

By Senator Ring

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

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30 Intermodal System projects to be selected by a
31 Strategic Intermodal System Project Selection
32 Committee; providing for membership of the committee;
33 creating chapter 340, F.S., titled "Infrastructure
34 Development"; creating s. 340.101, F.S.; providing a
35 short title; providing a purpose; creating the Trade
36 Infrastructure Investment Steering Committee;
37 providing for membership, organization, staff, and
38 employees of the committee; authorizing the committee
39 to receive and administer funds; providing duties and
40 responsibilities of the committee; directing the
41 committee to submit reports to the Governor and the
42 Legislature; creating s. 340.102, F.S.; authorizing
43 certain local governmental entities to prepare a
44 comprehensive economic development and expansion and
45 intermodal transportation plan; providing for
46 incorporation of the plan into the local government
47 comprehensive plan; requiring certain elements be
48 included in the plan; providing that, upon approval,
49 plan projects constitute a priority list for state and
50 local funding for transportation and related
51 infrastructure projects of all state agencies;
52 directing certain state agencies to develop a
53 memorandum of agreement for assisting each port in the
54 expedited implementation of projects included in each
55 plan; amending s. 373.406, F.S.; providing that, under
56 specified conditions, certain facilities located in
57 deepwater ports are not part of a stormwater
58 management system and are not impervious; amending s.

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59 373.4133, F.S.; requiring the Department of
60 Environmental Protection to issue a notice of intent
61 for a port conceptual permit within a specified time;
62 providing that a notice of intent to issue such permit
63 creates a rebuttable presumption of compliance with
64 specified standards and authorization; providing a
65 standard for overcoming such a presumption; requiring
66 the department to issue certain permits within a
67 specified time and to notify specified entities of
68 certain compliance; amending s. 403.813, F.S.;
69 exempting certain seaports from specified permit
70 requirements for maintenance dredging if certain
71 conditions are met; revising provisions for such
72 dredging; providing an effective date.

73
74 Be It Enacted by the Legislature of the State of Florida:

75
76 Section 1. Paragraph (d) of subsection (1) of section
77 20.23, Florida Statutes, is amended to read:

78 20.23 Department of Transportation.—There is created a
79 Department of Transportation which shall be a decentralized
80 agency.

81 (1)

82 (d) The secretary may appoint up to three assistant
83 secretaries who shall be directly responsible to the secretary
84 and who shall perform such duties as are assigned by the
85 secretary. The secretary shall designate to an assistant
86 secretary the duties related to enhancing economic prosperity,
87 including, but not limited to, the responsibility of liaison

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88 with the head of economic development in the Executive Office of
89 the Governor. Such assistant secretary shall be directly
90 responsible for providing the Executive Office of the Governor
91 with investment opportunities and transportation projects that
92 expand the state's role as a global hub for trade and investment
93 and enhance the supply chain system in the state to process,
94 assemble, and ship goods to markets throughout the eastern
95 United States, Canada, the Caribbean, and Latin America. The
96 secretary may delegate to any assistant secretary the authority
97 to act in the absence of the secretary.

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

100 163.3180 Concurrency.—

101 (10) (a) Except in transportation concurrency exception
102 areas, with regard to roadway facilities on the Strategic
103 Intermodal System designated in accordance with s. 339.63, local
104 governments shall adopt the level-of-service standard
105 established by the Department of Transportation by rule.
106 However, if the Office of Tourism, Trade, and Economic
107 Development concurs in writing with the local government that
108 the proposed development is for a qualified job creation project
109 under s. 288.0656 or s. 403.973, the affected local government,
110 after consulting with the Department of Transportation, may
111 provide for a waiver of transportation concurrency for the
112 project. For all other roads on the State Highway System, local
113 governments shall establish an adequate level-of-service
114 standard that need not be consistent with any level-of-service
115 standard established by the Department of Transportation. In
116 establishing adequate level-of-service standards for any

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117 arterial roads~~,~~ or collector roads, as appropriate, which
118 traverse multiple jurisdictions, local governments shall
119 consider compatibility with the roadway facility's adopted
120 level-of-service standards in adjacent jurisdictions. Each local
121 government within a county shall use a professionally accepted
122 methodology for measuring impacts on transportation facilities
123 for the purposes of implementing its concurrency management
124 system. Counties are encouraged to coordinate with adjacent
125 counties, and local governments within a county are encouraged
126 to coordinate, for the purpose of using common methodologies for
127 measuring impacts on transportation facilities for the purpose
128 of implementing their concurrency management systems.

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

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

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

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146 3. The project is compatible with existing and planned
147 adjacent land uses.

148 4. The project is consistent with local and regional
149 economic development goals or plans.

150 5. The project is proximate to regionally significant road
151 and rail transportation facilities.

152 6. The project is proximate to a community with an
153 unemployment rate, as of the date of development order
154 application, which is 10 percent or more above the statewide
155 reported average.

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

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

163 311.09 Florida Seaport Transportation and Economic
164 Development Council.—

165 (3) The council shall prepare a 5-year Florida Seaport
166 Mission Plan defining the goals and objectives of the council
167 concerning the development of port facilities and an intermodal
168 transportation system consistent with the goals of the Florida
169 Transportation Plan developed pursuant to s. 339.155. The
170 council shall include the modal integration and economic
171 competitiveness plan included in the applicable local government
172 comprehensive plan under s. 163.3177(6)(j)4. The Florida Seaport
173 Mission Plan shall include specific recommendations for the
174 construction of transportation facilities connecting any port to

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175 another transportation mode and for the efficient, cost-
176 effective development of transportation facilities or port
177 facilities for the purpose of enhancing ~~international~~ trade,
178 promoting cargo flow, increasing cruise passenger movements,
179 increasing port revenues, and providing economic benefits to the
180 state. The council shall develop a priority list of projects
181 based on these recommendations annually and shall submit the
182 list to the Trade Infrastructure Investment Steering Committee
183 created pursuant to s. 340.101. The council shall update the 5-
184 year Florida Seaport Mission Plan annually and shall submit the
185 plan no later than February 1 of each year to the President of
186 the Senate; the Speaker of the House of Representatives; the
187 Office of Tourism, Trade, and Economic Development; the
188 Department of Transportation; and the Department of Community
189 Affairs. The council shall develop programs, based on an
190 examination of existing programs in Florida and other states,
191 for the training of minorities and secondary school students in
192 job skills associated with employment opportunities in the
193 maritime industry, and report on progress and recommendations
194 for further action to the President of the Senate and the
195 Speaker of the House of Representatives annually.

196 Section 5. Paragraph (a) of subsection (2) and subsection
197 (7) of section 339.55, Florida Statutes, are amended, and
198 subsection (11) is added to that section, to read:

199 339.55 State-funded infrastructure bank.—

200 (2) The bank may lend capital costs or provide credit
201 enhancements for:

202 (a) A transportation facility project that is on the State
203 Highway System or that provides for increased mobility on the

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204 state's transportation system or provides for intermodal
205 ~~connectivity with~~ airports, seaports, rail facilities, and other
206 transportation terminals, ~~pursuant to s. 341.053,~~ for the
207 movement of people and goods.

208 (7) The final selection for loans shall be made by a State
209 Infrastructure Bank Selection Committee composed of the
210 Secretary of Transportation, the director of the Office of
211 Tourism, Trade, and Economic Development, and a designated
212 representative of the Trade Infrastructure Investment Steering
213 Committee who is not one of the other two members of the
214 committee. The State Infrastructure Bank Selection Committee
215 shall give top priority to projects that promote economic
216 development and create new permanent jobs as a top priority and
217 ~~The department~~ may consider, but is not limited to, the
218 following additional criteria for evaluation of projects for
219 assistance from the bank:

220 (a) The credit worthiness of the project.

221 (b) A demonstration that the project will encourage,
222 enhance, or create economic benefits.

223 (c) The likelihood that assistance would enable the project
224 to proceed at an earlier date than would otherwise be possible.

225 (d) The extent to which assistance would foster innovative
226 public-private partnerships and attract private debt or equity
227 investment.

228 (e) The extent to which the project would use new
229 technologies, including intelligent transportation systems, that
230 would enhance the efficient operation of the project.

231 (f) The extent to which the project would maintain or
232 protect the environment.

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233 (g) A demonstration that the project includes
234 transportation benefits for improving intermodalism, cargo and
235 freight movement, and safety.

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

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

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

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

254 (11) The department shall deposit no less than \$20 million
255 annually, in addition to scheduled project repayments, from the
256 State Transportation Trust Fund into the State Infrastructure
257 Bank beginning in fiscal year 2013-2014. The department shall
258 make this deposit in fiscal years 2011-2012 and 2012-2013 if the
259 revenue estimates from the Consensus Revenue Estimating
260 Conference increase the revenue estimate for the State
261 Transportation Trust Fund when compared to the prior revenue

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262 estimate.

263 Section 6. Paragraph (b) of subsection (4) of section
264 339.64, Florida Statutes, is amended to read:

265 339.64 Strategic Intermodal System Plan.—

266 (4) The Strategic Intermodal System Plan shall include the
267 following:

268 (b) A project prioritization process. The Strategic
269 Intermodal System projects shall be selected by a Strategic
270 Intermodal System Project Selection Committee composed of the
271 Secretary of Transportation, the department assistant
272 secretaries, the director of the Office of Tourism, Trade, and
273 Economic Development, and a designated representative of the
274 Trade Infrastructure Investment Steering Committee other than
275 the members of this committee. The Strategic Intermodal System
276 Project Selection Committee shall give top priority to strategic
277 projects that promote economic development and create new
278 permanent jobs and may consider, but is not limited to, the
279 additional criteria listed in this paragraph for the evaluation
280 of projects for Strategic Intermodal System funding. The
281 Strategic Intermodal System Project Selection Committee shall
282 use these policies to add, advance, and delete Strategic
283 Intermodal System projects for the department's 5-year work
284 program developed in accordance with s. 339.135 and this shall
285 pertain to the department's tentative 5-year work program for
286 fiscal years 2011-2012 through 2015-2016 prior to the 5-year
287 work program being adopted in accordance with s. 339.135.
288 Additional criteria for the evaluation of projects for Strategic
289 Intermodal System funding pursuant to this paragraph include,
290 but are not limited to:

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291 1. A demonstration that the project will encourage,
292 enhance, or create economic benefits.

293 2. The extent to which the project would foster innovative
294 public-private partnerships and attract private debt or equity
295 investment.

296 3. The extent to which the project would use new
297 technologies, including intelligent transportation systems,
298 which would enhance the efficient operation of the project.

299 4. The extent to which the project would maintain or
300 protect the environment.

301 5. A demonstration that the project includes transportation
302 benefits for improving intermodalism, cargo and freight
303 movement, and safety.

304 6. The extent to which the project significantly improves
305 the state's competitive position to compete for the movement of
306 additional goods into and through this state in association with
307 the widening of the Panama Canal.

308 7. The extent to which the project can generate revenue or
309 matching funds provided by other project partners as a
310 percentage of the overall project costs with emphasis on local
311 and private participation.

312 8. The extent to which the project can relieve major
313 congestion to promote the more efficient movement of people and
314 goods.

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

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320 10. The extent to which the project will provide for
 321 connectivity between the State Highway System and airports,
 322 seaports, rail facilities, and other transportation terminals
 323 and intermodal options pursuant to s. 341.053 for the increased
 324 accessibility and movement of people and goods.

325 11. The extent to which damage from a disaster that results
 326 in a declaration of emergency has impacted a Strategic
 327 Intermodal System facility's ability to maintain its previous
 328 level of service and remain accessible to the public or has had
 329 a major impact on the cash flow or revenue-generation ability of
 330 the public-use facility.

331 Section 7. Chapter 340, Florida Statutes, consisting of
 332 sections 340.101 and 340.102, Florida Statutes, is created to
 333 read:

334 Chapter 340

335 TRADE INFRASTRUCTURE DEVELOPMENT

336 340.101 Florida Trade Infrastructure Investment Act.—

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

339 (2) PURPOSE.—The primary purpose of this section is to
 340 stimulate substantial increases in trade activities and
 341 opportunities in the state by identifying investment
 342 opportunities and incentives for projects that capture a larger
 343 share of the containerized imports originating in Asia and
 344 servicing Florida businesses and consumers; expand export markets
 345 for Florida businesses; create more efficient logistics patterns
 346 that attract advanced manufacturing and other export-related
 347 industries to the state; expand the state's role as a hub for
 348 trade and investment; and enhance the supply chain system in the

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349 state to process, assemble, and ship goods to markets throughout
350 the eastern United States, Canada, the Caribbean, and Latin
351 America; and create new permanent jobs in the state.

352 (3) TRADE INFRASTRUCTURE INVESTMENT STEERING COMMITTEE.—

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

356 1. One member shall be the director of the Office of
357 Tourism, Trade, and Economic Development or the director's
358 designee.

359 2. One member shall be the Secretary of Transportation or
360 the secretary's designee.

361 3. One member shall be appointed by the Governor for a term
362 of 4 years. This appointee must have significant experience in
363 international business, transportation, law, or logistics. The
364 initial appointment must be made by September 1, 2011. Absence
365 from three consecutive meetings shall result in the automatic
366 removal of such member. Any appointed member is eligible for
367 reappointment.

368 4. One member shall be appointed by the President of the
369 Senate for an initial term of 2 years. Succeeding terms shall be
370 4 years each. This appointee must be a private citizen who has
371 significant experience in international business,
372 transportation, law, or logistics. The initial appointment must
373 be made by September 1, 2011. Absence from three consecutive
374 meetings shall result in the automatic removal of such member.
375 Any appointed member is eligible for reappointment.

376 5. One member shall be appointed by the Speaker of the
377 House of Representatives for an initial term of 2 years.

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378 Succeeding terms shall be 4 years each. This appointee must be a
379 private citizen who has significant experience in international
380 business, transportation, law, or logistics. The initial
381 appointment must be made by September 1, 2011. Absence from
382 three consecutive meetings shall result in the automatic removal
383 of such member. Any appointed member is eligible for
384 reappointment.

385 (b) The Governor shall select a chair from among the
386 members of the committee every 2 years. The committee shall
387 select a vice chair from among the members of the committee
388 every 2 years.

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

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

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

398 (f) The committee:

399 1. May receive, hold, invest, and administer funds and make
400 expenditures consistent with the purposes and provisions of this
401 section.

402 2. May make purchases, sales, exchanges, investment, and
403 reinvestments for and on behalf of the funds received pursuant
404 to this section.

405 3. Shall maintain all official records related to its
406 activities.

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(4) DUTIES AND RESPONSIBILITIES OF THE STEERING COMMITTEE.-The committee shall:

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

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

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

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

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

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436 (f) Review current state planning and funding programs,
437 such as the Strategic Intermodal System, to ensure that
438 sufficient and reliable funding for future strategic investments
439 in the state's trade and economic development systems is
440 available, including, but not limited to, a review of whether
441 these programs have the ability to respond to and leverage the
442 maximum amount of available federal dollars and provide
443 significant incentives for investment by private sector
444 businesses.

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

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

453 (i) Select projects from the lists provided under
454 paragraphs (b), (c), and (d), which shall be included by the
455 Secretary of Transportation in the Department of
456 Transportation's work program as part of the work program
457 developed and managed in accordance with s. 339.135.

458 (5) COMMITTEE STAFF AND EMPLOYEES.—One full-time equivalent
459 position shall be provided by the Office of Tourism, Trade, and
460 Economic Development for the committee. The committee shall be
461 provided \$300,000 annually from the State Transportation Trust
462 Fund to employ consultants or other experts and to pay for
463 travel expenses of committee members. Such expenses shall be
464 paid directly from the State Transportation Trust Fund. The

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465 staff, under the direction of the committee, shall manage the
466 operations of the committee and perform other duties to assist
467 the committee in reviewing project applications and notifying
468 applicants of the committee's investment decisions.

469 (6) COMMITTEE REPORTING REQUIREMENTS.—Prior to December 1
470 of each year, the committee shall submit to the Governor, the
471 President of the Senate, and the Speaker of the House of
472 Representatives a complete and detailed report on programs,
473 policies, investments, and other opportunities identified
474 pursuant to subsection (4). This report shall include methods
475 for implementing and funding such findings.

476 340.102 Port, airport, and railroad intermodal plans.—

477 (1) Each local governmental entity with comprehensive
478 planning jurisdiction under part II of chapter 163 over
479 deepwater ports listed in s. 311.09(1), airports, railroad
480 facilities, or intermodal transportation projects may prepare a
481 comprehensive economic development and expansion and intermodal
482 transportation plan with a 10-year horizon. Each plan shall be
483 incorporated into the applicable local government comprehensive
484 plan at the next scheduled amendment of the local government
485 comprehensive plan.

486 (2) Each plan must include the following:

487 (a) An economic development element that identifies
488 targeted business opportunities for increasing business and
489 attracting new business for which a particular facility has a
490 strategic advantage over its competitors, identifies financial
491 resources and other inducements to encourage growth of existing
492 business and acquisition of new business, and provides a
493 projected schedule for attainment of the plan's goals.

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494 (b) An infrastructure development and improvement element
495 that identifies all projected infrastructure improvements within
496 the plan area which require improvement, expansion, or
497 development in order for a port, airport, or railroad to attain
498 a strategic advantage for competition with national and
499 international competitors.

500 (c) An element that identifies all intermodal
501 transportation facilities, including sea, air, rail, or road
502 facilities, which are available or have potential, with
503 improvements, to be available for necessary national and
504 international commercial linkages and provides a plan for the
505 integration of port, airport, and railroad activities with
506 existing and planned transportation infrastructure.

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

510 (e) An intergovernmental coordination element that
511 specifies modes and methods to coordinate plan goals and
512 missions with the missions of the Department of Transportation,
513 other state agencies, and affected local general-purpose
514 governments.

515 (3) Upon approval of a plan by a local general-purpose
516 government, the port, airport, or railroad projects and
517 activities identified by the plan shall constitute a priority
518 list for state and local funding for transportation and related
519 infrastructure projects for the Department of Transportation,
520 the Office of Tourism, Trade, and Economic Development, the
521 Department of Community Affairs, and all other state agencies.

522 (4) Upon approval of a plan, state regulatory and land

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523 management agencies, including the Department of Environmental
524 Protection, the water management districts created pursuant to
525 chapter 373, and the Board of Trustees of the Internal
526 Improvement Trust Fund, shall develop a memorandum of agreement
527 for assisting each port in the expedited implementation of
528 projects included in each plan.

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

531 373.406 Exemptions.—The following exemptions shall apply:

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

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

540 373.4133 Port conceptual permits.—

541 (8) Except as otherwise provided in this section, the
542 following procedures apply to the approval or denial of an
543 application for a port conceptual permit or a final permit or
544 authorization:

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

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552 Secretary of Environmental Protection to determine whether the
553 application is complete.

554 (b) Notwithstanding any other provision of law, the
555 department shall issue a notice of intent within 30 days after
556 receipt of an application for a port conceptual permit. Upon
557 issuance of the department's notice of intent to issue or deny a
558 port conceptual permit, the applicant shall publish a one-time
559 notice of such intent, prepared by the department, in the
560 newspaper with the largest general circulation in the county or
561 counties where the port is located.

562 (c) A notice of intent to issue a port conceptual permit
563 creates a rebuttable presumption that development of the port or
564 private facilities consistent with the approved port master plan
565 complies with all applicable standards for issuance of a
566 conceptual permit, an environmental resource permit, and
567 sovereign lands authorization pursuant to this chapter and
568 chapters 161, 253, and 403. The presumption may be overcome only
569 by clear and convincing evidence.

570 (d) Upon issuance and finalization of a port conceptual
571 permit and, if necessary, an environmental resource permit or
572 sovereign lands authorization pursuant to this section, the
573 department shall notify the United States Army Corps of
574 Engineers that the applicant is in compliance with all state
575 water quality and regulatory requirements and shall issue any
576 requested construction permit within 30 days after receipt of
577 the request.

578 (e) ~~(e)~~ Final agency action on a port conceptual permit is
579 subject to challenge pursuant to ss. 120.569 and 120.57.
580 However, final agency action to authorize subsequent

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581 construction of facilities contained in a port conceptual permit
582 may only be challenged by a third party for consistency with the
583 port conceptual permit.

584 (f)~~(d)~~ A person who will be substantially affected by a
585 final agency action described in paragraph (e) ~~(e)~~ must initiate
586 administrative proceedings pursuant to ss. 120.569 and 120.57
587 within 21 days after the publication of the notice of the
588 proposed action. If administrative proceedings are requested,
589 the proceedings are subject to the summary hearing provisions of
590 s. 120.574. However, if the decision of the administrative law
591 judge will be a recommended order rather than a final order, a
592 summary proceeding must be conducted within 90 days after a
593 party files a motion for summary hearing, regardless of whether
594 the parties agree to the summary proceeding.

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

597 403.813 Permits issued at district centers; exceptions.—

598 (3) A permit is not required under this chapter, chapter
599 373, chapter 61-691, Laws of Florida, or chapter 25214 or
600 chapter 25270, 1949, Laws of Florida, for maintenance dredging
601 conducted under this section by the seaports of Jacksonville,
602 Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami,
603 Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City,
604 Pensacola, Key West, and Fernandina or by inland navigation
605 districts, if the dredging to be performed is no more than is
606 necessary to meet the original design specifications or
607 configurations, the work is conducted in compliance with s.
608 379.2431(2)(d), and previously undisturbed natural areas are not
609 significantly impacted. In addition:

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610 (a) A mixing zone for turbidity is granted within a 150-
611 meter radius from the point of dredging while dredging is
612 ongoing, except that the mixing zone may not extend into areas
613 supporting wetland communities, submerged aquatic vegetation, or
614 hardbottom communities.

615 (b) The discharge of the return water from the site used
616 for the disposal of dredged material shall be allowed only if
617 such discharge does not result in a violation of water quality
618 standards in the receiving waters. The return-water discharge
619 into receiving waters shall be granted a mixing zone for
620 turbidity within a 150-meter radius from the point of discharge
621 into the receiving waters during and immediately after the
622 dredging, except that the mixing zone may not extend into areas
623 supporting wetland communities, submerged aquatic vegetation, or
624 hardbottom communities. Ditches, pipes, and similar types of
625 linear conveyances may not be considered receiving waters for
626 the purposes of this subsection.

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

631 (d) The use of flocculants at the site used for disposal of
632 the dredged material is allowed if the use, including supporting
633 documentation, is coordinated in advance with the department and
634 the department has determined that the use is not harmful to
635 water resources.

636 (e) If all requirements of the permit are satisfied, the
637 spoil material may be deposited on a permitted disposal site or
638 on a self-contained, upland spoil site that will prevent the

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639 escape of the spoil material into the waters of the state.

640 (f)~~(e)~~ This subsection does not prohibit maintenance
641 dredging of areas where the loss of original design function and
642 constructed configuration has been caused by a storm event,
643 provided that the dredging is performed as soon as practical
644 after the storm event. Maintenance dredging that commences
645 within 3 years after the storm event shall be presumed to
646 satisfy this provision. If more than 3 years are needed to
647 commence the maintenance dredging after the storm event, a
648 request for a specific time extension to perform the maintenance
649 dredging shall be submitted to the department, prior to the end
650 of the 3-year period, accompanied by a statement, including
651 supporting documentation, demonstrating that contractors are not
652 available or that additional time is needed to obtain
653 authorization for the maintenance dredging from the United
654 States Army Corps of Engineers.

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