

Bill No. CS for CS for SB 1766

Barcode 732680

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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4	05/03/2006 12:29 PM
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11 Senator King moved the following amendment:

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

14 On page 14, between lines 26 and 27,

15  
16 insert:

17 Section 7. Subsection (1) of section 311.22, Florida  
18 Statutes, is amended to read:

19 311.22 Additional authorization for funding certain  
20 dredging projects.--

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

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1 Section 8. Section 320.20, Florida Statutes, is  
2 amended to read:

3 320.20 Disposition of license tax moneys.--The revenue  
4 derived from the registration of motor vehicles, including any  
5 delinquent fees and excluding those revenues collected and  
6 distributed under the provisions of s. 320.081, must be  
7 distributed monthly, as collected, as follows:

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

14 (2) Twenty-five million dollars per year of such  
15 revenues must be deposited in the State Transportation Trust  
16 Fund, with priority use assigned to completion of the  
17 interstate highway system. However, any excess funds may be  
18 utilized for general transportation purposes, consistent with  
19 the Department of Transportation's legislatively approved  
20 objectives.

21 (3) Notwithstanding any other provision of law except  
22 subsections (1) and (2), on July 1, 1996, and annually  
23 thereafter, \$15 million shall be deposited in the State  
24 Transportation Trust Fund solely for the purposes of funding  
25 the Florida Seaport Transportation and Economic Development  
26 Program as provided for in chapter 311. Such revenues shall  
27 be distributed to any port listed in s. 311.09(1), to be used  
28 for funding projects as follows:

29 (a) For any seaport intermodal access projects that  
30 are identified in the tentative work program of the Department  
31 of Transportation for the 2006-2007 to 2010-2011 fiscal years,

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1 up to the amounts needed to offset the funding requirements of  
2 this section.

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

10 (c) For seaport projects as described in s.  
11 311.07(3)(b), funds shall be provided on a 50-50 matching  
12 basis.

13 (d) For seaport intermodal access projects that  
14 involve the dredging or deepening of channels, turning basins,  
15 or harbors, or the construction or rehabilitation of wharves,  
16 docks, or similar structures, funding shall require at least a  
17 25-percent match of the funds received pursuant to this  
18 subsection. Matching funds shall come from any port funds,  
19 federal funds, local funds, or private funds. ~~on a 50-50~~  
20 ~~matching basis to any port listed in s. 311.09(1) to be used~~  
21 ~~for funding projects as described in s. 311.07(3)(b).~~

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 an individual port or appropriate local government  
27 having jurisdiction thereof, or collectively by interlocal  
28 agreement among any of the ports, or used to purchase credit  
29 support to permit such borrowings. However, such debt shall  
30 not constitute a general obligation of the State of Florida.  
31 The state does hereby covenant with holders of such revenue

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1 bonds or other instruments of indebtedness issued hereunder  
2 that it will not repeal or impair or amend in any manner which  
3 will materially and adversely affect the rights of such  
4 holders so long as bonds authorized by this section are  
5 outstanding. Any revenues which are not pledged to the  
6 repayment of bonds as authorized by this section may be  
7 utilized for purposes authorized under the Florida Seaport  
8 Transportation and Economic Development Program. This revenue  
9 source is in addition to any amounts provided for and  
10 appropriated in accordance with s. 311.07. The Florida  
11 Seaport Transportation and Economic Development Council shall  
12 submit to the Department of Transportation a list of strategic  
13 transportation, economic development, and freight mobility  
14 projects that contribute to the economic growth of the state  
15 and that ~~approve distribution of funds to ports for projects~~  
16 ~~which~~ have been approved pursuant to s. 311.09(5)-(9). The  
17 council and the Department of Transportation shall mutually  
18 agree upon the prioritization and selection of projects for  
19 funding. The Department of Transportation shall include the  
20 selected projects for funding in the tentative work program  
21 developed pursuant to s. 339.135. The council and the  
22 Department of Transportation are authorized to perform such  
23 acts as are required to facilitate and implement the  
24 provisions of this subsection, including the funding of  
25 approved projects by the use of other state funding programs,  
26 local contributions from seaports, and the creative use of  
27 federal funds. To better enable the ports to cooperate to  
28 their mutual advantage, the governing body of each port may  
29 exercise powers provided to municipalities or counties in s.  
30 163.01(7)(d) subject to the provisions of chapter 311 and  
31 special acts, if any, pertaining to a port. The use of funds

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1 provided pursuant to this subsection are limited to eligible  
2 projects listed in this subsection. Income derived from a  
3 project completed with the use of program funds, beyond  
4 operating costs and debt service, shall be restricted to  
5 further port capital improvements consistent with maritime  
6 purposes and for no other purpose. Use of such income for  
7 nonmaritime purposes is prohibited. The provisions of s.  
8 311.07(4) do not apply to any funds received pursuant to this  
9 subsection. The revenues available under this subsection shall  
10 not be pledged to the payment of any bonds other than the  
11 Florida Ports Financing Commission Series 1996 and Series 1999  
12 Bonds currently outstanding; provided, however, such revenues  
13 may be pledged to secure payment of refunding bonds to  
14 refinance the Florida Ports Financing Commission Series 1996  
15 and Series 1999 Bonds. ~~No refunding bonds secured by revenues~~  
16 ~~available under this subsection may be issued with a final~~  
17 ~~maturity later than the final maturity of the Florida Ports~~  
18 ~~Financing Commission Series 1996 and Series 1999 Bonds or~~  
19 ~~which provide for higher debt service in any year than is~~  
20 ~~currently payable on such bonds.~~ Any revenue bonds or other  
21 indebtedness issued after July 1, 2000, including ~~other than~~  
22 refunding bonds, shall be issued by the Division of Bond  
23 Finance at the request of the Department of Transportation  
24 pursuant to the State Bond Act.

25 (4) Notwithstanding any other provision of law except  
26 subsections (1), (2), and (3), on July 1, 1999, and annually  
27 thereafter, \$10 million shall be deposited in the State  
28 Transportation Trust Fund solely for the purposes of funding  
29 the Florida Seaport Transportation and Economic Development  
30 Program as provided in chapter 311 and for funding seaport  
31 intermodal access projects of statewide significance as

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1 provided in s. 341.053. Such revenues shall be distributed to  
2 any port listed in s. 311.09(1), to be used for funding  
3 projects as follows:

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

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

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

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

26  
27 Such revenues may be assigned, pledged, or set aside as a  
28 trust for the payment of principal or interest on bonds, tax  
29 anticipation certificates, or any other form of indebtedness  
30 issued by an individual port or appropriate local government  
31 having jurisdiction thereof, or collectively by interlocal

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1 agreement among any of the ports, or used to purchase credit  
2 support to permit such borrowings. However, such debt shall  
3 not constitute a general obligation of the state. 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 submit to the Department of Transportation a  
17 list of strategic transportation, economic development, and  
18 freight mobility projects that contribute to the economic  
19 growth of the state and that ~~approve distribution of funds to~~  
20 ~~ports for projects that~~ have been approved pursuant to s.  
21 311.09(5)-(9), or that have been approved for seaport  
22 intermodal access projects identified in the 5-year Florida  
23 Seaport Mission Plan as provided in s. 311.09(3) ~~and mutually~~  
24 ~~agreed upon by the FSTED Council and the Department of~~  
25 ~~Transportation.~~ The council and the Department of  
26 Transportation shall mutually agree upon the prioritization  
27 and selection of projects for funding. The Department of  
28 Transportation shall include the selected projects for funding  
29 in the tentative work program developed pursuant to s.  
30 339.135. All contracts for actual construction of projects  
31 authorized by this subsection must include a provision

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1 encouraging employment of participants in the welfare  
2 transition program. The goal for employment of participants in  
3 the welfare transition program is 25 percent of all new  
4 employees employed specifically for the project, unless the  
5 Department of Transportation and the Florida Seaport  
6 Transportation and Economic Development Council demonstrate  
7 that such a requirement would severely hamper the successful  
8 completion of the project. In such an instance, Workforce  
9 Florida, Inc., shall establish an appropriate percentage of  
10 employees that must be participants in the welfare transition  
11 program. The council and the Department of Transportation are  
12 authorized to perform such acts as are required to facilitate  
13 and implement the provisions of this subsection, including the  
14 funding of approved projects by the use of other state funding  
15 programs, local contributions from seaports, and the creative  
16 use of federal funds. To better enable the ports to cooperate  
17 to their mutual advantage, the governing body of each port may  
18 exercise powers provided to municipalities or counties in s.  
19 163.01(7)(d) subject to the provisions of chapter 311 and  
20 special acts, if any, pertaining to a port. The use of funds  
21 provided pursuant to this subsection is limited to eligible  
22 projects listed in this subsection. The provisions of s.  
23 311.07(4) do not apply to any funds received pursuant to this  
24 subsection. The revenues available under this subsection shall  
25 not be pledged to the payment of any bonds other than the  
26 Florida Ports Financing Commission Series 1996 and Series 1999  
27 Bonds currently outstanding; provided, however, such revenues  
28 may be pledged to secure payment of refunding bonds to  
29 refinance the Florida Ports Financing Commission Series 1996  
30 and Series 1999 Bonds. ~~No refunding bonds secured by revenues~~  
31 ~~available under this subsection may be issued with a final~~



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1 ~~maturity later than the final maturity of the Florida Ports~~  
 2 ~~Financing Commission Series 1996 and Series 1999 Bonds or~~  
 3 ~~which provide for higher debt service in any year than is~~  
 4 ~~currently payable on such bonds.~~ Any revenue bonds or other  
 5 indebtedness issued after July 1, 2000, including other than  
 6 refunding bonds, shall be issued by the Division of Bond  
 7 Finance at the request of the Department of Transportation  
 8 pursuant to the State Bond Act.

9       (5) Notwithstanding any other provision of law except  
 10 subsections (1), (2), (3), and (4), on July 1, 2006, and  
 11 annually thereafter, \$5 million shall be deposited in the  
 12 State Transportation Trust Fund solely for the purposes of  
 13 funding the Florida Seaport Transportation and Economic  
 14 Development Program as provided in chapter 311 and for funding  
 15 seaport intermodal access projects of statewide significance  
 16 as provided in s. 341.053. Such revenues shall be distributed  
 17 to any port listed in s. 311.09(1), to be used for funding  
 18 projects as follows:

19       (a) For any seaport intermodal access projects that  
 20 are identified in the Tentative Work Program of the Department  
 21 of Transportation for the 2006-2007 to 2010-2011 fiscal years,  
 22 up to the amounts needed to offset the funding requirements of  
 23 this section.

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

31       (c) For seaport projects as described in s.

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1 311.07(3)(b), funds shall be provided on a 50-50 matching  
2 basis.

3 (d) For seaport intermodal access projects that  
4 involve the dredging or deepening of channels, turning basins,  
5 or harbors, or the construction or rehabilitation of wharves,  
6 docks, or similar structures, funding shall require at least a  
7 25-percent match of the funds received pursuant to this  
8 subsection. Matching funds shall come from any port funds,  
9 federal funds, local funds, or private funds.

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11 Such revenues may be assigned, pledged, or set aside as a  
12 trust for the payment of principal or interest on bonds, tax  
13 anticipation certificates, or any other form of indebtedness  
14 issued by the Division of Bond Finance at the request of the  
15 Department of Transportation pursuant to the State Bond Act.  
16 However, such debt does not constitute a general obligation of  
17 the state. This state covenants with holders of such revenue  
18 bonds or other instruments of indebtedness issued under this  
19 subsection that it will not repeal or impair or amend this  
20 subsection in any manner that will materially and adversely  
21 affect the rights of holders so long as bonds authorized by  
22 this subsection are outstanding. Any revenues that are not  
23 pledged to the repayment of bonds as authorized by this  
24 subsection may be used for purposes authorized under the  
25 Florida Seaport Transportation and Economic Development  
26 Program. This revenue source is in addition to any amounts  
27 provided for and appropriated in accordance with s. 311.07 and  
28 subsections (3) and (4). The Florida Seaport Transportation  
29 and Economic Development Council shall submit to the  
30 Department of Transportation a list of strategic  
31 transportation, economic development, and freight mobility

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1 projects that contribute to the economic growth of the state  
2 and that have been approved pursuant to s. 311.09(5)-(9), or  
3 that have been approved for seaport intermodal access projects  
4 identified in the 5-year Florida Seaport Mission Plan as  
5 provided in s. 311.09(3). The council and the Department of  
6 Transportation shall mutually agree upon the prioritization  
7 and selection of projects for funding. The Department of  
8 Transportation shall include the selected projects for funding  
9 in the tentative work program developed pursuant to s.  
10 339.135. The council and the Department of Transportation may  
11 perform such acts as are required to facilitate and implement  
12 the provisions of this subsection, including the funding of  
13 approved projects by the use of other state funding programs,  
14 local contributions from seaports, and the creative use of  
15 federal funds. To better enable the ports to cooperate to  
16 their mutual advantage, the governing body of each port may  
17 exercise powers provided to municipalities or counties in s.  
18 163.01(7)(d), subject to the provisions of chapter 311 and  
19 special acts, if any, pertaining to the port. The use of funds  
20 provided under this subsection is limited to eligible projects  
21 listed in this subsection. Section 311.07(4) does not apply to  
22 any funds received pursuant to this subsection.

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

26 (b) The Chief Financial Officer each month shall  
27 deposit in the State Transportation Trust Fund an amount,  
28 drawn from other funds in the State Treasury which are not  
29 immediately needed or are otherwise in excess of the amount  
30 necessary to meet the requirements of the State Treasury,  
31 which when added to such remaining revenues each month will

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1 equal one-twelfth of the amount of the anticipated annual  
 2 revenues to be deposited in the State Transportation Trust  
 3 Fund under paragraph (a) as determined by the Chief Financial  
 4 Officer after consultation with the revenue estimating  
 5 conference held pursuant to s. 216.136(3). The transfers  
 6 required hereunder may be suspended by action of the  
 7 Legislative Budget Commission in the event of a significant  
 8 shortfall of state revenues.

9           (c) In any month in which the remaining revenues  
 10 derived from the registration of motor vehicles exceed  
 11 one-twelfth of those anticipated annual remaining revenues as  
 12 determined by the Chief Financial Officer after consultation  
 13 with the revenue estimating conference, the excess shall be  
 14 credited to those state funds in the State Treasury from which  
 15 the amount was originally drawn, up to the amount which was  
 16 deposited in the State Transportation Trust Fund under  
 17 paragraph (b). A final adjustment must be made in the last  
 18 months of a fiscal year so that the total revenue deposited in  
 19 the State Transportation Trust Fund each year equals the  
 20 amount derived from the registration of motor vehicles, less  
 21 the amount distributed under subsection (1). For the purposes  
 22 of this paragraph and paragraph (b), the term "remaining  
 23 revenues" means all revenues deposited into the State  
 24 Transportation Trust Fund under paragraph (a) and subsections  
 25 (2) and (3). In order that interest earnings continue to  
 26 accrue to the General Revenue Fund, the Department of  
 27 Transportation may not invest an amount equal to the  
 28 cumulative amount of funds deposited in the State  
 29 Transportation Trust Fund under paragraph (b) less funds  
 30 credited under this paragraph as computed on a monthly basis.  
 31 The amounts to be credited under this and the preceding

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1 paragraph must be calculated and certified to the Chief  
2 Financial Officer by the Executive Office of the Governor.

3  
4 (Redesignate subsequent sections.)

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6

7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 On page 2, line 4, after the first semicolon,

10

11 insert:

12 amending s. 311.22, F.S.; revising the funding  
13 for certain dredging projects; amending s.  
14 320.20, F.S.; revising the distribution of  
15 license tax moneys deposited in the State  
16 Transportation Trust Fund for the funding of  
17 the Florida Seaport Transportation and Economic  
18 Development program and certain seaport  
19 intermodal access projects; requiring the  
20 Florida Seaport Transportation and Economic  
21 Development Council to submit a list of certain  
22 freight mobility projects to the Department of  
23 Transportation; requiring the council and the  
24 department to agree upon the projects selected  
25 for funding; requiring the department to  
26 include the selected projects for funding in  
27 the tentative work program; providing that  
28 refunding bonds shall be issued by the Division  
29 of Bond Finance at the request of the  
30 department; providing for funding the  
31 construction of wharves and docks; requiring

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1           that a certain sum of money be deposited in the  
2           State Transportation Trust Fund for the funding  
3           of the Florida Seaport Transportation and  
4           Economic Development program and certain  
5           seaport intermodal access projects; providing  
6           for distribution of revenues for the funding of  
7           certain seaport intermodal access projects;

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