

Committee on Commerce and Tourism

CS/CS/CS/HB 399 — Infrastructure Investment

by Economic Affairs Committee; State Affairs Committee; Transportation and Highway Safety Subcommittee; and Rep. Ray and others (CS/CS/CS/SB 768 Budget Committee; Transportation Committee; Commerce and Tourism Committee; and Senator Ring)

This bill makes a number of changes to the permitting and planning for Florida's 14 deepwater public seaports. Specifically, the bill:

- Authorizes the Florida Department of Transportation (FDOT) secretary to designate an assistant secretary as an economic development liaison to the Governor's Office;
- Requires the Florida Seaport Transportation and Economic Development (FSTED) Council to annually develop a project priority list and submit it to FDOT;
- Requires each seaport to develop a 10-year strategic plan that includes:
 - Potential business opportunities;
 - Proposed infrastructure and intermodal projects;
 - Any physical, environmental and regulatory hurdles facing port projects; and
 - Proposals to coordinate the port plan goals with other governmental entities.
- Modifies the existing State Transportation Plan to include information on methods to expand Florida as a hub for trade and investment;
- Directs FDOT to identify within the state's transportation system those facilities significant for trade opportunities;
- Exempts overwater piers, docks and similar structure at a seaport from its stormwater management system if the seaport has a Stormwater Pollution Prevention Plan;
- Directs the Department of Environmental Protection (DEP) to approve or deny a port conceptual permit application within 60 days of receipt;
- Provides that DEP may only request additional information on a port conceptual permit application twice, unless the applicant waives this limitation in writing;
- Provides that if a third party petitions to challenge DEP's issuance of a port conceptual permit, the petitioner has the burden of ultimate persuasion and the burden of going forward with the evidence;
- Specifies that the 14 seaports are not required to obtain permits for maintenance dredging of previously dredged areas if specified conditions are met;
- Clarifies the dimensions of the turbidity mixing zones where the return water from port dredging projects is discharged;
- Provides that ditches, pipes, and other linear conveyances are not considered receiving waters for the purpose of requiring permits;
- Grants consent for the seaports to use any sovereignty submerged lands for maintenance dredging; and
- Provides that the spoil material from seaport dredging may be deposited in a self-contained, upland disposal site without needing a permit, if certain conditions are met.

If approved by the Governor, these provisions take effect July 1, 2011.

Vote: Senate 37-0; House 114-0