

Bill No. CS for SB 2300

Barcode 701896

CHAMBER ACTION

Senate

House

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The Committee on Transportation and Economic Development
Appropriations (Webster) recommended the following amendment:

Senate Amendment (with title amendment)

On page 1, line 14,

insert:

Section 1. Subsection (1) of Section 311.22, F.S., is
amended to read:

311.22 Additional authorization for funding certain
dredging projects.--

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

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1 III of chapter 218. Funding for such projects shall require a
2 minimum 25 percent match of funds received for new channels or
3 turning basins pursuant to this section.

4 Section 2. Subsections (3) and (4) of section 320.20,
5 Florida Statutes, are amended, a new subsection (5) is added
6 to that section, and subsection (6) of that section is
7 renumbered, to read:

8 320.20 Disposition of license tax moneys.--The revenue
9 derived from the registration of motor vehicles, including any
10 delinquent fees and excluding those revenues collected and
11 distributed under the provisions of s. 320.081, must be
12 distributed monthly, as collected, as follows:

13 (3) Notwithstanding any other provision of law except
14 subsections (1) and (2), on July 1, 1996, and annually
15 thereafter, \$15 million shall be deposited in the State
16 Transportation Trust Fund solely for the purposes of funding
17 the Florida Seaport Transportation and Economic Development
18 Program as provided for in chapter 311. Such revenues shall
19 be distributed on a 50-50 matching basis to any port listed in
20 s. 311.09(1) to be used for funding projects as described in
21 s. 311.07(3)(b). Such revenues may be assigned, pledged, or
22 set aside as a trust for the payment of principal or interest
23 on bonds, tax anticipation certificates, or any other form of
24 indebtedness issued by an individual port or appropriate local
25 government having jurisdiction thereof, or collectively by
26 interlocal agreement among any of the ports, or used to
27 purchase credit support to permit such borrowings. However,
28 such debt shall not constitute a general obligation of the
29 State of Florida. The state does hereby covenant with holders
30 of such revenue bonds or other instruments of indebtedness
31 issued hereunder that it will not repeal or impair or amend in

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1 any manner which will materially and adversely affect the
2 rights of such holders so long as bonds authorized by this
3 section are outstanding. Any revenues which are not pledged
4 to the repayment of bonds as authorized by this section may be
5 utilized for purposes authorized under the Florida Seaport
6 Transportation and Economic Development Program. This revenue
7 source is in addition to any amounts provided for and
8 appropriated in accordance with s. 311.07. The Florida
9 Seaport Transportation and Economic Development Council shall
10 submit to the Department of Transportation a list of
11 recommended ~~approve distribution of funds to ports for~~
12 projects which have been identified ~~approved~~ pursuant to s.
13 311.09(5)-(9). The ~~council and the~~ Department of
14 Transportation shall approve the final distribution of funds
15 and include the selected projects for funding in the Tentative
16 Work Program developed pursuant to s. 339.135. The council and
17 the Department of Transportation are authorized to perform
18 such acts as are required to facilitate and implement the
19 provisions of this subsection. To better enable the ports to
20 cooperate to their mutual advantage, the governing body of
21 each port may exercise powers provided to municipalities or
22 counties in s. 163.01(7)(d) subject to the provisions of
23 chapter 311 and special acts, if any, pertaining to a port.
24 The use of funds provided pursuant to this subsection are
25 limited to eligible projects listed in this subsection.
26 Income derived from a project completed with the use of
27 program funds, beyond operating costs and debt service, shall
28 be restricted to further port capital improvements consistent
29 with maritime purposes and for no other purpose. Use of such
30 income for nonmaritime purposes is prohibited. The provisions
31 of s. 311.07(4) do not apply to any funds received pursuant to

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1 this subsection. The revenues available under this subsection
 2 shall not be pledged to the payment of any bonds other than
 3 the Florida Ports Financing Commission Series 1996 and Series
 4 1999 Bonds currently outstanding; provided, however, such
 5 revenues may be pledged to secure payment of refunding bonds
 6 to refinance the Florida Ports Financing Commission Series
 7 1996 and Series 1999 Bonds. ~~No refunding bonds secured by~~
 8 ~~revenues available under this subsection may be issued with a~~
 9 ~~final maturity later than the final maturity of the Florida~~
 10 ~~Ports Financing Commission Series 1996 and Series 1999 Bonds~~
 11 ~~or which provide for higher debt service in any year than is~~
 12 ~~currently payable on such bonds.~~ Any revenue bonds or other
 13 indebtedness issued after July 1, 2000, including ~~other than~~
 14 refunding bonds shall be issued by the Division of Bond
 15 Finance at the request of the Department of Transportation
 16 pursuant to the State Bond Act.

17 (4) Notwithstanding any other provision of law except
 18 subsections (1), (2), and (3), on July 1, 1999, and annually
 19 thereafter, \$10 million shall be deposited in the State
 20 Transportation Trust Fund solely for the purposes of funding
 21 the Florida Seaport Transportation and Economic Development
 22 Program as provided in chapter 311 and for funding seaport
 23 intermodal access projects of statewide significance as
 24 provided in s. 341.053. Such revenues shall be distributed to
 25 any port listed in s. 311.09(1), to be used for funding
 26 projects as follows:

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

31 (b) For seaport intermodal access projects as

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

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

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

18
 19 Such revenues may be assigned, pledged, or set aside as a
 20 trust for the payment of principal or interest on bonds, tax
 21 anticipation certificates, or any other form of indebtedness
 22 issued by an individual port or appropriate local government
 23 having jurisdiction thereof, or collectively by interlocal
 24 agreement among any of the ports, or used to purchase credit
 25 support to permit such borrowings. However, such debt shall
 26 not constitute a general obligation of the state. This state
 27 does hereby covenant with holders of such revenue bonds or
 28 other instruments of indebtedness issued hereunder that it
 29 will not repeal or impair or amend this subsection in any
 30 manner which will materially and adversely affect the rights
 31 of holders so long as bonds authorized by this subsection are

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1 outstanding. Any revenues that are not pledged to the
2 repayment of bonds as authorized by this section may be
3 utilized for purposes authorized under the Florida Seaport
4 Transportation and Economic Development Program. This revenue
5 source is in addition to any amounts provided for and
6 appropriated in accordance with s. 311.07 and subsection (3).
7 The Florida Seaport Transportation and Economic Development
8 Council shall submit to the Department of Transportation a
9 list of recommended ~~approve distribution of funds to ports for~~
10 projects that have been identified ~~approved~~ pursuant to s.
11 311.09(5)-(9), or for seaport intermodal access projects
12 identified in the 5-year Florida Seaport Mission Plan as
13 provided in s. 311.09(3) ~~and mutually agreed upon by the FSTED~~
14 ~~Council and the Department of Transportation.~~ The Department
15 of Transportation shall approve the final distribution of
16 funds and include the selected projects for funding in the
17 Tentative Work Program developed pursuant to s. 339.135. All
18 contracts for actual construction of projects authorized by
19 this subsection must include a provision encouraging
20 employment of participants in the welfare transition program.
21 The goal for employment of participants in the welfare
22 transition program is 25 percent of all new employees employed
23 specifically for the project, unless the Department of
24 Transportation and the Florida Seaport Transportation and
25 Economic Development Council demonstrate that such a
26 requirement would severely hamper the successful completion of
27 the project. In such an instance, Workforce Florida, Inc.,
28 shall establish an appropriate percentage of employees that
29 must be participants in the welfare transition program. The
30 council and the Department of Transportation are authorized to
31 perform such acts as are required to facilitate and implement

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1 the provisions of this subsection. To better enable the ports
2 to cooperate to their mutual advantage, the governing body of
3 each port may exercise powers provided to municipalities or
4 counties in s. 163.01(7)(d) subject to the provisions of
5 chapter 311 and special acts, if any, pertaining to a port.
6 The use of funds provided pursuant to this subsection is
7 limited to eligible projects listed in this subsection. The
8 provisions of s. 311.07(4) do not apply to any funds received
9 pursuant to this subsection. The revenues available under this
10 subsection shall not be pledged to the payment of any bonds
11 other than the Florida Ports Financing Commission Series 1996
12 and Series 1999 Bonds currently outstanding; provided,
13 however, such revenues may be pledged to secure payment of
14 refunding bonds to refinance the Florida Ports Financing
15 Commission Series 1996 and Series 1999 Bonds. ~~No refunding~~
16 ~~bonds secured by revenues available under this subsection may~~
17 ~~be issued with a final maturity later than the final maturity~~
18 ~~of the Florida Ports Financing Commission Series 1996 and~~
19 ~~Series 1999 Bonds or which provide for higher debt service in~~
20 ~~any year than is currently payable on such bonds. Any revenue~~
21 bonds or other indebtedness issued after July 1, 2000,
22 including ~~other than~~ refunding bonds shall be issued by the
23 Division of Bond Finance at the request of the Department of
24 Transportation pursuant to the State Bond Act.

25 (5) Notwithstanding any other provision of law except
26 subsections (1), (2), (3), and (4) on July 1, 2006, and
27 annually thereafter, \$5 million shall be deposited in the
28 State Transportation Trust Fund solely for the purposes of
29 funding the Florida Seaport Transportation and Economic
30 Development Program as provided in chapter 311 and for funding
31 seaport intermodal access projects of statewide significance

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1 as provided in s. 341.053. Such revenues shall be distributed
2 to 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 Tentative Work Program of the Department
6 of Transportation for fiscal years 2006-07 to 2010-11, up to
7 the amounts needed to offset the funding requirements of this
8 section.

9 (b) For seaport intermodal access projects as
10 described in s. 341.053(5) that are identified in the 5-year
11 Florida Seaport Mission Plan as provided in s. 311.09(3).
12 Funding for such projects shall required at least a 25 percent
13 match of the funds received pursuant to this subsection.
14 Matching funds shall come from any port funds, federal funds,
15 local funds, or private funds.

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

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

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26 Such revenues may be assigned, pledged, or set aside as a
27 trust for the payment of principal or interest on bonds, tax
28 anticipation certificates, or any other form of indebtedness
29 issued by the Division of bond Finance at the request of the
30 Department of Transportation pursuant to the State Bond Act.
31 However, such debt shall not constitute a general obligation

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1 of the state. This state does hereby covenant with holders of
2 such revenue bonds or other instruments of indebtedness issued
3 hereunder that it will not repeal or impair or amend this
4 subsection in any manner which will materially and adversely
5 affect the rights of holders so long as bonds authorized by
6 this subsection are outstanding. Any revenues that are not
7 pledged to the repayment of bonds as authorized by this
8 section may be utilized for purposes authorized under the
9 Florida Seaport Transportation and Economic Development
10 Program. This revenue source is in addition to any amounts
11 provided for and appropriated in accordance with s. 311.07 and
12 subsections (3) and (4). The Florida Seaport Transportation
13 and Economic Development Council shall submit to the
14 Department of Transportation a list of recommended projects
15 that have been identified pursuant to s. 311.0(5)-(9); or for
16 seaport intermodal access projects identified in the 5-year
17 Florida Seaport Mission Plan as provided in s. 311.09(3). The
18 Department of Transportation shall approve the final
19 distribution of funds and include the selected projects for
20 funding in the Tentative Work Program developed pursuant to s.
21 339.135. The council and the Department of Transportation are
22 authorized to perform such acts as are required to facilitate
23 and implement the provisions of this subsection. To better
24 enable the ports to cooperate to their mutual advantage, the
25 governing body of each port may exercise powers provided to
26 municipalities or counties in s. 163.01(7)(d) subject to the
27 provisions of chapter 311 and special acts, if any, pertaining
28 to a port. The use of funds provided pursuant to this
29 subsection is limited to eligible projects listed in this
30 subsection. The provisions of s. 311.07(4) do not apply to any
31 funds received pursuant to this subsection.

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1 (6) ~~(5)~~(a) Except as provided in paragraph (c), the
2 remainder of such revenues must be deposited in the State
3 Transportation Trust Fund.

4 (b) The Chief Financial Officer each month shall
5 deposit in the State Transportation Trust Fund an amount,
6 drawn from other funds in the State Treasury which are not
7 immediately needed or are otherwise in excess of the amount
8 necessary to meet the requirements of the State Treasury,
9 which when added to such remaining revenues each month will
10 equal one-twelfth of the amount of the anticipated annual
11 revenues to be deposited in the State Transportation Trust
12 Fund under paragraph (a) as determined by the Chief Financial
13 Officer after consultation with the revenue estimating
14 conference held pursuant to s. 216.136(3). The transfers
15 required hereunder may be suspended by action of the
16 Legislative Budget Commission in the event of a significant
17 shortfall of state revenues.

18 (c) In any month in which the remaining revenues
19 derived from the registration of motor vehicles exceed
20 one-twelfth of those anticipated annual remaining revenues as
21 determined by the Chief Financial Officer after consultation
22 with the revenue estimating conference, the excess shall be
23 credited to those state funds in the State Treasury from which
24 the amount was originally drawn, up to the amount which was
25 deposited in the State Transportation Trust Fund under
26 paragraph (b). A final adjustment must be made in the last
27 months of a fiscal year so that the total revenue deposited in
28 the State Transportation Trust Fund each year equals the
29 amount derived from the registration of motor vehicles, less
30 the amount distributed under subsection (1). For the purposes
31 of this paragraph and paragraph (b), the term "remaining

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1 revenues" means all revenues deposited into the State
2 Transportation Trust Fund under paragraph (a) and subsections
3 (2) and (3). In order that interest earnings continue to
4 accrue to the General Revenue Fund, the Department of
5 Transportation may not invest an amount equal to the
6 cumulative amount of funds deposited in the State
7 Transportation Trust Fund under paragraph (b) less funds
8 credited under this paragraph as computed on a monthly basis.
9 The amounts to be credited under this and the preceding
10 paragraph must be calculated and certified to the Chief
11 Financial Officer by the Executive Office of the Governor.

12
13 (Redesignate subsequent sections.)

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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, line 2, after the semicolon

19
20 insert:

21 amending s. 311.22 allowing a 25 percent match
22 of funds for certain dredging projects;
23 amending s. 320.20 to require the Florida
24 Seaport Transportation and Economic Development
25 Council to submit to the department a list of
26 recommended projects and requiring the
27 department to approve final distribution of
28 funds for selected projects for funding in the
29 tentative Work Program; appropriating \$5
30 million annually fund the Florida Seaport
31 Transportation and Economic Development Program

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1 as provided in ch. 311 and for funding seaport
2 intermodal access projects of statewide
3 significance in s. 341.053;

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