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1 A bill to be entitled
2 An act relating to infrastructure investment; amending s.
3 20.23, F.S.; directing the Secretary of Transportation to
4 designate an assistant secretary with certain duties
5 relating to economic development, investment
6 opportunities, and transportation projects; amending s.
7 163.3180, F.S.; providing a limited exemption from
8 Strategic Intermodal System adopted level-of-service
9 standards for certain new development or redevelopment
10 projects; requiring that funding priority be given to
11 improving certain Strategic Intermodal System segments;
12 amending s. 311.09, F.S.; directing the Seaport
13 Transportation and Economic Development Council to include
14 in the Florida Seaport Mission Plan certain elements of
15 local government comprehensive plans that relate to modal
16 integration and economic competitiveness; directing such
17 council to develop a priority list and submit the list to
18 the Trade Infrastructure Investment Steering Committee;
19 amending s. 339.55, F.S.; revising provisions for loans
20 and credit enhancements made by the state-funded
21 infrastructure bank; providing for loan selections by a
22 State Infrastructure Bank Selection Committee; providing
23 for membership of the committee; amending s. 339.64, F.S.;
24 revising the Strategic Intermodal System Plan project
25 prioritization process; providing for Strategic Intermodal
26 System projects to be selected by a Strategic Intermodal
27 System Project Selection Committee; providing for
28 membership of the committee; creating chapter 340, F.S.,

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29 | titled "Infrastructure Development"; creating s. 340.101,
30 | F.S.; providing a short title; providing a purpose;
31 | creating the Trade Infrastructure Investment Steering
32 | Committee; providing for membership, organization, staff,
33 | and employees of the committee; authorizing the committee
34 | to receive and administer funds; providing duties and
35 | responsibilities of the committee; directing the committee
36 | to submit reports to the Governor and the Legislature;
37 | creating s. 340.102, F.S.; authorizing certain local
38 | governmental entities to prepare a comprehensive economic
39 | development and expansion and intermodal transportation
40 | plan; providing for incorporation of the plan into the
41 | local government comprehensive plan; requiring certain
42 | elements be included in the plan; providing that, upon
43 | approval, plan projects constitute a priority list for
44 | state and local funding for transportation and related
45 | infrastructure projects of all state agencies; directing
46 | certain state agencies to develop a memorandum of
47 | agreement for assisting each port in the expedited
48 | implementation of projects included in each plan; amending
49 | s. 373.406, F.S.; providing that, under specified
50 | conditions, certain facilities located in deepwater ports
51 | are not part of a stormwater management system and are not
52 | impervious; amending s. 373.4133, F.S.; requiring the
53 | Department of Environmental Protection to issue a notice
54 | of intent for a port conceptual permit within a specified
55 | time; providing that a notice of intent to issue such
56 | permit creates a rebuttable presumption of compliance with

57 | specified standards and authorization; providing a
 58 | standard for overcoming such a presumption; requiring the
 59 | department to issue certain permits within a specified
 60 | time and to notify specified entities of certain
 61 | compliance; amending s. 403.813, F.S.; exempting certain
 62 | seaports from specified permit requirements for
 63 | maintenance dredging if certain conditions are met;
 64 | revising provisions for such dredging; providing an
 65 | effective date.

66 |

67 | Be It Enacted by the Legislature of the State of Florida:

68 |

69 | Section 1. Paragraph (d) of subsection (1) of section
 70 | 20.23, Florida Statutes, is amended to read:

71 | 20.23 Department of Transportation.—There is created a
 72 | Department of Transportation which shall be a decentralized
 73 | agency.

74 | (1)

75 | (d) The secretary may appoint up to three assistant
 76 | secretaries who shall be directly responsible to the secretary
 77 | and who shall perform such duties as are assigned by the
 78 | secretary. The secretary shall designate to an assistant
 79 | secretary the duties related to enhancing economic prosperity,
 80 | including, but not limited to, the responsibility of liaison
 81 | with the head of economic development in the Executive Office of
 82 | the Governor. Such assistant secretary shall be directly
 83 | responsible for providing the Executive Office of the Governor
 84 | with investment opportunities and transportation projects that

85 expand the state's role as a global hub for trade and investment
 86 and enhance the supply chain system in the state to process,
 87 assemble, and ship goods to markets throughout the eastern
 88 United States, Canada, the Caribbean, and Latin America. The
 89 secretary may delegate to any assistant secretary the authority
 90 to act in the absence of the secretary.

91 Section 2. Subsection (10) of section 163.3180, Florida
 92 Statutes, is amended to read:

93 163.3180 Concurrency.—

94 (10) (a) Except in transportation concurrency exception
 95 areas, with regard to roadway facilities on the Strategic
 96 Intermodal System designated in accordance with s. 339.63, local
 97 governments shall adopt the level-of-service standard
 98 established by the Department of Transportation by rule.
 99 However, if the Office of Tourism, Trade, and Economic
 100 Development concurs in writing with the local government that
 101 the proposed development is for a qualified job creation project
 102 under s. 288.0656 or s. 403.973, the affected local government,
 103 after consulting with the Department of Transportation, may
 104 provide for a waiver of transportation concurrency for the
 105 project. For all other roads on the State Highway System, local
 106 governments shall establish an adequate level-of-service
 107 standard that need not be consistent with any level-of-service
 108 standard established by the Department of Transportation. In
 109 establishing adequate level-of-service standards for any
 110 arterial roads~~7~~ or collector roads~~7~~, as appropriate, which
 111 traverse multiple jurisdictions, local governments shall
 112 consider compatibility with the roadway facility's adopted

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113 level-of-service standards in adjacent jurisdictions. Each local
114 government within a county shall use a professionally accepted
115 methodology for measuring impacts on transportation facilities
116 for the purposes of implementing its concurrency management
117 system. Counties are encouraged to coordinate with adjacent
118 counties, and local governments within a county are encouraged
119 to coordinate, for the purpose of using common methodologies for
120 measuring impacts on transportation facilities for the purpose
121 of implementing their concurrency management systems.

122 (b) There shall be a limited exemption from Strategic
123 Intermodal System adopted level-of-service standards for new
124 development or redevelopment projects consistent with the local
125 comprehensive plan as inland multimodal facilities, receiving or
126 sending cargo for distribution and providing cargo storage,
127 consolidation, and repackaging and transfer of goods, and, which
128 may, if developed as proposed, include other intermodal
129 terminals, related transportation facilities, warehousing and
130 distribution, and associated office space, and light industrial,
131 manufacturing, and assembly uses. The limited exemption shall
132 apply if the project meets all of the following criteria:

133 1. The project will not cause the adopted level-of-service
134 on Strategic Intermodal System facilities to be exceeded by more
135 than 150 percent within the first 5 years of the project's
136 development.

137 2. The project, upon completion, will result in the
138 creation of at least 50 full-time jobs.

139 3. The project is compatible with existing and planned
140 adjacent land uses.

141 4. The project is consistent with local and regional
 142 economic development goals or plans.

143 5. The project is proximate to regionally significant road
 144 and rail transportation facilities.

145 Section 3. Funding priority shall be given to improving
 146 Strategic Intermodal System segments anticipated to exceed the
 147 adopted level-of-service standards within the next 5 years as a
 148 result of new development or redevelopment projects as set forth
 149 in s. 163.3180(10)(b), Florida Statutes.

150 Section 4. Subsection (3) of section 311.09, Florida
 151 Statutes, is amended to read:

152 311.09 Florida Seaport Transportation and Economic
 153 Development Council.—

154 (3) The council shall prepare a 5-year Florida Seaport
 155 Mission Plan defining the goals and objectives of the council
 156 concerning the development of port facilities and an intermodal
 157 transportation system consistent with the goals of the Florida
 158 Transportation Plan developed pursuant to s. 339.155. The
 159 council shall include the modal integration and economic
 160 competitiveness plan included in the applicable local government
 161 comprehensive plan under s. 163.3177(6)(j)4. The Florida Seaport
 162 Mission Plan shall include specific recommendations for the
 163 construction of transportation facilities connecting any port to
 164 another transportation mode and for the efficient, cost-
 165 effective development of transportation facilities or port
 166 facilities for the purpose of enhancing ~~international~~ trade,
 167 promoting cargo flow, increasing cruise passenger movements,
 168 increasing port revenues, and providing economic benefits to the

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169 state. The council shall develop a priority list of projects
 170 based on these recommendations annually and shall submit the
 171 list to the Trade Infrastructure Investment Steering Committee
 172 created pursuant to s. 340.101. The council shall update the 5-
 173 year Florida Seaport Mission Plan annually and shall submit the
 174 plan no later than February 1 of each year to the President of
 175 the Senate; the Speaker of the House of Representatives; the
 176 Office of Tourism, Trade, and Economic Development; the
 177 Department of Transportation; and the Department of Community
 178 Affairs. The council shall develop programs, based on an
 179 examination of existing programs in Florida and other states,
 180 for the training of minorities and secondary school students in
 181 job skills associated with employment opportunities in the
 182 maritime industry, and report on progress and recommendations
 183 for further action to the President of the Senate and the
 184 Speaker of the House of Representatives annually.

185 Section 5. Paragraph (a) of subsection (2) and subsection
 186 (7) of section 339.55, Florida Statutes, are amended to read:

187 339.55 State-funded infrastructure bank.—

188 (2) The bank may lend capital costs or provide credit
 189 enhancements for:

190 (a) A transportation facility project that is on the State
 191 Highway System or that provides for increased mobility on the
 192 state's transportation system or provides for ~~intermodal~~
 193 ~~connectivity with~~ airports, seaports, rail facilities, and other
 194 transportation terminals, ~~pursuant to s. 341.053,~~ for the
 195 movement of people and goods.

196 (7) The final selection for loans shall be made by a State

197 Infrastructure Bank Selection Committee composed of the
 198 Secretary of Transportation, the director of the Office of
 199 Tourism, Trade, and Economic Development, and a designated
 200 representative of the Trade Infrastructure Investment Steering
 201 Committee who is not one of the other two members of the
 202 committee. The State Infrastructure Bank Selection Committee
 203 shall give top priority to projects that promote economic
 204 development and create new permanent jobs as a top priority and
 205 ~~The department~~ may consider, but is not limited to, the
 206 following additional criteria for evaluation of projects for
 207 assistance from the bank:

- 208 (a) The credit worthiness of the project.
- 209 (b) A demonstration that the project will encourage,
 210 enhance, or create economic benefits.
- 211 (c) The likelihood that assistance would enable the
 212 project to proceed at an earlier date than would otherwise be
 213 possible.
- 214 (d) The extent to which assistance would foster innovative
 215 public-private partnerships and attract private debt or equity
 216 investment.
- 217 (e) The extent to which the project would use new
 218 technologies, including intelligent transportation systems, that
 219 would enhance the efficient operation of the project.
- 220 (f) The extent to which the project would maintain or
 221 protect the environment.
- 222 (g) A demonstration that the project includes
 223 transportation benefits for improving intermodalism, cargo and
 224 freight movement, and safety.

225 (h) The extent to which the project significantly improves
 226 the state's competitive position to compete for the movement of
 227 additional goods into and through this state in association with
 228 the widening of the Panama Canal.

229 (i)~~(h)~~ The amount of the proposed assistance as a
 230 percentage of the overall project costs with emphasis on local
 231 and private participation.

232 (j)~~(i)~~ The extent to which the project will provide for
 233 connectivity between the State Highway System and airports,
 234 seaports, rail facilities, and other transportation terminals
 235 and intermodal options pursuant to s. 341.053 for the increased
 236 accessibility and movement of people and goods.

237 (k)~~(j)~~ The extent to which damage from a disaster that
 238 results in a declaration of emergency has impacted a public
 239 transportation facility's ability to maintain its previous level
 240 of service and remain accessible to the public or has had a
 241 major impact on the cash flow or revenue-generation ability of
 242 the public-use facility.

243 Section 6. Paragraph (b) of subsection (4) of section
 244 339.64, Florida Statutes, is amended to read:

245 339.64 Strategic Intermodal System Plan.—

246 (4) The Strategic Intermodal System Plan shall include the
 247 following:

248 (b) A project prioritization process. The Strategic
 249 Intermodal System projects shall be selected by a Strategic
 250 Intermodal System Project Selection Committee composed of the
 251 Secretary of Transportation, the department assistant
 252 secretaries, the director of the Office of Tourism, Trade, and

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253 Economic Development, and a designated representative of the
254 Trade Infrastructure Investment Steering Committee other than
255 the members of this committee. The Strategic Intermodal System
256 Project Selection Committee shall give top priority to strategic
257 projects that promote economic development and create new
258 permanent jobs and may consider, but is not limited to, the
259 additional criteria listed in this paragraph for the evaluation
260 of projects for Strategic Intermodal System funding. The
261 Strategic Intermodal System Project Selection Committee shall
262 use these policies to add, advance, and delete Strategic
263 Intermodal System projects for the department's 5-year work
264 program developed in accordance with s. 339.135 and this shall
265 pertain to the department's tentative 5-year work program for
266 fiscal years 2011-2012 through 2015-2016 prior to the 5-year
267 work program being adopted in accordance with s. 339.135.
268 Additional criteria for the evaluation of projects for Strategic
269 Intermodal System funding pursuant to this paragraph include,
270 but are not limited to:

- 271 1. A demonstration that the project will encourage,
272 enhance, or create economic benefits.
- 273 2. The extent to which the project would foster innovative
274 public-private partnerships and attract private debt or equity
275 investment.
- 276 3. The extent to which the project would use new
277 technologies, including intelligent transportation systems,
278 which would enhance the efficient operation of the project.
- 279 4. The extent to which the project would maintain or
280 protect the environment.

281 5. A demonstration that the project includes
282 transportation benefits for improving intermodalism, cargo and
283 freight movement, and safety.

284 6. The extent to which the project significantly improves
285 the state's competitive position to compete for the movement of
286 additional goods into and through this state in association with
287 the widening of the Panama Canal.

288 7. The extent to which the project can generate revenue or
289 matching funds provided by other project partners as a
290 percentage of the overall project costs with emphasis on local
291 and private participation.

292 8. The extent to which the project can relieve major
293 congestion to promote the more efficient movement of people and
294 goods.

295 9. The extent to which the project provides efficient
296 choices for the public and private sector in the movement of
297 people and goods such as express and truck-only lanes where HOV
298 lanes are converted or new lanes are added that are tolled for a
299 premium level of service.

300 10. The extent to which the project will provide for
301 connectivity between the State Highway System and airports,
302 seaports, rail facilities, and other transportation terminals
303 and intermodal options pursuant to s. 341.053 for the increased
304 accessibility and movement of people and goods.

305 11. The extent to which damage from a disaster that
306 results in a declaration of emergency has impacted a Strategic
307 Intermodal System facility's ability to maintain its previous
308 level of service and remain accessible to the public or has had

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309 a major impact on the cash flow or revenue-generation ability of
310 the public-use facility.

311 Section 7. Chapter 340, Florida Statutes, consisting of
312 sections 340.101 and 340.102, Florida Statutes, is created to
313 read:

314 Chapter 340

315 TRADE INFRASTRUCTURE DEVELOPMENT

316 340.101 Florida Trade Infrastructure Investment Act.—

317 (1) SHORT TITLE.—This section may be cited as the "Florida
318 Trade Infrastructure Investment Act."

319 (2) PURPOSE.—The primary purpose of this section is to
320 stimulate substantial increases in trade activities and
321 opportunities in the state by identifying investment
322 opportunities and incentives for projects that capture a larger
323 share of the containerized imports originating in Asia and
324 servng Florida businesses and consumers; expand export markets
325 for Florida businesses; create more efficient logistics patterns
326 that attract advanced manufacturing and other export-related
327 industries to the state; expand the state's role as a hub for
328 trade and investment; and enhance the supply chain system in the
329 state to process, assemble, and ship goods to markets throughout
330 the eastern United States, Canada, the Caribbean, and Latin
331 America; and create new permanent jobs in the state.

332 (3) TRADE INFRASTRUCTURE INVESTMENT STEERING COMMITTEE.—

333 (a) The Trade Infrastructure Investment Steering Committee
334 is created within the Office of the Governor. The committee
335 shall consist of the following five members:

336 1. One member shall be the director of the Office of

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337 Tourism, Trade, and Economic Development or the director's
338 designee.

339 2. One member shall be the Secretary of Transportation or
340 the secretary's designee.

341 3. One member shall be appointed by the Governor for a
342 term of 4 years. This appointee must have significant experience
343 in international business, transportation, law, or logistics.
344 The initial appointment must be made by September 1, 2011.
345 Absence from three consecutive meetings shall result in the
346 automatic removal of such member. Any appointed member is
347 eligible for reappointment.

348 4. One member shall be appointed by the President of the
349 Senate for an initial term of 2 years. Succeeding terms shall be
350 4 years each. This appointee must be a private citizen who has
351 significant experience in international business,
352 transportation, law, or logistics. The initial appointment must
353 be made by September 1, 2011. Absence from three consecutive
354 meetings shall result in the automatic removal of such member.
355 Any appointed member is eligible for reappointment.

356 5. One member shall be appointed by the Speaker of the
357 House of Representatives for an initial term of 2 years.
358 Succeeding terms shall be 4 years each. This appointee must be a
359 private citizen who has significant experience in international
360 business, transportation, law, or logistics. The initial
361 appointment must be made by September 1, 2011. Absence from
362 three consecutive meetings shall result in the automatic removal
363 of such member. Any appointed member is eligible for
364 reappointment.

365 (b) The Governor shall select a chair from among the
 366 members of the committee every 2 years. The committee shall
 367 select a vice chair from among the members of the committee
 368 every 2 years.

369 (c) All committee members are required to disclose
 370 financial interests and clients pursuant to s. 112.3145.

371 (d) Appointed members of the committee shall serve without
 372 compensation, but are entitled to reimbursement for all
 373 reasonable, necessary, and actual expenses as determined and
 374 approved by the committee pursuant to s. 112.061.

375 (e) The committee may establish a schedule of meetings and
 376 meeting locations, but must meet at least quarterly. The initial
 377 meeting of the committee must occur by September 1, 2011.

378 (f) The committee:

379 1. May receive, hold, invest, and administer funds and
 380 make expenditures consistent with the purposes and provisions of
 381 this section.

382 2. May make purchases, sales, exchanges, investment, and
 383 reinvestments for and on behalf of the funds received pursuant
 384 to this section.

385 3. Shall maintain all official records related to its
 386 activities.

387 (4) DUTIES AND RESPONSIBILITIES OF THE STEERING
 388 COMMITTEE.—The committee shall:

389 (a) Advise the Governor and Legislature on programs,
 390 policies, investments, and other opportunities to transform the
 391 state's economy by becoming a hub for trade, logistics, and
 392 export-oriented activities.

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393 (b) Identify strategic investments in priority seaport
394 trade infrastructure projects. The Florida Seaport
395 Transportation and Economic Development Council, under
396 311.09(3), shall provide the committee with a list of seaport
397 projects that respond to business opportunities and contribute
398 to the state's job growth and economic stability.

399 (c) Identify strategic investments in priority airport
400 trade infrastructure projects. The Department of Transportation
401 and the Florida Airports Council shall provide the committee
402 with a list of airport projects that respond to business
403 opportunities and contribute to the state's job growth and
404 economic stability.

405 (d) Identify strategic investments in priority road and
406 rail trade infrastructure projects. The Department of
407 Transportation and the Florida Railroad Association shall
408 provide the committee with a list of road and rail projects that
409 respond to business opportunities and contribute to the state's
410 job growth and economic stability.

411 (e) Identify marketing tools, incentives, and support
412 services to meet trade and logistics industry needs. Enterprise
413 Florida, Inc., shall provide the committee with a list of
414 marketing tools, incentives, and support services that respond
415 to industry needs.

416 (f) Review current state planning and funding programs,
417 such as the Strategic Intermodal System, to ensure that
418 sufficient and reliable funding for future strategic investments
419 in the state's trade and economic development systems is
420 available, including, but not limited to, a review of whether

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421 these programs have the ability to respond to and leverage the
422 maximum amount of available federal dollars and provide
423 significant incentives for investment by private sector
424 businesses.

425 (g) Designate a member other than the Secretary of
426 Transportation or the director of the Office of Tourism, Trade,
427 and Economic Development to serve on the State Infrastructure
428 Bank Selection Committee as provided in s. 339.55.

429 (h) Designate a member other than the Secretary of
430 Transportation or the Director of the Office of Tourism, Trade,
431 and Economic Development to serve on the Strategic Intermodal
432 System Project Selection Committee as provided in s. 339.64.

433 (i) Select projects from the lists provided under
434 paragraphs (b), (c), and (d), which shall be included by the
435 Secretary of Transportation in the Department of
436 Transportation's work program as part of the work program
437 developed and managed in accordance with s. 339.135.

438 (5) COMMITTEE STAFF AND EMPLOYEES.—One full-time
439 equivalent position shall be provided by the Office of Tourism,
440 Trade, and Economic Development for the committee. The committee
441 shall be provided \$300,000 annually from the State
442 Transportation Trust Fund to employ consultants or other experts
443 and to pay for travel expenses of committee members. Such
444 expenses shall be paid directly from the State Transportation
445 Trust Fund. The staff, under the direction of the committee,
446 shall manage the operations of the committee and perform other
447 duties to assist the committee in reviewing project applications
448 and notifying applicants of the committee's investment

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449 decisions.

450 (6) COMMITTEE REPORTING REQUIREMENTS.—Prior to December 1
451 of each year, the committee shall submit to the Governor, the
452 President of the Senate, and the Speaker of the House of
453 Representatives a complete and detailed report on programs,
454 policies, investments, and other opportunities identified
455 pursuant to subsection (4). This report shall include methods
456 for implementing and funding such findings.

457 340.102 Port, airport, and railroad intermodal plans.—

458 (1) Each local governmental entity with comprehensive
459 planning jurisdiction under part II of chapter 163 over
460 deepwater ports listed in s. 311.09(1), airports, railroad
461 facilities, or intermodal transportation projects may prepare a
462 comprehensive economic development and expansion and intermodal
463 transportation plan with a 10-year horizon. Each plan shall be
464 incorporated into the applicable local government comprehensive
465 plan at the next scheduled amendment of the local government
466 comprehensive plan.

467 (2) Each plan must include the following:

468 (a) An economic development element that identifies
469 targeted business opportunities for increasing business and
470 attracting new business for which a particular facility has a
471 strategic advantage over its competitors, identifies financial
472 resources and other inducements to encourage growth of existing
473 business and acquisition of new business, and provides a
474 projected schedule for attainment of the plan's goals.

475 (b) An infrastructure development and improvement element
476 that identifies all projected infrastructure improvements within

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477 the plan area which require improvement, expansion, or
478 development in order for a port, airport, or railroad to attain
479 a strategic advantage for competition with national and
480 international competitors.

481 (c) An element that identifies all intermodal
482 transportation facilities, including sea, air, rail, or road
483 facilities, which are available or have potential, with
484 improvements, to be available for necessary national and
485 international commercial linkages and provides a plan for the
486 integration of port, airport, and railroad activities with
487 existing and planned transportation infrastructure.

488 (d) An element that identifies physical, environmental,
489 and regulatory barriers to achievement of the plan goals and
490 provides recommendations for overcoming those barriers.

491 (e) An intergovernmental coordination element that
492 specifies modes and methods to coordinate plan goals and
493 missions with the missions of the Department of Transportation,
494 other state agencies, and affected local general-purpose
495 governments.

496 (3) Upon approval of a plan by a local general-purpose
497 government, the port, airport, or railroad projects and
498 activities identified by the plan shall constitute a priority
499 list for state and local funding for transportation and related
500 infrastructure projects for the Department of Transportation,
501 the Office of Tourism, Trade, and Economic Development, the
502 Department of Community Affairs, and all other state agencies.

503 (4) Upon approval of a plan, state regulatory and land
504 management agencies, including the Department of Environmental

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505 Protection, the water management districts created pursuant to
 506 chapter 373, and the Board of Trustees of the Internal
 507 Improvement Trust Fund, shall develop a memorandum of agreement
 508 for assisting each port in the expedited implementation of
 509 projects included in each plan.

510 Section 8. Subsection (12) is added to section 373.406,
 511 Florida Statutes, to read:

512 373.406 Exemptions.—The following exemptions shall apply:

513 (12) All overwater piers, docks, and similar structures
 514 located in a deepwater port listed in s. 311.09 are not part of
 515 a stormwater management system and are not impervious under this
 516 chapter or chapter 403 if the port has a Stormwater Pollution
 517 Prevention Plan pursuant to the National Pollutant Discharge
 518 Elimination System Program.

519 Section 9. Subsection (8) of section 373.4133, Florida
 520 Statutes, is amended to read:

521 373.4133 Port conceptual permits.—

522 (8) Except as otherwise provided in this section, the
 523 following procedures apply to the approval or denial of an
 524 application for a port conceptual permit or a final permit or
 525 authorization:

526 (a) Applications for a port conceptual permit, including
 527 any request for the conceptual approval of the use of
 528 sovereignty submerged lands, shall be processed in accordance
 529 with the provisions of ss. 373.427 and 120.60. However, if the
 530 applicant believes that any request for additional information
 531 is not authorized by law or agency rule, the applicant may
 532 request an informal hearing pursuant to s. 120.57(2) before the

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533 Secretary of Environmental Protection to determine whether the
534 application is complete.

535 (b) Notwithstanding any other provision of law, the
536 department shall issue a notice of intent within 30 days after
537 receipt of an application for a port conceptual permit. Upon
538 issuance of the department's notice of intent to issue or deny a
539 port conceptual permit, the applicant shall publish a one-time
540 notice of such intent, prepared by the department, in the
541 newspaper with the largest general circulation in the county or
542 counties where the port is located.

543 (c) A notice of intent to issue a port conceptual permit
544 creates a rebuttable presumption that development of the port or
545 private facilities consistent with the approved port master plan
546 complies with all applicable standards for issuance of a
547 conceptual permit, an environmental resource permit, and
548 sovereign lands authorization pursuant to this chapter and
549 chapters 161, 253, and 403. The presumption may be overcome only
550 by clear and convincing evidence.

551 (d) Upon issuance and finalization of a port conceptual
552 permit and, if necessary, an environmental resource permit or
553 sovereign lands authorization pursuant to this section, the
554 department shall notify the United States Army Corps of
555 Engineers that the applicant is in compliance with all state
556 water quality and regulatory requirements and shall issue any
557 requested construction permit within 30 days after receipt of
558 the request.

559 (e) ~~(e)~~ Final agency action on a port conceptual permit is
560 subject to challenge pursuant to ss. 120.569 and 120.57.

561 However, final agency action to authorize subsequent
 562 construction of facilities contained in a port conceptual permit
 563 may only be challenged by a third party for consistency with the
 564 port conceptual permit.

565 (f)~~(d)~~ A person who will be substantially affected by a
 566 final agency action described in paragraph (e) ~~(e)~~ must initiate
 567 administrative proceedings pursuant to ss. 120.569 and 120.57
 568 within 21 days after the publication of the notice of the
 569 proposed action. If administrative proceedings are requested,
 570 the proceedings are subject to the summary hearing provisions of
 571 s. 120.574. However, if the decision of the administrative law
 572 judge will be a recommended order rather than a final order, a
 573 summary proceeding must be conducted within 90 days after a
 574 party files a motion for summary hearing, regardless of whether
 575 the parties agree to the summary proceeding.

576 Section 10. Subsection (3) of section 403.813, Florida
 577 Statutes, is amended to read:

578 403.813 Permits issued at district centers; exceptions.—

579 (3) A permit is not required under this chapter, chapter
 580 373, chapter 61-691, Laws of Florida, or chapter 25214 or
 581 chapter 25270, 1949, Laws of Florida, for maintenance dredging
 582 conducted ~~under this section~~ by the seaports of Jacksonville,
 583 Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami,
 584 Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City,
 585 Pensacola, Key West, and Fernandina or by inland navigation
 586 districts, if the dredging to be performed is no more than is
 587 necessary to meet the original design specifications or
 588 configurations, the work is conducted in compliance with s.

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589 379.2431(2)(d), and previously undisturbed natural areas are not
590 significantly impacted. In addition:

591 (a) A mixing zone for turbidity is granted within a 150-
592 meter radius from the point of dredging while dredging is
593 ongoing, except that the mixing zone may not extend into areas
594 supporting wetland communities, submerged aquatic vegetation, or
595 hardbottom communities.

596 (b) The discharge of the return water from the site used
597 for the disposal of dredged material shall be allowed only if
598 such discharge does not result in a violation of water quality
599 standards in the receiving waters. The return-water discharge
600 into receiving waters shall be granted a mixing zone for
601 turbidity within a 150-meter radius from the point of discharge
602 into the receiving waters during and immediately after the
603 dredging, except that the mixing zone may not extend into areas
604 supporting wetland communities, submerged aquatic vegetation, or
605 hardbottom communities. Ditches, pipes, and similar types of
606 linear conveyances may not be considered receiving waters for
607 the purposes of this subsection.

608 (c) The state may not exact a charge for material that
609 this subsection allows a public port or an inland navigation
610 district to remove. In addition, consent to use any sovereignty
611 submerged lands pursuant to this section is hereby granted.

612 (d) The use of flocculants at the site used for disposal
613 of the dredged material is allowed if the use, including
614 supporting documentation, is coordinated in advance with the
615 department and the department has determined that the use is not
616 harmful to water resources.

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617 (e) If all requirements of the permit are satisfied, the
618 spoil material may be deposited on a permitted disposal site or
619 on a self-contained, upland spoil site that will prevent the
620 escape of the spoil material into the waters of the state.

621 (f)~~(e)~~ This subsection does not prohibit maintenance
622 dredging of areas where the loss of original design function and
623 constructed configuration has been caused by a storm event,
624 provided that the dredging is performed as soon as practical
625 after the storm event. Maintenance dredging that commences
626 within 3 years after the storm event shall be presumed to
627 satisfy this provision. If more than 3 years are needed to
628 commence the maintenance dredging after the storm event, a
629 request for a specific time extension to perform the maintenance
630 dredging shall be submitted to the department, prior to the end
631 of the 3-year period, accompanied by a statement, including
632 supporting documentation, demonstrating that contractors are not
633 available or that additional time is needed to obtain
634 authorization for the maintenance dredging from the United
635 States Army Corps of Engineers.

636 Section 11. This act shall take effect July 1, 2011.