

By the Committee on Business Development & International Trade and Representatives Bradley, Ritchie, Hart, Wallace, Sanderson, Betancourt, Prieguez, Russell and Reddick

1 A bill to be entitled
2 An act relating to maritime and international
3 trade infrastructure; amending s. 163.3178,
4 F.S.; requiring certain ports to identify
5 certain spoil disposal sites; requiring such
6 ports to prepare comprehensive master plans;
7 amending s. 163.3187, F.S.; exempting
8 comprehensive plan amendments for port
9 transportation facilities and projects from a
10 time limitation; amending s. 253.77, F.S.;
11 exempting certain ports from paying fees for
12 activities involving the use of sovereign
13 lands; amending s. 288.8155, F.S.; providing
14 that the International Trade Data Resource and
15 Research Center shall be incorporated as a
16 private nonprofit corporation, and shall not be
17 a unit or entity of state government; providing
18 for the creation and constitution of a board of
19 directors of the center; authorizing the center
20 to acquire patents, copyrights, and trademarks
21 on its property and publications; amending s.
22 311.07, F.S.; providing that projects eligible
23 for funding under the Florida Seaport
24 Transportation and Economic Development Program
25 must be consistent with port master plans;
26 exempting certain port transportation
27 facilities and projects from review as
28 developments of regional impact; providing for
29 the use of certain program funds; amending s.
30 311.09, F.S.; declaring that projects eligible
31 for funding under the Florida Seaport

1 Transportation and Economic Development Program
2 are presumed to be in the public interest;
3 amending s. 311.11, F.S.; providing that the
4 Florida Seaport Transportation and Economic
5 Development Council shall develop a Seaport
6 Training and Employment Program; providing
7 legislative purposes and requirements for the
8 program; providing for use of funds; amending
9 s. 380.06, F.S.; exempting certain port
10 projects from review as developments of
11 regional impact; amending s. 380.24, F.S.;
12 providing that the Department of Environmental
13 Protection shall be exclusively responsible for
14 permitting and enforcement of dredged-material
15 management and other related activities;
16 creating s. 14.2019, F.S.; establishing the
17 Florida Trade Council; providing membership,
18 powers, and duties; amending s. 212.0606, F.S.;
19 revising the rental car surcharge
20 distributions; amending s. 288.826, F.S.;
21 revising use of proceeds in the International
22 Trade and Promotion Trust Fund; providing an
23 appropriation; creating s. 288.064, F.S.;
24 creating the Florida Economic Infrastructure
25 Program; creating s. 311.20, F.S.; establishing
26 the Northwest Florida Seaport Transportation
27 and Economic Development Council; providing for
28 membership, powers, and duties; providing an
29 effective date.

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31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. Subsection (7) of section 163.3178, Florida
2 Statutes, is amended to read:

3 163.3178 Coastal management.--

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

21 Section 2. Paragraph (a) of subsection (6) of section
22 163.3187, Florida Statutes, 1998 Supplement, is amended, and
23 paragraph (h) is added to subsection (1) of said section, to
24 read:

25 163.3187 Amendment of adopted comprehensive plan.--

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

29 (h) Any comprehensive plan amendment for port
30 transportation facilities and projects which are eligible for
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1 funding by the Florida Seaport Transportation and Economic
2 Development Council pursuant to s. 311.07.

3 (6)(a) No local government may amend its comprehensive
4 plan after the date established by the state land planning
5 agency for adoption of its evaluation and appraisal report
6 unless it has submitted its report or addendum to the state
7 land planning agency as prescribed by s. 163.3191, except for
8 plan amendments described in paragraphs ~~paragraph~~ (1)(b) and
9 (h).

10 Section 3. Subsection (4) is added to section 253.77,
11 Florida Statutes, to read:

12 253.77 State lands; state agency authorization for use
13 prohibited without consent of agency in which title vested;
14 concurrent processing requirements.--

15 (4) Notwithstanding any other provision of this
16 chapter, chapter 373, or chapter 403, for activities
17 authorized by a permit or exemption pursuant to chapter 373 or
18 chapter 403, ports listed in s. 403.021(9)(b) and inland
19 navigation districts created pursuant to s. 374.975(3) shall
20 not be required to pay any fees for activities involving the
21 use of sovereign lands, including leases, easements, or
22 consents of use.

23 Section 4. Section 288.8155, Florida Statutes, is
24 amended to read:

25 (Substantial rewording of section. See
26 s. 288.8155, F.S., for present text.)

27 288.8155 International Trade Data Resource and
28 Research Center.--Enterprise Florida, Inc., and the Florida
29 Seaport Transportation and Economic Development Council shall
30 establish a comprehensive trade data resource and research
31 center to be known as the "International Trade Data Resource

1 and Research Center." The center shall be incorporated as a
2 private nonprofit corporation operated in compliance with
3 chapter 617, and shall not be a unit or entity of state
4 government.

5 (1) The center shall be governed by a board of
6 directors comprised of the following members: one
7 representative appointed by Enterprise Florida, Inc., one
8 representative appointed by the Florida Seaport Transportation
9 and Economic Development Council, and one representative
10 appointed by the Office of Tourism, Trade, and Economic
11 Development.

12 (2) In addition to all powers authorized pursuant to
13 chapter 617, the center shall have the power to:

14 (a) Develop a statewide trade information system that
15 may include, but is not limited to, timely import and export
16 information; trade opportunities; intermodal transportation
17 information that measures cargo flow by transportation mode;
18 commodity trends; trade activity between Florida and specific
19 countries; and other information as determined by the board of
20 directors.

21 (b) Develop an Internet-based electronic commerce
22 system designed to facilitate international trade in the
23 Americas.

24 (c) Provide research on trade opportunities in
25 specific countries.

26 (d) Provide any other terms and conditions required to
27 effect the intent of the Legislature to ensure the general
28 availability of trade data and research to Florida users and
29 to promote the development of a center for the purposes
30 enumerated in this section.

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1 (e) Make and enter into contracts and other
2 instruments with public or private sector entities, domestic
3 or foreign, necessary or convenient for the purpose of
4 exercising or performing its powers and functions.

5 (f) Secure funding for the programs and activities of
6 the center from federal, state, local, or private sources, and
7 enter into contracts that provide terms and conditions to
8 secure such funding.

9 (g) Charge fees for services, programs, and activities
10 developed pursuant to this section, and for published
11 materials.

12 (h) Solicit, receive, hold, invest, and administer any
13 grant, payment, or gift of funds or property and make
14 expenditures consistent with the powers granted to it.

15 (i) Acquire, enjoy, use, and dispose of patents,
16 copyrights, and trademarks and any licenses, royalties, and
17 other rights or interests thereunder or therein.

18 (3) Information produced by the center will be made
19 available to Enterprise Florida, Inc., the Florida Seaport
20 Transportation and Economic Development Council, the Office of
21 Tourism, Trade, and Economic Development, and state agencies
22 under such terms as decided by the board of directors.

23 Section 5. Subsections (1), (3), (4), and (6) of
24 section 311.07, Florida Statutes, are amended to read:

25 311.07 Florida seaport transportation and economic
26 development funding.--

27 (1) There is created the Florida Seaport
28 Transportation and Economic Development Program within the
29 Department of Transportation to finance port transportation or
30 port facilities and projects that will improve the movement
31 and intermodal transportation of cargo or passengers in

1 commerce and trade and that will support the interests,
2 purposes, and requirements of ports located in this state.

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, trade market, and shipping
15 information products which will assist Florida's seaports and
16 international trade.

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

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

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

24 3. The construction or rehabilitation of wharves,
25 docks, structures, jetties, piers, storage facilities, cruise
26 terminals, automated people mover systems, or any facilities
27 necessary or useful in connection with any of the foregoing
28 which accommodates freight movement and storage capacity or
29 cruise capacity.

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1 4. The acquisition of container cranes or other
2 mechanized equipment used in the movement of cargo or
3 passengers in international commerce.

4 5. The acquisition of land, to be used for port
5 purposes as described in or as consistent with port master
6 plans, which accommodates freight movement and storage
7 capacity or cruise capacity.

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

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

20 8. Transportation facilities as defined in s.
21 334.03(31) which are not otherwise part of the Department of
22 Transportation's adopted work program.

23 9. Seaport intermodal access projects identified in
24 the 5-year Florida Seaport Mission Plan as provided in s.
25 311.09(3).

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

3 (4) Program funds may also be used to fund the
4 following:

5 (a) Construction or rehabilitation of port facilities,
6 as defined in s. 315.02, in ports listed in s. 311.09(1) with
7 operating revenues of \$5 million or less; provided such
8 projects create economic development opportunities, capital
9 improvements, and positive financial returns to such ports.

10 (b) Trade corridor or systemwide freight mobility
11 plans. ~~A port eligible for matching funds under the program~~
12 ~~may receive a distribution of not more than \$7 million during~~
13 ~~any 1 calendar year and a distribution of not more than \$30~~
14 ~~million during any 5 calendar year period.~~

15 (6) The Department of Transportation shall subject any
16 project that receives funds pursuant to this section and s.
17 320.20 to a final audit. The department may adopt rules and
18 perform such other acts as are necessary or convenient to
19 ensure that the final audits are conducted and that any
20 deficiency or questioned costs noted by the audit are
21 resolved.

22 Section 6. Subsections (4) and (9) of section 311.09,
23 Florida Statutes, are amended to read:

24 311.09 Florida Seaport Transportation and Economic
25 Development Council.--

26 (4) The council shall adopt rules for evaluating
27 projects which may be funded under s. 311.07. The rules shall
28 provide criteria for evaluating the economic benefit of the
29 project, measured by the potential for the proposed project to
30 maintain or increase cargo flow, cruise passenger movement,
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1 international commerce, port revenues, and the number of jobs
2 for the port's local community.

3 (9) The council shall review the findings of the
4 Department of Community Affairs; the Office of Tourism, Trade,
5 and Economic Development; and the Department of
6 Transportation. Projects found to be inconsistent pursuant to
7 subsections (6), (7), and (8) and projects which have been
8 determined not to offer an economic benefit to the state
9 pursuant to subsection (8) shall not be included in the list
10 of projects to be funded. Projects found to be consistent
11 pursuant to subsections (6), (7), and (8) are in the public
12 interest.

13 Section 7. Section 311.11, Florida Statutes, is
14 amended to read:

15 (Substantial rewording of section. See
16 s. 311.11, F.S., for present text.)

17 311.11 Seaport Training and Employment Program.--The
18 Florida Seaport Transportation and Economic Development
19 Council shall develop and implement a Seaport Training and
20 Employment Program. The purpose of the program shall be to
21 stimulate and support seaport training and employment programs
22 that foster employment opportunities in the port, maritime,
23 and transportation industries, and for such other training,
24 education, and information services as required to stimulate
25 jobs in the described industries. Funds received by the
26 Legislature for the grant program may be used for the purchase
27 of equipment to be used for training, hiring instructors, and
28 any other purpose associated with the training program. Funds
29 received by the Legislature for such purposes may not exceed
30 50 percent of the total cost of any training program.

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1 Section 8. Paragraph (h) is added to subsection (24)
2 of section 380.06, Florida Statutes, 1998 Supplement, to read:

3 380.06 Developments of regional impact.--

4 (24) STATUTORY EXEMPTIONS.--

5 (h) Any expansion to port harbors, spoil disposal
6 sites, navigation channels, turning basins, harbor berths, and
7 other related inwater harbor facilities of ports listed in s.
8 403.021(9)(b), port transportation facilities and projects
9 listed in s. 311.07(3)(b), and intermodal transportation
10 facilities identified pursuant to s. 311.09(3), where such
11 expansions, projects, or facilities are consistent with
12 comprehensive master plans that are in compliance with the
13 provisions of s. 163.3178.

14 Section 9. Section 380.24, Florida Statutes, is
15 amended to read:

16 380.24 Local government participation.--Units of local
17 government abutting the Gulf of Mexico or the Atlantic Ocean,
18 or which include or are contiguous to waters of the state
19 where marine species of vegetation listed by rule as ratified
20 in s. 373.4211 constitute the dominant plant community, shall
21 develop a coastal zone protection element pursuant to s.
22 163.3177. Such units of local government shall be eligible to
23 receive technical assistance from the state in preparing
24 coastal zone protection elements and shall be the only units
25 of local government eligible to apply to the department for
26 available financial assistance. Local government participation
27 in the coastal management program authorized by this act shall
28 be voluntary. All permitting and enforcement of
29 dredged-material management and other related activities
30 subject to permit under the provisions of chapters 161,~~and~~
31 253, and 403 and part IV of chapter 373 for deepwater ports

1 identified in s. 403.021(9)(b) shall be done exclusively
2 through the Department of Environmental Protection consistent
3 with the provisions of s. 403.021(9), and where such
4 permitting and enforcement actions taken by the Department of
5 Environmental Protection are in conflict with actions taken by
6 any other agency of government having the authority to
7 regulate the activities of such ports, the actions taken by
8 the department shall govern.

9 Section 10. Section 14.2019, Florida Statutes, is
10 created to read:

11 14.2019 Florida Trade Council.--

12 (1) The Florida Trade Council is created within the
13 Executive Office of the Governor. The council shall be
14 responsible for assisting the Governor and Legislature in the
15 establishment and maintenance of Florida's global
16 competitiveness by the development of a strategic statewide
17 plan which will incorporate the different components of
18 Florida's major international trade and infrastructure
19 programs and assure the strategic integration of each
20 component.

21 (2)(a) The council shall consist of the following 11
22 members: the director of the Office of Tourism, Trade, and
23 Economic Development, the Commissioner of Agriculture or
24 designee, the Secretary of State or designee, a representative
25 from Enterprise Florida, Inc., a representative from the
26 Florida Seaport Transportation and Economic Development
27 Council, four private-sector members nominated by the
28 preceding five members and appointed by the Governor, a
29 private-sector representative to be designated by the
30 President of the Senate, and a private-sector representative
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1 to be designated by the Speaker of the House of
2 Representatives.

3 (b) The director of Tourism, Trade, and Economic
4 Development shall serve as the chair of the council.

5 (c) Members appointed by the Governor shall serve for
6 terms of 4 years. During the initial establishment of the
7 council, two of the Governor's appointments shall be for a
8 2-year period.

9 (d) Members of the council shall serve without
10 compensation but are entitled to receive reimbursement for per
11 diem and travel expenses as provided in s. 112.061.

12 (3)(a) The council shall develop and fund a
13 comprehensive strategic plan for the establishment and
14 maintenance of a statewide international program that
15 contains, at a minimum, the following elements:

16 1. The international programs of the entities
17 represented on the council, including international and
18 cultural relations plans developed by the Secretary of State
19 pursuant to s. 15.18; the strategic development plan of
20 Enterprise Florida, Inc., developed pursuant to s.
21 288.905(2)(g); and the 5-year Florida Seaport Mission Plan and
22 seaport intermodal plans developed by the Florida Seaport
23 Transportation and Economic Development Council pursuant to
24 ss. 311.09(3) and 311.11.

25 2. A commercial strategy for regions and countries
26 that are Florida's strategic trading partners, as well as
27 emerging markets that present potential benefits for Florida's
28 economy. The plan should consolidate and improve upon
29 information obtained from Enterprise Florida, Inc., the
30 Florida Trade Data Center, local economic development
31 organizations, and federal databases.

1 3. Identification of international policy issues
2 relating to economic, social, and cultural matters.

3 4. Identification of trade development programs that
4 will enhance the capabilities of minority businesses to access
5 global markets.

6 5. Performance measures to ensure that state funds are
7 expended appropriately and efficiently.

8 (b) Based on the amount appropriated to the Florida
9 International Trade and Promotion Trust Fund for the council,
10 the council shall allocate appropriate resources to those
11 activities and programs that incorporate the strategies
12 delineated in the plan. The council shall act as a wholesale
13 agent for such activities and programs, and should leverage
14 such resources when possible by funding programs, activities,
15 and services of existing state and local service providers
16 that facilitate the strategies delineated in the plan.

17 (4) The council shall create a transportation
18 improvement plan for economic development projects as outlined
19 in s. 288.064.

20 (5) The council shall have all the powers necessary
21 and convenient to carry out and effectuate the purposes and
22 provisions of this act, including, but not limited to, the
23 power to make and enter into contracts and other instruments
24 with public-sector or private-sector entities for the purpose
25 of exercising or performing its powers and functions.

26 (6) The Governor shall appoint an executive director
27 who shall serve under the direction, supervision, and control
28 of the council. The executive director may employ additional
29 staff as may be necessary and as authorized by the council.
30 All employees of the council are exempt from part II of
31 chapter 110 and shall serve at the pleasure of the council.

1 The salaries and benefits of all employees of the council
2 shall be set in accordance with the Select Exempt Service.
3 However, the council shall have complete authority to
4 determine the salary of the executive director.

5 Section 11. Subsection (2) of section 212.0606,
6 Florida Statutes, 1998 Supplement, is amended to read:

7 212.0606 Rental car surcharge.--

8 (2) Notwithstanding the provisions of s. 212.20, and
9 less costs of administration, 65 ~~75~~ percent of the proceeds of
10 this surcharge shall be deposited in the State Transportation
11 Trust Fund, 5 percent of the proceeds of this surcharge shall
12 be deposited in the General Revenue Fund, 15.75 percent of the
13 proceeds of this surcharge shall be deposited in the Tourism
14 Promotional Trust Fund created in s. 288.122, and 14.25 ~~4.25~~
15 percent of the proceeds of this surcharge shall be deposited
16 in the Florida International Trade and Promotion Trust Fund.
17 For the purposes of this subsection, "proceeds" of the
18 surcharge means all funds collected and received by the
19 department under this section, including interest and
20 penalties on delinquent surcharges.

21 Section 12. Section 288.826, Florida Statutes, is
22 amended to read:

23 288.826 Florida International Trade and Promotion
24 Trust Fund.--There is hereby established in the State Treasury
25 the Florida International Trade and Promotion Trust Fund. The
26 moneys deposited into this trust fund shall be administered by
27 the Office of Tourism, Trade, and Economic Development. Thirty
28 percent of the moneys deposited into this trust fund shall be
29 used for the operation of Enterprise Florida, Inc., and its
30 boards and for the operation of Florida foreign offices under
31 s. 288.012, and 70 percent of the moneys deposited into this

1 trust fund shall be used for the activities and programs of
2 the Florida Trade Council.

3 Section 13. There is hereby appropriated the sum of
4 \$12,800,000 from the International Trade and Promotion Trust
5 Fund to the Office of Tourism, Trade, and Economic Development
6 to fund the operations and activities of the Florida Trade
7 Council for fiscal year 1999-2000.

8 Section 14. Section 288.064, Florida Statutes, is
9 created to read:

10 288.064 Florida Economic Infrastructure Program.--

11 (1) LEGISLATIVE FINDINGS AND DECLARATIONS.--The
12 Legislature recognizes that Florida's economic backbone is a
13 strong interconnected transportation system which provides for
14 the efficient movement of commerce within and through the
15 state. In order for Florida to respond to increased
16 competition in trade, the Legislature hereby establishes the
17 Florida Economic Infrastructure Program, which shall establish
18 a statewide multiagency planning and prioritization process
19 with a dedicated funding stream for
20 economic-development-related infrastructure.

21 (2) MANAGEMENT.--The Florida Economic Infrastructure
22 Program shall be managed by the Florida Trade Council and its
23 resulting Transportation Improvement Plan shall be developed
24 consistent with chapter 339, and implemented by the Department
25 of Transportation consistent with chapter 339.

26 (3) AUTHORITY AND RESPONSIBILITY OF THE COUNCIL.--The
27 authority and responsibility of the council is to manage a
28 continuing, cooperative, and comprehensive transportation
29 planning process that results in the development of plans and
30 programs which are consistent, to the maximum extent feasible,
31 with approved local government comprehensive plans. The

1 council shall be the forum for cooperative decisionmaking by
2 officials of affected governmental entities in the development
3 of the plans and programs required by subsections (4), (5),
4 (6), and (7).

5 (4) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
6 privileges, and authority of the council relating to
7 transportation planning are those specified in this section or
8 incorporated in an interlocal agreement authorized under s.
9 163.01. The council shall perform all acts required by
10 federal or state laws or rules, now and subsequently
11 applicable, which are necessary to qualify for federal aid.
12 Within urbanized areas of the state, the transportation plans,
13 improvement programs, and project priorities of the council
14 shall be reviewed by the metropolitan planning organization to
15 ensure that they complement and support the metropolitan
16 planning organization's approved long-range transportation
17 plan, improvement program, and list or project priorities, as
18 provided in s. 339.175. Metropolitan planning organizations
19 shall assist the council in complying with all federal and
20 state laws regarding transportation planning and air quality
21 conformity requirements for each area designated as a
22 metropolitan planning area under 23 U.S.C s. 134. It is the
23 intent of this section that the council shall be involved in
24 the planning and programming of transportation facilities,
25 including, but not limited to, airports, intercity and
26 high-speed rail lines, seaports, and intermodal facilities, to
27 the extent permitted by state or federal law.

28 (a) The council shall, in cooperation with the
29 department, develop:

30 1. A long-range transportation plan pursuant to the
31 requirements of subsection (5); and

1 2. An annually updated transportation improvement
2 program pursuant to the requirements of subsection (6).

3 (b) In developing the long-range transportation plan
4 and the transportation improvement program required under
5 paragraph (a), the council must, at a minimum, consider:

6 1. The enhancement of existing transportation
7 facilities and, where practical, ways to meet transportation
8 needs by using existing facilities more efficiently;

9 2. The consistency of transportation planning with
10 applicable federal, state, and local energy conservation
11 programs, goals, and objectives;

12 3. The programming of transportation enhancement
13 activities as required by federal law;

14 4. The provision of access to seaports, airports,
15 intermodal transportation facilities, major freight
16 distribution routes, national and state parks, recreation
17 areas, monuments and historic sites, and military
18 installations;

19 5. Any available methods to enhance the efficient
20 movement of freight; and

21 6. The overall social, economic, energy, and
22 environmental effects of transportation decisions.

23 (c) The council may employ personnel or may enter into
24 contracts with local or state agencies, private planning
25 firms, or private engineering firms to accomplish
26 transportation planning and programming duties required by
27 state or federal law.

28 (5) LONG-RANGE PLAN.--The council must develop a
29 long-range transportation plan that addresses at least a
30 20-year planning horizon. The plan must include both
31 long-range and short-range strategies and must comply with all

1 other state and federal requirements. The long-range plan
2 must, at a minimum:
3 (a) Identify transportation facilities, including but
4 not limited to, major roadways, airports, seaports, commuter
5 light rail systems, transit systems, and intermodal or
6 multimodal terminals that will function as an integrated
7 metropolitan transportation system. The long-range plan must
8 emphasize those transportation facilities that serve national,
9 statewide, or regional functions, and must consider the goals
10 and objectives identified in the Florida Transportation Plan
11 as provided in s. 339.155.
12 (b) Include a financial plan that demonstrates how the
13 plan can be implemented, indicating resources from public and
14 private sources which are reasonably expected to be available
15 to carry out the plan, and recommends innovative financing
16 techniques that may be used to fund needed projects and
17 programs. Such techniques may include the assessment of
18 tolls, the use of value capture financing, or the use of
19 congestion pricing.
20
21 In the development of its long-range plan, the council must
22 provide affected public agencies, representatives of
23 transportation agency employees, private providers of
24 transportation, other interested parties, and members of the
25 general public with a reasonable opportunity to comment on the
26 long-range plan. The long-range plan must be approved by the
27 council.
28 (6) TRANSPORTATION IMPROVEMENT PROGRAM.--The council
29 shall, in cooperation with the state and affected public
30 transportation operators, develop an economic transportation
31 improvement program for the state. In the process of

1 developing the transportation improvement program, the council
2 must provide affected public transit agencies, representatives
3 of transportation agency employees, private providers of
4 transportation, other interested parties, and members of the
5 general public with a reasonable opportunity to comment on the
6 transportation improvement program.

7 (a) The council is responsible for developing,
8 annually, a list of project priorities and a transportation
9 improvement program. The transportation improvement program
10 shall be used to initiate federally aided transportation
11 facilities and improvements as well as other economic
12 infrastructure improvements including transit, rail, aviation,
13 and port facilities to be funded from the State Transportation
14 Trust Fund in accordance with existing and subsequent federal
15 and state laws and rules and regulations related thereto. The
16 transportation improvement program shall be consistent, to the
17 maximum extent feasible, with approved local government
18 comprehensive plans.

19 (b) The council annually shall prepare a list of
20 project priorities and shall submit the list to the Department
21 of Transportation by October 1 of each year; however, the
22 department and the council may, in writing, agree to vary this
23 submittal date. The list of project priorities must be
24 formally reviewed and approved by the council's board of
25 directors before it is transmitted to the department. The
26 approved list of project priorities must be used by the
27 department in developing the transportation work program and
28 must be used by the council in developing its transportation
29 improvement program. The annual list of project priorities
30 must be based upon project selection criteria that, at a
31 minimum, consider the following:

- 1 1. The approved council long-range plan; and
2 2. The council's public-involvement procedures.
3 (c) The transportation improvement program must, at a
4 minimum:
5 1. Include projects and project phases to be funded
6 with state or federal funds within the time period of the
7 transportation improvement program and which are recommended
8 for advancement during the next fiscal year and the four
9 subsequent fiscal years. Such projects and project phases
10 must be consistent, to the maximum extent feasible, with
11 approved local government comprehensive plans. For
12 informational purposes, the transportation improvement program
13 shall also include a list of projects to be funded from local
14 or private revenues.
15 2. Provide a financial plan that demonstrates how the
16 transportation improvement program can be implemented;
17 indicates the resources, both public and private, that are
18 reasonably expected to be available to accomplish the program;
19 and recommends any innovative financing techniques that may be
20 used to fund needed projects and programs. Such techniques
21 may include the assessment of tolls, the use of value capture
22 financing, or the use of congestion pricing. The
23 transportation improvement program may include a project or
24 project phase only if full funding can reasonably be
25 anticipated to be available for the project or project phase.
26 3. Group projects and project phases of similar
27 urgency and anticipated staging into appropriate staging
28 periods.
29 4. Indicate how the transportation improvement program
30 relates to the long-range plan developed under subsection (5),
31 including providing examples of specific projects or project

1 phases that further the goals and policies of the long-range
2 plan.

3 5. Indicate how the improvements are consistent, to
4 the maximum extent feasible, with affected seaport and airport
5 master plans.

6 (d) Projects included in the transportation
7 improvement program and that have advanced to the design stage
8 of preliminary engineering may be removed from or rescheduled
9 in a subsequent transportation improvement program only by the
10 joint action of the council and the department. Except when
11 recommended in writing by the secretary for good cause, any
12 project removed from or rescheduled in a subsequent
13 transportation improvement program shall not be rescheduled by
14 the council in that subsequent program earlier than the fifth
15 year of such program.

16 (e) The Department of Community Affairs shall review
17 the annual transportation improvement program of the council
18 for consistency with the approved local government
19 comprehensive plans and shall identify those projects that are
20 inconsistent with such comprehensive plans. The Department of
21 Community Affairs shall notify the council of any
22 transportation projects contained in its transportation
23 improvement program which are inconsistent with approved local
24 government comprehensive plans.

25 (7) AGREEMENTS.--

26 (a) The council shall execute the following written
27 agreements, which shall be reviewed, and updated as necessary,
28 every 5 years.

29 1. An agreement with the department and the
30 metropolitan planning organization, where applicable, clearly
31 establishing the cooperative relationship essential to

1 accomplish the transportation planning requirements of state
2 and federal law.

3 2. An agreement with operators of public
4 transportation systems, including transit systems, commuter
5 rail systems, airports, and seaports, describing the means by
6 which activities will be coordinated.

7 (b) The council may execute other agreements required
8 by state or federal law or as necessary to properly accomplish
9 its functions.

10 Section 15. Section 311.20, Florida Statutes, is
11 created to read:

12 311.20 Northwest Florida Seaport Transportation and
13 Economic Development Council.--

14 (1) There is hereby created the Northwest Florida
15 Seaport Transportation and Economic Development Council as a
16 corporation not for profit to be incorporated under the
17 provisions of chapter 617. The purpose of the council is to
18 enhance economic development in the northwest Florida region
19 by creating jobs and increasing cargo flow and port revenues
20 at the three ports located in the region and the regional
21 communities.

22 (2)(a) The council shall consist of the following
23 members: the port director or designee of the port of Panama
24 City, the port director or designee of the port of Pensacola,
25 the port director or designee of the port of Port St. Joe, the
26 director or designee of the Office of Tourism, Trade, and
27 Economic Development, and a representative from Enterprise
28 Florida, Inc. In addition, the members of the council may
29 appoint up to four ex-officio nonvoting members to the
30 council.

31

1 (b) Members of the council shall serve without
2 compensation but are entitled to receive reimbursement for per
3 diem and travel expenses as provided in s. 112.061.

4 (3) The council shall develop a comprehensive
5 strategic regional development plan that includes, but is not
6 limited to, the following:

7 (a) A marketing strategy for development at the three
8 ports and their respective communities.

9 (b) A review of multimodal transportation requirements
10 for the region.

11 (c) Identification of specific transportation and
12 economic development projects that create jobs and increase
13 cargo flow and port revenues at the three ports and the
14 regional communities. Subject to specific appropriation by
15 the Legislature, the council may grant funds for the
16 development of such projects.

17 (4) The council shall have all the powers necessary
18 and convenient to carry out and effectuate the purposes and
19 provisions of this act, including, but not limited to, the
20 following:

21 (a) Solicit, receive, hold, invest, and administer any
22 grant, payment, or gift of funds or property.

23 (b) Purchase, receive, hold, lease, or otherwise
24 acquire, and sell, convey, transfer, lease, or otherwise
25 dispose of, real property and personal property together with
26 such rights and privileges as may be incidental and
27 appurtenant thereto and the use thereof.

28 (c) Make and enter into contracts and other
29 instruments with public-sector or private-sector entities for
30 the purpose of exercising or performing its powers and
31 functions.

1 (5) The council may appoint an executive director, and
2 the executive director may employ such staff as may be
3 authorized by the council. The compensation of the executive
4 director and staff shall be set by the council.

5 Section 16. This act shall take effect upon becoming a
6 law.

7
8 *****

9 HOUSE SUMMARY

- 10 Revises provisions of law with respect to maritime and
11 international trade infrastructure to:
- 12 1. Require described ports to identify certain
13 spoil disposal sites and to prepare comprehensive master
14 plans.
 - 15 2. Exempt comprehensive plan amendments for port
16 transportation facilities and projects from a described
17 time limitation.
 - 18 3. Exempt described ports from paying fees for
19 activities involving the use of sovereign lands.
 - 20 4. Revise provisions relating to the International
21 Trade Data Resource and Research Center.
 - 22 5. Provide that projects eligible for funding under
23 the Florida Seaport Transportation and Economic
24 Development Program are presumed to be in the public
25 interest.
 - 26 6. Provide that the Florida Economic Development
27 Council shall develop a Seaport Training and Employment
28 Program.
 - 29 7. Provide that the Department of Environmental
30 Protection shall be exclusively responsible for
31 permitting and enforcement of dredged-material management
and other described activities.
 8. Establish the Florida Trade Council.
 9. Establish the Florida Economic Infrastructure
Program.
 10. Establish the Northwest Florida Seaport
Transportation and Economic Development Council.

See bill for details.