

By the Committee on Business Development & International
Trade and Representative Valdes

1 A bill to be entitled
2 An act relating to economic development;
3 amending s. 118.10, F.S.; revising definitions;
4 clarifying eligibility and authority for
5 certain international notaries; amending s.
6 163.3178, F.S.; requiring certain ports to
7 identify certain spoil disposal sites;
8 requiring such ports to prepare comprehensive
9 master plans; amending s. 163.3187, F.S.;
10 exempting comprehensive plan amendments for
11 port transportation facilities and projects
12 from a time limitation; creating s. 220.1896,
13 F.S.; creating the small business investment
14 credit against corporate income tax; providing
15 definitions; providing eligibility and filing
16 requirements; amending s. 220.02, F.S.;
17 including the credit within the order of
18 priority of application of certain credits;
19 amending s. 288.095, F.S.; prohibiting the
20 Office of Tourism, Trade, and Economic
21 Development from obligating or encumbering the
22 Legislature's appropriation of funds for
23 certain tax refund programs in excess of
24 certain amounts; amending s. 288.8155, F.S.;
25 authorizing the International Trade Data
26 Resource and Research Center to create an
27 Internet-based information system; amending s.
28 288.90151, F.S.; revising the matching private
29 funding requirements for Enterprise Florida,
30 Inc.; providing for partial release of funds
31 placed in reserve under specified

1 circumstances; amending s. 288.9412, F.S.;

2 creating the Minority Business Advisory Council

3 under the Enterprise Florida International

4 Trade and Economic Development Board; providing

5 membership, powers, and duties of the council;

6 requiring annual report; requiring Enterprise

7 Florida, Inc., to set aside certain funds for

8 certain purposes; amending s. 288.9607, F.S.;

9 extending the expiration date on the use of

10 certain State Transportation Trust Fund

11 investment earnings; amending s. 288.9614,

12 F.S.; providing that state appropriated funds

13 may not be expended by Enterprise Florida,

14 Inc., or its affiliates on certain venture

15 capital funds; amending s. 311.07, F.S.;

16 providing that projects eligible for funding

17 under the Florida Seaport Transportation and

18 Economic Development Program must be consistent

19 with port master plans; exempting certain port

20 transportation facilities and projects from

21 review as developments of regional impact;

22 amending s. 311.09, F.S.; declaring that

23 projects eligible for funding under the Florida

24 Seaport Transportation and Economic Development

25 Program are presumed to be in the public

26 interest; amending s. 315.03, F.S.; delineating

27 powers for certain local governmental entities

28 that consist of three or more ports; s. 320.20,

29 F.S.; authorizing such entities to act as

30 agents for the Department of Transportation;

31 amending s. 380.06, F.S.; exempting certain

1 port projects from review as developments of
2 regional impact; amending s. 341.053, F.S.;
3 requiring the Department of Transportation to
4 review funding requests of certain
5 transportation authorities; creating the
6 Strategic Intermodal Transportation and
7 Economic Development Planning Council;
8 providing for membership and duties of the
9 council; requiring reports; specifying
10 contents; requiring the council to update a
11 certain needs list; requiring certain projects
12 to be included in the department's work
13 program; requiring the Transportation
14 Commission to review the council's needs list
15 and the department's work program; requiring a
16 review and analysis report; providing an
17 effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Section 118.10, Florida Statutes, is
22 amended to read:

23 118.10 Florida international notary.--

24 (1) As used in this section, the term:

25 (a) "Authentic act ~~Authentication instrument~~" means an
26 instrument executed by a Florida international notary
27 referencing this section, which includes the particulars and
28 capacities to act of transacting parties, a confirmation of
29 the full text of the instrument, the signatures of the parties
30 or legal equivalent thereof, and the signature and seal of a
31 Florida international notary as prescribed by the Florida

1 Secretary of State ~~for use in a jurisdiction outside the~~
2 ~~borders of the United States.~~

3 (b) "Florida international notary" means a person who
4 is a member in good standing of The Florida Bar ~~admitted to~~
5 ~~the practice of law in this state~~, who has practiced law for
6 at least 5 years, and who is appointed by the Secretary of
7 State as a Florida international notary.

8 (c) "Protocol" means a registry maintained by a
9 Florida international notary in which the acts of the Florida
10 international notary are archived.

11 (2) The Secretary of State shall have the power to
12 appoint Florida international notaries and administer this
13 section.

14 (3) ~~A Florida international notary is authorized to~~
15 ~~issue authentication instruments for use in non-United States~~
16 ~~jurisdictions.~~A Florida international notary is not
17 authorized to issue authentic acts ~~authentication instruments~~
18 for use in a ~~non-United States~~ jurisdiction if the United
19 States Department of State has determined that the
20 jurisdiction does not have diplomatic relations with the
21 United States or is a terrorist country, or if trade with the
22 jurisdiction is prohibited under the Trading With the Enemy
23 Act of 1917, as amended, 50 U.S.C. ss. 1, et seq.

24 (4) ~~The authentication instruments of a Florida~~
25 ~~international notary shall not be considered authentication~~
26 ~~instruments within the borders of the United States and shall~~
27 ~~have no consequences or effects as authentication instruments~~
28 ~~in the United States.~~

29 (4)(5) The authentic acts ~~authentication instruments~~
30 of a Florida international notary shall be recorded in the
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1 Florida international notary's protocol in a manner prescribed
2 by the Secretary of State.

3 ~~(5)(6)~~ The Secretary of State may adopt rules
4 prescribing:

5 (a) The form and content of signatures and seals or
6 their legal equivalents for authentic acts ~~authentication~~
7 ~~instruments~~;

8 (b) Procedures for the permanent archiving of
9 authentic acts ~~authentication instruments~~;

10 (c) The charging of reasonable fees to be retained by
11 the Secretary of State for the purpose of administering this
12 section;

13 (d) Educational requirements and procedures for
14 testing applicants' knowledge of the effects and consequences
15 associated with authentic acts ~~authentication instruments~~ in
16 jurisdictions outside the United States;

17 (e) Procedures for the disciplining of Florida
18 international notaries, including the suspension and
19 revocation of appointments for misrepresentation or fraud
20 regarding the Florida international notary's authority, the
21 effect of the Florida international notary's authentic acts
22 ~~authentication instruments~~, or the identities or acts of the
23 parties to a transaction; and

24 (f) Other matters necessary for administering this
25 section.

26 ~~(6)(7)~~ The Secretary of State shall not regulate,
27 discipline or attempt to discipline, or establish any
28 educational requirements for any Florida international notary
29 for, or with regard to, any action or conduct that would
30 constitute the practice of law in this state, except by
31 agreement with The Florida Bar. The Secretary of State shall

1 not establish as a prerequisite to the appointment of a
2 Florida international notary any test containing any question
3 that inquires of the applicant's knowledge regarding the
4 practice of law in the United States, except by agreement with
5 The Florida Bar.

6 ~~(7)(8)~~ This section shall not be construed as
7 abrogating the provisions of any other act relating to
8 notaries public, attorneys, or the practice of law in this
9 state.

10 Section 2. Subsection (7) of section 163.3178, Florida
11 Statutes, is amended to read:

12 163.3178 Coastal management.--

13 (7) Each port listed in s. 311.09(1), and each local
14 government in the coastal area which has spoil disposal
15 responsibilities shall provide for or identify disposal sites
16 for dredged materials in the future land use and port elements
17 of the local comprehensive plan as needed to assure proper
18 long-term management of material dredged from navigation
19 channels, sufficient long-range disposal capacity,
20 environmental sensitivity and compatibility, and reasonable
21 cost and transportation. The disposal site selection criteria
22 shall be developed in consultation with navigation and inlet
23 districts and other appropriate state and federal agencies and
24 the public. For areas owned or controlled by ports listed in
25 s. 311.09(1), and proposed port expansion areas, compliance
26 with the provisions of this subsection shall be achieved
27 through comprehensive master plans prepared by each port and
28 integrated with the appropriate local plan pursuant to s.
29 163.3178(2)(k).

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1 Section 3. Paragraph (g) is added to subsection (1)
2 and paragraph (d) is added to subsection (6) of section
3 163.3187, Florida Statutes, to read:

4 163.3187 Amendment of adopted comprehensive plan.--

5 (1) Amendments to comprehensive plans adopted pursuant
6 to this part may be made not more than two times during any
7 calendar year, except:

8 (g) Any comprehensive plan amendments for port
9 transportation facilities and projects which are eligible for
10 funding by the Florida Seaport Transportation and Economic
11 Development Council pursuant to the provisions of s. 311.07.

12 (6) No local government may amend its comprehensive
13 plan after the date established by rule for submittal of its
14 evaluation and appraisal report unless it has submitted its
15 report or addendum to the state land planning agency as
16 prescribed by s. 163.3191, except for:

17 (d) Plan amendments for port transportation facilities
18 and projects which are eligible for funding by the Florida
19 Seaport Transportation and Economic Development Council
20 pursuant to the provisions of s. 311.07.

21
22 When the agency has determined that the report or addendum has
23 sufficiently addressed all pertinent provisions of s.
24 163.3191, the local government may proceed with plan
25 amendments in addition to those necessary to implement
26 recommendations in the report or addendum.

27 Section 4. Subsection (10) of section 220.02, Florida
28 Statutes, is amended to read:

29 220.02 Legislative intent.--

30 (10) It is the intent of the Legislature that credits
31 against either the corporate income tax or the franchise tax

1 be applied in the following order: those enumerated in s.
2 220.68, those enumerated in s. 631.719(1), those enumerated in
3 s. 631.705, those enumerated in s. 220.18, those enumerated in
4 s. 631.828, those enumerated in s. 220.181, those enumerated
5 in s. 220.183, those enumerated in s. 220.182, those
6 enumerated in s. 220.1895, those enumerated in s. 221.02,
7 those enumerated in s. 220.184, those enumerated in s.
8 220.186, ~~and~~ those enumerated in s. 220.188, and those
9 enumerated in s. 220.1896.

10 Section 5. Section 220.1896, Florida Statutes, is
11 created to read:

12 220.1896 Small business investment credit.--

13 (1)(a) Beginning July 1, 1998, and ending June 30,
14 1999, there shall be allowed a credit against the tax imposed
15 by this chapter to any small business that makes a capital
16 investment during July 1, 1998, and June 30, 1999. The credit
17 shall be computed as 20 percent of the amount of capital
18 investment made during that period.

19 (b) If the credit granted pursuant to this section is
20 not fully used during July 1, 1998, through June 30, 1999, the
21 unused amount may be carried forward for a period not to
22 exceed 3 years. The carryover credit may be used in a
23 subsequent year when the tax imposed by this chapter for such
24 year exceeds the credit for such year after applying the other
25 credits and unused credit carryovers in the order provided in
26 s. 220.02(10).

27 (2) When filing for a small business investment
28 credit, a small business shall include a copy of its receipts
29 or invoices indicating a capital investment purchase during
30 July 1, 1998, through June 30, 1999.

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1 (3) For purposes of the credit provided in this
2 section:

3 (a) "Small business" means any business with 20
4 employees or less.

5 (b) "Capital investment" means the purchase of any
6 real or tangible property with a purchase value equal to or
7 greater than \$500.

8 (4) It shall be the responsibility of the taxpayer to
9 affirmatively demonstrate to the satisfaction of the
10 department that he or she meets the requirements of this
11 section.

12 (5) Any person who fraudulently claims the credit
13 provided in this section commits a felony of the third degree,
14 punishable as provided in s. 775.082, s. 775.083, or s.
15 775.084 and is liable for repayment of the credit, plus a
16 mandatory penalty in the amount of 200 percent of the credit,
17 plus interest at the rate provided in s. 220.8071.

18 (6) The provisions of this section, except paragraph
19 (1)(b) and subsection (5), shall expire and be void on
20 December 1, 1999.

21 Section 6. Paragraph (b) of subsection (3) of section
22 288.095, Florida Statutes, is amended to read:

23 288.095 Economic Development Trust Fund.--

24 (3)

25 (b)1. The total amount of tax refunds approved by the
26 Office of Tourism, Trade, and Economic Development pursuant to
27 ss. 288.1045, 288.106, and 288.107 shall not exceed the amount
28 appropriated to the Economic Development Incentives Account
29 for such purposes for the fiscal year. In the event the
30 Legislature does not appropriate an amount sufficient to
31 satisfy projections by the office for tax refunds under ss.

1 288.1045, 288.106, and 288.107 in a fiscal year, the Office of
2 Tourism, Trade, and Economic Development shall, not later than
3 July 15 of such year, determine the proportion of each refund
4 claim which shall be paid by dividing the amount appropriated
5 for tax refunds for the fiscal year by the projected total of
6 refund claims for the fiscal year. The amount of each claim
7 for a tax refund shall be multiplied by the resulting
8 quotient. If, after the payment of all such refund claims,
9 funds remain in the Economic Development Incentives Account
10 for tax refunds, the office shall recalculate the proportion
11 for each refund claim and adjust the amount of each claim
12 accordingly.

13 2. The Office of Tourism, Trade, and Economic
14 Development or any agents of the office shall not enter into
15 any contract, agreement, legal consideration, or obligation
16 that encumbers or obligates the Legislature to appropriate in
17 any fiscal year an amount in excess of the amount appropriated
18 for tax refunds under ss. 288.1045, 288.106, and 288.107 in
19 the current fiscal year.

20 Section 7. Subsection (3) is added to section
21 288.8155, Florida Statutes, to read:

22 288.8155 International Trade Data Resource and
23 Research Center.--Enterprise Florida, Inc., and the Florida
24 Seaport Transportation and Economic Development Council may
25 establish a comprehensive trade data resource and research
26 center to be known as the "International Trade Data Resource
27 and Research Center." The center may join with other public
28 sector or private sector entities, domestic or foreign, to
29 accomplish its purposes.

30 (3) The center may create an Internet-based system to
31 form an information partnership between this state and its

1 strategic trading partners in the Western Hemisphere. Prior
2 to creating the system, the center shall prepare a
3 comprehensive plan for the development and operation of the
4 system that includes a cost analysis, performance measures,
5 and objective outcomes for the system. The plan shall be
6 approved by the board and copies of the plan shall be
7 delivered to the Legislature and the Office of Tourism, Trade,
8 and Economic Development prior to the release of any funds for
9 the system.

10 Section 8. Section 288.90151, Florida Statutes, is
11 amended to read:

12 288.90151 Funding for contracting with Enterprise
13 Florida, Inc.--

14 (1)(a) From funds appropriated from the General
15 Revenue Fund to the Office of Tourism, Trade, and Economic
16 Development for the purpose of annually contracting with
17 Enterprise Florida, Inc., 10 percent of such funds for the
18 fiscal year 1996-1997, 20 percent of such funds for the fiscal
19 year 1997-1998, 30 percent of such funds for the fiscal year
20 1998-1999, 40 percent of such funds for the fiscal year
21 1999-2000, and 50 percent of such funds for the fiscal year
22 2000-2001 shall be placed in reserve by the Executive Office
23 of the Governor. The funds may be released through a budget
24 amendment, in accordance with chapter 216, as requested by
25 Enterprise Florida, Inc., through the Office of Tourism,
26 Trade, and Economic Development if Enterprise Florida, Inc.,
27 has provided sufficient documentation that the same amount of
28 matching private funds as the amount placed in reserve has
29 been contributed during the same fiscal year to Enterprise
30 Florida, Inc., in support of its economic development efforts.
31 If sufficient documentation is not provided by the end of the

1 fiscal year, such funds shall revert back to the General
2 Revenue Fund.

3 (b) In fiscal years 1999-2000 and 2000-2001, 50
4 percent of the funds placed in reserve may be released by the
5 same budget amendment process if Enterprise Florida, Inc., has
6 provided sufficient documentation that the amount of matching
7 private funds contributed during the same fiscal year to
8 Enterprise Florida, Inc., is equal to 75 percent of the funds
9 placed in reserve. The remaining funds in reserve may be
10 released by the same budget amendment process if Enterprise
11 Florida, Inc., meets the requirements of paragraph (a).

12
13 In each fiscal year, at least 55 percent of the matching
14 private funds required to be documented under this subsection
15 must be comprised of the first category of matching private
16 funds described in subsection (3).

17 (2) Prior to the 1999 Regular Session of the
18 Legislature, the Office of Program Policy Analysis and
19 Government Accountability shall conduct a review of the
20 contributions made to Enterprise Florida, Inc., during the
21 prior 3 years pursuant to this section. The review must be
22 conducted in such a manner as to determine the amount and type
23 of matching private funds contributed and the circumstances
24 affecting the ability to achieve or not achieve the specified
25 amount of matching private funds for each year. Based on this
26 information and historical data, the Office of Program Policy
27 Analysis and Governmental Accountability shall determine
28 whether the funding levels of matching private funds for
29 fiscal year 1999-2000, and fiscal year 2000-2001, as specified
30 in this section, are appropriate. This report shall be
31 submitted by January 1, 1999, to the President of the Senate,

1 the Speaker of the House of Representatives, the Senate
2 Minority Leader, and the House Minority Leader.

3 (3) For the purposes of this section, matching private
4 funds shall be divided into two categories. The first category
5 of matching private funds shall include any payment of cash
6 made ~~in response to a solicitation by~~ Enterprise Florida,
7 Inc., and used exclusively by Enterprise Florida, Inc., in its
8 operations or programs, excluding any payment of cash made by
9 any entity to qualify for any Enterprise Florida, Inc., state,
10 or local incentive, grant, or loan program, or any cash
11 received by Enterprise Florida, Inc., pursuant to a grant or
12 contract. The second category of matching private funds shall
13 include a conveyance of property, or payment or distribution
14 of property or anything of value, including contributions
15 in-kind having an attributable monetary value in any form, and
16 including any payment of cash not counted within the first
17 category of matching private funds. Contributions in-kind
18 include, but are not limited to, goods or services rendered.
19 The cost of the contribution shall be the reasonable cost to
20 the sponsor of the goods or services.

21 Section 9. Subsection (8) is added to section
22 288.9412, Florida Statutes, to read:

23 288.9412 International Trade and Economic Development
24 Board.--

25 (8) The board shall create a Minority Business
26 Advisory Council for the purpose of advising and assisting the
27 board and Enterprise Florida, Inc., in carrying out their
28 duties with respect to minority business development.

29 (a) The council shall be composed of a minimum of 20
30 members, a majority of whom shall be representatives from the
31 private sector, including a representative from the Office of

1 Tourism, Trade, and Economic Development, a representative
2 from the Minority Business Advocacy and Assistance Office, and
3 a representative from the Florida Black Business Investment
4 Board.

5 (b) The council shall meet at least three times a year
6 and at other times upon the request of the board.

7 (c) The powers and duties of the council include, but
8 are not limited to:

9 1. Coordinating state activities with respect to the
10 development of minority businesses.

11 2. Researching and reviewing the role of minority
12 businesses in the state's economy.

13 3. Reviewing issues and emerging topics relating to
14 minority businesses economic development.

15 4. Studying the ability of financial markets and
16 institutions to meet minority business credit needs and
17 determining the impact of government demands on credit for
18 minority businesses.

19 6. Assessing the reasonableness and effectiveness of
20 efforts by any state agency or by all state agencies
21 collectively to assist minority business enterprises.

22 7. Advising the board, the Governor, and the
23 Legislature on matters relating to minority business
24 development.

25 (d) On or before December 31 of each year, the council
26 shall present an annual report to the board that sets forth in
27 appropriate detail the business transacted by the council
28 during the year and any recommendations to the board,
29 including those to improve business opportunities for minority
30 business enterprises.

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1 (e) Enterprise Florida, Inc., shall set aside at least
2 one-fifth of the state appropriated funds Enterprise Florida,
3 Inc., and its affiliates received from the General Revenue
4 Fund each year in order to implement the recommendations of
5 the council.

6 Section 10. Paragraph (a) of subsection (7) of section
7 288.9607, Florida Statutes, is amended to read:

8 288.9607 Guaranty of bond issues.--

9 (7)(a) The corporation is authorized to enter into an
10 investment agreement with the Department of Transportation and
11 the State Board of Administration concerning the investment of
12 the earnings accrued and collected upon the investment of the
13 minimum balance of funds required to be maintained in the
14 State Transportation Trust Fund pursuant to s. 339.135(7)(b).
15 Such investment shall be limited as follows:

16 1. Not more than \$4 million of the investment earnings
17 earned on the investment of the minimum balance of the State
18 Transportation Trust Fund in a fiscal year shall be at risk at
19 any time on one or more bonds or series of bonds issued by the
20 corporation.

21 2. The investment earnings shall not be used to
22 guarantee any bonds issued after June 30, 2002 ~~1998~~, and in no
23 event shall the investment earnings be used to guarantee any
24 bond issued for a maturity longer than 15 years.

25 3. The corporation shall pay a reasonable fee, set by
26 the State Board of Administration, in return for the
27 investment of such funds. The fee shall not be less than the
28 comparable rate for similar investments in terms of size and
29 risk.

30 4. The proceeds of bonds, or portions thereof, issued
31 by the corporation for which a guaranty has been or will be

1 issued pursuant to s. 288.9606, s. 288.9608, or this section
2 used to make loans to any one person, including any related
3 interests, as defined in s. 658.48, of such person, shall not
4 exceed 20 percent of the principal of all such outstanding
5 bonds of the corporation issued prior to the first composite
6 bond issue of the corporation, or December 31, 1995, whichever
7 comes first, and shall not exceed 15 percent of the principal
8 of all such outstanding bonds of the corporation issued
9 thereafter, in each case determined as of the date of issuance
10 of the bonds for which such determination is being made and
11 taking into account the principal amount of such bonds to be
12 issued. The provisions of this subparagraph shall not apply
13 when the total amount of all such outstanding bonds issued by
14 the corporation is less than \$10 million. For the purpose of
15 calculating the limits imposed by the provisions of this
16 subparagraph, the first \$10 million of bonds issued by the
17 corporation shall be taken into account.

18 5. The corporation shall establish a debt service
19 reserve account which contains not less than 6 months' debt
20 service reserves from the proceeds of the sale of any bonds,
21 or portions thereof, guaranteed by the corporation.

22 6. The corporation shall establish an account known as
23 the Revenue Bond Guaranty Reserve Account, the Guaranty Fund.
24 The corporation shall deposit a sum of money or other cash
25 equivalents into this fund and maintain a balance of money or
26 cash equivalents in this fund, from sources other than the
27 investment of earnings accrued and collected upon the
28 investment of the minimum balance of funds required to be
29 maintained in the State Transportation Trust Fund, not less
30 than a sum equal to 1 year of maximum debt service on all
31 outstanding bonds, or portions thereof, of the corporation for

1 | which a guaranty has been issued pursuant to ss. 288.9606,
2 | 288.9607, and 288.9608. In the event the corporation fails to
3 | maintain the balance required pursuant to this subparagraph
4 | for any reason other than a default on a bond issue of the
5 | corporation guaranteed pursuant to this section or because of
6 | the use by the corporation of any such funds to pay insurance,
7 | maintenance, or other costs which may be required for the
8 | preservation of any project or other collateral security for
9 | any bond issued by the corporation, or to otherwise protect
10 | the Revenue Bond Guaranty Reserve Account from loss while the
11 | applicant is in default on amortization payments, or to
12 | minimize losses to the reserve account in each case in such
13 | manner as may be deemed necessary or advisable by the
14 | corporation, the corporation shall immediately notify the
15 | Department of Transportation of such deficiency. Any
16 | supplemental funding authorized by an investment agreement
17 | entered into with the Department of Transportation and the
18 | State Board of Administration concerning the use of investment
19 | earnings of the minimum balance of funds is void unless such
20 | deficiency of funds is cured by the corporation within 90 days
21 | after the corporation has notified the Department of
22 | Transportation of such deficiency.

23 |
24 | The corporation shall include, as part of the annual report
25 | prepared pursuant to s. 288.9610, a detailed report concerning
26 | the use of guaranteed bond proceeds for loans guaranteed or
27 | issued pursuant to any agreement with the Florida Black
28 | Business Investment Board, including the percentage of such
29 | loans guaranteed or issued and the total volume of such loans
30 | guaranteed or issued.

31 |

1 Section 11. Section 288.9614, Florida Statutes, is
2 amended to read:

3 288.9614 Authorized programs.--

4 (1) The capital development board may take any action
5 that it deems necessary to achieve the purposes of this act in
6 partnership with private enterprises, public agencies, and
7 other organizations, including, but not limited to, efforts to
8 address the long-term debt needs of small-sized and
9 medium-sized firms, to address the needs of microenterprises,
10 to expand availability of venture capital, and to increase
11 international trade and export finance opportunities for firms
12 critical to achieving the purposes of this act.

13 (2) The capital development board or Enterprise
14 Florida, Inc., shall not expend any state appropriated funds
15 on any venture capital fund created by Enterprise Florida,
16 Inc., and its affiliates or any other entity that does not
17 solely invest in businesses located in this state.

18 Section 12. Section 311.07, Florida Statutes, is
19 amended to read:

20 311.07 Florida seaport transportation and economic
21 development funding.--

22 (1) There is created the Florida Seaport
23 Transportation and Economic Development Program within the
24 Department of Transportation to finance port transportation ~~or~~
25 ~~port~~ facilities and projects that will improve the movement
26 and intermodal transportation of cargo or passengers in
27 commerce and trade and that will support the interests,
28 purposes, and requirements of ports located in this state.

29 (2) A minimum of \$8 million per year shall be made
30 available from the State Transportation Trust Fund to fund the
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1 Florida Seaport Transportation and Economic Development
2 Program.

3 (3)(a) Program funds shall be used to fund approved
4 projects on a 50-50 matching basis with any of the deepwater
5 ports, as listed in s. 403.021(9)(b), which is governed by a
6 public body or any other deepwater port which is governed by a
7 public body and which complies with the water quality
8 provisions of s. 403.061, the comprehensive master plan
9 requirements of s. 163.3178(2)(k), the local financial
10 management and reporting provisions of part III of chapter
11 218, and the auditing provisions of s. 11.45(3)(a)4. Program
12 funds also may be used by the Seaport Transportation and
13 Economic Development Council to develop with the Florida Trade
14 Data Center such trade data information products which will
15 assist Florida's seaports and international trade.

16 (b) Projects eligible for funding by grants under the
17 program are limited to the following port transportation
18 facilities and ~~or port transportation~~ projects:

19 1. Transportation facilities within the jurisdiction
20 of the port.

21 2. The dredging or deepening of channels, turning
22 basins, or harbors.

23 3. The construction or rehabilitation of wharves,
24 docks, structures, jetties, piers, storage facilities, cruise
25 terminals, automated people mover systems, or any facilities
26 necessary or useful in connection with any of the foregoing.

27 4. The acquisition of container cranes or other
28 mechanized equipment used in the movement of cargo or
29 passengers in international commerce.

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1 5. The acquisition of land to be used for port
2 purposes as described in, or consistent with, port master
3 plans.

4 6. The acquisition, improvement, enlargement, or
5 extension of existing port facilities as described in, or
6 consistent with, port master plans.

7 7. Environmental protection projects which are
8 necessary because of requirements imposed by a state agency as
9 a condition of a permit or other form of state approval; which
10 are necessary for environmental mitigation required as a
11 condition of a state, federal, or local environmental permit;
12 which are necessary for the acquisition of spoil disposal
13 sites and improvements to existing and future spoil sites; or
14 which result from the funding of eligible projects listed
15 herein.

16 8. Transportation facilities as defined in s.
17 334.03(31) which are not otherwise part of the Department of
18 Transportation's adopted work program.

19 9. Seaport intermodal access projects identified in
20 the 5-year Florida Seaport Mission Plan as provided in s.
21 311.09(3).

22 (c) To be eligible for consideration by the council
23 pursuant to this section, a project must be consistent with
24 the port comprehensive master plan which is incorporated as
25 part of the approved local government comprehensive plan as
26 required by s. 163.3178(2)(k) or other provisions of the Local
27 Government Comprehensive Planning and Land Development
28 Regulation Act, part II of chapter 163.

29 (d) Pursuant to the provisions of s. 163.3178(3), port
30 transportation facilities and projects which are eligible for
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1 consideration by the council pursuant to this section shall
2 not be subject to development of regional impact review.

3 (4) A port eligible for matching funds under the
4 program may receive a distribution of not more than \$7 million
5 during any 1 calendar year and a distribution of not more than
6 \$30 million during any 5-calendar-year period.

7 (5) Any port which receives funding under the program
8 shall institute procedures to ensure that jobs created as a
9 result of the state funding shall be subject to equal
10 opportunity hiring practices in the manner provided in s.
11 110.112.

12 (6) The Department of Transportation shall subject any
13 project that receives funds pursuant to this section to a
14 final audit. The department may adopt rules and perform such
15 other acts as are necessary or convenient to ensure that the
16 final audits are conducted and that any deficiency or
17 questioned costs noted by the audit are resolved.

18 Section 13. Subsection (9) of section 311.09, Florida
19 Statutes, is amended to read:

20 311.09 Florida Seaport Transportation and Economic
21 Development Council.--

22 (9) The council shall review the findings of the
23 Department of Community Affairs; the Office of Tourism, Trade,
24 and Economic Development; and the Department of
25 Transportation. Projects found to be inconsistent pursuant to
26 subsections (6), (7), and (8) and projects which have been
27 determined not to offer an economic benefit to the state
28 pursuant to subsection (8) shall not be included in the list
29 of projects to be funded. Projects found to be consistent
30 pursuant to subsection (6), (7), and (8) shall be presumed in
31 the public interest.

1 Section 14. Section 315.03, Florida Statutes, is
2 amended to read:

3 315.03 Grant of powers.--

4 (1) Each unit is hereby authorized and empowered:

5 ~~(a)(1)~~ To acquire, construct, lease, operate and
6 maintain any port facilities either within or without or
7 partly within and partly without the corporate limits of the
8 unit, or within or partly within the corporate limits of any
9 other unit on property owned or acquired by it; provided,
10 however, that no unit shall acquire, construct, lease, operate
11 or maintain port facilities other than channels or turning
12 basins in any county of the state other than the county in
13 which such unit is located without securing the prior approval
14 or consent of the unit or units in which such port facilities
15 are proposed to be located, which approval or consent, if
16 given, shall be evidenced by a resolution or ordinance duly
17 adopted.

18 ~~(b)(2)~~ To acquire by purchase, grant, gift or lease or
19 by the exercise of the right of eminent domain and to hold and
20 dispose of any property, real or personal, tangible or
21 intangible, or any right or interest in any such property, for
22 or in connection with any port facilities, whether or not
23 subject to mortgage, liens, charges or other encumbrances.

24 (c)(3) To add to or extend, or cause or permit to be
25 added to or extended, any existing lands or islands now or
26 hereafter owned by a unit bordering on or being in any waters
27 by the pumping of sand or earth from any land under water or
28 by any other means of construction, as a part of or for the
29 purpose of providing any port facilities or for the purpose of
30 improving, creating or extending any property of the unit for
31 use of or disposal by the unit.

1 (d)~~(4)~~ To construct, or cause or permit to be
2 constructed, an island or islands in any waters by the pumping
3 of sand or earth from any land under water or by any other
4 means of construction, as a part of or for the purpose of
5 providing any port facilities.

6 (e)~~(5)~~ To construct any bridge, tunnel, road or
7 causeway, or any combination thereof, to, from or between any
8 port facilities.

9 (f)~~(6)~~ To dredge or deepen harbors, channels and
10 turning basins, to cooperate with the United States or any
11 agency thereof in the dredging or deepening of any harbor,
12 channel or turning basin, to enter into contracts with the
13 United States or with any agency thereof concerning any such
14 dredging or deepening project, and to pay such amounts to the
15 United States or any agency thereof or to others as shall be
16 required by the terms of any such contract.

17 (g)~~(7)~~ To fill in, extend and enlarge, or cause or
18 permit to be filled in, extended and enlarged, any existing
19 port facilities, to demolish and remove any and all structures
20 thereon or constituting a part thereof, and otherwise to
21 prepare the same for sale or lease to provide funds for
22 financing port facilities under the provisions of this law.

23 (h)~~(8)~~ To acquire any existing port facilities and to
24 fill in, extend, enlarge or improve the same, or to cause or
25 permit the same to be extended, enlarged or improved, for any
26 public purpose or for sale or lease for the purpose of
27 providing funds for the acquisition by the unit of any port
28 facilities or for the payment of bonds, notes or other
29 obligations of the unit for or in connection with any port
30 facilities.

31

1 (i)~~(9)~~ To sell at public or private sale or lease for
2 public or private purposes all or any portion of any port
3 facilities now or hereafter owned by the unit, including any
4 such facilities as extended, enlarged or improved, and all or
5 any portion of any property of the unit improved, created,
6 extended or enlarged under the authority of this law, on such
7 terms and subject to such conditions as the governing body
8 shall determine to be in the best interests of the unit.

9 (j)~~(10)~~ To contract for the purchase by the unit of
10 any port facilities to be constructed, enlarged, extended or
11 improved by any public body, agency or instrumentality or by
12 any private person, firm or corporation, and to provide for
13 payment of the purchase price thereof in such manner as may be
14 deemed by the governing body to be in the best interests of
15 the unit, including, but without limitation, the sale or
16 exchange of any property of the unit therefor or the issuance
17 of bonds or other obligations of the unit.

18 (k)~~(11)~~ To accept loans or grants of money or
19 materials or property at any time from the United States or
20 the State of Florida or any agency, instrumentality or
21 subdivision thereof, upon such terms and conditions as the
22 United States, the State of Florida, or such agency,
23 instrumentality or subdivision may impose.

24 (l)~~(12)~~ To exercise jurisdiction, control and
25 supervision over any port facilities now or hereafter
26 acquired, owned or constructed by the unit.

27 (m)~~(13)~~ To operate and maintain, and to fix and
28 collect rates, rentals, fees and other charges for any of the
29 services and facilities provided by the port facilities now or
30 hereafter acquired, owned or constructed by the unit excluding
31 state bar pilots.

1 (n)~~(14)~~ To lease or rent, or contract with others for
2 the operation of all or any part of any port facilities now or
3 hereafter acquired, owned or constructed by the unit, on such
4 terms and for such period or periods and subject to such
5 conditions as the governing body shall determine to be in the
6 best interests of the units.

7 (o)~~(15)~~ To contract debts for the acquisition or
8 construction of any port facilities or for any other purposes
9 of this law, to borrow money, to make advances, and to issue
10 bonds or other obligations to finance all or any part of such
11 acquisition or construction or in the carrying out of any
12 other purposes of this law.

13 (p)~~(16)~~ To make advances to the United States or any
14 agency or instrumentality thereof in connection with any port
15 facilities, including the dredging or deepening of any harbor,
16 channel or turning basin to serve any port facilities.

17 (q)~~(17)~~ To enter on any lands, waters or premises,
18 within or without the unit or within the corporate limits of
19 any other unit, for the purpose of making surveys, soundings
20 and examinations with relation to any existing or proposed
21 port facilities.

22 (r)~~(18)~~ To contract with the United States or the
23 State of Florida or any agency or instrumentality thereof or
24 with any public body or political subdivision or with any
25 private person, firm or corporation with reference to any of
26 the powers hereby granted.

27 (s)~~(19)~~ To perform any of the acts hereby authorized
28 through or by means of its own officers, agents or employees
29 or by contract.

30
31

1 ~~(t)(20)~~ To do all acts and things and to enter into
2 all contracts and agreements necessary or convenient to carry
3 out the purposes of this law.

4 ~~(u)(21)~~ To expend funds to finance the cost of
5 implementing recommendations made pursuant to s. 161.161 to
6 mitigate the adverse impacts of inlets on beaches.

7 (2) Any legal entity created under s. 163.01(7)(d),
8 the membership of which consists of three or more ports listed
9 in s. 311.09(1), in addition to any powers granted such entity
10 under applicable law and in the interlocal agreement pursuant
11 to which the entity was created, shall have the power:

12 (a) Provided in s. 163.01(7)(g), provided the public
13 facilities which may be acquired, owned, constructed,
14 improved, operated, or managed by such legal entity shall be
15 limited to facilities which are part of the Florida Seaport
16 Transportation and Economic Development Program as provided in
17 chapter 311 and s. 320.20(3) and (4) and seaport intermodal
18 access projects of statewide significance provided in s.
19 341.053.

20 (b) To enter into interlocal agreements or contracts
21 with public agencies, as defined in s. 163.01, and private
22 parties for financing, constructing, acquiring, operating,
23 maintaining, improving, or managing the public facilities
24 described in paragraph (a).

25 (c) To enter into interlocal agreements or contracts
26 with public agencies to exercise powers of eminent domain in
27 regard to the public facilities described in paragraph (a).

28 (d) To do all other things necessary to accomplish the
29 financing, constructing, acquisition, operation, maintenance,
30 improvement, and management of the public facilities described
31 in paragraph (a).

1 Section 15. Paragraph (c) of subsection (4) of section
2 320.20, Florida Statutes, is amended to read:

3 320.20 Disposition of license tax moneys.--The revenue
4 derived from the registration of motor vehicles, including any
5 delinquent fees and excluding those revenues collected and
6 distributed under the provisions of s. 320.081, must be
7 distributed monthly, as collected, as follows:

8 (4) Notwithstanding any other provision of law except
9 subsections (1), (2), and (3), on July 1, 2001, and annually
10 thereafter, \$10 million shall be deposited in the State
11 Transportation Trust Fund solely for the purposes of funding
12 the Florida Seaport Transportation and Economic Development
13 Program as provided in chapter 311 and for funding seaport
14 intermodal access projects of statewide significance as
15 provided in s. 341.053. Such revenues shall be distributed to
16 any port listed in s. 311.09(1), to be used for funding
17 projects as follows:

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

20
21 Such revenues may be assigned, pledged, or set aside as a
22 trust for the payment of principal or interest on bonds, tax
23 anticipation certificates, or any other form of indebtedness
24 issued by an individual port or appropriate local government
25 having jurisdiction thereof, or collectively by interlocal
26 agreement among any of the ports, or used to purchase credit
27 support to permit such borrowings. However, such debt shall
28 not constitute a general obligation of the state. This state
29 does hereby covenant with holders of such revenue bonds or
30 other instruments of indebtedness issued hereunder that it
31 will not repeal or impair or amend this subsection in any

1 manner which will materially and adversely affect the rights
2 of holders so long as bonds authorized by this subsection are
3 outstanding. Any revenues that are not pledged to the
4 repayment of bonds as authorized by this section may be
5 utilized for purposes authorized under the Florida Seaport
6 Transportation and Economic Development Program. This revenue
7 source is in addition to any amounts provided for and
8 appropriated in accordance with s. 311.07 and subsection (3).
9 The Florida Seaport Transportation and Economic Development
10 Council shall approve distribution of funds to ports for
11 projects that have been approved pursuant to s. 311.09(5)-(9),
12 or for seaport intermodal access projects identified in the
13 5-year Florida Seaport Mission Plan as provided in s.
14 311.09(3) and mutually agreed upon by the FSTED Council and
15 the Department of Transportation. All contracts for actual
16 construction of projects authorized by this subsection must
17 include a provision encouraging employment of WAGES
18 participants. The goal for employment of WAGES participants
19 is 25 percent of all new employees employed specifically for
20 the project, unless the Department of Transportation and the
21 Florida Seaport Transportation and Economic Development
22 Council can demonstrate to the satisfaction of the Secretary
23 of Labor and Employment Security that such a requirement would
24 severely hamper the successful completion of the project. In
25 such an instance, the Secretary of Labor and Employment
26 Security shall establish an appropriate percentage of
27 employees that must be WAGES participants. The council and the
28 Department of Transportation are authorized to perform such
29 acts as are required to facilitate and implement the
30 provisions of this subsection. To better enable the ports to
31 cooperate to their mutual advantage, the governing body of

1 each port may exercise powers provided to municipalities or
2 counties in s. 163.01(7)(d) subject to the provisions of
3 chapter 311 and special acts, if any, pertaining to a port.
4 Any legal entity created under s. 163.01(7)(d), the membership
5 of which consists of three or more ports listed in s.
6 311.09(1), and its individual members, are authorized to act
7 as agents for the Department of Transportation and are
8 authorized to plan, develop, design, acquire right-of-way
9 through eminent domain or otherwise, and construct public
10 transportation facilities implemented pursuant to chapter 311
11 and s. 320.20(3) and (4).The use of funds provided pursuant
12 to this subsection is limited to eligible projects listed in
13 this subsection. The provisions of s. 311.07(4) do not apply
14 to any funds received pursuant to this subsection.

15 Section 16. Paragraph (h) is added to subsection (24)
16 of section 380.06, Florida Statutes, to read:

17 380.06 Developments of regional impact.--

18 (24) STATUTORY EXEMPTIONS.--

19 (h) Expansions to port harbors, spoil disposal sites,
20 navigation channels, turning basins, harbor berths, and other
21 related inwater harbor facilities within ports listed in s.
22 403.021(9), port transportation facilities and projects listed
23 in s. 311.07(3)(b), and intermodal transportation facilities
24 identified pursuant to s. 311.09(3), if such expansions,
25 projects, or facilities are consistent with comprehensive
26 master plans that are in compliance with the provisions of s.
27 163.3178.

28
29 Any owner or developer who intends to rely on this statutory
30 exemption shall provide to the department a copy of the local
31 government application for a development permit. Within 45

1 days of receipt of the application, the department shall
2 render to the local government an advisory and nonbinding
3 opinion, in writing, stating whether, in the department's
4 opinion, the prescribed conditions exist for an exemption
5 under this paragraph. The local government shall render the
6 development order approving each such expansion to the
7 department. The owner, developer, or department may appeal
8 the local government development order pursuant to s. 380.07,
9 within 45 days after the order is rendered. The scope of
10 review shall be limited to the determination of whether the
11 conditions prescribed in this paragraph exist. If any sports
12 facility expansion undergoes development of regional impact
13 review, all previous expansions which were exempt under this
14 paragraph shall be included in the development of regional
15 impact review.

16 Section 17. Subsections (6) and (7) are added to
17 section 341.053, Florida Statutes, to read:

18 341.053 Intermodal Development Program;
19 administration; eligible projects; limitations.--

20 (6) The department shall review funding requests from
21 two or more ports listed in s. 311.09(1) or a combination of
22 two or more of the following: seaports, rail, airports, or
23 other public transportation authorities. The department may
24 fund projects that create intermodal transfer facilities or
25 such intermodal or multimodal transportation terminals as
26 provided in subsection (5).

27 (7)(a) There is created the Strategic Intermodal
28 Transportation and Economic Development Planning Council
29 within the department to plan for the efficient use of public
30 and private transportation systems and facilities to support
31 Florida's economic development through the intermodal movement

1 of people and freight cargo to and from or between seaports,
2 airports, and other transportation terminals and facilities.
3 The council shall consist of the following 9 members: the
4 Secretary of Transportation or his or her designee; the
5 Secretary of Community Affairs or his or her designee; two
6 members appointed by the Governor; a member from Enterprise
7 Florida, Inc., appointed by the Governor; a member from the
8 Florida Seaport Transportation and Economic Development
9 Council appointed by the Governor; a member representing
10 airports appointed by the Governor; a member representing
11 railroads appointed by the Governor; and a member representing
12 the commercial trucking industry appointed by the Governor.
13 Metropolitan planning organizations and regional planning
14 councils may be represented as nonvoting members of the
15 council. The department may contract with members of the
16 council or other entities to provide for development of
17 appropriate information required to facilitate the planning
18 process.

19 (b) By no later than February 1, 1999, the council
20 must submit to the Transportation Commission, and the
21 Legislature a report which at a minimum:

22 1. Analyzes current and future intermodal
23 transportation needs, including the assessment of existing
24 infrastructure to determine key deficiencies of modal
25 interface, capacity, and over or under utilization of public
26 and private assets.

27 2. Identifies appropriate goals, measures of
28 intermodal system performance, and strategies for growth in
29 intermodal facilities to support Florida's international trade
30 and economic development.

31

1 3. Identifies methods to improve intergovernmental
2 coordination between local, regional, and state agencies, and
3 the private sector to better plan for Florida's economic
4 development through the intermodal movement of people and
5 freight.

6 4. Identifies the impact of intermodal facilities on
7 the growth of employment opportunities for all Floridians,
8 especially WAGES participants, in economically distressed
9 urban and rural areas.

10 (c) By no later than July 1, 1999, the council must
11 submit to the Department of Transportation, the Florida
12 Transportation Commission, and the Legislature a report which
13 at a minimum:

14 1. Identifies intermodal projects of statewide
15 significance and documents the need for the projects as well
16 as their importance, benefits, and conformance with the goals
17 and strategies developed by the council

18 2. Identifies local government benefits from
19 intermodal projects of statewide significance through the
20 development of community-based economic development projects.

21 3. Includes a prioritized needs list of intermodal
22 transportation projects of statewide significance identifying
23 possible public and private funding for at least the first 5
24 years of priority projects.

25 (d) The council must update the prioritized needs list
26 when necessary as determined by a majority vote of voting
27 committee members, but not less than once every 5 years.

28 (e) Any projects selected for implementation from the
29 needs list prepared pursuant to paragraph (c) must be included
30 in the department's adopted work program developed in
31 accordance with s. 339.135. In conjunction with its annual

1 in-depth evaluation, the Transportation Commission must review
2 the council's needs list and the department's work program and
3 provide a review and analysis to the Governor and Legislature
4 as described under s. 339.135. The review and analysis must
5 include a review of the needs lists and work programs
6 implementation of the council's goals and strategies.

7 Section 18. This act shall take effect July 1 of the
8 year in which enacted.

9
10 *****

11 HOUSE SUMMARY

12 Clarifies eligibility and authority for Florida
13 international notaries. Requires ports to prepare
14 comprehensive master plans and exempts comprehensive plan
15 amendments for port transportation facilities and
16 projects from a time limitation. Creates the small
17 business investment credit against corporate income tax
18 and provides eligibility and filing requirements.
19 Prohibits the Office of Tourism, Trade, and Economic
20 Development from obligating or encumbering the
21 Legislature's appropriation of funds for specified tax
22 refund programs in excess of specified amounts.
23 Authorizes the International Trade Data Resource and
24 Research Center to create an Internet-based information
25 system. Revises the matching private funding requirements
26 for Enterprise Florida, Inc., and provides for partial
27 release of funds placed in reserve. Creates the Minority
28 Business Advisory Council under the Enterprise Florida
29 International Trade and Economic Development Board.
30 Prohibits expenditure by Enterprise Florida, Inc., or its
31 affiliates of state appropriated funds on venture capital
funds that do not invest solely in businesses of this
state. Requiring projects eligible for funding under the
Florida Seaport Transportation and Economic Development
Program to be consistent with port master plans and
exempts port transportation facilities and projects from
review as developments of regional impact. Specifies
powers of local governmental entities that consist of
three or more ports and authorizes such entities to act
as agents for the Department of Transportation. Creates
the Strategic Intermodal Transportation and Economic
Development Planning Council and provides duties of the
council.