

Bill No. HB 4765, 2nd Eng.

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Hargrett moved the following amendment to amendment
 12 (443136):

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14 **Senate Amendment (with title amendment)**

15 On page 56, between lines 17 and 18,

16

17 insert:

18 Section 55. Subsection (7) of section 163.3178,
 19 Florida Statutes, is amended to read:

20 163.3178 Coastal management.--

21 (7) Each port listed in s. 311.09(1), and each local
 22 government in the coastal area which has spoil disposal
 23 responsibilities shall provide for or identify disposal sites
 24 for dredged materials in the future land use and port elements
 25 of the local comprehensive plan as needed to assure proper
 26 long-term management of material dredged from navigation
 27 channels, sufficient long-range disposal capacity,
 28 environmental sensitivity and compatibility, and reasonable
 29 cost and transportation. The disposal site selection criteria
 30 shall be developed in consultation with navigation and inlet
 31 districts and other appropriate state and federal agencies and

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1 the public. For areas owned or controlled by ports listed in
2 s. 311.09(1), and proposed port expansion areas, compliance
3 with the provisions of this subsection shall be achieved
4 through comprehensive master plans prepared by each port and
5 integrated with the appropriate local plan pursuant to s.
6 163.3178(2)(k).

7 Section 56. Paragraph (g) is added to subsection (1)
8 and paragraph (d) is added to subsection (6) of section
9 163.3187, Florida Statutes, to read:

10 163.3187 Amendment of adopted comprehensive plan.--

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

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

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

23 (d) Plan amendments for port transportation facilities
24 and projects which are eligible for funding by the Florida
25 Seaport Transportation and Economic Development Council
26 pursuant to the provisions of s. 311.07.

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28 When the agency has determined that the report or addendum has
29 sufficiently addressed all pertinent provisions of s.
30 163.3191, the local government may proceed with plan
31 amendments in addition to those necessary to implement

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1 recommendations in the report or addendum.

2 Section 57. Subsection (4) of section 253.77, Florida
3 Statutes, is created to read:

4 253.77 State lands; state agency authorization for use
5 prohibited without consent of agency in which title vested;
6 concurrent processing requirements.--

7 (4) Notwithstanding any other provision of this
8 Chapter, Chapter 373 or chapter 403, Florida Statutes, for
9 activities authorized by a permit or exemption pursuant to
10 chapter 373 or 403, ports listed in subsection 403.021(9)(b),
11 and inland navigation districts created pursuant to subsection
12 374.975(3), shall not be required to pay any fees for
13 activities involving the use of sovereign lands, including
14 leases, easements or consents of use.

15 Section 58. Section 311.07, Florida Statutes, is
16 amended to read:

17 311.07 Florida seaport transportation and economic
18 development funding.--

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

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

30 (3)(a) Program funds shall be used to fund approved
31 projects on a 50-50 matching basis with any of the deepwater

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

12 (b) Projects eligible for funding by grants under the
13 program are limited to the following port transportation
14 facilities and or port transportation projects:

15 1. Transportation facilities within the jurisdiction
16 of the port.

17 2. The dredging or deepening of channels, turning
18 basins, or harbors.

19 3. The construction or rehabilitation of wharves,
20 docks, structures, jetties, piers, storage facilities, cruise
21 terminals, automated people mover systems, or any facilities
22 necessary or useful in connection with any of the foregoing.

23 4. The acquisition of container cranes or other
24 mechanized equipment used in the movement of cargo or
25 passengers in international commerce.

26 5. The acquisition of land to be used for port
27 purposes as described in, or consistent with, port master
28 plans.

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

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

10 8. Transportation facilities as defined in s.
11 334.03(31) which are not otherwise part of the Department of
12 Transportation's adopted work program.

13 9. Seaport intermodal access projects identified in
14 the 5-year Florida Seaport Mission Plan as provided in s.
15 311.09(3).

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

23 (4) A port eligible for matching funds under the
24 program may receive a distribution of not more than \$7 million
25 during any 1 calendar year and a distribution of not more than
26 \$30 million during any 5-calendar-year period.

27 (5) Any port which receives funding under the program
28 shall institute procedures to ensure that jobs created as a
29 result of the state funding shall be subject to equal
30 opportunity hiring practices in the manner provided in s.
31 110.112.

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

7 Section 59. Subsection (9) of section 311.09, Florida
 8 Statutes, is amended to read:

9 311.09 Florida Seaport Transportation and Economic
 10 Development Council.--

11 (9) The council shall review the findings of the
 12 Department of Community Affairs; the Office of Tourism, Trade,
 13 and Economic Development; and the Department of
 14 Transportation. Projects found to be inconsistent pursuant to
 15 subsections (6), (7), and (8) and projects which have been
 16 determined not to offer an economic benefit to the state
 17 pursuant to subsection (8) shall not be included in the list
 18 of projects to be funded. Projects found to be consistent
 19 pursuant to subsection (6), (7), and (8) shall be presumed in
 20 the public interest.

21
 22 (Redesignate subsequent sections.)

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 24
 25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 On page 64, line 9, after the semicolon,
 28
 29 insert:
 30 amending s. 163.3178, F.S.; requiring certain
 31 ports to identify certain spoil disposal sites;

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1 requiring such ports to prepare comprehensive
2 master plans; amending s. 163.3187, F.S.;
3 exempting comprehensive plan amendments for
4 port transportation facilities and projects
5 from a time limitation; amending s. 253.77,
6 F.S.; exempting certain port projects from
7 payments of fees for activities involving the
8 use of sovereign lands; amending s. 311.07,
9 F.S.; providing that projects eligible for
10 funding under the Florida Seaport
11 Transportation and Economic Development Program
12 must be consistent with port master plans;
13 exempting certain port transportation
14 facilities and projects from review as
15 developments of regional impact; amending s.
16 311.09, F.S.; declaring that projects eligible
17 for funding under the Florida Seaport
18 Transportation and Economic Development Program
19 are presumed to be in the public interest;

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