

1                   A bill to be entitled  
2           An act relating to infrastructure investment; amending s.  
3           20.23, F.S.; requiring the Secretary of Transportation to  
4           designate duties relating to certain investment  
5           opportunities and transportation projects to an assistant  
6           secretary; amending s. 311.09, F.S.; revising requirements  
7           for the inclusion of certain goals and objectives in the  
8           Florida Seaport Mission Plan; requiring the Florida  
9           Seaport Transportation and Economic Development Council to  
10          develop a priority list of projects and submit the list to  
11          the Department of Transportation; amending s. 311.14,  
12          F.S.; requiring certain ports to develop strategic plans;  
13          providing criteria for such plans; requiring such plans to  
14          be consistent with local government comprehensive plans;  
15          requiring such plans to be submitted to the Florida  
16          Seaport Transportation and Economic Development Council;  
17          requiring the Florida Seaport Transportation and Economic  
18          Development Council to review such plans and include  
19          related information in the Florida Seaport Mission Plan;  
20          amending s. 339.155, F.S.; clarifying and revising the  
21          principles on which the Florida Transportation Plan is  
22          based; amending s. 339.63, F.S.; adding certain existing  
23          and planned facilities to the list of facilities included  
24          in the Strategic Intermodal System and the Emerging  
25          Strategic Intermodal System; amending s. 373.406, F.S.;  
26          exempting overwater piers, docks, and structures located  
27          in deepwater ports from stormwater management system  
28          requirements under specified conditions; amending s.

29 | 373.4133, F.S.; requiring the Department of Environmental  
30 | Protection to approve or deny an application for a port  
31 | conceptual permit within a specified time; providing a  
32 | limitation for the request of additional information from  
33 | an applicant by the department; providing that failure of  
34 | an applicant to respond to such a request within a  
35 | specified time constitutes withdrawal of the application;  
36 | providing that a third party who challenge the issuance of  
37 | a port conceptual permit has the burden of ultimate  
38 | persuasion and the burden of going forward with evidence;  
39 | amending s. 403.813, F.S.; exempting specified seaports  
40 | and inland navigation districts from requirements to  
41 | conduct maintenance dredging under certain conditions;  
42 | excluding ditches, pipes, and similar linear conveyances  
43 | from consideration as receiving waters for the disposal of  
44 | dredged materials; authorizing public ports and inland  
45 | navigation districts to use sovereignty submerged lands in  
46 | connection with maintenance dredging; authorizing the  
47 | disposal of spoil material on specified sites; providing  
48 | an exemption from permitting requirements for sites that  
49 | meet specified criteria; requiring notice to the  
50 | Department of Environmental Protection of intent to use  
51 | the exemption; providing an effective date.

52 |  
53 | Be It Enacted by the Legislature of the State of Florida:

54 |  
55 | Section 1. Paragraph (d) of subsection (1) of section  
56 | 20.23, Florida Statutes, is amended to read:

57 |           20.23 Department of Transportation.—There is created a  
58 | Department of Transportation which shall be a decentralized  
59 | agency.

60 |           (1)

61 |           (d) The secretary may appoint up to three assistant  
62 | secretaries who shall be directly responsible to the secretary  
63 | and who shall perform such duties as are assigned by the  
64 | secretary. The secretary shall designate to an assistant  
65 | secretary the duties related to enhancing economic prosperity,  
66 | including, but not limited to, the responsibility of liaison  
67 | with the head of economic development in the Executive Office of  
68 | the Governor. Such assistant secretary shall be directly  
69 | responsible for providing the Executive Office of the Governor  
70 | with investment opportunities and transportation projects that  
71 | expand the state's role as a global hub for trade and investment  
72 | and enhance the supply chain system in the state to process,  
73 | assemble, and ship goods to markets throughout the eastern  
74 | United States, Canada, the Caribbean, and Latin America. The  
75 | secretary may delegate to any assistant secretary the authority  
76 | to act in the absence of the secretary.

77 |           Section 2. Subsection (3) of section 311.09, Florida  
78 | Statutes, is amended to read:

79 |           311.09 Florida Seaport Transportation and Economic  
80 | Development Council.—

81 |           (3) The council shall prepare a 5-year Florida Seaport  
82 | Mission Plan defining the goals and objectives of the council  
83 | concerning the development of port facilities and an intermodal  
84 | transportation system consistent with the goals of the Florida

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85 Transportation Plan developed pursuant to s. 339.155. The  
86 Florida Seaport Mission Plan shall include specific  
87 recommendations for the construction of transportation  
88 facilities connecting any port to another transportation mode  
89 and for the efficient, cost-effective development of  
90 transportation facilities or port facilities for the purpose of  
91 enhancing ~~international~~ trade, promoting cargo flow, increasing  
92 cruise passenger movements, increasing port revenues, and  
93 providing economic benefits to the state. The council shall  
94 develop a priority list of projects based on these  
95 recommendations annually and submit the list to the Department  
96 of Transportation. The council shall update the 5-year Florida  
97 Seaport Mission Plan annually and shall submit the plan no later  
98 than February 1 of each year to the President of the Senate; the  
99 Speaker of the House of Representatives; the Office of Tourism,  
100 Trade, and Economic Development; the Department of  
101 Transportation; and the Department of Community Affairs. The  
102 council shall develop programs, based on an examination of  
103 existing programs in Florida and other states, for the training  
104 of minorities and secondary school students in job skills  
105 associated with employment opportunities in the maritime  
106 industry, and report on progress and recommendations for further  
107 action to the President of the Senate and the Speaker of the  
108 House of Representatives annually.

109 Section 3. Section 311.14, Florida Statutes, is amended to  
110 read:

111 311.14 Seaport ~~freight-mobility~~ planning.—

112 (1) The Florida Seaport Transportation and Economic

113 Development Council, in cooperation with the Office of the State  
114 Public Transportation Administrator within the Department of  
115 Transportation, shall develop freight-mobility and trade-  
116 corridor plans to assist in making freight-mobility investments  
117 that contribute to the economic growth of the state. Such plans  
118 should enhance the integration and connectivity of the  
119 transportation system across and between transportation modes  
120 throughout Florida for people and freight.

121 (2) The Office of the State Public Transportation  
122 Administrator shall act to integrate freight-mobility and trade-  
123 corridor plans into the Florida Transportation Plan developed  
124 pursuant to s. 339.155 and into the plans and programs of  
125 metropolitan planning organizations as provided in s. 339.175.  
126 The office may also provide assistance in expediting the  
127 transportation permitting process relating to the construction  
128 of seaport freight-mobility projects located outside the  
129 physical borders of seaports. The Department of Transportation  
130 may contract, as provided in s. 334.044, with any port listed in  
131 s. 311.09(1) or any such other statutorily authorized seaport  
132 entity to act as an agent in the construction of seaport  
133 freight-mobility projects.

134 (3) Each port shall develop a strategic plan with a 10-  
135 year horizon. Each plan must include the following:

136 (a) An economic development component that identifies  
137 targeted business opportunities for increasing business and  
138 attracting new business for which a particular facility has a  
139 strategic advantage over its competitors, identifies financial  
140 resources and other inducements to encourage growth of existing

141 business and acquisition of new business, and provides a  
 142 projected schedule for attainment of the plan's goals.

143 (b) An infrastructure development and improvement  
 144 component that identifies all projected infrastructure  
 145 improvements within the plan area which require improvement,  
 146 expansion, or development in order for a port to attain a  
 147 strategic advantage for competition with national and  
 148 international competitors.

149 (c) A component that identifies all intermodal  
 150 transportation facilities, including sea, air, rail, or road  
 151 facilities, which are available or have potential, with  
 152 improvements, to be available for necessary national and  
 153 international commercial linkages and provides a plan for the  
 154 integration of port, airport, and railroad activities with  
 155 existing and planned transportation infrastructure.

156 (d) A component that identifies physical, environmental,  
 157 and regulatory barriers to achievement of the plan's goals and  
 158 provides recommendations for overcoming those barriers.

159 (e) An intergovernmental coordination component that  
 160 specifies modes and methods to coordinate plan goals and  
 161 missions with the missions of the Department of Transportation,  
 162 other state agencies, and affected local, general-purpose  
 163 governments.

164  
 165 To the extent feasible, the port strategic plan must be  
 166 consistent with the local government comprehensive plans of the  
 167 units of local government in which the port is located. Upon  
 168 approval of a plan by the port's board, the plan shall be

169 submitted to the Florida Seaport Transportation and Economic  
 170 Development Council.

171 (4) The Florida Seaport Transportation and Economic  
 172 Development Council shall review the strategic plans submitted  
 173 by each port and prioritize strategic needs for inclusion in the  
 174 Florida Seaport Mission Plan prepared pursuant to s. 311.09(3).

175 Section 4. Subsection (1) of section 339.155, Florida  
 176 Statutes, is amended to read:

177 339.155 Transportation planning.—

178 (1) THE FLORIDA TRANSPORTATION PLAN.—The department shall  
 179 develop and annually update a statewide transportation plan, to  
 180 be known as the Florida Transportation Plan. The plan shall be  
 181 designed so as to be easily read and understood by the general  
 182 public. The plan shall consider the needs of the entire state  
 183 transportation system and examine the use of all modes of  
 184 transportation to effectively and efficiently meet such needs.  
 185 The purpose of the Florida Transportation Plan is to establish  
 186 and define the state's long-range transportation goals and  
 187 objectives to be accomplished over a period of at least 20 years  
 188 within the context of the State Comprehensive Plan, and any  
 189 other statutory mandates and authorizations and based upon the  
 190 prevailing principles of:

191 (a) Preserving the existing transportation  
 192 infrastructure.†

193 (b) Enhancing Florida's economic competitiveness.†~~and~~

194 (c) Improving travel choices to ensure mobility.

195 (d) Expanding the state's role as a hub for trade and  
 196 investment. ~~The Florida Transportation Plan shall consider the~~

197 ~~needs of the entire state transportation system and examine the~~  
 198 ~~use of all modes of transportation to effectively and~~  
 199 ~~efficiently meet such needs.~~

200 Section 5. Subsection (2) of section 339.63, Florida  
 201 Statutes, is amended to read:

202 339.63 System facilities designated; additions and  
 203 deletions.—

204 (2) The Strategic Intermodal System and the Emerging  
 205 Strategic Intermodal System include four ~~three~~ different types  
 206 of facilities that each form one component of an interconnected  
 207 transportation system which types include:

208 (a) Existing or planned hubs that are ports and terminals  
 209 including airports, seaports, spaceports, passenger terminals,  
 210 and rail terminals serving to move goods or people between  
 211 Florida regions or between Florida and other markets in the  
 212 United States and the rest of the world.‡

213 (b) Existing or planned corridors that are highways, rail  
 214 lines, waterways, and other exclusive-use facilities connecting  
 215 major markets within Florida or between Florida and other states  
 216 or nations.‡~~and~~

217 (c) Existing or planned intermodal connectors that are  
 218 highways, rail lines, waterways or local public transit systems  
 219 serving as connectors between the components listed in  
 220 paragraphs (a) and (b).

221 (d) Existing or planned facilities that significantly  
 222 improve the state's competitive position to compete for the  
 223 movement of additional goods into and through this state.



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

226 373.406 Exemptions.—The following exemptions shall apply:

227 (12) An overwater pier, dock, or a similar structure  
 228 located in a deepwater port listed in s. 311.09 is not  
 229 considered to be part of a stormwater management system for  
 230 which this chapter or chapter 403 requires stormwater from  
 231 impervious surfaces to be treated if:

232 (a) The port has a stormwater pollution prevention plan  
 233 for industrial activities pursuant to the National Pollutant  
 234 Discharge Elimination System Program; and

235 (b) The stormwater pollution prevention plan also provides  
 236 similar pollution prevention measures for other activities that  
 237 are not subject to the National Pollutant Discharge Elimination  
 238 System Program and that occur on the port's overwater piers,  
 239 docks, and similar structures.

240 Section 7. Paragraph (a) of subsection (8) of section  
 241 373.4133, Florida Statutes, is amended to read:

242 373.4133 Port conceptual permits.—

243 (8) Except as otherwise provided in this section, the  
 244 following procedures apply to the approval or denial of an  
 245 application for a port conceptual permit or a final permit or  
 246 authorization:

247 (a) Applications for a port conceptual permit, including  
 248 any request for the conceptual approval of the use of  
 249 sovereignty submerged lands, shall be processed in accordance  
 250 with the provisions of ss. 373.427 and 120.60, with the  
 251 following exceptions:—

252       1. An application for a port conceptual permit, and any  
253 applications for subsequent construction contained in a port  
254 conceptual permit, must be approved or denied within 60 days  
255 after receipt of a completed application.

256       2. The department may request additional information no  
257 more than twice, unless the applicant waives this limitation in  
258 writing. If the applicant does not provide a response to the  
259 second request for additional information within 90 days or  
260 another time period mutually agreed upon between the applicant  
261 and department, the application shall be considered withdrawn.  
262 ~~However,~~

263       3. If the applicant believes that any request for  
264 additional information is not authorized by law or agency rule,  
265 the applicant may request an informal hearing pursuant to s.  
266 120.57(2) before the Secretary of Environmental Protection to  
267 determine whether the application is complete.

268       4. If a third party petitions to challenge the issuance of  
269 a port conceptual permit by the department, the petitioner  
270 initiating the action has the burden of ultimate persuasion and,  
271 in the first instance, has the burden of going forward with the  
272 evidence.

273       Section 8. Subsection (3) of section 403.813, Florida  
274 Statutes, is amended to read:

275       403.813 Permits issued at district centers; exceptions.—

276       (3) A permit is not required under this chapter, chapter  
277 373, chapter 61-691, Laws of Florida, or chapter 25214 or  
278 chapter 25270, 1949, Laws of Florida, for maintenance dredging  
279 conducted under this section by the seaports of Jacksonville,

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280 Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami,  
281 Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City,  
282 Pensacola, Key West, and Fernandina or by inland navigation  
283 districts if the dredging to be performed is no more than is  
284 necessary to restore previously dredged areas to original design  
285 specifications or configurations, previously undisturbed natural  
286 areas are not significantly impacted, and the work conducted  
287 does not violate the protections for manatees under s.  
288 379.2431(2)(d). In addition:

289 (a) A mixing zone for turbidity is granted within a 150-  
290 meter radius from the point of dredging while dredging is  
291 ongoing, except that the mixing zone may not extend into areas  
292 supporting wetland communities, submerged aquatic vegetation, or  
293 hardbottom communities.

294 (b) The discharge of the return water from the site used  
295 for the disposal of dredged material shall be allowed only if  
296 such discharge does not result in a violation of water quality  
297 standards in the receiving waters. The return-water discharge  
298 into receiving waters shall be granted a mixing zone for  
299 turbidity within a 150-meter radius from the point of discharge  
300 into the receiving waters during and immediately after the  
301 dredging, except that the mixing zone may not extend into areas  
302 supporting wetland communities, submerged aquatic vegetation, or  
303 hardbottom communities. Ditches, pipes, and similar types of  
304 linear conveyances may not be considered receiving waters for  
305 the purposes of this paragraph.

306 (c) The state may not exact a charge for material that  
307 this subsection allows a public port or an inland navigation

308 district to remove. In addition, consent to use any sovereignty  
309 submerged lands pursuant to this section is hereby granted.

310 (d) The use of flocculants at the site used for disposal  
311 of the dredged material is allowed if the use, including  
312 supporting documentation, is coordinated in advance with the  
313 department and the department has determined that the use is not  
314 harmful to water resources.

315 (e) The spoil material from maintenance dredging may be  
316 deposited in a self-contained, upland disposal site. The site is  
317 not required to be permitted if:

318 1. The site exists as of January 1, 2011;

319 2. A professional engineer certifies that the site has  
320 been designed in accordance with generally accepted engineering  
321 standards for such disposal sites;

322 3. The site has adequate capacity to receive and retain  
323 the dredged material; and

324 4. The site has operating and maintenance procedures  
325 established that allow for discharge of return flow of water and  
326 to prevent the escape of the spoil material into the waters of  
327 the state.

328 (f) The department must be notified at least 30 days  
329 before the commencement of maintenance dredging. The notice  
330 shall include, if applicable, the professional engineer  
331 certification required by paragraph (e).

332 (g) ~~(e)~~ This subsection does not prohibit maintenance  
333 dredging of areas where the loss of original design function and  
334 constructed configuration has been caused by a storm event,  
335 provided that the dredging is performed as soon as practical

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336 after the storm event. Maintenance dredging that commences  
337 within 3 years after the storm event shall be presumed to  
338 satisfy this provision. If more than 3 years are needed to  
339 commence the maintenance dredging after the storm event, a  
340 request for a specific time extension to perform the maintenance  
341 dredging shall be submitted to the department, prior to the end  
342 of the 3-year period, accompanied by a statement, including  
343 supporting documentation, demonstrating that contractors are not  
344 available or that additional time is needed to obtain  
345 authorization for the maintenance dredging from the United  
346 States Army Corps of Engineers.

347 Section 9. This act shall take effect July 1, 2011.