

1 A bill to be entitled  
2 An act relating to seaports; amending s. 288.063, F.S.,  
3 relating to contracts for transportation projects  
4 administered by the Office of Tourism, Trade, and Economic  
5 Development; revising the definition of "transportation  
6 project" to include specified seaport projects; creating  
7 s. 288.0635, F.S.; providing legislative findings, state  
8 policy, and economic development strategies relating to  
9 seaport commerce; providing requirements for the Office of  
10 Tourism, Trade, and Economic Development and Enterprise  
11 Florida, Inc., relating to such economic strategies;  
12 amending s. 311.105, F.S.; authorizing ports to request a  
13 notice of intent to issue certain permits from the  
14 Department of Environmental Protection; requiring the  
15 department to issue such notice within a specified time;  
16 providing that issuance of such notice creates a  
17 rebuttable presumption of compliance with specified  
18 standards and authorizations; providing a standard for  
19 overcoming such a presumption; requiring the department to  
20 issue certain permits within a specified time and to  
21 notify specified entities of certain compliance; amending  
22 s. 311.09, F.S.; requiring the Florida Seaport  
23 Transportation and Economic Development Council to submit  
24 certain information to the Department of Transportation  
25 for inclusion in its annual legislative budget request;  
26 requiring the council to allocate funds to seaports for  
27 specified projects contingent upon appropriation; amending  
28 s. 403.061, F.S.; removing the requirement to enter into

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29 memoranda of agreement with the Florida Ports Council from  
30 the authority granted to the Department of Environmental  
31 Protection to provide supplemental permitting processes  
32 for the issuance of certain permits; providing an  
33 effective date.

34  
35 Be It Enacted by the Legislature of the State of Florida:

36  
37 Section 1. Subsection (3) of section 288.063, Florida  
38 Statutes, is amended to read:

39 288.063 Contracts for transportation projects.—

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

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

75 |       Section 2. Section 288.0635, Florida Statutes, is created  
76 | to read:

77 |       288.0635 Seaport commerce; legislative finding and policy;  
78 | economic development strategy.—The Legislature finds that  
79 | seaport commerce is the economic foundation for the promotion,  
80 | enhancement, and development of the tourism, agriculture,  
81 | manufacturing, transportation, and construction sectors in this  
82 | state. It is the policy of this state to ensure that state  
83 | economic development and transportation infrastructure  
84 | strategies and programs provide incentives and resources to

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

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

101 311.105 Florida Seaport Environmental Management  
 102 Committee; permitting; mitigation.—

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

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

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

130 311.09 Florida Seaport Transportation and Economic  
 131 Development Council.—

132 (10) The Department of Transportation shall include in its  
 133 annual legislative budget request a Florida Seaport  
 134 Transportation and Economic Development grant program for  
 135 expenditure of funds of not less than \$8 million per year. Such  
 136 budget shall include funding for projects approved by the  
 137 council which have been determined by each agency to be  
 138 consistent and which have been determined by the Office of  
 139 Tourism, Trade, and Economic Development to be economically  
 140 beneficial. The council shall ~~may~~ submit to the department a

141 list of approved projects that could be made production-ready  
 142 within the next 5 ~~2~~ years following the end of the current  
 143 fiscal year. The list shall be submitted by the department as  
 144 part of its annual legislative budget request for seaport  
 145 economic development projects submitted ~~the needs and project~~  
 146 ~~list prepared~~ pursuant to s. 339.135(2) ~~339.135~~. However, the  
 147 department may not require the identification or funding of a  
 148 specific project as part of its legislative budget request.  
 149 Contingent upon legislative appropriation each year, the council  
 150 shall allocate funds to seaports for approved projects that  
 151 improve the movement and intermodal transportation of cargo or  
 152 passengers in commerce and trade and that support the interests,  
 153 purposes, and requirements of ports located in this state.

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

156 403.061 Department; powers and duties.—The department  
 157 shall have the power and the duty to control and prohibit  
 158 pollution of air and water in accordance with the law and rules  
 159 adopted and promulgated by it and, for this purpose, to:

160 (37) Provide ~~Enter into a memorandum of agreement with the~~  
 161 ~~Florida Ports Council which provides~~ a supplemental permitting  
 162 process for the issuance of a joint coastal permit pursuant to  
 163 s. 161.055 or environmental resource permit pursuant to part IV  
 164 of chapter 373, to a port listed in s. 311.09(1), for  
 165 maintenance dredging and the management of dredged materials  
 166 from maintenance dredging of all navigation channels, port  
 167 harbors, turning basins, and harbor berths. Such permit shall be  
 168 issued for a period of 5 years and shall be annually extended

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169 | for an additional year if the port is in compliance with all  
170 | permit conditions at the time of extension. The department is  
171 | authorized to adopt rules to implement this subsection.

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

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