

By the Committee on Commerce, Economic Opportunities, and  
Consumer Services; and Senator Garcia

310-2373-03

1                                   A bill to be entitled  
2           An act relating to commerce; amending s.  
3           311.07, F.S.; increasing funding for the  
4           Florida Seaport Transportation and Economic  
5           Development Program; providing new funding for  
6           certain seaport transportation and economic  
7           development projects; eliminating the role of  
8           the Florida Trade Data Center in development of  
9           certain trade data information products;  
10          revising the expiration date of provisions  
11          relating to seaport security measures; creating  
12          s. 341.0531, F.S.; creating the Transportation  
13          Commerce Improvement Program; providing for the  
14          purposes of the program; creating the  
15          Transportation Commerce Improvement Advisory  
16          Council; providing for the membership,  
17          governance, and administrative support of the  
18          council; requiring the council to develop and  
19          update a transportation commerce improvement  
20          plan; prescribing plan requirements; creating  
21          s. 341.0532, F.S.; providing a definition;  
22          designating transportation commerce corridors  
23          of statewide significance; providing for  
24          revisions to the designated corridors; creating  
25          s. 341.0533, F.S.; authorizing transportation  
26          commerce improvement grants; providing  
27          legislative findings; providing for funding;  
28          prescribing projects eligible for grants;  
29          providing for grant application and evaluation  
30          criteria; directing the Department of  
31          Transportation to submit projects to the

1           Transportation Commerce Improvement Advisory  
2           Council; providing for grant evaluation and  
3           recommendations by the council to the Secretary  
4           of Transportation and the Legislature;  
5           providing for rulemaking by the Department of  
6           Transportation; providing an effective date.

7  
8   Be It Enacted by the Legislature of the State of Florida:

9  
10           Section 1. Subsections (2) and (3) of section 311.07,  
11   Florida Statutes, are amended to read:

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

14           (2)(a) A minimum of ~~\$10~~<sup>\$8</sup> million per year shall be  
15   made available from the State Transportation Trust Fund to  
16   fund the Florida Seaport Transportation and Economic  
17   Development Program.

18           (b) Beginning July 1, 2003, a minimum of \$10 million  
19   per year shall be made available from the State Transportation  
20   Trust Fund to fund approved projects under subparagraphs  
21   (3)(b)1.-10. Funding under this paragraph is in addition to  
22   funding under paragraph (a). This paragraph expires June 30,  
23   2008.

24           (3)(a) Program funds shall be used to fund approved  
25   projects on a 50-50 matching basis with any of the deepwater  
26   ports, as listed in s. 403.021(9)(b), which is governed by a  
27   public body or any other deepwater port which is governed by a  
28   public body and which complies with the water quality  
29   provisions of s. 403.061, the comprehensive master plan  
30   requirements of s. 163.3178(2)(k), and the local financial  
31   management and reporting provisions of part III of chapter

1 218. Program funds also may be used by the Seaport  
2 Transportation and Economic Development Council to develop  
3 ~~with the Florida Trade Data Center~~ such trade data information  
4 products that ~~which~~ will assist Florida's seaports and  
5 international trade.

6 (b) Projects eligible for funding by grants under the  
7 program are limited to the following port facilities or port  
8 transportation projects:

9 1. Transportation facilities within the jurisdiction  
10 of the port.

11 2. The dredging or deepening of channels, turning  
12 basins, or harbors.

13 3. The construction or rehabilitation of wharves,  
14 docks, structures, jetties, piers, storage facilities, cruise  
15 terminals, automated people mover systems, or any facilities  
16 necessary or useful in connection with any of the foregoing.

17 4. The acquisition of container cranes or other  
18 mechanized equipment used in the movement of cargo or  
19 passengers in international commerce.

20 5. The acquisition of land to be used for port  
21 purposes.

22 6. The acquisition, improvement, enlargement, or  
23 extension of existing port facilities.

24 7. Environmental protection projects which are  
25 necessary because of requirements imposed by a state agency as  
26 a condition of a permit or other form of state approval; which  
27 are necessary for environmental mitigation required as a  
28 condition of a state, federal, or local environmental permit;  
29 which are necessary for the acquisition of spoil disposal  
30 sites and improvements to existing and future spoil sites; or  
31

1 which result from the funding of eligible projects listed in  
2 this paragraph.

3           8. Transportation facilities as defined in s.  
4 334.03(31) which are not otherwise part of the Department of  
5 Transportation's adopted work program.

6           9. Seaport intermodal access projects identified in  
7 the 5-year Florida Seaport Mission Plan as provided in s.  
8 311.09(3).

9           10. Construction or rehabilitation of port facilities  
10 as defined in s. 315.02, excluding any park or recreational  
11 facilities, in ports listed in s. 311.09(1) with operating  
12 revenues of \$5 million or less, provided that such projects  
13 create economic development opportunities, capital  
14 improvements, and positive financial returns to such ports.

15           11. Seaport security measures. Such measures include:

16           a. Infrastructure security measures required by  
17 seaport security plans approved by the Office of Drug Control  
18 and the Department of Law Enforcement under s. 311.12,  
19 including security gates, physical barriers, and  
20 security-related lighting systems, equipment, or facilities to  
21 be used for seaport security monitoring and recording, remote  
22 surveillance systems, concealed recording systems, or other  
23 security infrastructure, technology, vulnerability  
24 assessments, or equipment that contributes to the overall  
25 security of the seaport and its facilities as specified in the  
26 security plans approved by the Office of Drug Control and the  
27 Department of Law Enforcement under s. 311.12 or as otherwise  
28 specifically found by the Department of Law Enforcement to be  
29 a measure consistent with and supportive of such an approved  
30 plan. Program funds for such measures may come from funds made  
31 available under subsection (2) and s. 320.20(3) or (4).

1 Infrastructure measures required by an approved seaport  
2 security plan or as otherwise found by the Department of Law  
3 Enforcement to be consistent with and supportive of an  
4 approved plan as authorized in this sub-subparagraph are not  
5 subject to the matching fund requirements of paragraph (a) or  
6 s. 320.20(3) or (4).

7           b. Law enforcement measures mandated by federal,  
8 state, or local governmental agencies, including the  
9 deployment of the Florida National Guard, local law  
10 enforcement personnel, seaport security personnel, private  
11 sector security personnel, or any combination thereof to  
12 provide operational security services at any seaport  
13 identified in s. 311.09(1). Program funds for such measures  
14 may come from funds made available under subsection (2). Law  
15 enforcement measures are subject to the matching fund  
16 requirements of paragraph (a), except that any funds provided  
17 for the Florida National Guard shall remain exempt from the  
18 matching fund requirements of paragraph (a) through April 30,  
19 2002.

20  
21 Notwithstanding s. 339.135(7) or any other provision of law to  
22 the contrary, seaports may request that the department change  
23 the purpose of a project in the 2000-2001 and 2001-2002 work  
24 programs to a purpose authorized under this subparagraph.  
25 Additional consideration shall be given to seaports having  
26 operating revenues of \$14 million or less for operational  
27 security and law enforcement measures for grants not to exceed  
28 \$350,000. Any federal funds that are provided for port  
29 security infrastructure improvements of which funds seaports  
30 in this state are the beneficiaries shall be allocated in a  
31 manner consistent with federal requirements and guidelines.

1 Federal funds obtained by a seaport for a specific security  
2 infrastructure project, which project has also received state  
3 seaport transportation and economic development funds, shall  
4 be used to reimburse the state funds received by the seaport  
5 under this subparagraph for the specific project. These  
6 reimbursement funds must be used for projects and measures  
7 authorized under subparagraphs 1.-10. This subparagraph shall  
8 expire June 30, 2005 ~~2004~~.

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

16 Section 2. Section 341.0531, Florida Statutes, is  
17 created to read:

18 341.0531 Transportation Commerce Improvement Program;  
19 advisory council; plan.--

20 (1) There is created within the Department of  
21 Transportation a Transportation Commerce Improvement Program  
22 to provide for major capital investments in fixed-guideway  
23 transportation systems, access to seaports, airports, and  
24 other transportation terminals; to provide for the  
25 construction of intermodal or multimodal terminals; to  
26 facilitate the intermodal or multimodal movement of people and  
27 goods; and to otherwise enhance the state's economic  
28 competitiveness through strategic transportation investments  
29 in significant statewide or regional transportation projects.

30 (2) The underlying purposes of the Transportation  
31 Commerce Improvement Program are to identify projects

1 throughout the state which will provide more efficient  
2 movement of travelers, goods, and services; assist local  
3 governments in developing intermodal linkages; promote logical  
4 linkages between different modes of transportation; and  
5 attract federal, state, local, and private sector funds to  
6 make these improvements.

7 (3) The Transportation Commerce Improvement Advisory  
8 Council is created within the Department of Transportation,  
9 but shall function independently of the control and direction  
10 of the department. The council is authorized to perform such  
11 acts as are required to facilitate and implement the  
12 provisions of ss. 341.0531-341.0533.

13 (4) The council shall consist of:

14 (a) The Secretary of Transportation, or his or her  
15 designee.

16 (b) Two members of the Senate appointed by the  
17 President of the Senate, who shall serve ex officio.

18 (c) Two members of the House of Representatives  
19 appointed by the Speaker of the House of Representatives, who  
20 shall serve ex officio.

21 (d) The following representatives selected by the  
22 Governor:

23 1. Two representatives from major railroads.

24 2. One representative from a short-line or regional  
25 railroad.

26 3. Two representatives from airports involved in the  
27 movement of freight and people from the airport facility to  
28 another transportation mode.

29 4. Two representatives from seaports listed in s.  
30 311.09(1), with one from the Atlantic Coast, and one from the  
31 Gulf Coast.

1           5. Two representatives from intermodal trucking  
2 companies.

3           6. Two representatives from the private sector.

4  
5 Terms for council members shall be 2 years, provided that a  
6 legislative member's term shall not exceed the term as  
7 presiding officer of the presiding officer making that  
8 member's appointment to the council. Initial appointments must  
9 be made no later than August 1, 2003. Vacancies on the council  
10 shall be filled in the same manner as the initial  
11 appointments.

12           (5) Each member of the council shall be allowed one  
13 vote. The council shall select a chair from among its  
14 membership. Meetings shall be held at the call of the chair  
15 but not less frequently than semiannually. The members of the  
16 council shall be reimbursed for per diem and travel expenses  
17 as provided in s. 112.061.

18           (6) The Department of Transportation shall provide  
19 administrative staff support and shall ensure that council  
20 meetings are electronically recorded. Such recordings and all  
21 documents received, prepared for, or used by the council in  
22 conducting its business shall be preserved pursuant to  
23 chapters 119 and 257.

24           (7) The council shall develop and annually update a  
25 transportation commerce improvement plan to connect Florida's  
26 airports, deepwater seaports, rails systems serving both  
27 passenger and freight, and major intermodal connectors to the  
28 Florida Intrastate Highway System facilities. The plan must:

29           (a) Define and assess the state's freight intermodal  
30 network, including airports, seaports, rail lines and  
31 terminals, and connecting highways.



1           (b) Define the goals and objectives concerning the  
2 development and enhancement of transportation commerce  
3 corridors of statewide significance designated pursuant to s.  
4 341.0532.

5           (c) Include specific recommendations that provide a  
6 cost-efficient and reliable landside freight movement system,  
7 improve regional mobility and create time savings for both  
8 freight and passenger users of regional transportation  
9 systems, enhance transportation safety, stimulate economic  
10 development and job creation, and provide an integrated,  
11 efficient transportation system that will allow Florida to  
12 compete with off-shore load centers and retain its share of  
13 global markets to the benefit of the state.

14           (d) Allow for the prioritization of statewide  
15 infrastructure investments, including the acceleration of  
16 current projects identified by the department to be priority  
17 projects for the efficient movement of people and freight.

18           (e) Assure maximum use of existing facilities and  
19 optimum integration and coordination of the various modes of  
20 transportation, including both government-owned and privately  
21 owned resources, in the most cost-effective manner possible.

22           (f) Identify and maximize the use of private, local,  
23 state, and federal resources to finance the costs of  
24 identified projects. The council and the secretary shall use  
25 this plan to leverage federal funding and promote federal  
26 legislation to enhance Florida's transportation investments.

27           Section 3. Section 341.0532, Florida Statutes, is  
28 created to read:

29           341.0532 Transportation commerce corridors of  
30 statewide significance.--

31

1           (1) A "transportation commerce corridor of statewide  
2 significance" is a system of transportation infrastructure  
3 that collectively provides for the efficient movement of  
4 significant numbers of persons and significant volumes of  
5 intrastate, interstate, and international commerce by  
6 seamlessly linking multiple modes of travel.

7           (2) The state's initial transportation commerce  
8 corridors of statewide significance are:

9           (a) The Interstate 95-Atlantic Coast Corridor, from  
10 Jacksonville to Miami.

11           (b) The Gulf Coast Corridor, from Pensacola to St.  
12 Petersburg and to Tampa along U.S. 98 and U.S. 19/State Road  
13 27.

14           (c) The Central Florida/North-South Corridor, from the  
15 Florida-Georgia border to Naples and Fort Lauderdale/Miami,  
16 along Interstate 75.

17           (d) The Central Florida/East-West Corridor, from St.  
18 Petersburg to Tampa and to Titusville, along Interstate 4 and  
19 the Beeline Expressway.

20           (e) The Interstate 10 Corridor, from Pensacola to  
21 Jacksonville, to include U.S. 231, State Road 77, and State  
22 Road 79 from the Florida-Alabama border to Panama City.

23           (f) The Jacksonville to Tampa corridor, along U.S.  
24 301.

25           (g) The Jacksonville to Orlando Corridor, along U.S.  
26 17.

27           (h) The Southeastern Everglades Corridor, linking  
28 Wildwood, Winter Garden, Orlando, and West Palm Beach via the  
29 Florida Turnpike.

30  
31

1 For the purposes of this subsection, the term "corridor"  
2 includes the roadways linking seaports, commercial service and  
3 general aviation airports, rail yards, transportation  
4 terminals, and intermodal service centers to the major  
5 highways listed in this subsection to designate transportation  
6 commerce corridors of statewide significance.

7 (3) The Transportation Commerce Improvement Advisory  
8 Council is authorized to recommend additions to, deletions  
9 from, or modifications to the initially designated corridors  
10 listed in subsection (2). These recommendations shall be  
11 accomplished through adoption of a resolution by majority vote  
12 of the council indicating the proposed changes to the  
13 corridors. The Department of Transportation may provide input  
14 to the council regarding proposed changes to the corridors,  
15 including the results of any consensus-building process  
16 undertaken by the department to better define transportation  
17 commerce corridors of statewide significance. In addition, any  
18 of the entities eligible to submit an application for a  
19 transportation commerce corridor grant pursuant to s. 341.0533  
20 may propose corridor changes to the council. The council shall  
21 provide any such adopted resolution recommending changes to  
22 the Governor, the President of the Senate, and the Speaker of  
23 the House of Representatives.

24 Section 4. Section 341.0533, Florida Statutes, is  
25 created to read:

26 341.0533 Transportation commerce improvement grants.--

27 (1) The Legislature finds that Florida's future  
28 economic health depends on a transportation system that can  
29 successfully move growing numbers of residents and tourists  
30 and transport goods and services within Florida, as well as to  
31 and from national and international markets. The Legislature

1 further finds that Florida's future investments in intermodal  
2 development should be targeted toward a system that integrates  
3 key components of the Florida Intrastate Highway System,  
4 seaports, spaceports, aviation facilities, and rail facilities  
5 within designated corridors. Therefore, the Legislature  
6 creates transportation commerce improvement grants to address  
7 these needs and to supplement existing related transportation  
8 projects.

9 (2) Beginning July 1, 2004, a minimum of \$30 million  
10 shall be made available from the State Transportation Trust  
11 Fund to fund transportation commerce improvement grants  
12 approved under this section.

13 (3) Projects eligible to receive transportation  
14 commerce improvement grants include, but are not limited to:

15 (a) Seaport projects that improve cargo and passenger  
16 movements or connect the seaports to other modes of  
17 transportation.

18 (b) Aviation projects that increase passenger  
19 enplanements and cargo activity or connect airports to other  
20 modes of transportation.

21 (c) Transit projects that improve mobility on  
22 interstate highways, improve regional or localized travel, or  
23 connect to other modes of transportation.

24 (d) Rail projects that facilitate the movement of  
25 passengers and cargo, including ancillary pedestrian  
26 facilities, or connect rail facilities to other modes of  
27 transportation.

28 (e) Road or highway improvements that improve access  
29 to another mode of transportation.

30  
31

1           (f) Roadway relocation projects or other projects that  
2 address vehicle user conflicts, access issues, or safety  
3 concerns with rail lines.

4           (4) Applications for transportation commerce  
5 improvement grants shall be submitted to the Department of  
6 Transportation no later than October 1 of each year, along  
7 with documentation that the proposed project meets the  
8 criteria listed in subsection (5). Projects may be proposed by  
9 any local government, regional organization, economic  
10 development board, public or private partnership, metropolitan  
11 planning organization, state agency, or other entity engaged  
12 in economic development activities.

13           (5) The basic criteria for receipt of a transportation  
14 commerce improvement grant are:

15           (a) The project must be able to be made production  
16 ready within a 5-year period following the end of the current  
17 fiscal year.

18           (b) The project must be consistent with a current  
19 transportation system plan, including, but not limited to, the  
20 Florida Intrastate Highway System, aviation, intermodal/rail,  
21 seaport, or transit system plans.

22           (c) The project must not be inconsistent with an  
23 approved local comprehensive plan of any local government  
24 within whose boundaries the project is located in whole or in  
25 part, or, if inconsistent, must be accompanied by an  
26 explanation of why the project should be undertaken.

27           (d) The project must be of statewide or regional  
28 significance.

29           (e) The project must facilitate the movement of  
30 people, goods, and services within a transportation commerce  
31

1 corridor of statewide significance designated pursuant to s.  
2 341.0532.

3 (f) The project must encourage, enhance, or create  
4 economic benefits in urban or rural areas.

5 (6) By December 1 of each year, the department shall  
6 submit to the Transportation Commerce Improvement Advisory  
7 Council all eligible projects that meet the basic criteria in  
8 subsection (5) as determined by the department. The department  
9 shall include in its submittal a summary of each eligible  
10 grant application, including summary information indicating  
11 how the project meets the criteria in this section.

12 (7) The council shall evaluate all of the applications  
13 it receives from the department and shall annually develop a  
14 list of recommended projects for funding. The council shall  
15 use the following criteria for selecting projects for its  
16 recommended funding list:

17 (a) Whether other funds are available to help complete  
18 the project.

19 (b) The amount of local, federal, or private matching  
20 funds available for the project.

21 (c) The extent to which the project incorporates  
22 corridor management techniques, including access management  
23 strategies, right-of-way acquisition or protection measures,  
24 and appropriate zoning and setback controls.

25 (8) The council shall submit the list of recommended  
26 projects for funding to the Secretary of Transportation, who,  
27 after reviewing the list and its supporting documentation,  
28 shall forward it to the Legislature. The Legislature shall  
29 consider the council's recommended projects list and, if  
30 applicable, shall include approved projects in the General  
31 Appropriations Act. Projects approved for funding by the

1 Legislature must be included in the department's adopted work  
2 program.

3 (9) The department may adopt rules under ss.  
4 120.536(1) and 120.54 for the administration of this section.

5 Section 5. This act shall take effect July 1, 2003.

6

7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
8 COMMITTEE SUBSTITUTE FOR  
9 Senate Bill 986

10 The committee substitute differs from the original bill by:

- 11 1) Providing for an additional \$2 million per year to be  
12 available from the State Transportation Trust Fund to  
13 fund the Florida Seaport Transportation and Economic  
14 Development Program;
- 15 2) Providing for an additional \$10 million from the State  
16 Transportation Trust Fund to support non-security related  
17 projects under the program;
- 18 3) Establishing the Transportation Commerce Improvement  
19 Program and the Transportation Commerce Improvement  
20 Advisory Council in the Department of Transportation;
- 21 4) Providing for the designation of Transportation Commerce  
22 Corridors of Statewide Significance; and
- 23 5) Providing for transportation commerce improvement grants,  
24 including funding from the State Transportation Trust  
25 Fund, beginning in July 2004.

26

27

28

29

30

31