

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Seiler offered the following:

2
3 **Amendment (with title amendments)**

4 Between lines 1393 and 1394, insert:

5 Section 18. 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
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17 | permitting requirements in part IV of chapter 373 and the local
18 | financial management and reporting provisions of part III of
19 | chapter 218.

20 | Section 19. 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

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45 distributed to any port listed in s. 311.09(1), to be used for
46 funding projects as follows:

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 2007-2008 to 2011-2012 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(6) 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

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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
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

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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
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
111 | use of program funds, beyond operating costs and debt service,
112 | shall be restricted to further port capital improvements
113 | consistent with maritime purposes and for no other purpose. Use
114 | of such income for nonmaritime purposes is prohibited. The
115 | provisions of s. 311.07(4) do not apply to any funds received
116 | pursuant to this subsection. The revenues available under this
117 | subsection shall not be pledged to the payment of any bonds
118 | other than the Florida Ports Financing Commission Series 1996
119 | and Series 1999 Bonds currently outstanding; provided, however,
120 | such revenues may be pledged to secure payment of refunding
121 | bonds to refinance the Florida Ports Financing Commission Series
122 | 1996 and Series 1999 Bonds. ~~No refunding bonds secured by~~
123 | ~~revenues available under this subsection may be issued with a~~
124 | ~~final maturity later than the final maturity of the Florida~~
125 | ~~Ports Financing Commission Series 1996 and Series 1999 Bonds or~~
126 | ~~which provide for higher debt service in any year than is~~
127 | ~~currently payable on such bonds.~~ Any revenue bonds or other
128 | indebtedness issued after July 1, 2000, including other than
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129 refunding bonds, shall be issued by the Division of Bond Finance
130 at the request of the Department of Transportation pursuant to
131 the State Bond Act.

132 (4) Notwithstanding any other provision of law except
133 subsections (1), (2), and (3), on July 1, 1999, and annually
134 thereafter, \$10 million shall be deposited in the State
135 Transportation Trust Fund solely for the purposes of funding the
136 Florida Seaport Transportation and Economic Development Program
137 as provided in chapter 311 and for funding seaport intermodal
138 access projects of statewide significance as provided in s.
139 341.053. Such revenues shall be distributed to any port listed
140 in s. 311.09(1), to be used for funding projects as follows:

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

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

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

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

163
164 Such revenues may be assigned, pledged, or set aside as a trust
165 for the payment of principal or interest on bonds, tax
166 anticipation certificates, or any other form of indebtedness
167 issued by an individual port or appropriate local government
168 having jurisdiction thereof, or collectively by interlocal
169 agreement among any of the ports, or used to purchase credit
170 support to permit such borrowings. However, such debt shall not
171 constitute a general obligation of the state. This state does
172 hereby covenant with holders of such revenue bonds or other
173 instruments of indebtedness issued hereunder that it will not
174 repeal or impair or amend this subsection in any manner which
175 will materially and adversely affect the rights of holders so
176 long as bonds authorized by this subsection are outstanding. Any
177 revenues that are not pledged to the repayment of bonds as
178 authorized by this section may be utilized for purposes
179 authorized under the Florida Seaport Transportation and Economic
180 Development Program. This revenue source is in addition to any
181 amounts provided for and appropriated in accordance with s.
182 311.07 and subsection (3). The Florida Seaport Transportation
183 and Economic Development Council shall submit to the Department
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184 of Transportation a list of strategic transportation, economic
185 development, and freight mobility projects that contribute to
186 the economic growth of the state and ~~approve distribution of~~
187 ~~funds to ports for projects~~ that have been approved pursuant to
188 s. 311.09(5)-(9), or that have been approved for seaport
189 intermodal access projects identified in the 5-year Florida
190 Seaport Mission Plan as provided in s. 311.09(3) ~~and mutually~~
191 ~~agreed upon by the FSTED Council and the Department of~~
192 ~~Transportation.~~ The council and the Department of Transportation
193 shall mutually agree upon the prioritization and selection of
194 projects for funding. The Department of Transportation shall
195 include the selected projects for funding in the tentative work
196 program developed pursuant to s. 339.135. All contracts for
197 actual construction of projects authorized by this subsection
198 must include a provision encouraging employment of participants
199 in the welfare transition program. The goal for employment of
200 participants in the welfare transition program is 25 percent of
201 all new employees employed specifically for the project, unless
202 the Department of Transportation and the Florida Seaport
203 Transportation and Economic Development Council demonstrate that
204 such a requirement would severely hamper the successful
205 completion of the project. In such an instance, Workforce
206 Florida, Inc., shall establish an appropriate percentage of
207 employees that must be participants in the welfare transition
208 program. The council and the Department of Transportation are
209 authorized to perform such acts as are required to facilitate
210 and implement the provisions of this subsection, including the
211 funding of approved projects by the use of other state funding

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212 programs, local contributions from seaports, and the creative
213 use of federal funds. To better enable the ports to cooperate to
214 their mutual advantage, the governing body of each port may
215 exercise powers provided to municipalities or counties in s.
216 163.01(7)(d) subject to the provisions of chapter 311 and
217 special acts, if any, pertaining to a port. The use of funds
218 provided pursuant to this subsection is limited to eligible
219 projects listed in this subsection. The provisions of s.
220 311.07(4) do not apply to any funds received pursuant to this
221 subsection. The revenues available under this subsection shall
222 not be pledged to the payment of any bonds other than the
223 Florida Ports Financing Commission Series 1996 and Series 1999
224 Bonds currently outstanding; provided, however, such revenues
225 may be pledged to secure payment of refunding bonds to refinance
226 the Florida Ports Financing Commission Series 1996 and Series
227 1999 Bonds. ~~No refunding bonds secured by revenues available~~
228 ~~under this subsection may be issued with a final maturity later~~
229 ~~than the final maturity of the Florida Ports Financing~~
230 ~~Commission Series 1996 and Series 1999 Bonds or which provide~~
231 ~~for higher debt service in any year than is currently payable on~~
232 ~~such bonds.~~ Any revenue bonds or other indebtedness issued after
233 July 1, 2000, including other than refunding bonds, shall be
234 issued by the Division of Bond Finance at the request of the
235 Department of Transportation pursuant to the State Bond Act.

236 (5)(a) Except as provided in paragraph (c), the remainder
237 of such revenues must be deposited in the State Transportation
238 Trust Fund.

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239 (b) The Chief Financial Officer each month shall deposit
240 in the State Transportation Trust Fund an amount, drawn from
241 other funds in the State Treasury which are not immediately
242 needed or are otherwise in excess of the amount necessary to
243 meet the requirements of the State Treasury, which when added to
244 such remaining revenues each month will equal one-twelfth of the
245 amount of the anticipated annual revenues to be deposited in the
246 State Transportation Trust Fund under paragraph (a) as
247 determined by the Chief Financial Officer after consultation
248 with the revenue estimating conference held pursuant to s.
249 216.136(3). The transfers required hereunder may be suspended by
250 action of the Legislative Budget Commission in the event of a
251 significant shortfall of state revenues.

252 (c) In any month in which the remaining revenues derived
253 from the registration of motor vehicles exceed one-twelfth of
254 those anticipated annual remaining revenues as determined by the
255 Chief Financial Officer after consultation with the revenue
256 estimating conference, the excess shall be credited to those
257 state funds in the State Treasury from which the amount was
258 originally drawn, up to the amount which was deposited in the
259 State Transportation Trust Fund under paragraph (b). A final
260 adjustment must be made in the last months of a fiscal year so
261 that the total revenue deposited in the State Transportation
262 Trust Fund each year equals the amount derived from the
263 registration of motor vehicles, less the amount distributed
264 under subsection (1). For the purposes of this paragraph and
265 paragraph (b), the term "remaining revenues" means all revenues
266 deposited into the State Transportation Trust Fund under

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267 paragraph (a) and subsections (2) and (3). In order that
268 interest earnings continue to accrue to the General Revenue
269 Fund, the Department of Transportation may not invest an amount
270 equal to the cumulative amount of funds deposited in the State
271 Transportation Trust Fund under paragraph (b) less funds
272 credited under this paragraph as computed on a monthly basis.
273 The amounts to be credited under this and the preceding
274 paragraph must be calculated and certified to the Chief
275 Financial Officer by the Executive Office of the Governor.

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

279 Between lines 75 and 76, insert:

280 amending s. 311.22, F.S.; revising funding for certain
281 dredging projects; amending s. 320.20, F.S.; revising the
282 distribution of license tax moneys deposited in the State
283 Transportation Trust Fund for the funding of the Florida
284 Seaport Transportation and Economic Development Program
285 and certain seaport intermodal access projects; requiring
286 the Florida Seaport Transportation and Economic
287 Development Council to submit a list of certain freight
288 mobility projects to the Department of Transportation;
289 requiring that the council and the department agree upon
290 the projects selected for funding; requiring the
291 department to include the selected projects for funding in
292 the tentative work program; providing that refunding bonds
293 shall be issued by the Division of Bond Finance at the

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HOUSE AMENDMENT

Bill No. CS/CS/HB 985

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294 request of the department; providing for funding the
295 construction of wharves and docks;

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