

Bill No. CS for CS for SB 1368

Amendment No.

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Webster moved the following amendment:

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

14 On page 9, line 10, through page 10, line 22 delete
15 those lines

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17 and insert:

18 Section 3. Section 215.617, Florida Statutes, is
19 created to read:

20 215.617 Bonds for the Florida Seaport Transportation
21 and Economic Development Program.--

22 (1) The Division of Bond Finance, on behalf of the
 23 Florida Seaport Transportation and Economic Development
 24 Council, is authorized to issue revenue bonds pursuant to s.
 25 11, Art. VII of the State Constitution and the State Bond Act
 26 for the purposes of financing or refinancing fixed capital
 27 requirements of the Florida Seaport Transportation and
 28 Economic Development Program as provided in chapter 311 and s.
 29 320.20(3) and (4) and funding seaport access projects of
 30 statewide significance as provided in s. 341.053.

31 (2) The revenue bonds issued pursuant to this section

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1 shall not constitute a general obligation of or a pledge of
2 the full faith and credit of the state or any of its agencies.

3 (3) Bonds issued pursuant to this section shall be
4 payable solely from funds pledged pursuant to s. 320.20(3) and
5 (4). Such funds shall be assigned and pledged as security and
6 deposited in trust with the State Board of Administration
7 pursuant to the terms of an agreement entered into among the
8 ports and the State Board of Administration.

9 Section 4. Paragraph (b) of subsection (3) and
10 subsection (6) of section 311.07, Florida Statutes, is amended
11 to read:

12 311.07 Florida seaport transportation and economic
13 development funding.--

14 (3)

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

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

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

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

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

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

31 6. The acquisition, improvement, enlargement, or

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1 extension of existing port facilities.

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

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

14 9. Seaport intermodal access projects identified in
15 the 5-year Florida Seaport Mission Plan as provided in s.
16 311.09(3).

17 10. Construction or rehabilitation of port facilities
18 as defined in s. 315.02 in ports listed in s. 311.09(1) with
19 operating revenues of \$5 million or less, provided that such
20 projects create economic development opportunities, capital
21 improvements, and positive financial returns to such ports.

22 (6) The Department of Transportation shall subject any
23 project that receives funds pursuant to this section and s.
24 320.20 to a final audit. The department may adopt rules and
25 perform such other acts as are necessary or convenient to
26 ensure that the final audits are conducted and that any
27 deficiency or questioned costs noted by the audit are
28 resolved.

29 Section 5. Subsections (1), (4), (6), (7), (8), (11)
30 and (12) of section 311.09, Florida Statutes, are amended to
31 read:

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1 311.09 Florida Seaport Transportation and Economic
2 Development Council.--

3 (1) The Florida Seaport Transportation and Economic
4 Development Council is created within the Department of
5 Transportation. The council consists of the following 17
6 members: the port director, or the port director's designee,
7 of each of the ports of Jacksonville, Port Canaveral, Fort
8 Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St.
9 Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
10 West, and Fernandina; the secretary of the Department of
11 Transportation or his or her designee ~~as an ex officio~~
12 ~~nonvoting member~~; the director of the Office of Tourism,
13 Trade, and Economic Development or his or her designee ~~as an~~
14 ~~ex officio nonvoting member~~; and the secretary of the
15 Department of Community Affairs or his or her designee ~~as an~~
16 ~~ex officio nonvoting member~~.

17 (4) The council shall adopt rules for evaluating
18 projects which may be funded under ~~ss. s~~-311.07 and 320.20.
19 The rules shall provide criteria for evaluating the economic
20 benefit of the project, measured by the potential for the
21 proposed project to increase cargo flow, cruise passenger
22 movement, international commerce, port revenues, and the
23 number of jobs for the port's local community.

24 (6) The Department of Community Affairs shall review
25 the list of projects approved by the council to determine
26 consistency with approved local government comprehensive plans
27 of the units of local government in which the port is located
28 and consistency with the port master plan. The Department of
29 Community Affairs shall identify and notify the council of
30 those projects which are not consistent, to the maximum extent
31 feasible, with such comprehensive plans and port master plans.

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1 The Department of Community Affairs may overrule any action of
2 the council approving a project.

3 (7) The Department of Transportation shall review the
4 list of projects approved by the council for consistency with
5 the Florida Transportation Plan and the department's adopted
6 work program. In evaluating the consistency of a project, the
7 department shall determine whether the transportation impact
8 of the proposed project is adequately handled by existing
9 state-owned transportation facilities or by the construction
10 of additional state-owned transportation facilities as
11 identified in the Florida Transportation Plan and the
12 department's adopted work program. In reviewing for
13 consistency a transportation facility project as defined in s.
14 334.03(31) which is not otherwise part of the department's
15 work program, the department shall evaluate whether the
16 project is needed to provide for projected movement of cargo
17 or passengers from the port to a state transportation facility
18 or local road. If the project is needed to provide for
19 projected movement of cargo or passengers, the project shall
20 be approved for consistency as a consideration to facilitate
21 the economic development and growth of the state in a timely
22 manner. The Department of Transportation shall identify those
23 projects which are inconsistent with the Florida
24 Transportation Plan and the adopted work program and shall
25 notify the council of projects found to be inconsistent. The
26 Department of Transportation may overrule any action of the
27 council approving a project.

28 (8) The Office of Tourism, Trade, and Economic
29 Development, in consultation with Enterprise Florida, Inc.,
30 shall review the list of projects approved by the council to
31 evaluate the economic benefit of the project and to determine

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1 whether the project is consistent with the Florida Seaport
2 Mission Plan. The Office of Tourism, Trade, and Economic
3 Development shall review the economic benefits of each project
4 based upon the rules adopted pursuant to subsection (4). The
5 Office of Tourism, Trade, and Economic Development shall
6 identify those projects which it has determined do not offer
7 an economic benefit to the state or are not consistent with
8 the Florida Seaport Mission Plan and shall notify the council
9 of its findings. The Office of Tourism, Trade, and Economic
10 Development may overrule any action of the council approving a
11 project.

12 (11) The council shall meet at the call of its
13 chairperson, at the request of a majority of its membership,
14 or at such times as may be prescribed in its bylaws. However,
15 the council must meet at least semiannually. A majority of
16 voting members of the council constitutes a quorum for the
17 purpose of transacting the business of the council. All
18 members of the council are voting members ~~except for members~~
19 ~~representing the Department of Transportation; the Department~~
20 ~~of Community Affairs; and the Office of Tourism, Trade, and~~
21 ~~Economic Development.~~ A vote of the majority of the voting
22 members present is sufficient for any action of the council,
23 except that a member representing the Department of
24 Transportation, the Department of Community Affairs, or the
25 Office of Tourism, Trade, and Economic Development may
26 overrule any action of the council approving a project. The
27 ~~unless the~~ bylaws of the council may require a greater vote
28 for a particular action. However, such bylaws may not affect
29 the overrule authority of the Department of Transportation,
30 the Department of Community Affairs, and the Office of
31 Tourism, Trade, and Economic Development.

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1 (12) 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. The
4 council may elect to provide an administrative staff to
5 provide services to the council on matters relating to the
6 Florida Seaport Transportation and Economic Development
7 Program and the council. The cost for such administrative
8 services shall be paid by all ports that receive funding from
9 the Florida Seaport Transportation and Economic Development
10 Program, based upon a pro rata formula measured by each
11 recipient's share of the funds as compared to the total funds
12 disbursed to all recipients during the year. The share of
13 costs for administrative services shall be paid in its total
14 amount by the recipient port upon execution by the port and
15 the Department of Transportation of a joint participation
16 agreement for each council-approved project, and such payment
17 is in addition to the matching funds required to be paid by
18 the recipient port. The procurement of outside professional
19 services by the council is subject to s. 287.057 and any
20 written agreements and documentation supporting payments for
21 professional services must be retained by the council.

22 Section 6. Subsections (3) and (4) of section 320.20,
23 Florida Statutes, are amended to read:

24 320.20 Disposition of license tax moneys.--The revenue
25 derived from the registration of motor vehicles, including any
26 delinquent fees and excluding those revenues collected and
27 distributed under the provisions of s. 320.081, must be
28 distributed monthly, as collected, as follows:

29 (3) Notwithstanding any other provision of law except
30 subsections (1) and (2), on July 1, 1996, and annually
31 thereafter, \$15 million shall be deposited in the State

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1 Transportation Trust Fund solely for the purposes of funding
2 the Florida Seaport Transportation and Economic Development
3 Program as provided for in chapter 311. Such revenues shall
4 be distributed on a 50-50 matching basis to any port listed in
5 s. 311.09(1) to be used for funding projects as described in
6 s. 311.07(3)(b). Projects that are funded under this
7 subsection shall be considered state fixed capital outlay
8 projects for bonding purposes.Such revenues may be assigned,
9 pledged, or set aside as a trust for the payment of principal
10 or interest on bonds, tax anticipation certificates, or any
11 other form of indebtedness issued by the State Board of
12 Administration, Division of Bond Finance, on behalf of any
13 ports that form a collective interlocal agreement an
14 individual port or appropriate local government having
15 jurisdiction thereof, or collectively by interlocal agreement
16 among any of the ports, or used to purchase credit support to
17 permit such borrowings. However, such debt shall not
18 constitute a general obligation of the State of Florida. Such
19 bonds in issue and series must mature 30 years from their date
20 of issuance.The state does hereby covenant with holders of
21 such revenue bonds or other instruments of indebtedness issued
22 hereunder that it will not repeal or impair or amend in any
23 manner which will materially and adversely affect the rights
24 of such holders so long as bonds authorized by this section
25 are outstanding. Any revenues which are not pledged to the
26 repayment of bonds as authorized by this section may be
27 utilized for purposes authorized under the Florida Seaport
28 Transportation and Economic Development Program. This revenue
29 source is in addition to any amounts provided for and
30 appropriated in accordance with s. 311.07. The Florida
31 Seaport Transportation and Economic Development Council shall

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1 approve distribution of funds to ports for projects which have
2 been approved pursuant to s. 311.09(5)-(9). The council and
3 the Department of Transportation are authorized to perform
4 such acts as are required to facilitate and implement the
5 provisions of this subsection. To better enable the ports to
6 cooperate to their mutual advantage, the governing body of
7 each port may exercise powers provided to municipalities or
8 counties in s. 163.01(7)(d) subject to the provisions of
9 chapter 311 and special acts, if any, pertaining to a port.
10 The use of funds provided pursuant to this subsection are
11 limited to eligible projects listed in this subsection.
12 Income derived from a project completed with the use of
13 program funds, beyond operating costs and debt service, shall
14 be restricted to further port capital improvements consistent
15 with maritime purposes and for no other purpose. Use of such
16 income for nonmaritime purposes is prohibited. The provisions
17 of s. 311.07(4) do not apply to any funds received pursuant to
18 this subsection.

19 (4) Notwithstanding any other provision of law except
20 subsections (1), (2), and (3), on July 1, 1999, and annually
21 thereafter, \$10 million shall be deposited in the State
22 Transportation Trust Fund solely for the purposes of funding
23 the Florida Seaport Transportation and Economic Development
24 Program as provided in chapter 311 and for funding seaport
25 intermodal access projects of statewide significance as
26 provided in s. 341.053. Projects that are funded under this
27 subsection shall be considered state fixed capital outlay
28 projects for bonding purposes.Such revenues shall be
29 distributed to any port listed in s. 311.09(1), to be used for
30 funding projects as follows:

31 (a) For any seaport intermodal access projects that

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1 are identified in the 1997-1998 Tentative Work Program of the
2 Department of Transportation, up to the amounts needed to
3 offset the funding requirements of this section; and

4 (b) For seaport intermodal access projects as
5 described in s. 341.053(5) that are identified in the 5-year
6 Florida Seaport Mission Plan as provided in s. 311.09(3).
7 Funding for such projects shall be on a matching basis as
8 mutually determined by the Florida Seaport Transportation and
9 Economic Development Council and the Department of
10 Transportation, provided a minimum of 25 percent of total
11 project funds shall come from any port funds, local funds,
12 private funds, or specifically earmarked federal funds; or

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

15 (d) For seaport intermodal access projects that
16 involve the dredging or deepening of channels, turning basins,
17 or harbors; or the rehabilitation of wharves, docks, or
18 similar structures. Funding for such projects shall require a
19 25 percent match of the funds received pursuant to this
20 subsection. Matching funds shall come from any port funds,
21 federal funds, local funds, or private funds.

22
23 Such revenues may be assigned, pledged, or set aside as a
24 trust for the payment of principal or interest on bonds, tax
25 anticipation certificates, or any other form of indebtedness
26 issued by the State Board of Administration, Division of Bond
27 Finance, on behalf of any ports that form a collective
28 interlocal agreement ~~an individual port or appropriate local~~
29 ~~government having jurisdiction thereof, or collectively by~~
30 ~~interlocal agreement among any of the ports, or used to~~
31 purchase credit support to permit such borrowings. However,

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1 such debt shall not constitute a general obligation of the
2 state. Such bonds in issue and series must mature at such time
3 not exceeding 30 years from their date of issuance.This state
4 does hereby covenant with holders of such revenue bonds or
5 other instruments of indebtedness issued hereunder that it
6 will not repeal or impair or amend this subsection in any
7 manner which will materially and adversely affect the rights
8 of holders so long as bonds authorized by this subsection are
9 outstanding. Any revenues that are not pledged to the
10 repayment of bonds as authorized by this section may be
11 utilized for purposes authorized under the Florida Seaport
12 Transportation and Economic Development Program. This revenue
13 source is in addition to any amounts provided for and
14 appropriated in accordance with s. 311.07 and subsection (3).
15 The Florida Seaport Transportation and Economic Development
16 Council shall approve distribution of funds to ports for
17 projects that have been approved pursuant to s. 311.09(5)-(9),
18 or for seaport intermodal access projects identified in the
19 5-year Florida Seaport Mission Plan as provided in s.
20 311.09(3) and mutually agreed upon by the FSTED Council and
21 the Department of Transportation. All contracts for actual
22 construction of projects authorized by this subsection must
23 include a provision encouraging employment of WAGES
24 participants. The goal for employment of WAGES participants
25 is 25 percent of all new employees employed specifically for
26 the project, unless the Department of Transportation and the
27 Florida Seaport Transportation and Economic Development
28 Council can demonstrate to the satisfaction of the Secretary
29 of Labor and Employment Security that such a requirement would
30 severely hamper the successful completion of the project. In
31 such an instance, the Secretary of Labor and Employment

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1 Security shall establish an appropriate percentage of
2 employees that must be WAGES participants. The council and the
3 Department of Transportation are authorized to perform such
4 acts as are required to facilitate and implement the
5 provisions of this subsection. To better enable the ports to
6 cooperate to their mutual advantage, the governing body of
7 each port may exercise powers provided to municipalities or
8 counties in s. 163.01(7)(d) subject to the provisions of
9 chapter 311 and special acts, if any, pertaining to a port.
10 The use of funds provided pursuant to this subsection is
11 limited to eligible projects listed in this subsection. The
12 provisions of s. 311.07(4) do not apply to any funds received
13 pursuant to this subsection.

14
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16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18 On page 1, lines 15-16, delete those lines

19

20 and insert:

21 rules; creating s. 215.617, F.S.; providing for
22 the issuance of bonds by the Division of Bond
23 Finance; amending s. 311.07, F.S.; expanding
24 the use of certain seaport funds; providing for
25 a final audit of funds; amending s. 311.09,
26 F.S.; providing overrule authority to certain
27 state agencies; providing voting membership to
28 certain state agencies; providing requirements
29 for the procurement of professional services;
30 amending s. 320.20, F.S.; providing certain
31 projects are fixed capital outlay projects;

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providing bonding authority; providing a
timeframe for bond maturity; amending ss.