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1
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; requiring the council to review the
14 study and make a determination; terminating the
15 membership of Putnam County on the council under
16 certain circumstances; reenacting ss. 163.3178(2)(k),
17 (5), and (6), 189.068(6), 311.07(1) and (3)(a) and
18 (b), 311.091, 311.10(1) and (2), 311.101(2),
19 311.12(2)(a), (3), and (6)(a), 311.121(2) and (3)(a),
20 311.14(1), 315.18, 320.20(3) and (4), 334.27(1),
21 337.14(7), 373.406(12), 373.4133(2) and (10),
22 373.4136(6)(d), and 403.061(38) and (39), F.S.,
23 relating to coastal management, the oversight of
24 deepwater ports, Florida seaport transportation and
25 economic development funding, entry into public-
26 private infrastructure project agreements for port-
27 related public infrastructure projects, the Strategic
28 Port Investment Initiative within the department, the
29 Intermodal Logistics Center Infrastructure Support

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30 Program, seaport security, licensed security officers
31 at Florida seaports, seaport planning, the
32 confidentiality of certain records held by deepwater
33 ports, the disposition of license tax moneys, the
34 definition of the term "governmental transportation
35 entity," seaport contractor services, exemptions for
36 overwater piers, docks, or similar structures in
37 deepwater ports, port conceptual permits, the
38 authorized use of mitigation banks, and the duties of
39 the Department of Environmental Protection in
40 providing environmental resource permits,
41 respectively, to incorporate the amendment made to s.
42 311.09, F.S., in references thereto; providing an
43 effective date.

44
45 Be It Enacted by the Legislature of the State of Florida:

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

50 311.09 Florida Seaport Transportation and Economic
51 Development Council.—

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

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59 Pensacola, Key West, and Fernandina; the secretary of the
60 Department of Transportation or his or her designee; and the
61 secretary of the Department of Economic Opportunity or his or
62 her designee.

63 (13) Until July 1, 2024, Putnam County may apply for a
64 grant through the Florida Seaport Transportation and Economic
65 Development Council to perform a study examining the economic,
66 technical, and operational viability of the establishment of a
67 port in Putnam County. The council shall evaluate the grant
68 application pursuant to subsections (5)-(8) and, if approved,
69 the Department of Transportation must include the feasibility
70 study in its budget request pursuant to subsection (9). The
71 council shall review the study upon completion to determine if a
72 port in Putnam County is viable. If the council does not approve
73 the study, the membership of Putnam County on the council must
74 terminate.

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

80 163.3178 Coastal management.—

81 (2) Each coastal management element required by s.
82 163.3177(6)(g) shall be based on studies, surveys, and data; be
83 consistent with coastal resource plans prepared and adopted
84 pursuant to general or special law; and contain:

85 (k) A component which includes the comprehensive master
86 plan prepared by each deepwater port listed in s. 311.09(1),
87 which addresses existing port facilities and any proposed

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88 expansions, and which adequately addresses the applicable
89 requirements of paragraphs (a)-(k) for areas within the port and
90 proposed expansion areas. Such component shall be submitted to
91 the appropriate local government at least 6 months prior to the
92 due date of the local plan and shall be integrated with, and
93 shall meet all criteria specified in, the coastal management
94 element. "The appropriate local government" means the
95 municipality having the responsibility for the area in which the
96 deepwater port lies, except that where no municipality has
97 responsibility, where a municipality and a county each have
98 responsibility, or where two or more municipalities each have
99 responsibility for the area in which the deepwater port lies,
100 "the appropriate local government" means the county which has
101 responsibility for the area in which the deepwater port lies.
102 Failure by a deepwater port which is not part of a local
103 government to submit its component to the appropriate local
104 government shall not result in a local government being subject
105 to sanctions pursuant to s. 163.3184. However, a deepwater port
106 which is not part of a local government shall be subject to
107 sanctions pursuant to s. 163.3184.

108 (5) The appropriate dispute resolution process provided
109 under s. 186.509 must be used to reconcile inconsistencies
110 between port master plans and local comprehensive plans. In
111 recognition of the state's commitment to deepwater ports, the
112 state comprehensive plan must include goals, objectives, and
113 policies that establish a statewide strategy for enhancement of
114 existing deepwater ports, ensuring that priority is given to
115 water-dependent land uses. As an incentive for promoting plan
116 consistency, port facilities as defined in s. 315.02(6) on lands

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

137 (6) Each port listed in s. 311.09(1) and each local
138 government in the coastal area which has spoil disposal
139 responsibilities shall provide for or identify disposal sites
140 for dredged materials in the future land use and port elements
141 of the local comprehensive plan as needed to assure proper long-
142 term management of material dredged from navigation channels,
143 sufficient long-range disposal capacity, environmental
144 sensitivity and compatibility, and reasonable cost and
145 transportation. The disposal site selection criteria shall be

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146 developed in consultation with navigation and inlet districts
147 and other appropriate state and federal agencies and the public.
148 For areas owned or controlled by ports listed in s. 311.09(1)
149 and proposed port expansion areas, compliance with the
150 provisions of this subsection shall be achieved through
151 comprehensive master plans prepared by each port and integrated
152 with the appropriate local plan pursuant to paragraph (2)(k).

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

157 189.068 Special districts; authority for oversight; general
158 oversight review process.—

159 (6) This section does not apply to a deepwater port listed
160 in s. 311.09(1) which is in compliance with a port master plan
161 adopted pursuant to s. 163.3178(2)(k), or to an airport
162 authority operating in compliance with an airport master plan
163 approved by the Federal Aviation Administration, or to any
164 special district organized to operate health systems and
165 facilities licensed under chapter 395, chapter 400, or chapter
166 429.

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

172 311.07 Florida seaport transportation and economic
173 development funding.—

174 (1) There is created the Florida Seaport Transportation and

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175 Economic Development Program within the Department of
176 Transportation to finance port transportation or port facilities
177 projects that will improve the movement and intermodal
178 transportation of cargo or passengers in commerce and trade and
179 support the interests, purposes, and requirements of all ports
180 listed in s. 311.09.

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

196 (b) Projects eligible for funding by grants under the
197 program are limited to the following port facilities or port
198 transportation projects:

199 1. Transportation facilities within the jurisdiction of the
200 port.

201 2. The dredging or deepening of channels, turning basins,
202 or harbors.

203 3. The construction or rehabilitation of wharves, docks,

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204 structures, jetties, piers, storage facilities, cruise
205 terminals, automated people mover systems, or any facilities
206 necessary or useful in connection with any of the foregoing.

207 4. The acquisition of vessel tracking systems, container
208 cranes, or other mechanized equipment used in the movement of
209 cargo or passengers in international commerce.

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

211 6. The acquisition, improvement, enlargement, or extension
212 of existing port facilities.

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

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

224 9. Intermodal access projects.

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

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

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233 Section 5. For the purpose of incorporating the amendment
234 made by this act to section 311.09, Florida Statutes, in a
235 reference thereto, section 311.091, Florida Statutes, is
236 reenacted to read:

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

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

248 311.10 Strategic Port Investment Initiative.—

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

260 (a) Providing important access and major on-port capacity
261 improvements;

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262 (b) Providing capital improvements to strategically
263 position the state to maximize opportunities in international
264 trade, logistics, or the cruise industry;

265 (c) Achieving state goals of an integrated intermodal
266 transportation system; and

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

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

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

280 311.101 Intermodal Logistics Center Infrastructure Support
281 Program.—

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

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291 Section 8. For the purpose of incorporating the amendment
292 made by this act to section 311.09, Florida Statutes, in
293 references thereto, paragraph (a) of subsection (2), subsection
294 (3), and paragraph (a) of subsection (6) of section 311.12,
295 Florida Statutes, are reenacted to read:

296 311.12 Seaport security.—

297 (2) SECURITY PLAN.—

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

303 (3) SECURE AND RESTRICTED AREAS.—Each seaport listed in s.
304 311.09 must clearly designate in seaport security plans, and
305 clearly identify with appropriate signs and markers on the
306 premises of a seaport, all secure and restricted areas as
307 defined by 33 C.F.R. part 105.

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

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

318 3. Persons found in these areas without the proper
319 permission are subject to the trespass provisions of ss. 810.08

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320 and 810.09.

321 (b) The seaport must provide clear notice of the
322 prohibition against possession of concealed weapons and other
323 contraband material on the premises of the seaport. Any person
324 in a restricted area who has in his or her possession a
325 concealed weapon, or who operates or has possession or control
326 of a vehicle in or upon which a concealed weapon is placed or
327 stored, commits a misdemeanor of the first degree, punishable as
328 provided in s. 775.082 or s. 775.083. This paragraph does not
329 apply to active-duty certified federal or state law enforcement
330 personnel or persons so designated by the seaport director in
331 writing.

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

339 (6) GRANT PROGRAM.—

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

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349 Section 9. For the purpose of incorporating the amendment
350 made by this act to section 311.09, Florida Statutes, in
351 references thereto, subsection (2) and paragraph (a) of
352 subsection (3) of section 311.121, Florida Statutes, are
353 reenacted to read:

354 311.121 Qualifications, training, and certification of
355 licensed security officers at Florida seaports.—

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

360 (a) Has received a Class D license as a security officer
361 under chapter 493.

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

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

369 (3) The Seaport Security Officer Qualification, Training,
370 and Standards Coordinating Council is created under the
371 Department of Law Enforcement.

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

374 1. The seaport administrator of the Department of Law
375 Enforcement.

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

377 3. The director of the Division of Licensing of the

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378 Department of Agriculture and Consumer Services.

379 4. The administrator of the Florida Seaport Transportation
380 and Economic Development Council.

381 5. Two seaport security directors from seaports designated
382 under s. 311.09.

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

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

385 8. Two representatives of contract security services.

386 9. One representative of the Department of Highway Safety
387 and Motor Vehicles.

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

392 311.14 Seaport planning.—

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

405 Section 11. For the purpose of incorporating the amendment
406 made by this act to section 311.09, Florida Statutes, in a

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407 reference thereto, section 315.18, Florida Statutes, is
408 reenacted to read:

409 315.18 Confidentiality of certain records held by deepwater
410 ports.—Any proposal or counterproposal exchanged between a
411 deepwater port listed in s. 311.09(1) and any nongovernmental
412 entity, relating to the sale, use, or lease of land or of port
413 facilities, and any financial records submitted by any
414 nongovernmental entity to such a deepwater port for the purpose
415 of the sale, use, or lease of land or of port facilities, are
416 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
417 of the State Constitution. However, 30 days before any such
418 proposal or counterproposal is considered for approval by the
419 governing body of such a deepwater port, the proposal or
420 counterproposal shall cease to be exempt. If no proposal or
421 counterproposal is submitted to the governing body for approval,
422 such a proposal or counterproposal shall cease to be exempt 90
423 days after the cessation of negotiations.

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

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

433 (3) Notwithstanding any other provision of law except
434 subsections (1) and (2), \$15 million shall be deposited annually
435 into the State Transportation Trust Fund solely for the purposes

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436 of funding the Florida Seaport Transportation and Economic
437 Development Program as provided in chapter 311. Such revenues
438 shall be distributed on a 50-50 matching basis to any port
439 listed in s. 311.09(1) to be used for funding projects as
440 described in s. 311.07(3)(b). Such revenues may be assigned,
441 pledged, or set aside as a trust for the payment of principal or
442 interest on bonds, tax anticipation certificates, or any other
443 form of indebtedness issued by an individual port or appropriate
444 local government having jurisdiction thereof, or collectively by
445 interlocal agreement among any of the ports, or used to purchase
446 credit support to permit such borrowings. However, such debt is
447 not a general obligation of the state. The state covenants with
448 holders of such revenue bonds or other instruments of
449 indebtedness issued that it will not repeal or impair or amend
450 in any manner that will materially and adversely affect the
451 rights of such holders so long as bonds authorized by this
452 section are outstanding. Any revenues that are not pledged to
453 the repayment of bonds authorized by this section may be used
454 for purposes authorized under the Florida Seaport Transportation
455 and Economic Development Program. This revenue source is in
456 addition to any amounts provided and appropriated in accordance
457 with s. 311.07. The Florida Seaport Transportation and Economic
458 Development Council shall approve the distribution of funds to
459 ports for projects that have been approved pursuant to s.
460 311.09(5)-(8). The council and the Department of Transportation
461 may perform acts required to facilitate and implement this
462 subsection. To better enable the ports to cooperate to their
463 mutual advantage, the governing body of each port may exercise
464 powers provided to municipalities or counties in s. 163.01(7)(d)

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465 subject to chapter 311 and special acts, if any, pertaining to a
466 port. The use of funds provided pursuant to this subsection are
467 limited to eligible projects listed in this subsection. Income
468 derived from a project completed with the use of program funds,
469 beyond operating costs and debt service, is restricted solely to
470 further port capital improvements consistent with maritime
471 purposes. Use of such income for nonmaritime purposes is
472 prohibited. The revenues available under this subsection may not
473 be pledged to the payment of any bonds other than the Florida
474 Ports Financing Commission Series 1996 and Series 1999 Bonds
475 currently outstanding; however, such revenues may be pledged to
476 secure payment of refunding bonds to refinance the Florida Ports
477 Financing Commission Series 1996 and Series 1999 Bonds.
478 Refunding bonds secured by revenues available under this
479 subsection may not be issued with a final maturity later than
480 the final maturity of the Florida Ports Financing Commission
481 Series 1996 and Series 1999 Bonds or which provide for higher
482 debt service in any year than is currently payable on such
483 bonds. Any revenue bonds or other indebtedness issued after July
484 1, 2000, other than refunding bonds shall be issued by the
485 Division of Bond Finance at the request of the Department of
486 Transportation pursuant to the State Bond Act.

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

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494 distributed to any port listed in s. 311.09(1), to be used for
495 funding projects as follows:

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

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

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

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

517
518 Such revenues may be assigned, pledged, or set aside as a trust
519 for the payment of principal or interest on bonds, tax
520 anticipation certificates, or other form of indebtedness issued
521 by an individual port or appropriate local government having
522 jurisdiction thereof, or collectively by interlocal agreement

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

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552 percentage of employees who are participants in the welfare
553 transition program. The council and the Department of
554 Transportation may perform such acts as are required to
555 facilitate and implement the provisions of this subsection. To
556 better enable the ports to cooperate to their mutual advantage,
557 the governing body of each port may exercise powers provided to
558 municipalities or counties in s. 163.01(7)(d) subject to the
559 provisions of chapter 311 and special acts, if any, pertaining
560 to a port. The use of funds provided pursuant to this subsection
561 is limited to eligible projects listed in this subsection. The
562 revenues available under this subsection may not be pledged to
563 the payment of any bonds other than the Florida Ports Financing
564 Commission Series 1996 and Series 1999 Bonds currently
565 outstanding; however, such revenues may be pledged to secure
566 payment of refunding bonds to refinance the Florida Ports
567 Financing Commission Series 1996 and Series 1999 Bonds.
568 Refunding bonds secured by revenues available under this
569 subsection may not be issued with a final maturity later than
570 the final maturity of the Florida Ports Financing Commission
571 Series 1996 and Series 1999 Bonds and may not provide for higher
572 debt service in any year than is currently payable on such
573 bonds. Any revenue bonds or other indebtedness issued after July
574 1, 2000, other than refunding bonds shall be issued by the
575 Division of Bond Finance at the request of the Department of
576 Transportation pursuant to the State Bond Act.

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

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581 334.27 Governmental transportation entities; property
582 acquired for transportation purposes; limitation on soil or
583 groundwater contamination liability.—

584 (1) For the purposes of this section, the term
585 “governmental transportation entity” means the department; an
586 authority created pursuant to chapter 343, chapter 348, or
587 chapter 349; airports as defined in s. 332.004(14); a port
588 enumerated in s. 311.09(1); a county; or a municipality.

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

593 337.14 Application for qualification; certificate of
594 qualification; restrictions; request for hearing.—

595 (7) A “contractor” as defined in s. 337.165(1)(d) or his or
596 her “affiliate” as defined in s. 337.165(1)(a) qualified with
597 the department under this section may not also qualify under s.
598 287.055 or s. 337.105 to provide testing services, construction,
599 engineering, and inspection services to the department. This
600 limitation does not apply to any design-build prequalification
601 under s. 337.11(7) and does not apply when the department
602 otherwise determines by written order entered at least 30 days
603 before advertisement that the limitation is not in the best
604 interests of the public with respect to a particular contract
605 for testing services, construction, engineering, and inspection
606 services. This subsection does not authorize a contractor to
607 provide testing services, or provide construction, engineering,
608 and inspection services, to the department in connection with a
609 construction contract under which the contractor is performing

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610 any work. Notwithstanding any other provision of law to the
611 contrary, for a project that is wholly or partially funded by
612 the department and administered by a local governmental entity,
613 except for a seaport listed in s. 311.09 or an airport as
614 defined in s. 332.004, the entity performing design and
615 construction engineering and inspection services may not be the
616 same entity.

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

621 373.406 Exemptions.—The following exemptions shall apply:

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

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

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

635 Section 16. For the purpose of incorporating the amendment
636 made by this act to section 311.09, Florida Statutes, in
637 references thereto, subsections (2) and (10) of section
638 373.4133, Florida Statutes, are reenacted to read:

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639 373.4133 Port conceptual permits.—

640 (2) Any port listed in s. 311.09(1) may apply to the
641 department for a port conceptual permit, including any
642 applicable authorization under chapter 253 to use sovereignty
643 submerged lands under a joint coastal permit pursuant to s.
644 161.055 or an environmental resource permit issued pursuant to
645 this part, for all or a portion of the area within the
646 geographic boundaries of the port. A private entity with a
647 controlling interest in property used for private industrial
648 marine activities in the immediate vicinity of a port listed in
649 s. 311.09(1) may also apply for a port conceptual permit under
650 this section. A port conceptual permit may be issued for a
651 period of up to 20 years and extended one time for an additional
652 10 years. A port conceptual permit constitutes the state's
653 conceptual certification of compliance with state water quality
654 standards for purposes of s. 401 of the Clean Water Act and the
655 state's conceptual determination that the activities contained
656 in the port conceptual permit are consistent with the state
657 coastal zone management program.

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

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668 consideration of activities conducted on the pier, as are
669 necessary to provide reasonable assurance that stormwater
670 discharged from the system will meet the applicable state water
671 quality standards in the receiving waters.

672 Section 17. For the purpose of incorporating the amendment
673 made by this act to section 311.09, Florida Statutes, in a
674 reference thereto, paragraph (d) of subsection (6) of section
675 373.4136, Florida Statutes, is reenacted to read:

676 373.4136 Establishment and operation of mitigation banks.—

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

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

694 1. Projects with adverse impacts partially located within
695 the mitigation service area.

696 2. Linear projects, such as roadways, transmission lines,

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697 distribution lines, pipelines, railways, or seaports listed in
698 s. 311.09(1).

699 3. Projects with total adverse impacts of less than 1 acre
700 in size.

701 Section 18. For the purpose of incorporating the amendment
702 made by this act to section 311.09, Florida Statutes, in
703 references thereto, subsections (38) and (39) of section
704 403.061, Florida Statutes, are reenacted to read:

705 403.061 Department; powers and duties.—The department shall
706 have the power and the duty to control and prohibit pollution of
707 air and water in accordance with the law and rules adopted and
708 promulgated by it and, for this purpose, to:

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

720 (39) Provide a supplemental permitting process for the
721 issuance of a conceptual joint coastal permit pursuant to s.
722 161.055 or environmental resource permit pursuant to part IV of
723 chapter 373, to a port listed in s. 311.09(1), for dredging and
724 the management of materials from dredging and for other related
725 activities necessary for development, including the expansion of

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726 navigation channels, port harbors, turning basins, harbor
727 berths, and associated facilities. Such permit shall be issued
728 for a period of up to 15 years. The department is authorized to
729 adopt rules to implement this subsection.

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

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