act to section 311.09, Florida Statutes, in
73 references thereto, paragraph (k) of subsection (2) and
74 subsections (5) and (6) of section 163.3178, Florida Statutes,
75 are reenacted to read:

76 163.3178 Coastal management.—

77 (2) Each coastal management element required by s.
78 163.3177(6)(g) shall be based on studies, surveys, and data; be
79 consistent with coastal resource plans prepared and adopted
80 pursuant to general or special law; and contain:

81 (k) A component which includes the comprehensive master
82 plan prepared by each deepwater port listed in s. 311.09(1),
83 which addresses existing port facilities and any proposed
84 expansions, and which adequately addresses the applicable
85 requirements of paragraphs (a)-(k) for areas within the port and
86 proposed expansion areas. Such component shall be submitted to
87 the appropriate local government at least 6 months prior to the

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88 due date of the local plan and shall be integrated with, and
89 shall meet all criteria specified in, the coastal management
90 element. "The appropriate local government" means the
91 municipality having the responsibility for the area in which the
92 deepwater port lies, except that where no municipality has
93 responsibility, where a municipality and a county each have
94 responsibility, or where two or more municipalities each have
95 responsibility for the area in which the deepwater port lies,
96 "the appropriate local government" means the county which has
97 responsibility for the area in which the deepwater port lies.
98 Failure by a deepwater port which is not part of a local
99 government to submit its component to the appropriate local
100 government shall not result in a local government being subject
101 to sanctions pursuant to s. 163.3184. However, a deepwater port
102 which is not part of a local government shall be subject to
103 sanctions pursuant to s. 163.3184.

104 (5) The appropriate dispute resolution process provided
105 under s. 186.509 must be used to reconcile inconsistencies
106 between port master plans and local comprehensive plans. In
107 recognition of the state's commitment to deepwater ports, the
108 state comprehensive plan must include goals, objectives, and
109 policies that establish a statewide strategy for enhancement of
110 existing deepwater ports, ensuring that priority is given to
111 water-dependent land uses. As an incentive for promoting plan
112 consistency, port facilities as defined in s. 315.02(6) on lands
113 owned or controlled by a deepwater port as defined in s.
114 311.09(1), as of the effective date of this act shall not be
115 subject to development-of-regional-impact review provided the
116 port either successfully completes an alternative comprehensive

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117 development agreement with a local government pursuant to ss.
118 163.3220-163.3243 or successfully enters into a development
119 agreement with the state land planning agency and applicable
120 local government pursuant to s. 380.032 or, where the port is a
121 department of a local government, successfully enters into a
122 development agreement with the state land planning agency
123 pursuant to s. 380.032. Port facilities as defined in s.
124 315.02(6) on lands not owned or controlled by a deepwater port
125 as defined in s. 311.09(1) as of the effective date of this act
126 shall not be subject to development-of-regional-impact review
127 provided the port successfully enters into a development
128 agreement with the state land planning agency and applicable
129 local government pursuant to s. 380.032 or, where the port is a
130 department of a local government, successfully enters into a
131 development agreement with the state land planning agency
132 pursuant to s. 380.032.

133 (6) Each port listed in s. 311.09(1) and each local
134 government in the coastal area which has spoil disposal
135 responsibilities shall provide for or identify disposal sites
136 for dredged materials in the future land use and port elements
137 of the local comprehensive plan as needed to assure proper long-
138 term management of material dredged from navigation channels,
139 sufficient long-range disposal capacity, environmental
140 sensitivity and compatibility, and reasonable cost and
141 transportation. The disposal site selection criteria shall be
142 developed in consultation with navigation and inlet districts
143 and other appropriate state and federal agencies and the public.
144 For areas owned or controlled by ports listed in s. 311.09(1)
145 and proposed port expansion areas, compliance with the

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146 provisions of this subsection shall be achieved through
147 comprehensive master plans prepared by each port and integrated
148 with the appropriate local plan pursuant to paragraph (2) (k).

149 Section 3. For the purpose of incorporating the amendment
150 made by this act to section 311.09, Florida Statutes, in a
151 reference thereto, subsection (6) of section 189.068, Florida
152 Statutes, is reenacted to read:

153 189.068 Special districts; authority for oversight; general
154 oversight review process.—

155 (6) This section does not apply to a deepwater port listed
156 in s. 311.09(1) which is in compliance with a port master plan
157 adopted pursuant to s. 163.3178(2) (k), or to an airport
158 authority operating in compliance with an airport master plan
159 approved by the Federal Aviation Administration, or to any
160 special district organized to operate health systems and
161 facilities licensed under chapter 395, chapter 400, or chapter
162 429.

163 Section 4. For the purpose of incorporating the amendment
164 made by this act to section 311.09, Florida Statutes, in
165 references thereto, subsection (1) and paragraphs (a) and (b) of
166 subsection (3) of section 311.07, Florida Statutes, are
167 reenacted to read:

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

170 (1) There is created the Florida Seaport Transportation and
171 Economic Development Program within the Department of
172 Transportation to finance port transportation or port facilities
173 projects that will improve the movement and intermodal
174 transportation of cargo or passengers in commerce and trade and

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175 support the interests, purposes, and requirements of all ports
176 listed in s. 311.09.

177 (3) (a) Florida Seaport Transportation and Economic
178 Development Program funds shall be used to fund approved
179 projects on a 50-50 matching basis with any of the deepwater
180 ports, as listed in s. 311.09, which is governed by a public
181 body or any other deepwater port which is governed by a public
182 body and which complies with the water quality provisions of s.
183 403.061, the comprehensive master plan requirements of s.
184 163.3178(2)(k), and the local financial management and reporting
185 provisions of part III of chapter 218. However, program funds
186 used to fund projects that involve the rehabilitation of
187 wharves, docks, berths, bulkheads, or similar structures shall
188 require a 25-percent match of funds. Program funds also may be
189 used by the Seaport Transportation and Economic Development
190 Council for data and analysis that will assist Florida's
191 seaports and international trade.

192 (b) Projects eligible for funding by grants under the
193 program are limited to the following port facilities or port
194 transportation projects:

195 1. Transportation facilities within the jurisdiction of the
196 port.

197 2. The dredging or deepening of channels, turning basins,
198 or harbors.

199 3. The construction or rehabilitation of wharves, docks,
200 structures, jetties, piers, storage facilities, cruise
201 terminals, automated people mover systems, or any facilities
202 necessary or useful in connection with any of the foregoing.

203 4. The acquisition of vessel tracking systems, container

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204 cranes, or other mechanized equipment used in the movement of
205 cargo or passengers in international commerce.

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

207 6. The acquisition, improvement, enlargement, or extension
208 of existing port facilities.

209 7. Environmental protection projects which are necessary
210 because of requirements imposed by a state agency as a condition
211 of a permit or other form of state approval; which are necessary
212 for environmental mitigation required as a condition of a state,
213 federal, or local environmental permit; which are necessary for
214 the acquisition of spoil disposal sites and improvements to
215 existing and future spoil sites; or which result from the
216 funding of eligible projects listed in this paragraph.

217 8. Transportation facilities as defined in s. 334.03(30)
218 which are not otherwise part of the Department of
219 Transportation's adopted work program.

220 9. Intermodal access projects.

221 10. Construction or rehabilitation of port facilities as
222 defined in s. 315.02, excluding any park or recreational
223 facilities, in ports listed in s. 311.09(1) with operating
224 revenues of \$5 million or less, provided that such projects
225 create economic development opportunities, capital improvements,
226 and positive financial returns to such ports.

227 11. Seaport master plan or strategic plan development or
228 updates, including the purchase of data to support such plans.

229 Section 5. For the purpose of incorporating the amendment
230 made by this act to section 311.09, Florida Statutes, in a
231 reference thereto, section 311.091, Florida Statutes, is
232 reenacted to read:

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233 311.091 Entry into public-private infrastructure project
234 agreements for port-related public infrastructure projects.—A
235 seaport listed in s. 311.09(1) may receive or solicit proposals
236 from and enter into a public-private infrastructure project
237 agreement with a private entity, or a consortium of private
238 entities, to build, operate, manage, maintain, or finance a
239 port-related public infrastructure project.

240 Section 6. For the purpose of incorporating the amendment
241 made by this act to section 311.09, Florida Statutes, in
242 references thereto, subsections (1) and (2) of section 311.10,
243 Florida Statutes, are reenacted to read:

244 311.10 Strategic Port Investment Initiative.—

245 (1) There is created the Strategic Port Investment
246 Initiative within the Department of Transportation. Beginning in
247 fiscal year 2012-2013, a minimum of \$35 million annually shall
248 be made available from the State Transportation Trust Fund to
249 fund the Strategic Port Investment Initiative. The Department of
250 Transportation shall work with the deepwater ports listed in s.
251 311.09 to develop and maintain a priority list of strategic
252 investment projects. Project selection shall be based on
253 projects that meet the state's economic development goal of
254 becoming a hub for trade, logistics, and export-oriented
255 activities by:

256 (a) Providing important access and major on-port capacity
257 improvements;

258 (b) Providing capital improvements to strategically
259 position the state to maximize opportunities in international
260 trade, logistics, or the cruise industry;

261 (c) Achieving state goals of an integrated intermodal

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262 transportation system; and

263 (d) Demonstrating the feasibility and availability of
264 matching funds through local or private partners.

265 (2) Prior to making final project allocations, the
266 Department of Transportation shall schedule a publicly noticed
267 workshop with the Department of Economic Opportunity and the
268 deepwater ports listed in s. 311.09 to review the proposed
269 projects. After considering the comments received, the
270 Department of Transportation shall finalize a prioritized list
271 of potential projects.

272 Section 7. For the purpose of incorporating the amendment
273 made by this act to section 311.09, Florida Statutes, in a
274 reference thereto, subsection (2) of section 311.101, Florida
275 Statutes, is reenacted to read:

276 311.101 Intermodal Logistics Center Infrastructure Support
277 Program.—

278 (2) For the purposes of this section, the term "intermodal
279 logistics center," including, but not limited to, an "inland
280 port," means a facility or group of facilities serving as a
281 point of intermodal transfer of freight in a specific area
282 physically separated from a seaport where activities relating to
283 transport, logistics, goods distribution, consolidation, or
284 value-added activities are carried out and whose activities and
285 services are designed to support or be supported by conveyance
286 or shipping through one or more seaports listed in s. 311.09.

287 Section 8. For the purpose of incorporating the amendment
288 made by this act to section 311.09, Florida Statutes, in
289 references thereto, paragraph (a) of subsection (2), subsection
290 (3), and paragraph (a) of subsection (6) of section 311.12,

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291 Florida Statutes, are reenacted to read:

292 311.12 Seaport security.—

293 (2) SECURITY PLAN.—

294 (a) Each seaport listed in s. 311.09 shall adopt and
295 maintain a security plan specific to that seaport which provides
296 for a secure seaport infrastructure that promotes the safety and
297 security of state residents and visitors and the flow of
298 legitimate trade and travel.

299 (3) SECURE AND RESTRICTED AREAS.—Each seaport listed in s.
300 311.09 must clearly designate in seaport security plans, and
301 clearly identify with appropriate signs and markers on the
302 premises of a seaport, all secure and restricted areas as
303 defined by 33 C.F.R. part 105.

304 (a)1. All seaport employees and other persons working at
305 the seaport who have regular access to secure or restricted
306 areas must comply with federal access control regulations as
307 prescribed in this section.

308 2. All persons and objects in secure and restricted areas
309 are subject to search by a sworn state-certified law enforcement
310 officer, a Class D seaport security officer certified under
311 Maritime Transportation Security Act of 2002 guidelines, or an
312 employee of the seaport security force certified under the
313 Maritime Transportation Security Act of 2002 guidelines.

314 3. Persons found in these areas without the proper
315 permission are subject to the trespass provisions of ss. 810.08
316 and 810.09.

317 (b) The seaport must provide clear notice of the
318 prohibition against possession of concealed weapons and other
319 contraband material on the premises of the seaport. Any person

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320 in a restricted area who has in his or her possession a
321 concealed weapon, or who operates or has possession or control
322 of a vehicle in or upon which a concealed weapon is placed or
323 stored, commits a misdemeanor of the first degree, punishable as
324 provided in s. 775.082 or s. 775.083. This paragraph does not
325 apply to active-duty certified federal or state law enforcement
326 personnel or persons so designated by the seaport director in
327 writing.

328 (c) During a period of high terrorist threat level, as
329 designated by the United States Department of Homeland Security,
330 the management or controlling authority of the port may
331 temporarily designate any part of the seaport property as a
332 secure or restricted area. The duration of such designation is
333 limited to the period in which the high terrorist threat level
334 is in effect or a port emergency exists.

335 (6) GRANT PROGRAM.—

336 (a) The Florida Seaport Transportation and Economic
337 Development Council shall establish a Seaport Security Grant
338 Program for the purpose of assisting in the implementation of
339 security plans and security measures at the seaports listed in
340 s. 311.09(1). Funds may be used for the purchase of equipment,
341 infrastructure needs, cybersecurity programs, and other security
342 measures identified in a seaport's approved federal security
343 plan. Such grants may not exceed 75 percent of the total cost of
344 the request and are subject to legislative appropriation.

345 Section 9. For the purpose of incorporating the amendment
346 made by this act to section 311.09, Florida Statutes, in
347 references thereto, subsection (2) and paragraph (a) of
348 subsection (3) of section 311.121, Florida Statutes, are

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349 reenacted to read:

350 311.121 Qualifications, training, and certification of
351 licensed security officers at Florida seaports.-

352 (2) The authority or governing board of each seaport
353 identified under s. 311.09 that is subject to the seaport
354 security standards referenced in s. 311.12 shall require that a
355 candidate for certification as a seaport security officer:

356 (a) Has received a Class D license as a security officer
357 under chapter 493.

358 (b) Has successfully completed the certified training
359 curriculum for a Class D license or has been determined by the
360 Department of Agriculture and Consumer Services to have
361 equivalent experience as established by rule of the department.

362 (c) Has completed the training or training equivalency and
363 testing process established by this section for becoming a
364 certified seaport security officer.

365 (3) The Seaport Security Officer Qualification, Training,
366 and Standards Coordinating Council is created under the
367 Department of Law Enforcement.

368 (a) The executive director of the Department of Law
369 Enforcement shall appoint 11 members to the council, to include:

370 1. The seaport administrator of the Department of Law
371 Enforcement.

372 2. The Commissioner of Education or his or her designee.

373 3. The director of the Division of Licensing of the
374 Department of Agriculture and Consumer Services.

375 4. The administrator of the Florida Seaport Transportation
376 and Economic Development Council.

377 5. Two seaport security directors from seaports designated

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378 under s. 311.09.

379 6. One director of a state law enforcement academy.

380 7. One representative of a local law enforcement agency.

381 8. Two representatives of contract security services.

382 9. One representative of the Department of Highway Safety
383 and Motor Vehicles.

384 Section 10. For the purpose of incorporating the amendment
385 made by this act to section 311.09, Florida Statutes, in a
386 reference thereto, subsection (1) of section 311.14, Florida
387 Statutes, is reenacted to read:

388 311.14 Seaport planning.—

389 (1) The Department of Transportation shall develop, in
390 coordination with the ports listed in s. 311.09(1) and other
391 partners, a Statewide Seaport and Waterways System Plan. This
392 plan shall be consistent with the goals of the Florida
393 Transportation Plan developed pursuant to s. 339.155 and shall
394 consider needs identified in individual port master plans and
395 those from the seaport strategic plans required under this
396 section. The plan will identify 5-year, 10-year, and 20-year
397 needs for the seaport system and will include seaport, waterway,
398 road, and rail projects that are needed to ensure the success of
399 the transportation system as a whole in supporting state
400 economic development goals.

401 Section 11. For the purpose of incorporating the amendment
402 made by this act to section 311.09, Florida Statutes, in a
403 reference thereto, section 315.18, Florida Statutes, is
404 reenacted to read:

405 315.18 Confidentiality of certain records held by deepwater
406 ports.—Any proposal or counterproposal exchanged between a

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407 deepwater port listed in s. 311.09(1) and any nongovernmental
408 entity, relating to the sale, use, or lease of land or of port
409 facilities, and any financial records submitted by any
410 nongovernmental entity to such a deepwater port for the purpose
411 of the sale, use, or lease of land or of port facilities, are
412 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
413 of the State Constitution. However, 30 days before any such
414 proposal or counterproposal is considered for approval by the
415 governing body of such a deepwater port, the proposal or
416 counterproposal shall cease to be exempt. If no proposal or
417 counterproposal is submitted to the governing body for approval,
418 such a proposal or counterproposal shall cease to be exempt 90
419 days after the cessation of negotiations.

420 Section 12. For the purpose of incorporating the amendment
421 made by this act to section 311.09, Florida Statutes, in
422 references thereto, subsections (3) and (4) of section 320.20,
423 Florida Statutes, are reenacted to read:

424 320.20 Disposition of license tax moneys.—The revenue
425 derived from the registration of motor vehicles, including any
426 delinquent fees and excluding those revenues collected and
427 distributed under the provisions of s. 320.081, must be
428 distributed monthly, as collected, as follows:

429 (3) Notwithstanding any other provision of law except
430 subsections (1) and (2), \$15 million shall be deposited annually
431 into the State Transportation Trust Fund solely for the purposes
432 of funding the Florida Seaport Transportation and Economic
433 Development Program as provided in chapter 311. Such revenues
434 shall be distributed on a 50-50 matching basis to any port
435 listed in s. 311.09(1) to be used for funding projects as

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436 described in s. 311.07(3)(b). Such revenues may be assigned,
437 pledged, or set aside as a trust for the payment of principal or
438 interest on bonds, tax anticipation certificates, or any other
439 form of indebtedness issued by an individual port or appropriate
440 local government having jurisdiction thereof, or collectively by
441 interlocal agreement among any of the ports, or used to purchase
442 credit support to permit such borrowings. However, such debt is
443 not a general obligation of the state. The state covenants with
444 holders of such revenue bonds or other instruments of
445 indebtedness issued that it will not repeal or impair or amend
446 in any manner that will materially and adversely affect the
447 rights of such holders so long as bonds authorized by this
448 section are outstanding. Any revenues that are not pledged to
449 the repayment of bonds authorized by this section may be used
450 for purposes authorized under the Florida Seaport Transportation
451 and Economic Development Program. This revenue source is in
452 addition to any amounts provided and appropriated in accordance
453 with s. 311.07. The Florida Seaport Transportation and Economic
454 Development Council shall approve the distribution of funds to
455 ports for projects that have been approved pursuant to s.
456 311.09(5)-(8). The council and the Department of Transportation
457 may perform acts required to facilitate and implement this
458 subsection. To better enable the ports to cooperate to their
459 mutual advantage, the governing body of each port may exercise
460 powers provided to municipalities or counties in s. 163.01(7)(d)
461 subject to chapter 311 and special acts, if any, pertaining to a
462 port. The use of funds provided pursuant to this subsection are
463 limited to eligible projects listed in this subsection. Income
464 derived from a project completed with the use of program funds,

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465 beyond operating costs and debt service, is restricted solely to
466 further port capital improvements consistent with maritime
467 purposes. Use of such income for nonmaritime purposes is
468 prohibited. The revenues available under this subsection may not
469 be pledged to the payment of any bonds other than the Florida
470 Ports Financing Commission Series 1996 and Series 1999 Bonds
471 currently outstanding; however, such revenues may be pledged to
472 secure payment of refunding bonds to refinance the Florida Ports
473 Financing Commission Series 1996 and Series 1999 Bonds.
474 Refunding bonds secured by revenues available under this
475 subsection may not be issued with a final maturity later than
476 the final maturity of the Florida Ports Financing Commission
477 Series 1996 and Series 1999 Bonds or which provide for higher
478 debt service in any year than is currently payable on such
479 bonds. Any revenue bonds or other indebtedness issued after July
480 1, 2000, other than refunding bonds shall be issued by the
481 Division of Bond Finance at the request of the Department of
482 Transportation pursuant to the State Bond Act.

483 (4) Notwithstanding any other provision of law except
484 subsections (1), (2), and (3), \$10 million shall be deposited
485 annually into the State Transportation Trust Fund solely for the
486 purposes of funding the Florida Seaport Transportation and
487 Economic Development Program as provided in chapter 311 and for
488 funding seaport intermodal access projects of statewide
489 significance as provided in s. 341.053. Such revenues shall be
490 distributed to any port listed in s. 311.09(1), to be used for
491 funding projects as follows:

492 (a) For any seaport intermodal access projects that are
493 identified in the 1997-1998 Tentative Work Program of the

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494 Department of Transportation, up to the amounts needed to offset
495 the funding requirements of this section.

496 (b) For seaport intermodal access projects as described in
497 s. 341.053(6) which are identified in the 5-year Florida Seaport
498 Mission Plan as provided in s. 311.09(3). Funding for such
499 projects shall be on a matching basis as mutually determined by
500 the Florida Seaport Transportation and Economic Development
501 Council and the Department of Transportation if a minimum of 25
502 percent of total project funds come from any port funds, local
503 funds, private funds, or specifically earmarked federal funds.

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

506 (d) For seaport intermodal access projects that involve the
507 dredging or deepening of channels, turning basins, or harbors;
508 or the rehabilitation of wharves, docks, or similar structures.
509 Funding for such projects requires a 25 percent match of the
510 funds received pursuant to this subsection. Matching funds must
511 come from port funds, federal funds, local funds, or private
512 funds.

513

514 Such revenues may be assigned, pledged, or set aside as a trust
515 for the payment of principal or interest on bonds, tax
516 anticipation certificates, or other form of indebtedness issued
517 by an individual port or appropriate local government having
518 jurisdiction thereof, or collectively by interlocal agreement
519 among any of the ports, or used to purchase credit support to
520 permit such borrowings. However, such debt is not a general
521 obligation of the state. This state covenants with holders of
522 such revenue bonds or other instruments of indebtedness issued

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523 hereunder that it will not repeal, impair, or amend this
524 subsection in a manner that will materially and adversely affect
525 the rights of holders while bonds authorized by this subsection
526 remain outstanding. Revenues that are not pledged to the
527 repayment of bonds as authorized by this section may be used for
528 purposes authorized under the Florida Seaport Transportation and
529 Economic Development Program. This revenue source is in addition
530 to any amounts provided for and appropriated in accordance with
531 s. 311.07 and subsection (3). The Florida Seaport Transportation
532 and Economic Development Council shall approve distribution of
533 funds to ports for projects that have been approved pursuant to
534 s. 311.09(5)-(8), or for seaport intermodal access projects
535 identified in the 5-year Florida Seaport Mission Plan as
536 provided in s. 311.09(3) and mutually agreed upon by the Florida
537 Seaport Transportation and Economic Development Council and the
538 Department of Transportation. All contracts for actual
539 construction of projects authorized by this subsection must
540 include a provision encouraging employment of participants in
541 the welfare transition program. The goal for such employment is
542 25 percent of all new employees employed specifically for the
543 project, unless the Department of Transportation and the Florida
544 Seaport Transportation and Economic Development Council
545 demonstrate that such a requirement would severely hamper the
546 successful completion of the project. In such an instance,
547 CareerSource Florida, Inc., shall establish an appropriate
548 percentage of employees who are participants in the welfare
549 transition program. The council and the Department of
550 Transportation may perform such acts as are required to
551 facilitate and implement the provisions of this subsection. To

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552 better enable the ports to cooperate to their mutual advantage,
553 the governing body of each port may exercise powers provided to
554 municipalities or counties in s. 163.01(7)(d) subject to the
555 provisions of chapter 311 and special acts, if any, pertaining
556 to a port. The use of funds provided pursuant to this subsection
557 is limited to eligible projects listed in this subsection. The
558 revenues available under this subsection may not be pledged to
559 the payment of any bonds other than the Florida Ports Financing
560 Commission Series 1996 and Series 1999 Bonds currently
561 outstanding; however, such revenues may be pledged to secure
562 payment of refunding bonds to refinance the Florida Ports
563 Financing Commission Series 1996 and Series 1999 Bonds.
564 Refunding bonds secured by revenues available under this
565 subsection may not be issued with a final maturity later than
566 the final maturity of the Florida Ports Financing Commission
567 Series 1996 and Series 1999 Bonds and may not provide for higher
568 debt service in any year than is currently payable on such
569 bonds. Any revenue bonds or other indebtedness issued after July
570 1, 2000, other than refunding bonds shall be issued by the
571 Division of Bond Finance at the request of the Department of
572 Transportation pursuant to the State Bond Act.

573 Section 13. For the purpose of incorporating the amendment
574 made by this act to section 311.09, Florida Statutes, in a
575 reference thereto, subsection (1) of section 334.27, Florida
576 Statutes, is reenacted to read:

577 334.27 Governmental transportation entities; property
578 acquired for transportation purposes; limitation on soil or
579 groundwater contamination liability.—

580 (1) For the purposes of this section, the term

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581 "governmental transportation entity" means the department; an
582 authority created pursuant to chapter 343, chapter 348, or
583 chapter 349; airports as defined in s. 332.004(14); a port
584 enumerated in s. 311.09(1); a county; or a municipality.

585 Section 14. For the purpose of incorporating the amendment
586 made by this act to section 311.09, Florida Statutes, in a
587 reference thereto, subsection (7) of section 337.14, Florida
588 Statutes, is reenacted to read:

589 337.14 Application for qualification; certificate of
590 qualification; restrictions; request for hearing.—

591 (7) A "contractor" as defined in s. 337.165(1)(d) or his or
592 her "affiliate" as defined in s. 337.165(1)(a) qualified with
593 the department under this section may not also qualify under s.
594 287.055 or s. 337.105 to provide testing services, construction,
595 engineering, and inspection services to the department. This
596 limitation does not apply to any design-build prequalification
597 under s. 337.11(7) and does not apply when the department
598 otherwise determines by written order entered at least 30 days
599 before advertisement that the limitation is not in the best
600 interests of the public with respect to a particular contract
601 for testing services, construction, engineering, and inspection
602 services. This subsection does not authorize a contractor to
603 provide testing services, or provide construction, engineering,
604 and inspection services, to the department in connection with a
605 construction contract under which the contractor is performing
606 any work. Notwithstanding any other provision of law to the
607 contrary, for a project that is wholly or partially funded by
608 the department and administered by a local governmental entity,
609 except for a seaport listed in s. 311.09 or an airport as

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610 defined in s. 332.004, the entity performing design and
611 construction engineering and inspection services may not be the
612 same entity.

613 Section 15. For the purpose of incorporating the amendment
614 made by this act to section 311.09, Florida Statutes, in a
615 reference thereto, subsection (12) of section 373.406, Florida
616 Statutes, is reenacted to read:

617 373.406 Exemptions.—The following exemptions shall apply:

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

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

626 (b) The stormwater pollution prevention plan also provides
627 similar pollution prevention measures for other activities that
628 are not subject to the National Pollutant Discharge Elimination
629 System Program and that occur on the port's overwater piers,
630 docks, and similar structures.

631 Section 16. For the purpose of incorporating the amendment
632 made by this act to section 311.09, Florida Statutes, in
633 references thereto, subsections (2) and (10) of section
634 373.4133, Florida Statutes, are reenacted to read:

635 373.4133 Port conceptual permits.—

636 (2) Any port listed in s. 311.09(1) may apply to the
637 department for a port conceptual permit, including any
638 applicable authorization under chapter 253 to use sovereignty

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639 submerged lands under a joint coastal permit pursuant to s.
640 161.055 or an environmental resource permit issued pursuant to
641 this part, for all or a portion of the area within the
642 geographic boundaries of the port. A private entity with a
643 controlling interest in property used for private industrial
644 marine activities in the immediate vicinity of a port listed in
645 s. 311.09(1) may also apply for a port conceptual permit under
646 this section. A port conceptual permit may be issued for a
647 period of up to 20 years and extended one time for an additional
648 10 years. A port conceptual permit constitutes the state's
649 conceptual certification of compliance with state water quality
650 standards for purposes of s. 401 of the Clean Water Act and the
651 state's conceptual determination that the activities contained
652 in the port conceptual permit are consistent with the state
653 coastal zone management program.

654 (10) In lieu of meeting the generally applicable stormwater
655 design standards in rules adopted under this part, which create
656 a presumption that stormwater discharged from the system will
657 meet the applicable state water quality standards in the
658 receiving waters, any port listed in s. 311.09(1) may propose
659 alternative stormwater treatment and design criteria for the
660 construction, operation, and maintenance of stormwater
661 management systems serving overwater piers. The proposal shall
662 include such structural components or best management practices
663 to address the stormwater discharge from the pier, including
664 consideration of activities conducted on the pier, as are
665 necessary to provide reasonable assurance that stormwater
666 discharged from the system will meet the applicable state water
667 quality standards in the receiving waters.

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668 Section 17. For the purpose of incorporating the amendment
669 made by this act to section 311.09, Florida Statutes, in a
670 reference thereto, paragraph (d) of subsection (6) of section
671 373.4136, Florida Statutes, is reenacted to read:

672 373.4136 Establishment and operation of mitigation banks.—

673 (6) MITIGATION SERVICE AREA.—The department or water
674 management district shall establish a mitigation service area
675 for each mitigation bank permit. The department or water
676 management district shall notify and consider comments received
677 on the proposed mitigation service area from each local
678 government within the proposed mitigation service area. Except
679 as provided herein, mitigation credits may be withdrawn and used
680 only to offset adverse impacts in the mitigation service area.
681 The boundaries of the mitigation service area shall depend upon
682 the geographic area where the mitigation bank could reasonably
683 be expected to offset adverse impacts. Mitigation service areas
684 may overlap, and mitigation service areas for two or more
685 mitigation banks may be approved for a regional watershed.

686 (d) If the requirements in s. 373.414(1)(b) and (8) are
687 met, the following projects or activities regulated under this
688 part shall be eligible to use a mitigation bank, regardless of
689 whether they are located within the mitigation service area:

690 1. Projects with adverse impacts partially located within
691 the mitigation service area.

692 2. Linear projects, such as roadways, transmission lines,
693 distribution lines, pipelines, railways, or seaports listed in
694 s. 311.09(1).

695 3. Projects with total adverse impacts of less than 1 acre
696 in size.

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697 Section 18. For the purpose of incorporating the amendment
698 made by this act to section 311.09, Florida Statutes, in
699 references thereto, subsections (38) and (39) of section
700 403.061, Florida Statutes, are reenacted to read:

701 403.061 Department; powers and duties.—The department shall
702 have the power and the duty to control and prohibit pollution of
703 air and water in accordance with the law and rules adopted and
704 promulgated by it and, for this purpose, to:

705 (38) Provide a supplemental permitting process for the
706 issuance of a joint coastal permit pursuant to s. 161.055 or
707 environmental resource permit pursuant to part IV of chapter
708 373, to a port listed in s. 311.09(1), for maintenance dredging
709 and the management of dredged materials from maintenance
710 dredging of all navigation channels, port harbors, turning
711 basins, and harbor berths. Such permit shall be issued for a
712 period of 5 years and shall be annually extended for an
713 additional year if the port is in compliance with all permit
714 conditions at the time of extension. The department is
715 authorized to adopt rules to implement this subsection.

716 (39) Provide a supplemental permitting process for the
717 issuance of a conceptual joint coastal permit pursuant to s.
718 161.055 or environmental resource permit pursuant to part IV of
719 chapter 373, to a port listed in s. 311.09(1), for dredging and
720 the management of materials from dredging and for other related
721 activities necessary for development, including the expansion of
722 navigation channels, port harbors, turning basins, harbor
723 berths, and associated facilities. Such permit shall be issued
724 for a period of up to 15 years. The department is authorized to
725 adopt rules to implement this subsection.

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727 The department shall implement such programs in conjunction with
728 its other powers and duties and shall place special emphasis on
729 reducing and eliminating contamination that presents a threat to
730 humans, animals or plants, or to the environment.

731

Section 19. This act shall take effect July 1, 2022.