

By Senator Ring

32-01653-10

20102000__

1 A bill to be entitled
2 An act relating to seaports; amending s. 288.063,
3 F.S., relating to contracts for transportation
4 projects administered by the Office of Tourism, Trade,
5 and Economic Development; revising the definition of
6 "transportation project" to include specified seaport
7 projects; creating s. 288.0635, F.S.; providing
8 legislative findings, state policy, and economic
9 development strategies relating to seaport commerce;
10 providing requirements for the Office of Tourism,
11 Trade, and Economic Development and Enterprise
12 Florida, Inc., relating to such economic strategies;
13 amending s. 311.105, F.S.; authorizing ports to
14 request a notice of intent to issue certain permits
15 from the Department of Environmental Protection;
16 requiring the department to issue such notice within a
17 specified time; providing that issuance of such notice
18 creates a rebuttable presumption of compliance with
19 specified standards and authorizations; providing a
20 standard for overcoming such a presumption; requiring
21 the department to issue certain permits within a
22 specified time and to notify specified entities of
23 certain compliance; amending s. 311.09, F.S.;;
24 requiring the Florida Seaport Transportation and
25 Economic Development Council to submit certain
26 information to the Department of Transportation for
27 inclusion in its annual legislative budget request;
28 requiring the council to allocate funds to seaports
29 for specified projects contingent upon appropriation;

32-01653-10

20102000__

30 amending s. 403.061, F.S.; removing the requirement to
31 enter into memoranda of agreement with the Florida
32 Ports Council from the authority granted to the
33 Department of Environmental Protection to provide
34 supplemental permitting processes for the issuance of
35 certain permits; providing an effective date.
36

37 Be It Enacted by the Legislature of the State of Florida:
38

39 Section 1. Subsection (3) of section 288.063, Florida
40 Statutes, is amended to read:

41 288.063 Contracts for transportation projects.—

42 (3) With respect to any contract executed pursuant to this
43 section, the term "transportation project" means a
44 transportation facility as defined in s. 334.03(31), or any
45 project as defined in s. 311.07(3), which is necessary in the
46 judgment of the Office of Tourism, Trade, and Economic
47 Development to facilitate the economic development and growth of
48 the state. Except for applications received prior to July 1,
49 1996, such transportation projects shall be approved only as a
50 consideration to attract new employment opportunities to the
51 state or expand or retain employment in existing companies
52 operating within the state, or to allow for the construction or
53 expansion of a state or federal correctional facility in a
54 county with a population of 75,000 or less that creates new
55 employment opportunities or expands or retains employment in the
56 county. The Office of Tourism, Trade, and Economic Development
57 shall institute procedures to ensure that small and minority
58 businesses have equal access to funding provided under this

32-01653-10

20102000__

59 section. Funding for approved transportation projects may
60 include any expenses, other than administrative costs and
61 equipment purchases specified in the contract, necessary for
62 new, or improvement to existing, transportation facilities.
63 Funds made available pursuant to this section may not be
64 expended in connection with the relocation of a business from
65 one community to another community in this state unless the
66 Office of Tourism, Trade, and Economic Development determines
67 that without such relocation the business will move outside this
68 state or determines that the business has a compelling economic
69 rationale for the relocation which creates additional jobs.
70 Subject to appropriation for projects under this section, any
71 appropriation greater than \$10 million shall be allocated to
72 each of the districts of the Department of Transportation to
73 ensure equitable geographical distribution. Such allocated funds
74 that remain uncommitted by the third quarter of the fiscal year
75 shall be reallocated among the districts based on pending
76 project requests.

77 Section 2. Section 288.0635, Florida Statutes, is created
78 to read:

79 288.0635 Seaport commerce; legislative finding and policy;
80 economic development strategy.—The Legislature finds that
81 seaport commerce is the economic foundation for the promotion,
82 enhancement, and development of the tourism, agriculture,
83 manufacturing, transportation, and construction sectors in this
84 state. It is the policy of this state to ensure that state
85 economic development and transportation infrastructure
86 strategies and programs provide incentives and resources to
87 attract and preserve entities engaged in the movement of goods

32-01653-10

20102000__

88 between seaports in this state and seaports in international
89 markets and between seaports in this state and other domestic
90 seaports of the United States. The Office of Tourism, Trade, and
91 Economic Development and Enterprise Florida, Inc., shall ensure
92 that seaport commerce is designated as a target industry and
93 that all available resources and incentives are provided to
94 attract and preserve this industry. Enterprise Florida, Inc.,
95 shall include in its annual report, required pursuant to s.
96 288.906, a description and evaluation of state efforts to
97 attract and preserve entities engaged in the movement of goods
98 between seaports in this state and seaports in international
99 markets and between seaports in this state and other domestic
100 seaports of the United States.

101 Section 3. Subsection (7) is added to section 311.105,
102 Florida Statutes, to read:

103 311.105 Florida Seaport Environmental Management Committee;
104 permitting; mitigation.—

105 (7) Any port listed in s. 403.021(9)(b) may request a
106 notice of intent to issue a conceptual joint coastal permit
107 pursuant to s. 161.055 or an environmental resource permit
108 pursuant to part IV of chapter 373 and, if required, a sovereign
109 submerged lands authorization from the department for all or a
110 portion of facilities identified within a comprehensive port
111 master plan approved as part of a local government comprehensive
112 plan coastal management element pursuant to s. 163.3178. The
113 department shall issue the notice of intent within 30 days after
114 receipt of the request. The issuance of such notice shall create
115 a rebuttable presumption that development of the port facilities
116 identified in the approved comprehensive port master plan

32-01653-10

20102000__

117 complies with all applicable standards for issuance of a
118 conceptual permit, an environmental resource permit, and
119 sovereign lands authorization pursuant to chapters 161, 253,
120 373, and 403. The presumption may be overcome only by clear and
121 convincing evidence. Once a conceptual permit and, if necessary,
122 a sovereign lands authorization have been issued and become
123 final pursuant to chapter 120, the department shall issue any
124 requested construction permit within 30 days after receipt of
125 the request. Upon issuance of a conceptual permit, environmental
126 resource permit, or sovereign lands authorization pursuant to
127 this subsection, the department shall notify the United States
128 Army Corps of Engineers that the applicant is in compliance with
129 all state water quality and environmental requirements.

130 Section 4. Subsection (10) of section 311.09, Florida
131 Statutes, is amended to read:

132 311.09 Florida Seaport Transportation and Economic
133 Development Council.—

134 (10) The Department of Transportation shall include in its
135 annual legislative budget request a Florida Seaport
136 Transportation and Economic Development grant program for
137 expenditure of funds of not less than \$8 million per year. Such
138 budget shall include funding for projects approved by the
139 council which have been determined by each agency to be
140 consistent and which have been determined by the Office of
141 Tourism, Trade, and Economic Development to be economically
142 beneficial. The council shall ~~may~~ submit to the department a
143 list of approved projects that could be made production-ready
144 within the next 5 ~~2~~ years following the end of the current
145 fiscal year. The list shall be submitted by the department as

32-01653-10

20102000__

146 part of its annual legislative budget request for seaport
147 economic development projects submitted ~~the needs and project~~
148 ~~list prepared~~ pursuant to s. 339.135(2) ~~339.135~~. However, the
149 department may not require the identification or funding of a
150 specific project as part of its legislative budget request.
151 Contingent upon legislative appropriation each year, the council
152 shall allocate funds to seaports for approved projects that
153 improve the movement and intermodal transportation of cargo or
154 passengers in commerce and trade and that support the interests,
155 purposes, and requirements of ports located in this state.

156 Section 5. Subsections (37) and (38) of section 403.061,
157 Florida Statutes, are amended to read:

158 403.061 Department; powers and duties.—The department shall
159 have the power and the duty to control and prohibit pollution of
160 air and water in accordance with the law and rules adopted and
161 promulgated by it and, for this purpose, to:

162 (37) Provide ~~Enter into a memorandum of agreement with the~~
163 ~~Florida Ports Council which provides~~ a supplemental permitting
164 process for the issuance of a joint coastal permit pursuant to
165 s. 161.055 or environmental resource permit pursuant to part IV
166 of chapter 373, to a port listed in s. 311.09(1), for
167 maintenance dredging and the management of dredged materials
168 from maintenance dredging of all navigation channels, port
169 harbors, turning basins, and harbor berths. Such permit shall be
170 issued for a period of 5 years and shall be annually extended
171 for an additional year if the port is in compliance with all
172 permit conditions at the time of extension. The department is
173 authorized to adopt rules to implement this subsection.

174 (38) Provide ~~Enter into a memorandum of agreement with the~~

32-01653-10

20102000__

175 ~~Florida Ports Council~~ which provides a supplemental permitting
176 process for the issuance of a conceptual joint coastal permit
177 pursuant to s. 161.055 or environmental resource permit pursuant
178 to part IV of chapter 373, to a port listed in s. 311.09(1), for
179 dredging and the management of materials from dredging and for
180 other related activities necessary for development, including
181 the expansion of navigation channels, port harbors, turning
182 basins, harbor berths, and associated facilities. Such permit
183 shall be issued for a period of up to 15 years. The department
184 is authorized to adopt rules to implement this subsection.
185 The department shall implement such programs in conjunction with
186 its other powers and duties and shall place special emphasis on
187 reducing and eliminating contamination that presents a threat to
188 humans, animals or plants, or to the environment.

189 Section 6. This act shall take effect July 1, 2010.