

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Russell offered the following:

2  
3 **Amendment to Amendment (507059) (with title amendment)**

4 Between lines 404 and 405, insert:

5 Section 11. Subsection (1) of section 311.22, Florida  
6 Statutes, is amended to read:

7 311.22 Additional authorization for funding certain  
8 dredging projects.--

9 (1) The Florida Seaport Transportation and Economic  
10 Development Council shall establish a program to fund dredging  
11 projects in counties having a population of fewer than 300,000  
12 according to the last official census. Funds made available  
13 under this program may be used to fund approved projects for the  
14 dredging or deepening of channels, turning basins, or harbors on  
15 a 25-percent local ~~50-50~~ matching basis with any port authority,  
16 as such term is defined in s. 315.02(2), which complies with the  
17 permitting requirements in part IV of chapter 373 and the local  
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18 financial management and reporting provisions of part III of  
19 chapter 218.

20 Section 12. Section 320.20, Florida Statutes, is amended  
21 to read:

22 320.20 Disposition of license tax moneys.--The revenue  
23 derived from the registration of motor vehicles, including any  
24 delinquent fees and excluding those revenues collected and  
25 distributed under the provisions of s. 320.081, must be  
26 distributed monthly, as collected, as follows:

27 (1) The first proceeds, to the extent necessary to comply  
28 with the provisions of s. 18, Art. XII of the State Constitution  
29 of 1885, as adopted by s. 9(d), Art. XII, 1968 revised  
30 constitution, and the additional provisions of s. 9(d) and s.  
31 1010.57, must be deposited in the district Capital Outlay and  
32 Debt Service School Trust Fund.

33 (2) Twenty-five million dollars per year of such revenues  
34 must be deposited in the State Transportation Trust Fund, with  
35 priority use assigned to completion of the interstate highway  
36 system. However, any excess funds may be utilized for general  
37 transportation purposes, consistent with the Department of  
38 Transportation's legislatively approved objectives.

39 (3) Notwithstanding any other provision of law except  
40 subsections (1) and (2), on July 1, 1996, and annually  
41 thereafter, \$15 million shall be deposited in the State  
42 Transportation Trust Fund solely for the purposes of funding the  
43 Florida Seaport Transportation and Economic Development Program  
44 as provided for in chapter 311. Such revenues shall be  
45 distributed to any port listed in s. 311.09(1), to be used for  
46 funding projects as follows:

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47 (a) For any seaport intermodal access projects that are  
48 identified in the tentative work program of the Department of  
49 Transportation for the 2006-2007 to 2010-2011 fiscal years, up  
50 to the amounts needed to offset the funding requirements of this  
51 section.

52 (b) For seaport intermodal access projects as described in  
53 s. 341.053(5) which are identified in the 5-year Florida Seaport  
54 Mission Plan as provided in s. 311.09(3), funding shall require  
55 at least a 25-percent match of the funds received pursuant to  
56 this subsection. Matching funds shall come from any port funds,  
57 federal funds, local funds, or private funds.

58 (c) For seaport projects as described in s. 311.07(3)(b),  
59 funds shall be provided on a 50-50 matching basis.

60 (d) For seaport intermodal access projects that involve  
61 the dredging or deepening of channels, turning basins, or  
62 harbors, or the construction or rehabilitation of wharves,  
63 docks, or similar structures, funding shall require at least a  
64 25-percent match of the funds received pursuant to this  
65 subsection. Matching funds shall come from any port funds,  
66 federal funds, local funds, or private funds. ~~on a 50-50~~  
67 ~~matching basis to any port listed in s. 311.09(1) to be used for~~  
68 ~~funding projects as described in s. 311.07(3)(b).~~

69  
70 Such revenues may be assigned, pledged, or set aside as a trust  
71 for the payment of principal or interest on bonds, tax  
72 anticipation certificates, or any other form of indebtedness  
73 issued by an individual port or appropriate local government  
74 having jurisdiction thereof, or collectively by interlocal  
75 agreement among any of the ports, or used to purchase credit

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76 support to permit such borrowings. However, such debt shall not  
77 constitute a general obligation of the State of Florida. The  
78 state does hereby covenant with holders of such revenue bonds or  
79 other instruments of indebtedness issued hereunder that it will  
80 not repeal or impair or amend in any manner which will  
81 materially and adversely affect the rights of such holders so  
82 long as bonds authorized by this section are outstanding. Any  
83 revenues which are not pledged to the repayment of bonds as  
84 authorized by this section may be utilized for purposes  
85 authorized under the Florida Seaport Transportation and Economic  
86 Development Program. This revenue source is in addition to any  
87 amounts provided for and appropriated in accordance with s.  
88 311.07. The Florida Seaport Transportation and Economic  
89 Development Council shall submit to the Department of  
90 Transportation a list of strategic transportation, economic  
91 development, and freight mobility projects that contribute to  
92 the economic growth of the state and that ~~approve distribution~~  
93 ~~of funds to ports for projects which~~ have been approved pursuant  
94 to s. 311.09(5)-(9). The council and the Department of  
95 Transportation shall mutually agree upon the prioritization and  
96 selection of projects for funding. The Department of  
97 Transportation shall include the selected projects for funding  
98 in the tentative work program developed pursuant to s. 339.135.  
99 The council and the Department of Transportation are authorized  
100 to perform such acts as are required to facilitate and implement  
101 the provisions of this subsection, including the funding of  
102 approved projects by the use of other state funding programs,  
103 local contributions from seaports, and the creative use of  
104 federal funds. To better enable the ports to cooperate to their  
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105 mutual advantage, the governing body of each port may exercise  
106 powers provided to municipalities or counties in s. 163.01(7)(d)  
107 subject to the provisions of chapter 311 and special acts, if  
108 any, pertaining to a port. The use of funds provided pursuant to  
109 this subsection are limited to eligible projects listed in this  
110 subsection. Income derived from a project completed with the use  
111 of program funds, beyond operating costs and debt service, shall  
112 be restricted to further port capital improvements consistent  
113 with maritime purposes and for no other purpose. Use of such  
114 income for nonmaritime purposes is prohibited. The provisions of  
115 s. 311.07(4) do not apply to any funds received pursuant to this  
116 subsection. The revenues available under this subsection shall  
117 not be pledged to the payment of any bonds other than the  
118 Florida Ports Financing Commission Series 1996 and Series 1999  
119 Bonds currently outstanding; provided, however, such revenues  
120 may be pledged to secure payment of refunding bonds to refinance  
121 the Florida Ports Financing Commission Series 1996 and Series  
122 1999 Bonds. ~~No refunding bonds secured by revenues available~~  
123 ~~under this subsection may be issued with a final maturity later~~  
124 ~~than the final maturity of the Florida Ports Financing~~  
125 ~~Commission Series 1996 and Series 1999 Bonds or which provide~~  
126 ~~for higher debt service in any year than is currently payable on~~  
127 ~~such bonds.~~ Any revenue bonds or other indebtedness issued after  
128 July 1, 2000, including ~~other than~~ refunding bonds, shall be  
129 issued by the Division of Bond Finance at the request of the  
130 Department of Transportation pursuant to the State Bond Act.

131 (4) Notwithstanding any other provision of law except  
132 subsections (1), (2), and (3), on July 1, 1999, and annually  
133 thereafter, \$10 million shall be deposited in the State

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134 Transportation Trust Fund solely for the purposes of funding the  
135 Florida Seaport Transportation and Economic Development Program  
136 as provided in chapter 311 and for funding seaport intermodal  
137 access projects of statewide significance as provided in s.  
138 341.053. Such revenues shall be distributed to any port listed  
139 in s. 311.09(1), to be used for funding projects as follows:

140 (a) For any seaport intermodal access projects that are  
141 identified in the 1997-1998 Tentative Work Program of the  
142 Department of Transportation, up to the amounts needed to offset  
143 the funding requirements of this section.

144 (b) For seaport intermodal access projects as described in  
145 s. 341.053(5) that are identified in the 5-year Florida Seaport  
146 Mission Plan as provided in s. 311.09(3). Funding for such  
147 projects shall be on a matching basis as mutually determined by  
148 the Florida Seaport Transportation and Economic Development  
149 Council and the Department of Transportation, provided a minimum  
150 of 25 percent of total project funds shall come from any port  
151 funds, local funds, private funds, or specifically earmarked  
152 federal funds.

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

155 (d) For seaport intermodal access projects that involve  
156 the dredging or deepening of channels, turning basins, or  
157 harbors, ~~+~~ or the construction or rehabilitation of wharves,  
158 docks, or similar structures. Funding for such projects shall  
159 require a 25 percent match of the funds received pursuant to  
160 this subsection. Matching funds shall come from any port funds,  
161 federal funds, local funds, or private funds.

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163 Such revenues may be assigned, pledged, or set aside as a trust  
164 for the payment of principal or interest on bonds, tax  
165 anticipation certificates, or any other form of indebtedness  
166 issued by an individual port or appropriate local government  
167 having jurisdiction thereof, or collectively by interlocal  
168 agreement among any of the ports, or used to purchase credit  
169 support to permit such borrowings. However, such debt shall not  
170 constitute a general obligation of the state. This state does  
171 hereby covenant with holders of such revenue bonds or other  
172 instruments of indebtedness issued hereunder that it will not  
173 repeal or impair or amend this subsection in any manner which  
174 will materially and adversely affect the rights of holders so  
175 long as bonds authorized by this subsection are outstanding. Any  
176 revenues that are not pledged to the repayment of bonds as  
177 authorized by this section may be utilized for purposes  
178 authorized under the Florida Seaport Transportation and Economic  
179 Development Program. This revenue source is in addition to any  
180 amounts provided for and appropriated in accordance with s.  
181 311.07 and subsection (3). The Florida Seaport Transportation  
182 and Economic Development Council shall submit to the Department  
183 of Transportation a list of strategic transportation, economic  
184 development, and freight mobility projects that contribute to  
185 the economic growth of the state and that ~~approve distribution~~  
186 of funds to ports for projects that have been approved pursuant  
187 to s. 311.09(5)-(9), or that have been approved for seaport  
188 intermodal access projects identified in the 5-year Florida  
189 Seaport Mission Plan as provided in s. 311.09(3) and mutually  
190 agreed upon by the FSTED Council and the Department of  
191 Transportation. The council and the Department of Transportation

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192 shall mutually agree upon the prioritization and selection of  
193 projects for funding. The Department of Transportation shall  
194 include the selected projects for funding in the tentative work  
195 program developed pursuant to s. 339.135. All contracts for  
196 actual construction of projects authorized by this subsection  
197 must include a provision encouraging employment of participants  
198 in the welfare transition program. The goal for employment of  
199 participants in the welfare transition program is 25 percent of  
200 all new employees employed specifically for the project, unless  
201 the Department of Transportation and the Florida Seaport  
202 Transportation and Economic Development Council demonstrate that  
203 such a requirement would severely hamper the successful  
204 completion of the project. In such an instance, Workforce  
205 Florida, Inc., shall establish an appropriate percentage of  
206 employees that must be participants in the welfare transition  
207 program. The council and the Department of Transportation are  
208 authorized to perform such acts as are required to facilitate  
209 and implement the provisions of this subsection, including the  
210 funding of approved projects by the use of other state funding  
211 programs, local contributions from seaports, and the creative  
212 use of federal funds. To better enable the ports to cooperate to  
213 their mutual advantage, the governing body of each port may  
214 exercise powers provided to municipalities or counties in s.  
215 163.01(7)(d) subject to the provisions of chapter 311 and  
216 special acts, if any, pertaining to a port. The use of funds  
217 provided pursuant to this subsection is limited to eligible  
218 projects listed in this subsection. The provisions of s.  
219 311.07(4) do not apply to any funds received pursuant to this  
220 subsection. The revenues available under this subsection shall

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221 not be pledged to the payment of any bonds other than the  
222 Florida Ports Financing Commission Series 1996 and Series 1999  
223 Bonds currently outstanding; provided, however, such revenues  
224 may be pledged to secure payment of refunding bonds to refinance  
225 the Florida Ports Financing Commission Series 1996 and Series  
226 1999 Bonds. ~~No refunding bonds secured by revenues available~~  
227 ~~under this subsection may be issued with a final maturity later~~  
228 ~~than the final maturity of the Florida Ports Financing~~  
229 ~~Commission Series 1996 and Series 1999 Bonds or which provide~~  
230 ~~for higher debt service in any year than is currently payable on~~  
231 ~~such bonds.~~ Any revenue bonds or other indebtedness issued after  
232 July 1, 2000, including other than refunding bonds, shall be  
233 issued by the Division of Bond Finance at the request of the  
234 Department of Transportation pursuant to the State Bond Act.

235 (5) Notwithstanding any other provision of law except  
236 subsections (1), (2), (3), and (4), on July 1, 2006, and  
237 annually thereafter, \$5 million shall be deposited in the State  
238 Transportation Trust Fund solely for the purposes of funding the  
239 Florida Seaport Transportation and Economic Development Program  
240 as provided in chapter 311 and for funding seaport intermodal  
241 access projects of statewide significance as provided in s.  
242 341.053. Such revenues shall be distributed to any port listed  
243 in s. 311.09(1), to be used for funding projects as follows:

244 (a) For any seaport intermodal access projects that are  
245 identified in the Tentative Work Program of the Department of  
246 Transportation for the 2006-2007 to 2010-2011 fiscal years, up  
247 to the amounts needed to offset the funding requirements of this  
248 section.

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249 (b) For seaport intermodal access projects as described in  
250 s. 341.053(5) which are identified in the 5-year Florida Seaport  
251 Mission Plan as provided in s. 311.09(3), funding shall require  
252 at least a 25-percent match of the funds received pursuant to  
253 this subsection. Matching funds shall come from any port funds,  
254 federal funds, local funds, or private funds.

255 (c) For seaport projects as described in s. 311.07(3)(b),  
256 funds shall be provided on a 50-50 matching basis.

257 (d) For seaport intermodal access projects that involve  
258 the dredging or deepening of channels, turning basins, or  
259 harbors, or the construction or rehabilitation of wharves,  
260 docks, or similar structures, funding shall require at least a  
261 25-percent match of the funds received pursuant to this  
262 subsection. Matching funds shall come from any port funds,  
263 federal funds, local funds, or private funds.

264  
265 Such revenues may be assigned, pledged, or set aside as a trust  
266 for the payment of principal or interest on bonds, tax  
267 anticipation certificates, or any other form of indebtedness  
268 issued by the Division of Bond Finance at the request of the  
269 Department of Transportation pursuant to the State Bond Act.  
270 However, such debt does not constitute a general obligation of  
271 the state. This state covenants with holders of such revenue  
272 bonds or other instruments of indebtedness issued under this  
273 subsection that it will not repeal or impair or amend this  
274 subsection in any manner that will materially and adversely  
275 affect the rights of holders so long as bonds authorized by this  
276 subsection are outstanding. Any revenues that are not pledged to  
277 the repayment of bonds as authorized by this subsection may be

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278 used for purposes authorized under the Florida Seaport  
279 Transportation and Economic Development Program. This revenue  
280 source is in addition to any amounts provided for and  
281 appropriated in accordance with s. 311.07 and subsections (3)  
282 and (4). The Florida Seaport Transportation and Economic  
283 Development Council shall submit to the Department of  
284 Transportation a list of strategic transportation, economic  
285 development, and freight mobility projects that contribute to  
286 the economic growth of the state and that have been approved  
287 pursuant to s. 311.09(5)-(9), or that have been approved for  
288 seaport intermodal access projects identified in the 5-year  
289 Florida Seaport Mission Plan as provided in s. 311.09(3). The  
290 council and the Department of Transportation shall mutually  
291 agree upon the prioritization and selection of projects for  
292 funding. The Department of Transportation shall include the  
293 selected projects for funding in the tentative work program  
294 developed pursuant to s. 339.135. The council and the Department  
295 of Transportation may perform such acts as are required to  
296 facilitate and implement the provisions of this subsection,  
297 including the funding of approved projects by the use of other  
298 state funding programs, local contributions from seaports, and  
299 the creative use of federal funds. To better enable the ports to  
300 cooperate to their mutual advantage, the governing body of each  
301 port may exercise powers provided to municipalities or counties  
302 in s. 163.01(7)(d), subject to the provisions of chapter 311 and  
303 special acts, if any, pertaining to the port. The use of funds  
304 provided under this subsection is limited to eligible projects  
305 listed in this subsection. Section 311.07(4) does not apply to  
306 any funds received pursuant to this subsection.

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307        (6) (a) ~~(5) (a)~~ Except as provided in paragraph (c), the  
308 remainder of such revenues must be deposited in the State  
309 Transportation Trust Fund.

310        (b) The Chief Financial Officer each month shall deposit  
311 in the State Transportation Trust Fund an amount, drawn from  
312 other funds in the State Treasury which are not immediately  
313 needed or are otherwise in excess of the amount necessary to  
314 meet the requirements of the State Treasury, which when added to  
315 such remaining revenues each month will equal one-twelfth of the  
316 amount of the anticipated annual revenues to be deposited in the  
317 State Transportation Trust Fund under paragraph (a) as  
318 determined by the Chief Financial Officer after consultation  
319 with the revenue estimating conference held pursuant to s.  
320 216.136(3). The transfers required hereunder may be suspended by  
321 action of the Legislative Budget Commission in the event of a  
322 significant shortfall of state revenues.

323        (c) In any month in which the remaining revenues derived  
324 from the registration of motor vehicles exceed one-twelfth of  
325 those anticipated annual remaining revenues as determined by the  
326 Chief Financial Officer after consultation with the revenue  
327 estimating conference, the excess shall be credited to those  
328 state funds in the State Treasury from which the amount was  
329 originally drawn, up to the amount which was deposited in the  
330 State Transportation Trust Fund under paragraph (b). A final  
331 adjustment must be made in the last months of a fiscal year so  
332 that the total revenue deposited in the State Transportation  
333 Trust Fund each year equals the amount derived from the  
334 registration of motor vehicles, less the amount distributed  
335 under subsection (1). For the purposes of this paragraph and

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336 paragraph (b), the term "remaining revenues" means all revenues  
337 deposited into the State Transportation Trust Fund under  
338 paragraph (a) and subsections (2) and (3). In order that  
339 interest earnings continue to accrue to the General Revenue  
340 Fund, the Department of Transportation may not invest an amount  
341 equal to the cumulative amount of funds deposited in the State  
342 Transportation Trust Fund under paragraph (b) less funds  
343 credited under this paragraph as computed on a monthly basis.  
344 The amounts to be credited under this and the preceding  
345 paragraph must be calculated and certified to the Chief  
346 Financial Officer by the Executive Office of the Governor.

347  
348 ===== T I T L E A M E N D M E N T =====

349 Between lines 524 and 525, insert:

350 amending s. 311.22, F.S.; revising the funding for certain  
351 dredging projects; amending s. 320.20, F.S.; revising the  
352 distribution of license tax moneys deposited in the State  
353 Transportation Trust Fund for the funding of the Florida  
354 Seaport Transportation and Economic Development program  
355 and certain seaport intermodal access projects; requiring  
356 the Florida Seaport Transportation and Economic  
357 Development Council to submit a list of certain freight  
358 mobility projects to the Department of Transportation;  
359 requiring the council and the department to agree upon the  
360 projects selected for funding; requiring the department to  
361 include the selected projects for funding in the tentative  
362 work program; providing that refunding bonds shall be  
363 issued by the Division of Bond Finance at the request of  
364 the department; providing for funding the construction of

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365 | wharves and docks; requiring that a certain sum of money  
366 | be deposited in the State Transportation Trust Fund for  
367 | the funding of the Florida Seaport Transportation and  
368 | Economic Development program and certain seaport  
369 | intermodal access projects; providing for distribution of  
370 | revenues for the funding of certain seaport intermodal  
371 | access projects;