

1 A bill to be entitled  
2 An act relating to seaports; amending s. 311.07, F.S.;  
3 increasing the amount of funds the Department of  
4 Transportation is required to make available for the  
5 Florida Seaport Transportation and Economic Development  
6 Program; requiring the Florida Seaport Transportation and  
7 Economic Development Council and the Assistant Secretary  
8 of Intermodal Systems Development of the Department of  
9 Transportation to identify certain state funds for the  
10 purpose of funding the program; amending s. 311.09, F.S.;  
11 increasing the amount of funding the department is  
12 required to include in its annual legislative budget  
13 request for the Florida Seaport Transportation and  
14 Economic Development grant program; requiring the council  
15 and the assistant secretary to identify certain state  
16 funds for the purpose of funding the program; creating s.  
17 311.23, F.S.; establishing the Florida seaport  
18 infrastructure bank within the Florida Seaport  
19 Transportation and Economic Development Program to provide  
20 loans and credit enhancements to certain deepwater  
21 seaports and private entities for specified projects;  
22 amending s. 320.20, F.S.; revising provisions for the  
23 repayment of bonds relating to the Florida Seaport  
24 Transportation and Economic Development Program; providing  
25 for certain revenue bonds and other indebtedness relating  
26 to the program to be issued by the Florida Ports Financing  
27 Commission; providing requirements and procedures with  
28 respect to funding for certain freight mobility projects;

29 | amending s. 320.203, F.S.; conforming cross-references;  
 30 | amending s. 373.406, F.S.; exempting overwater piers,  
 31 | docks, and structures located in deepwater ports from  
 32 | stormwater management system requirements under specified  
 33 | conditions; amending s. 373.4133, F.S.; requiring the  
 34 | Department of Environmental Protection to issue a notice  
 35 | of intent for a port conceptual permit within a specified  
 36 | time; providing that a notice of intent to issue such  
 37 | permit creates a rebuttable presumption of compliance with  
 38 | specified standards and authorization; providing a  
 39 | standard for overcoming such a presumption; requiring the  
 40 | department to issue certain permits within a specified  
 41 | time and to notify specified entities of certain  
 42 | compliance; providing an effective date.

43 |  
 44 | Be It Enacted by the Legislature of the State of Florida:

45 |  
 46 | Section 1. Subsection (2) of section 311.07, Florida  
 47 | Statutes, is amended to read:

48 | 311.07 Florida seaport transportation and economic  
 49 | development funding.—

50 | (2) Beginning July 1, 2012, a minimum of \$20 ~~\$8~~ million  
 51 | per year shall be made available from the State Transportation  
 52 | Trust Fund to fund the Florida Seaport Transportation and  
 53 | Economic Development Program. Beginning July 1, 2013, the  
 54 | Florida Seaport Transportation and Economic Development Council  
 55 | and the Assistant Secretary for Intermodal Systems Development  
 56 | shall identify a minimum of \$50 million per year in state funds

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57 that can be made available to fund the Florida Seaport  
58 Transportation and Economic Development Program.

59 Section 2. Subsection (10) of section 311.09, Florida  
60 Statutes, is amended to read:

61 311.09 Florida Seaport Transportation and Economic  
62 Development Council.—

63 (10) (a) Beginning July 1, 2012, the Department of  
64 Transportation shall include in its annual legislative budget  
65 request a Florida Seaport Transportation and Economic  
66 Development grant program for expenditure of funds of not less  
67 than \$20 ~~\$8~~ million per year. Such budget shall include funding  
68 for projects approved by the council which have been determined  
69 by each agency to be consistent and which have been determined  
70 by the Office of Tourism, Trade, and Economic Development to be  
71 economically beneficial. The department shall include the  
72 specific approved seaport projects to be funded under this  
73 section during the ensuing fiscal year in the tentative work  
74 program developed pursuant to s. 339.135(4). The total amount of  
75 funding to be allocated to seaport projects under s. 311.07  
76 during the successive 4 fiscal years shall also be included in  
77 the tentative work program developed pursuant to s. 339.135(4).  
78 The council may submit to the department a list of approved  
79 projects that could be made production-ready within the next 2  
80 years. The list shall be submitted by the department as part of  
81 the needs and project list prepared pursuant to s.  
82 339.135(2) (b). However, the department shall, upon written  
83 request of the Florida Seaport Transportation and Economic  
84 Development Council, submit work program amendments pursuant to

85 s. 339.135(7) to the Governor within 10 days after the later of  
 86 the date the request is received by the department or the  
 87 effective date of the amendment, termination, or closure of the  
 88 applicable funding agreement between the department and the  
 89 affected seaport, as required to release the funds from the  
 90 existing commitment. Notwithstanding s. 339.135(7)(c), any work  
 91 program amendment to transfer prior year funds from one approved  
 92 seaport project to another seaport project is subject to the  
 93 procedures in s. 339.135(7)(d). Notwithstanding any provision of  
 94 law to the contrary, the department may transfer unexpended  
 95 budget between the seaport projects as identified in the  
 96 approved work program amendments.

97 (b) Beginning July 1, 2013, the council and the Assistant  
 98 Secretary for Intermodal Systems Development shall identify a  
 99 minimum of \$50 million per year in state funds that can be made  
 100 available to fund the Florida Seaport Transportation and  
 101 Economic Development Program.

102 Section 3. Section 311.23, Florida Statutes, is created to  
 103 read:

104 311.23 Florida seaport infrastructure bank.—

105 (1) There is created within the Florida Seaport  
 106 Transportation and Economic Development Program an  
 107 infrastructure bank for the purpose of providing loans and  
 108 credit enhancements to deepwater seaports listed in s. 311.09  
 109 and private entities operating in such seaports for use in  
 110 constructing and improving port transportation and port  
 111 facilities projects that improve the movement and intermodal  
 112 transportation of cargo and passengers in commerce and trade.

113           (2) The bank may lend capital costs or provide credit  
 114 enhancements for:

115           (a) Port transportation or port facilities projects that:

116           1. Are approved pursuant to s. 311.09.

117           2. Are on the State Intermodal System.

118           3. Provide intermodal connectivity with airports,  
 119 roadways, rail facilities, and other transportation terminals,  
 120 pursuant to s. 341.053, for the movement of people and goods.

121           (b)1. Emergency loans for damages incurred to deepwater  
 122 seaports listed in s. 311.09 that are within an area that is  
 123 part of an official state declaration of emergency pursuant to  
 124 chapter 252 and all other applicable laws. Such loans:

125           a. May not exceed 24 months in duration except in extreme  
 126 circumstances, for which the chair of the Florida Seaport  
 127 Transportation and Economic Development Council may grant up to  
 128 36 months upon making written findings specifying the conditions  
 129 requiring a 36-month term.

130           b. Require application from the recipient to the council  
 131 that includes documentation of damage claims filed with the  
 132 Federal Emergency Management Agency or an applicable insurance  
 133 carrier and documentation of the recipient's overall financial  
 134 condition.

135           2. Loans provided under this paragraph must be repaid upon  
 136 receipt by the recipient of eligible program funding for damages  
 137 in accordance with the claims filed with the Federal Emergency  
 138 Management Agency or an applicable insurance carrier, but no  
 139 later than the duration of the loan.

140       (3) Loans from the bank may be subordinated to senior  
141 project debt that has an investment grade rating of "BBB" or  
142 higher.

143       (4) Loans from the bank may bear interest at or below  
144 market interest rates, as determined by the council. Repayment  
145 of any loan shall commence not later than 5 years after the  
146 project has been completed, except for loans provided under  
147 paragraph (2) (b), which shall be repaid within 36 months.

148       (5) To be eligible for consideration, projects must be  
149 approved as eligible for funding by the council pursuant to s.  
150 311.09 and must provide a dedicated repayment source to ensure  
151 the loan is repaid to the bank.

152       (6) In addition to the requirements of s. 311.09, the  
153 council may consider, but is not limited to, the following  
154 criteria for evaluation of projects for assistance from the  
155 bank:

156       (a) The credit worthiness of the project.

157       (b) The likelihood that assistance would enable the  
158 project to proceed at an earlier date than would otherwise be  
159 possible.

160       (c) The extent to which assistance would foster innovative  
161 public-private partnerships and attract private debt or equity  
162 investment.

163       (d) The amount of the proposed assistance as a percentage  
164 of the overall project costs with emphasis on local and private  
165 participation.

166       (e) The extent to which damage from a disaster that  
167 results in a declaration of emergency has impacted a deepwater

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168 seaport's ability to maintain its previous level of service and  
169 remain accessible to the public or has had a major impact on the  
170 cash flow or revenue-generation ability of the facility.

171 (7) The council may adopt rules to implement the seaport  
172 infrastructure bank.

173 (8) The council may use any available funds appropriated  
174 by the Legislature pursuant to s. 311.07 or s. 320.20 for the  
175 purposes of the seaport infrastructure bank.

176 Section 4. Subsections (3) and (4) of section 320.20,  
177 Florida Statutes, are amended, subsection (5) is renumbered as  
178 subsection (6), and a new subsection (5) is added to that  
179 section, to read:

180 320.20 Disposition of license tax moneys.—The revenue  
181 derived from the registration of motor vehicles, including any  
182 delinquent fees and excluding those revenues collected and  
183 distributed under the provisions of s. 320.081, must be  
184 distributed monthly, as collected, as follows:

185 (3) Notwithstanding any other provision of law except  
186 subsections (1) and (2), on July 1, 1996, and annually  
187 thereafter, \$15 million shall be deposited in the State  
188 Transportation Trust Fund solely for the purposes of funding the  
189 Florida Seaport Transportation and Economic Development Program  
190 as provided for in chapter 311. Such revenues shall be  
191 distributed on a 50-50 matching basis to any port listed in s.  
192 311.09(1) to be used for funding projects as described in s.  
193 311.07(3)(b). Such revenues may be assigned, pledged, or set  
194 aside as a trust for the payment of principal or interest on  
195 bonds, tax anticipation certificates, or any other form of

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196 indebtedness issued by an individual port or appropriate local  
197 government having jurisdiction thereof, or collectively by  
198 interlocal agreement among any of the ports, or used to purchase  
199 credit support to permit such borrowings. However, such debt  
200 shall not constitute a general obligation of the State of  
201 Florida. The state does hereby covenant with holders of such  
202 revenue bonds or other instruments of indebtedness issued  
203 hereunder that it will not repeal or impair or amend in any  
204 manner which will materially and adversely affect the rights of  
205 such holders so long as bonds authorized by this section are  
206 outstanding. Any revenues which are not pledged to the repayment  
207 of bonds as authorized by this section may be utilized for  
208 purposes authorized under the Florida Seaport Transportation and  
209 Economic Development Program. This revenue source is in addition  
210 to any amounts provided for and appropriated in accordance with  
211 s. 311.07. The Florida Seaport Transportation and Economic  
212 Development Council shall approve distribution of funds to ports  
213 for projects which have been approved pursuant to s. 311.09(5)-  
214 (9). The council and the Department of Transportation are  
215 authorized to perform such acts as are required to facilitate  
216 and implement the provisions of this subsection. To better  
217 enable the ports to cooperate to their mutual advantage, the  
218 governing body of each port may exercise powers provided to  
219 municipalities or counties in s. 163.01(7)(d) subject to the  
220 provisions of chapter 311 and special acts, if any, pertaining  
221 to a port. The use of funds provided pursuant to this subsection  
222 are limited to eligible projects listed in this subsection.  
223 Income derived from a project completed with the use of program



224 funds, beyond operating costs and debt service, shall be  
 225 restricted to further port capital improvements consistent with  
 226 maritime purposes and for no other purpose. Use of such income  
 227 for nonmaritime purposes is prohibited. The provisions of s.  
 228 311.07(4) do not apply to any funds received pursuant to this  
 229 subsection. ~~The revenues available under this subsection shall~~  
 230 ~~not be pledged to the payment of any bonds other than the~~  
 231 ~~Florida Ports Financing Commission Series 1996 and Series 1999~~  
 232 ~~Bonds currently outstanding; provided, however, such revenues~~  
 233 ~~may be pledged to secure payment of refunding bonds to refinance~~  
 234 ~~the Florida Ports Financing Commission Series 1996 and Series~~  
 235 ~~1999 Bonds. No refunding bonds secured by revenues available~~  
 236 ~~under this subsection may be issued with a final maturity later~~  
 237 ~~than the final maturity of the Florida Ports Financing~~  
 238 ~~Commission Series 1996 and Series 1999 Bonds or which provide~~  
 239 ~~for higher debt service in any year than is currently payable on~~  
 240 ~~such bonds. Any revenue bonds or other indebtedness issued after~~  
 241 ~~July 1, 2011 2000, other than refunding bonds shall be issued by~~  
 242 ~~the Florida Ports Financing Commission in such a manner as to~~  
 243 ~~ensure that the greatest amount of revenue is available for~~  
 244 ~~eligible ports projects. The commission may consult with the~~  
 245 ~~Division of Bond Finance relating to the issuance of any revenue~~  
 246 ~~bonds at the request of the Department of Transportation~~  
 247 ~~pursuant to the State Bond Act.~~

248 (4) Notwithstanding any other provision of law except  
 249 subsections (1), (2), and (3), on July 1, 1999, and annually  
 250 thereafter, \$10 million shall be deposited in the State  
 251 Transportation Trust Fund solely for the purposes of funding the

252 Florida Seaport Transportation and Economic Development Program  
253 as provided in chapter 311 and for funding seaport intermodal  
254 access projects of statewide significance as provided in s.  
255 341.053. Such revenues shall be distributed to any port listed  
256 in s. 311.09(1), to be used for funding projects as follows:

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

261 (b) For seaport intermodal access projects as described in  
262 s. 341.053(5) that are identified in the 5-year Florida Seaport  
263 Mission Plan as provided in s. 311.09(3). Funding for such  
264 projects shall be on a matching basis as mutually determined by  
265 the Florida Seaport Transportation and Economic Development  
266 Council and the Department of Transportation, provided a minimum  
267 of 25 percent of total project funds shall come from any port  
268 funds, local funds, private funds, or specifically earmarked  
269 federal funds.

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

272 (d) For seaport intermodal access projects that involve  
273 the dredging or deepening of channels, turning basins, or  
274 harbors; or the rehabilitation of wharves, docks, or similar  
275 structures. Funding for such projects shall require a 25 percent  
276 match of the funds received pursuant to this subsection.  
277 Matching funds shall come from any port funds, federal funds,  
278 local funds, or private funds.

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280 Such revenues may be assigned, pledged, or set aside as a trust  
281 for the payment of principal or interest on bonds, tax  
282 anticipation certificates, or any other form of indebtedness  
283 issued by an individual port or appropriate local government  
284 having jurisdiction thereof, or collectively by interlocal  
285 agreement among any of the ports, or used to purchase credit  
286 support to permit such borrowings. However, such debt shall not  
287 constitute a general obligation of the state. This state does  
288 hereby covenant with holders of such revenue bonds or other  
289 instruments of indebtedness issued hereunder that it will not  
290 repeal or impair or amend this subsection in any manner which  
291 will materially and adversely affect the rights of holders so  
292 long as bonds authorized by this subsection are outstanding. Any  
293 revenues that are not pledged to the repayment of bonds as  
294 authorized by this section may be utilized for purposes  
295 authorized under the Florida Seaport Transportation and Economic  
296 Development Program. This revenue source is in addition to any  
297 amounts provided for and appropriated in accordance with s.  
298 311.07 and subsection (3). The Florida Seaport Transportation  
299 and Economic Development Council shall approve distribution of  
300 funds to ports for projects that have been approved pursuant to  
301 s. 311.09(5)-(9), or for seaport intermodal access projects  
302 identified in the 5-year Florida Seaport Mission Plan as  
303 provided in s. 311.09(3) and mutually agreed upon by the FSTED  
304 Council and the Department of Transportation. All contracts for  
305 actual construction of projects authorized by this subsection  
306 must include a provision encouraging employment of participants  
307 in the welfare transition program. The goal for employment of

308 participants in the welfare transition program is 25 percent of  
 309 all new employees employed specifically for the project, unless  
 310 the Department of Transportation and the Florida Seaport  
 311 Transportation and Economic Development Council demonstrate that  
 312 such a requirement would severely hamper the successful  
 313 completion of the project. In such an instance, Workforce  
 314 Florida, Inc., shall establish an appropriate percentage of  
 315 employees that must be participants in the welfare transition  
 316 program. The council and the Department of Transportation are  
 317 authorized to perform such acts as are required to facilitate  
 318 and implement the provisions of this subsection. To better  
 319 enable the ports to cooperate to their mutual advantage, the  
 320 governing body of each port may exercise powers provided to  
 321 municipalities or counties in s. 163.01(7)(d) subject to the  
 322 provisions of chapter 311 and special acts, if any, pertaining  
 323 to a port. The use of funds provided pursuant to this subsection  
 324 is limited to eligible projects listed in this subsection. The  
 325 provisions of s. 311.07(4) do not apply to any funds received  
 326 pursuant to this subsection. ~~The revenues available under this~~  
 327 ~~subsection shall not be pledged to the payment of any bonds~~  
 328 ~~other than the Florida Ports Financing Commission Series 1996~~  
 329 ~~and Series 1999 Bonds currently outstanding; provided, however,~~  
 330 ~~such revenues may be pledged to secure payment of refunding~~  
 331 ~~bonds to refinance the Florida Ports Financing Commission Series~~  
 332 ~~1996 and Series 1999 Bonds. No refunding bonds secured by~~  
 333 ~~revenues available under this subsection may be issued with a~~  
 334 ~~final maturity later than the final maturity of the Florida~~  
 335 ~~Ports Financing Commission Series 1996 and Series 1999 Bonds or~~

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336 ~~which provide for higher debt service in any year than is~~  
337 ~~currently payable on such bonds.~~ Any revenue bonds or other  
338 indebtedness issued after July 1, 2011 ~~2000~~, ~~other than~~  
339 ~~refunding bonds~~ shall be issued by the Florida Ports Financing  
340 Commission in such a manner as to ensure that the greatest  
341 amount of revenue is available for eligible ports projects. The  
342 commission may consult with the Division of Bond Finance  
343 relating to the issuance of any revenue bonds ~~at the request of~~  
344 ~~the Department of Transportation pursuant to the State Bond Act.~~

345 (5) (a) Notwithstanding any other provision of law except  
346 subsections (1), (2), (3), and (4), on July 1, 2014, and  
347 annually thereafter, \$10 million shall be deposited, subject to  
348 appropriation, in the State Transportation Trust Fund solely for  
349 the purpose of funding freight mobility projects that improve  
350 throughput or provide long-term congestion relief for freight  
351 movement for a part of the state's transportation network and  
352 improve economic productivity for the state or the region in  
353 which the projects are located.

354 (b) Freight mobility projects shall include on-port  
355 projects identified by the Florida Seaport Transportation and  
356 Economic Development Council that meet the Department of  
357 Transportation's Strategic Intermodal System criteria or are  
358 regionally significant freight projects that are eligible for  
359 federal dollars consistent with criteria developed for federal  
360 freight transportation grant programs.

361 (c) The revenues shall be distributed to any port listed  
362 in s. 311.09(1) to be used for funding such projects. Funding  
363 shall require at least a 25 percent match of funds received

364 pursuant to this subsection. Matching funds must come from any  
 365 available port funds, federal funds, local funds, or private  
 366 funds.

367  
 368 Such revenues may be assigned, pledged, or set aside as a trust  
 369 for the payment of principal or interest on bonds, tax  
 370 anticipation certificates, or any other form of indebtedness  
 371 issued by an individual port or appropriate local government  
 372 having jurisdiction thereof, or collectively by interlocal  
 373 agreement among any of the ports, or used to purchase credit  
 374 support to permit such borrowings. However, such debt does not  
 375 constitute a general obligation of the state. The state  
 376 covenants with holders of such bonds that it will not repeal or  
 377 impair or amend this subsection in any manner that materially  
 378 and adversely affects the rights of holders so long as bonds  
 379 authorized by this subsection are outstanding. Any revenues that  
 380 are not pledged for the repayment of bonds may be used for  
 381 purposes authorized under the Florida Seaport Transportation and  
 382 Economic Development Program. This is in addition to any amounts  
 383 provided for and appropriated in accordance with s. 311.07 and  
 384 subsections (3) and (4). The Florida Seaport Transportation and  
 385 Economic Development Council shall submit to the Department of  
 386 Transportation a list of strategic freight mobility projects  
 387 that contribute to the economic productivity of the state and  
 388 that have been approved pursuant to s. 311.09(5)-(9). The  
 389 council and the Department of Transportation shall mutually  
 390 agree upon the prioritization and selection of projects for  
 391 funding. The Department of Transportation shall include the

392 selected projects for funding in the tentative work program  
 393 developed pursuant to s. 339.135. The council and the Department  
 394 of Transportation may perform such acts as are required to  
 395 facilitate and implement this subsection, including the funding  
 396 of approved projects through the use of other state funding  
 397 programs, local contributions from seaports, public-private  
 398 partnerships, and other non-federal contributions that can be  
 399 used to leverage federal investments. To better enable the ports  
 400 to cooperate for their mutual advantage, the governing body of  
 401 each port may exercise powers provided to municipalities or  
 402 counties in s. 163.01(7)(d), subject to chapter 311 and any  
 403 special acts pertaining to the port. The use of funds provided  
 404 under this subsection is limited to eligible projects listed in  
 405 this subsection. Any revenue bonds or other indebtedness issued  
 406 pursuant to this subsection shall be issued by the Florida Ports  
 407 Financing Commission in such a manner as to ensure that the  
 408 greatest amount of revenue is available for eligible port  
 409 projects. The commission may consult with the Division of Bond  
 410 Finance relating to the issuance of any revenue bonds.

411 Section 5. Subsection (1) of section 320.203, Florida  
 412 Statutes, is amended to read:

413 320.203 Disposition of biennial license tax moneys.—

414 (1) Notwithstanding ss. 320.08(1), (2), (3), (4)(a) or  
 415 (b), (6), (7), (8), (9), (10), or (11), 320.08058, and 328.76  
 416 and pursuant to s. 216.351, after the provisions of s.  
 417 320.20(1), (2), (3), (4), ~~and~~ (5), and (6) are fulfilled, an  
 418 amount equal to 50 percent of revenues collected from the  
 419 biennial registrations created in s. 320.07 shall be retained in

420 the Motor Vehicle License Clearing Trust Fund, authorized in s.  
 421 215.32(2)(b)2.f., until July 1. After July 1 of the subsequent  
 422 fiscal year, an amount equal to 50 percent of revenues collected  
 423 from the biennial registrations created in s. 320.07 shall be  
 424 distributed according to ss. 320.08(1), (2), (3), (4)(a) or (b),  
 425 (6), (7), (8), (9), (10), or (11), 320.08058, 328.76, and  
 426 320.20(1), (2), (3), (4), ~~and~~ (5), and (6).

427 Section 6. Subsection (12) is added to section 373.406,  
 428 Florida Statutes, to read:

429 373.406 Exemptions.—The following exemptions shall apply:

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

436 Section 7. Subsection (8) of section 373.4133, Florida  
 437 Statutes, is amended to read:

438 373.4133 Port conceptual permits.—

439 (8) Except as otherwise provided in this section, the  
 440 following procedures apply to the approval or denial of an  
 441 application for a port conceptual permit or a final permit or  
 442 authorization:

443 (a) Applications for a port conceptual permit, including  
 444 any request for the conceptual approval of the use of  
 445 sovereignty submerged lands, shall be processed in accordance  
 446 with the provisions of ss. 373.427 and 120.60. However, if the  
 447 applicant believes that any request for additional information



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448 is not authorized by law or agency rule, the applicant may  
449 request an informal hearing pursuant to s. 120.57(2) before the  
450 Secretary of Environmental Protection to determine whether the  
451 application is complete.

452 (b) Notwithstanding any other provision of law, the  
453 department shall issue a notice of intent within 30 days after  
454 receipt of an application for a port conceptual permit. Upon  
455 issuance of the department's notice of intent to issue or deny a  
456 port conceptual permit, the applicant shall publish a one-time  
457 notice of such intent, prepared by the department, in the  
458 newspaper with the largest general circulation in the county or  
459 counties where the port is located.

460 (c) A notice of intent to issue a port conceptual permit  
461 creates a rebuttable presumption that development of the port or  
462 private facilities consistent with the approved port master plan  
463 complies with all applicable standards for issuance of a  
464 conceptual permit, an environmental resource permit, and  
465 sovereign lands authorization pursuant to chapters 161, 253,  
466 373, and 403. The presumption may be overcome only by clear and  
467 convincing evidence.

468 (d) Upon issuance and finalization of a port conceptual  
469 permit, and, if necessary, an environmental resource permit or  
470 sovereign lands authorization pursuant to this section, the  
471 department shall notify the United States Army Corps of  
472 Engineers that the applicant is in compliance with all state  
473 water quality and regulatory requirements and shall issue any  
474 requested construction permit within 30 days after receipt of  
475 the request.

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476        (e)~~(e)~~ Final agency action on a port conceptual permit is  
477 subject to challenge pursuant to ss. 120.569 and 120.57.  
478 However, final agency action to authorize subsequent  
479 construction of facilities contained in a port conceptual permit  
480 may only be challenged by a third party for consistency with the  
481 port conceptual permit.

482        (f)~~(d)~~ A person who will be substantially affected by a  
483 final agency action described in paragraph (e) ~~(e)~~ must initiate  
484 administrative proceedings pursuant to ss. 120.569 and 120.57  
485 within 21 days after the publication of the notice of the  
486 proposed action. If administrative proceedings are requested,  
487 the proceedings are subject to the summary hearing provisions of  
488 s. 120.574. However, if the decision of the administrative law  
489 judge will be a recommended order rather than a final order, a  
490 summary proceeding must be conducted within 90 days after a  
491 party files a motion for summary hearing, regardless of whether  
492 the parties agree to the summary proceeding.

493        Section 8. This act shall take effect July 1, 2011.