

By the Committees on Transportation; and Commerce and Tourism;
and Senator Ring

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1 A bill to be entitled
2 An act relating to seaports; amending s. 311.07, F.S.;
3 providing additional funds for 5 years to fund certain
4 projects through the Florida Deepwater Seaport
5 Program; creating s. 311.23, F.S.; establishing the
6 Florida seaport infrastructure bank within the Florida
7 Seaport Transportation and Economic Development
8 Program to provide loans and credit enhancements to
9 certain deepwater seaports and private entities for
10 specified projects; amending s. 320.20, F.S.; revising
11 provisions for the repayment of bonds relating to the
12 Florida Seaport Transportation and Economic
13 Development Program; providing for certain revenue
14 bonds and other indebtedness relating to the program
15 to be issued by the Florida Ports Financing
16 Commission; amending s. 373.406, F.S.; exempting
17 overwater piers, docks, and structures located in
18 deepwater ports from stormwater management system
19 requirements under specified conditions; amending s.
20 373.4133, F.S.; providing exceptions to time
21 limitations for the Department of Environmental
22 Protection to issue a notice of intent to issue a port
23 conceptual permit; providing that a third party who
24 challenges the issuance of a port conceptual permit
25 has the ultimate burden of proof and the burden of
26 going forward with the evidence in the first instance;
27 deleting the requirement to publish notice of the
28 department's intent to issue or deny a port conceptual
29 permit; amending s. 403.813, F.S.; exempting specified

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30 seaports and inland navigation districts from
31 requirements to conduct maintenance dredging under
32 certain circumstances; providing that ditches, pipes,
33 and similar linear conveyances are not receiving
34 waters; authorizing public ports and inland navigation
35 districts to use sovereignty submerged lands in
36 connection with maintenance dredging; providing an
37 additional exemption from permitting requirements to
38 allow the disposal of spoil material on a self-
39 contained, upland spoil site if certain conditions are
40 met; requiring notice to the department of intent to
41 use the exemption; providing conditions; amending s.
42 310.002, F.S.; redefining the term "port" to include
43 Port Citrus; amending s. 311.09, F.S.; including a
44 representative of Port Citrus as a member of the
45 Florida Seaport Transportation and Economic
46 Development Council; amending s. 374.976, F.S.;
47 conforming provisions to include Port Citrus in
48 provisions relating to the authority of inland
49 navigation districts; amending s. 403.021, F.S.;
50 conforming provisions to include Port Citrus in
51 legislative declarations relating to environmental
52 control; amending s. 403.061, F.S.; conforming
53 provisions to include Port Citrus in provisions
54 relating to powers of the Department of Environmental
55 Protection; amending s. 403.813, F.S.; conforming
56 provisions to include Port Citrus in provisions
57 relating to permits issued at Department of
58 Environmental Protection district centers; amending s.

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59 403.816, F.S.; conforming provisions to include Port
60 Citrus in provisions relating to certain maintenance
61 projects at deepwater ports and beach restoration
62 projects; providing an effective date.

63
64 Be It Enacted by the Legislature of the State of Florida:

65
66 Section 1. Subsection (2) of section 311.07, Florida
67 Statutes, is amended to read:

68 311.07 Florida seaport transportation and economic
69 development funding.—

70 (2) A minimum of \$8 million per year shall be made
71 available from the State Transportation Trust Fund to fund the
72 Florida Seaport Transportation and Economic Development Program.
73 However, for the 5 fiscal years beginning with the 2011-2012
74 fiscal year through the 2015-2016 fiscal year, a minimum of \$100
75 million each year shall be made available from the State
76 Transportation Trust Fund, and all funds except for \$8 million
77 shall be used to fund the Florida Deepwater Seaport Program,
78 which shall be for port infrastructure projects that expand this
79 state's role as a global hub for trade and investment, and that
80 enhance the supply chain system in the state to process,
81 assemble, and ship goods to markets.

82 Section 2. Section 311.23, Florida Statutes, is created to
83 read:

84 311.23 Florida seaport infrastructure bank.—

85 (1) There is created within the Florida Seaport
86 Transportation and Economic Development Program an
87 infrastructure bank for the purpose of providing loans and

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88 credit enhancements to deepwater seaports listed in s. 311.09
89 and private entities operating in such seaports for use in
90 constructing and improving port transportation and port
91 facilities projects that improve the movement and intermodal
92 transportation of cargo and passengers in commerce and trade.

93 (2) The bank may lend capital costs or provide credit
94 enhancements for:

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

96 1. Are approved pursuant to s. 311.09.

97 2. Are on the State Intermodal System.

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

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

105 a. May not exceed 24 months in duration except in extreme
106 circumstances, for which the chair of the Florida Seaport
107 Transportation and Economic Development Council may grant up to
108 36 months upon making written findings specifying the conditions
109 requiring a 36-month term.

110 b. Require application from the recipient to the council
111 which includes documentation of damage claims filed with the
112 Federal Emergency Management Agency or an applicable insurance
113 carrier and documentation of the recipient's overall financial
114 condition.

115 2. Loans provided under this paragraph must be repaid upon
116 receipt by the recipient of eligible program funding for damages

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117 in accordance with the claims filed with the Federal Emergency
118 Management Agency or an applicable insurance carrier, but no
119 later than the duration of the loan.

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

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

128 (5) To be eligible for consideration, projects must be
129 approved as eligible for funding by the council pursuant to s.
130 311.09 and must provide a dedicated repayment source to ensure
131 the loan is repaid to the bank.

132 (6) In addition to the requirements of s. 311.09, the
133 council may consider, but is not limited to, the following
134 criteria for evaluation of projects for assistance from the
135 bank:

136 (a) The credit worthiness of the project.

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

139 (c) The extent to which assistance would foster innovative
140 public-private partnerships and attract private debt or equity
141 investment.

142 (d) The amount of the proposed assistance as a percentage
143 of the overall project costs with emphasis on local and private
144 participation.

145 (e) The extent to which damage from a disaster that results

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146 in a declaration of emergency has impacted a deepwater seaport's
147 ability to maintain its previous level of service and remain
148 accessible to the public or has had a major impact on the cash
149 flow or revenue-generation ability of the facility.

150 (7) The council may adopt rules to implement the seaport
151 infrastructure bank.

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

155 Section 3. Subsections (3) and (4) of section 320.20,
156 Florida Statutes, are amended to read:

157 320.20 Disposition of license tax moneys.—The revenue
158 derived from the registration of motor vehicles, including any
159 delinquent fees and excluding those revenues collected and
160 distributed under the provisions of s. 320.081, must be
161 distributed monthly, as collected, as follows:

162 (3) Notwithstanding any other provision of law except
163 subsections (1) and (2), on July 1, 1996, and annually
164 thereafter, \$15 million shall be deposited in the State
165 Transportation Trust Fund solely for the purposes of funding the
166 Florida Seaport Transportation and Economic Development Program
167 as provided for in chapter 311. Such revenues shall be
168 distributed on a 50-50 matching basis to any port listed in s.
169 311.09(1) to be used for funding projects as described in s.
170 311.07(3)(b). Such revenues may be assigned, pledged, or set
171 aside as a trust for the payment of principal or interest on
172 bonds, tax anticipation certificates, or any other form of
173 indebtedness issued by an individual port or appropriate local
174 government having jurisdiction thereof, or collectively by

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175 interlocal agreement among any of the ports, or used to purchase
176 credit support to permit such borrowings. However, such debt
177 shall not constitute a general obligation of the State of
178 Florida. The state does hereby covenant with holders of such
179 revenue bonds or other instruments of indebtedness issued
180 hereunder that it will not repeal or impair or amend in any
181 manner which will materially and adversely affect the rights of
182 such holders so long as bonds authorized by this section are
183 outstanding. Any revenues which are not pledged to the repayment
184 of bonds as authorized by this section may be utilized for
185 purposes authorized under the Florida Seaport Transportation and
186 Economic Development Program. This revenue source is in addition
187 to any amounts provided for and appropriated in accordance with
188 s. 311.07. The Florida Seaport Transportation and Economic
189 Development Council shall approve distribution of funds to ports
190 for projects which have been approved pursuant to s. 311.09(5)-
191 (9). The council and the Department of Transportation are
192 authorized to perform such acts as are required to facilitate
193 and implement the provisions of this subsection. To better
194 enable the ports to cooperate to their mutual advantage, the
195 governing body of each port may exercise powers provided to
196 municipalities or counties in s. 163.01(7)(d) subject to the
197 provisions of chapter 311 and special acts, if any, pertaining
198 to a port. The use of funds provided pursuant to this subsection
199 are limited to eligible projects listed in this subsection.
200 Income derived from a project completed with the use of program
201 funds, beyond operating costs and debt service, shall be
202 restricted to further port capital improvements consistent with
203 maritime purposes and for no other purpose. Use of such income

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204 for nonmaritime purposes is prohibited. The provisions of s.
205 311.07(4) do not apply to any funds received pursuant to this
206 subsection. ~~The revenues available under this subsection shall~~
207 ~~not be pledged to the payment of any bonds other than the~~
208 ~~Florida Ports Financing Commission Series 1996 and Series 1999~~
209 ~~Bonds currently outstanding; provided, however, such revenues~~
210 ~~may be pledged to secure payment of refunding bonds to refinance~~
211 ~~the Florida Ports Financing Commission Series 1996 and Series~~
212 ~~1999 Bonds. No refunding bonds secured by revenues available~~
213 ~~under this subsection may be issued with a final maturity later~~
214 ~~than the final maturity of the Florida Ports Financing~~
215 ~~Commission Series 1996 and Series 1999 Bonds or which provide~~
216 ~~for higher debt service in any year than is currently payable on~~
217 ~~such bonds. Any revenue bonds or other indebtedness issued after~~
218 ~~July 1, 2011 2000, other than refunding bonds shall be issued by~~
219 ~~the Florida Ports Financing Commission in such a manner as to~~
220 ~~ensure that the greatest amount of revenue is available for~~
221 ~~eligible ports projects. The commission may consult with the~~
222 ~~Division of Bond Finance relating to the issuance of any revenue~~
223 ~~bonds at the request of the Department of Transportation~~
224 ~~pursuant to the State Bond Act.~~

225 (4) Notwithstanding any other provision of law except
226 subsections (1), (2), and (3), on July 1, 1999, and annually
227 thereafter, \$10 million shall be deposited in the State
228 Transportation Trust Fund solely for the purposes of funding the
229 Florida Seaport Transportation and Economic Development Program
230 as provided in chapter 311 and for funding seaport intermodal
231 access projects of statewide significance as provided in s.
232 341.053. Such revenues shall be distributed to any port listed

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233 in s. 311.09(1), to be used for funding projects as follows:

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

238 (b) For seaport intermodal access projects as described in
239 s. 341.053(5) that are identified in the 5-year Florida Seaport
240 Mission Plan as provided in s. 311.09(3). Funding for such
241 projects shall be on a matching basis as mutually determined by
242 the Florida Seaport Transportation and Economic Development
243 Council and the Department of Transportation, provided a minimum
244 of 25 percent of total project funds shall come from any port
245 funds, local funds, private funds, or specifically earmarked
246 federal funds.

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

249 (d) For seaport intermodal access projects that involve the
250 dredging or deepening of channels, turning basins, or harbors;
251 or the rehabilitation of wharves, docks, or similar structures.
252 Funding for such projects shall require a 25 percent match of
253 the funds received pursuant to this subsection. Matching funds
254 shall come from any port funds, federal funds, local funds, or
255 private funds.

256
257 Such revenues may be assigned, pledged, or set aside as a trust
258 for the payment of principal or interest on bonds, tax
259 anticipation certificates, or any other form of indebtedness
260 issued by an individual port or appropriate local government
261 having jurisdiction thereof, or collectively by interlocal

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262 agreement among any of the ports, or used to purchase credit
263 support to permit such borrowings. However, such debt shall not
264 constitute a general obligation of the state. This state does
265 hereby covenant with holders of such revenue bonds or other
266 instruments of indebtedness issued hereunder that it will not
267 repeal or impair or amend this subsection in any manner which
268 will materially and adversely affect the rights of holders so
269 long as bonds authorized by this subsection are outstanding. Any
270 revenues that are not pledged to the repayment of bonds as
271 authorized by this section may be utilized for purposes
272 authorized under the Florida Seaport Transportation and Economic
273 Development Program. This revenue source is in addition to any
274 amounts provided for and appropriated in accordance with s.
275 311.07 and subsection (3). The Florida Seaport Transportation
276 and Economic Development Council shall approve distribution of
277 funds to ports for projects that have been approved pursuant to
278 s. 311.09(5)-(9), or for seaport intermodal access projects
279 identified in the 5-year Florida Seaport Mission Plan as
280 provided in s. 311.09(3) and mutually agreed upon by the FSTED
281 Council and the Department of Transportation. All contracts for
282 actual construction of projects authorized by this subsection
283 must include a provision encouraging employment of participants
284 in the welfare transition program. The goal for employment of
285 participants in the welfare transition program is 25 percent of
286 all new employees employed specifically for the project, unless
287 the Department of Transportation and the Florida Seaport
288 Transportation and Economic Development Council demonstrate that
289 such a requirement would severely hamper the successful
290 completion of the project. In such an instance, Workforce

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291 Florida, Inc., shall establish an appropriate percentage of
292 employees that must be participants in the welfare transition
293 program. The council and the Department of Transportation are
294 authorized to perform such acts as are required to facilitate
295 and implement the provisions of this subsection. To better
296 enable the ports to cooperate to their mutual advantage, the
297 governing body of each port may exercise powers provided to
298 municipalities or counties in s. 163.01(7)(d) subject to the
299 provisions of chapter 311 and special acts, if any, pertaining
300 to a port. The use of funds provided pursuant to this subsection
301 is limited to eligible projects listed in this subsection. The
302 provisions of s. 311.07(4) do not apply to any funds received
303 pursuant to this subsection. ~~The revenues available under this~~
304 ~~subsection shall not be pledged to the payment of any bonds~~
305 ~~other than the Florida Ports Financing Commission Series 1996~~
306 ~~and Series 1999 Bonds currently outstanding; provided, however,~~
307 ~~such revenues may be pledged to secure payment of refunding~~
308 ~~bonds to refinance the Florida Ports Financing Commission Series~~
309 ~~1996 and Series 1999 Bonds. No refunding bonds secured by~~
310 ~~revenues available under this subsection may be issued with a~~
311 ~~final maturity later than the final maturity of the Florida~~
312 ~~Ports Financing Commission Series 1996 and Series 1999 Bonds or~~
313 ~~which provide for higher debt service in any year than is~~
314 ~~currently payable on such bonds. Any revenue bonds or other~~
315 ~~indebtedness issued after July 1, 2011 2000, other than~~
316 ~~refunding bonds shall be issued by the Florida Ports Financing~~
317 ~~Commission in such a manner as to ensure that the greatest~~
318 ~~amount of revenue is available for eligible ports projects. The~~
319 ~~commission may consult with the Division of Bond Finance~~

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320 relating to the issuance of any revenue bonds ~~at the request of~~
321 ~~the Department of Transportation pursuant to the State Bond Act.~~

322 Section 4. Subsection (12) is added to section 373.406,
323 Florida Statutes, to read:

324 373.406 Exemptions.—The following exemptions shall apply:

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

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

333 (b) The stormwater pollution prevention plan also provides
334 similar pollution prevention measures for other activities that
335 are not subject to the National Pollutant Discharge Elimination
336 System Program and that occur on the port's overwater piers,
337 docks, and similar structures.

338 Section 5. Subsection (8) of section 373.4133, Florida
339 Statutes, is amended to read:

340 373.4133 Port conceptual permits.—

341 (8) Except as otherwise provided in this section, the
342 following procedures apply to the approval or denial of an
343 application for a port conceptual permit or a final permit or
344 authorization:

345 (a) Applications for a port conceptual permit, including
346 any request for the conceptual approval of the use of
347 sovereignty submerged lands, shall be processed in accordance
348 with the provisions of ss. 373.427 and 120.60, with the

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349 following exceptions:-

350 1. An application for a port conceptual permit, and any
351 applications for subsequent construction contained in a port
352 conceptual permit, must be approved or denied within 60 days
353 after receipt of a completed application.

354 2. The department may request additional information no
355 more than twice, unless the applicant waives this limitation in
356 writing. If the applicant does not provide a response to the
357 second request for additional information within 90 days or
358 another time period mutually agreed upon between the applicant
359 and the department, the application shall be considered
360 withdrawn. However,

361 3. If the applicant believes that any request for
362 additional information is not authorized by law or agency rule,
363 the applicant may request an informal hearing pursuant to s.
364 120.57(2) before the Secretary of Environmental Protection to
365 determine whether the application is complete.

366 4. If a third party petitions to challenge the issuance of
367 a port conceptual permit by the department, the petitioner
368 initiating the action has the burden of ultimate persuasion and,
369 in the first instance, has the burden of going forward with the
370 evidence.

371 ~~(b) Upon issuance of the department's notice of intent to~~
372 ~~issue or deny a port conceptual permit, the applicant shall~~
373 ~~publish a one-time notice of such intent, prepared by the~~
374 ~~department, in the newspaper with the largest general~~
375 ~~circulation in the county or counties where the port is located.~~

376 (b)(e) Final agency action on a port conceptual permit is
377 subject to challenge pursuant to ss. 120.569 and 120.57.

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378 However, final agency action to authorize subsequent
379 construction of facilities contained in a port conceptual permit
380 may ~~only~~ be challenged by a third party only for consistency
381 with the port conceptual permit.

382 (c) ~~(d)~~ A person who will be substantially affected by a
383 final agency action described in paragraph (b) ~~(e)~~ must initiate
384 administrative proceedings pursuant to ss. 120.569 and 120.57
385 within 21 days after the publication of the notice of the
386 proposed action. If administrative proceedings are requested,
387 the proceedings are subject to the summary hearing provisions of
388 s. 120.574. However, if the decision of the administrative law
389 judge will be a recommended order rather than a final order, a
390 summary proceeding must be conducted within 90 days after a
391 party files a motion for summary hearing, regardless of whether
392 the parties agree to the summary proceeding.

393 Section 6. Subsection (3) of section 403.813, Florida
394 Statutes, is amended to read:

395 403.813 Permits issued at district centers; exceptions.—

396 (3) A permit is not required under this chapter, chapter
397 373, chapter 61-691, Laws of Florida, or chapter 25214 or
398 chapter 25270, 1949, Laws of Florida, for maintenance dredging
399 conducted under this section by the seaports of Jacksonville,
400 Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami,
401 Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City,
402 Pensacola, Key West, and Fernandina or by inland navigation
403 districts, if the dredging to be performed is no more than is
404 necessary to restore previously dredged areas to original design
405 specifications or configurations, if previously undisturbed
406 natural areas are not significantly impacted, and if the work

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407 conducted does not violate the protections for manatees under s.
408 379.2431(2)(d). In addition:

409 (a) A mixing zone for turbidity is granted within a 150-
410 meter radius from the point of dredging while dredging is
411 ongoing, except that the mixing zone may not extend into areas
412 supporting wetland communities, submerged aquatic vegetation, or
413 hardbottom communities.

414 (b) The discharge of the return water from the site used
415 for the disposal of dredged material shall be allowed only if
416 such discharge does not result in a violation of water quality
417 standards in the receiving waters. The return-water discharge
418 into receiving waters shall be granted a mixing zone for
419 turbidity within a 150-meter radius from the point of discharge
420 into the receiving waters during and immediately after the
421 dredging, except that the mixing zone may not extend into areas
422 supporting wetland communities, submerged aquatic vegetation, or
423 hardbottom communities. Ditches, pipes, and similar types of
424 linear conveyances are not considered receiving waters for the
425 purposes of this paragraph.

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

430 (d) The use of flocculants at the site used for disposal of
431 the dredged material is allowed if the use, including supporting
432 documentation, is coordinated in advance with the department and
433 the department has determined that the use is not harmful to
434 water resources.

435 (e) The spoil material from maintenance dredging may be

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436 deposited in a self-contained, upland disposal site. The site is
437 not required to be permitted if:

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

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

442 3. The site has adequate capacity to receive and retain the
443 dredged material; and

444 4. The site has operating and maintenance procedures that
445 provide for discharge of return flow of water and prevent the
446 escape of the spoil material into state waters.

447 (f) The department must be notified of the intent to use
448 this exemption at least 30 days before the commencement of
449 maintenance dredging. The notice shall include, if applicable,
450 the professional engineer certification required by paragraph
451 (e).

452 (g) ~~(e)~~ This subsection does not prohibit maintenance
453 dredging of areas where the loss of original design function and
454 constructed configuration has been caused by a storm event,
455 provided that the dredging is performed as soon as practical
456 after the storm event. Maintenance dredging that commences
457 within 3 years after the storm event shall be presumed to
458 satisfy this provision. If more than 3 years are needed to
459 commence the maintenance dredging after the storm event, a
460 request for a specific time extension to perform the maintenance
461 dredging shall be submitted to the department, prior to the end
462 of the 3-year period, accompanied by a statement, including
463 supporting documentation, demonstrating that contractors are not
464 available or that additional time is needed to obtain

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465 authorization for the maintenance dredging from the United
466 States Army Corps of Engineers.

467 Section 7. Subsection (4) of section 310.002, Florida
468 Statutes, is amended to read:

469 310.002 Definitions.—As used in this chapter, except where
470 the context clearly indicates otherwise:

471 (4) "Port" means any place in the state into which vessels
472 enter or depart and includes, without limitation, Fernandina,
473 Nassau Inlet, Jacksonville, St. Augustine, Canaveral, Port
474 Citrus, Ft. Pierce, Palm Beach, Port Everglades, Miami, Key
475 West, Boca Grande, Charlotte Harbor, Punta Gorda, Tampa, Port
476 Tampa, Port Manatee, St. Petersburg, Clearwater, Apalachicola,
477 Carrabelle, Panama City, Port St. Joe, and Pensacola.

478 Section 8. Subsection (1) of section 311.09, Florida
479 Statutes, is amended to read:

480 311.09 Florida Seaport Transportation and Economic
481 Development Council.—

482 (1) The Florida Seaport Transportation and Economic
483 Development Council is created within the Department of
484 Transportation. The council consists of the following 18 ~~17~~
485 members: the port director, or the port director's designee, of
486 each of the ports of Jacksonville, Port Canaveral, Port Citrus,
487 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,
488 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
489 West, and Fernandina; the secretary of the Department of
490 Transportation or his or her designee; the director of the
491 Office of Tourism, Trade, and Economic Development or his or her
492 designee; and the secretary of the Department of Community
493 Affairs or his or her designee.

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494 Section 9. Paragraph (c) of subsection (1) of section
495 374.976, Florida Statutes, is amended to read:

496 374.976 Authority to address impacts of waterway
497 development projects.-

498 (1) Each inland navigation district is empowered and
499 authorized to undertake programs intended to alleviate the
500 problems associated with its waterway or waterways, including,
501 but not limited to, the following:

502 (c) The district is authorized to aid and cooperate with
503 the Federal Government; state; member counties; nonmember
504 counties that contain any part of the intracoastal waterway
505 within their boundaries; navigation districts; the seaports of
506 Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm
507 Beach, Port Everglades, Miami, Port Manatee, St. Petersburg,
508 Tampa, Port St. Joe, Panama City, Pensacola, Key West, and
509 Fernandina; and local governments within the district in
510 planning and carrying out public navigation, local and regional
511 anchorage management, beach renourishment, public recreation,
512 inlet management, environmental education, and boating safety
513 projects, directly related to the waterways. The district is
514 also authorized to enter into cooperative agreements with the
515 United States Army Corps of Engineers, state, and member
516 counties, and to covenant in any such cooperative agreement to
517 pay part of the costs of acquisition, planning, development,
518 construction, reconstruction, extension, improvement, operation,
519 and maintenance of such projects.

520 Section 10. Subsection (9) of section 403.021, Florida
521 Statutes, is amended to read:

522 403.021 Legislative declaration; public policy.-

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523 (9) (a) The Legislature finds and declares that it is
524 essential to preserve and maintain authorized water depth in the
525 existing navigation channels, port harbors, turning basins, and
526 harbor berths of this state in order to provide for the
527 continued safe navigation of deepwater shipping commerce. The
528 department shall recognize that maintenance of authorized water
529 depths consistent with port master plans developed pursuant to
530 s. 163.3178(2) (k) is an ongoing, continuous, beneficial, and
531 necessary activity that is in the public interest; and it shall
532 develop a regulatory process that shall enable the ports of this
533 state to conduct such activities in an environmentally sound,
534 safe, expeditious, and cost-efficient manner. It is the further
535 intent of the Legislature that the permitting and enforcement of
536 dredging, dredged-material management, and other related
537 activities for Florida's deepwater ports pursuant to this
538 chapter and chapters 161, 253, and 373 shall be consolidated
539 within the department's Division of Water Resource Management
540 and, with the concurrence of the affected deepwater port or
541 ports, may be administered by a district office of the
542 department or delegated to an approved local environmental
543 program.

544 (b) The provisions of paragraph (a) apply only to the port
545 waters, dredged-material management sites, port harbors,
546 navigation channels, turning basins, and harbor berths used for
547 deepwater commercial navigation in the ports of Jacksonville,
548 Tampa, Port Everglades, Miami, Port Canaveral, Port Citrus, Ft.
549 Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St.
550 Petersburg, Pensacola, Fernandina, and Key West.

551 Section 11. Subsection (26) of section 403.061, Florida

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552 Statutes, is amended to read:

553 403.061 Department; powers and duties.—The department shall
554 have the power and the duty to control and prohibit pollution of
555 air and water in accordance with the law and rules adopted and
556 promulgated by it and, for this purpose, to:

557 (26) (a) Develop standards and criteria for waters used for
558 deepwater shipping which standards and criteria consider
559 existing water quality; appropriate mixing zones and other
560 requirements for maintenance dredging in previously constructed
561 deepwater navigation channels, port harbors, turning basins, or
562 harbor berths; and appropriate mixing zones for disposal of
563 spoil material from dredging and, where necessary, develop a
564 separate classification for such waters. Such classification,
565 standards, and criteria shall recognize that the present
566 dedicated use of these waters is for deepwater commercial
567 navigation.

568 (b) The provisions of paragraph (a) apply only to the port
569 waters, spoil disposal sites, port harbors, navigation channels,
570 turning basins, and harbor berths used for deepwater commercial
571 navigation in the ports of Jacksonville, Tampa, Port Everglades,
572 Miami, Port Canaveral, Port Citrus, Ft. Pierce, Palm Beach, Port
573 Manatee, Port St. Joe, Panama City, St. Petersburg, Port Bartow,
574 Florida Power Corporation's Crystal River Canal, Boca Grande,
575 Green Cove Springs, and Pensacola.

576

577 The department shall implement such programs in conjunction with
578 its other powers and duties and shall place special emphasis on
579 reducing and eliminating contamination that presents a threat to
580 humans, animals or plants, or to the environment.

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581 Section 12. Subsection (3) of section 403.813, Florida
582 Statutes, is amended to read:

583 403.813 Permits issued at district centers; exceptions.—

584 (3) For maintenance dredging conducted under this section
585 by the seaports of Jacksonville, Port Canaveral, Port Citrus,
586 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,
587 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
588 West, and Fernandina or by inland navigation districts:

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

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

604 (c) The state may not exact a charge for material that this
605 subsection allows a public port or an inland navigation district
606 to remove.

607 (d) The use of flocculants at the site used for disposal of
608 the dredged material is allowed if the use, including supporting
609 documentation, is coordinated in advance with the department and

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610 the department has determined that the use is not harmful to
611 water resources.

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

627 Section 13. Section 403.816, Florida Statutes, is amended
628 to read:

629 403.816 Permits for maintenance dredging of deepwater ports
630 and beach restoration projects.—

631 (1) The department shall establish a permit system under
632 this chapter and chapter 253 which provides for the performance,
633 for up to 25 years from the issuance of the original permit, of
634 maintenance dredging of permitted navigation channels, port
635 harbors, turning basins, harbor berths, and beach restoration
636 projects approved pursuant to chapter 161. However, permits
637 issued for dredging river channels which are not a part of a
638 deepwater port shall be valid for no more than five years. No

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639 charge shall be exacted by the state for material removed during
640 such maintenance dredging by a public port authority.

641 (2) The provisions of s. 253.77 do not apply to a permit
642 for maintenance dredging and spoil site approval when there is
643 no change in the size or location of the spoil disposal site and
644 when the applicant provides documentation to the department that
645 the appropriate lease, easement, or consent of use for the
646 project site issued pursuant to chapter 253 is recorded in the
647 county where the project is located.

648 (3) The provisions of this section relating to ports apply
649 only to the port waters, spoil disposal sites, port harbors,
650 navigation channels, turning basins, and harbor berths used for
651 deepwater commercial navigation in the ports of Jacksonville,
652 Tampa, Port Everglades, Miami, Port Canaveral, Port Citrus, Ft.
653 Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St.
654 Petersburg, Port Bartow, Florida Power Corporation's Crystal
655 River Canal, Boca Grande, Green Cove Springs, and Pensacola.

656 Section 14. This act shall take effect July 1, 2011.