

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Patronis offered the following:

2  
3 **Amendment (with title amendment)**

4 Between lines 1937 and 1938, insert:

5 Section 35. Paragraph (d) of subsection (1) of section  
6 20.23, Florida Statutes, is amended to read:

7 20.23 Department of Transportation.—There is created a  
8 Department of Transportation which shall be a decentralized  
9 agency.

10 (1)

11 (d) The secretary may appoint up to three assistant  
12 secretaries who shall be directly responsible to the secretary  
13 and who shall perform such duties as are assigned by the  
14 secretary. The secretary shall designate to an assistant  
15 secretary the duties related to enhancing economic prosperity,  
16 including, but not limited to, the responsibility of liaison

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17 with the head of economic development in the Executive Office of  
18 the Governor. Such assistant secretary shall be directly  
19 responsible for providing the Executive Office of the Governor  
20 with investment opportunities and transportation projects that  
21 expand the state's role as a global hub for trade and investment  
22 and enhance the supply chain system in the state to process,  
23 assemble, and ship goods to markets throughout the eastern  
24 United States, Canada, the Caribbean, and Latin America. The  
25 secretary may delegate to any assistant secretary the authority  
26 to act in the absence of the secretary.

27 Section 36. Subsection (3) of section 311.09, Florida  
28 Statutes, is amended to read:

29 311.09 Florida Seaport Transportation and Economic  
30 Development Council.—

31 (3) The council shall prepare a 5-year Florida Seaport  
32 Mission Plan defining the goals and objectives of the council  
33 concerning the development of port facilities and an intermodal  
34 transportation system consistent with the goals of the Florida  
35 Transportation Plan developed pursuant to s. 339.155. The  
36 Florida Seaport Mission Plan shall include specific  
37 recommendations for the construction of transportation  
38 facilities connecting any port to another transportation mode  
39 and for the efficient, cost-effective development of  
40 transportation facilities or port facilities for the purpose of  
41 enhancing ~~international~~ trade, promoting cargo flow, increasing  
42 cruise passenger movements, increasing port revenues, and  
43 providing economic benefits to the state. The council shall  
44 develop a priority list of projects based on these

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45 recommendations annually and submit the list to the Department  
46 of Transportation. The council shall update the 5-year Florida  
47 Seaport Mission Plan annually and shall submit the plan no later  
48 than February 1 of each year to the President of the Senate; the  
49 Speaker of the House of Representatives; the Office of Tourism,  
50 Trade, and Economic Development; the Department of  
51 Transportation; and the Department of Community Affairs. The  
52 council shall develop programs, based on an examination of  
53 existing programs in Florida and other states, for the training  
54 of minorities and secondary school students in job skills  
55 associated with employment opportunities in the maritime  
56 industry, and report on progress and recommendations for further  
57 action to the President of the Senate and the Speaker of the  
58 House of Representatives annually.

59 Section 37. Section 311.14, Florida Statutes, is amended  
60 to read:

61 311.14 Seaport ~~freight-mobility~~ planning.-

62 (1) The Florida Seaport Transportation and Economic  
63 Development Council, in cooperation with the Office of the State  
64 Public Transportation Administrator within the Department of  
65 Transportation, shall develop freight-mobility and trade-  
66 corridor plans to assist in making freight-mobility investments  
67 that contribute to the economic growth of the state. Such plans  
68 should enhance the integration and connectivity of the  
69 transportation system across and between transportation modes  
70 throughout Florida for people and freight.

71 (2) The Office of the State Public Transportation  
72 Administrator shall act to integrate freight-mobility and trade-  
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73 corridor plans into the Florida Transportation Plan developed  
74 pursuant to s. 339.155 and into the plans and programs of  
75 metropolitan planning organizations as provided in s. 339.175.  
76 The office may also provide assistance in expediting the  
77 transportation permitting process relating to the construction  
78 of seaport freight-mobility projects located outside the  
79 physical borders of seaports. The Department of Transportation  
80 may contract, as provided in s. 334.044, with any port listed in  
81 s. 311.09(1) or any such other statutorily authorized seaport  
82 entity to act as an agent in the construction of seaport  
83 freight-mobility projects.

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

86 (a) An economic development component that identifies  
87 targeted business opportunities for increasing business and  
88 attracting new business for which a particular facility has a  
89 strategic advantage over its competitors, identifies financial  
90 resources and other inducements to encourage growth of existing  
91 business and acquisition of new business, and provides a  
92 projected schedule for attainment of the plan's goals.

93 (b) An infrastructure development and improvement  
94 component that identifies all projected infrastructure  
95 improvements within the plan area which require improvement,  
96 expansion, or development in order for a port to attain a  
97 strategic advantage for competition with national and  
98 international competitors.

99 (c) A component that identifies all intermodal  
100 transportation facilities, including sea, air, rail, or road

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101 facilities, which are available or have potential, with  
102 improvements, to be available for necessary national and  
103 international commercial linkages and provides a plan for the  
104 integration of port, airport, and railroad activities with  
105 existing and planned transportation infrastructure.

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

109 (e) An intergovernmental coordination component that  
110 specifies modes and methods to coordinate plan goals and  
111 missions with the missions of the Department of Transportation,  
112 other state agencies, and affected local, general-purpose  
113 governments.

114  
115 To the extent feasible, the port strategic plan must be  
116 consistent with the local government comprehensive plans of the  
117 units of local government in which the port is located. Upon  
118 approval of a plan by the port's board, the plan shall be  
119 submitted to the Florida Seaport Transportation and Economic  
120 Development Council.

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

125 Section 38. Subsection (1) of section 339.155, Florida  
126 Statutes, is amended to read:

127 339.155 Transportation planning.—

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128 (1) THE FLORIDA TRANSPORTATION PLAN.—The department shall  
129 develop and annually update a statewide transportation plan, to  
130 be known as the Florida Transportation Plan. The plan shall be  
131 designed so as to be easily read and understood by the general  
132 public. The plan shall consider the needs of the entire state  
133 transportation system and examine the use of all modes of  
134 transportation to effectively and efficiently meet such needs.

135 The purpose of the Florida Transportation Plan is to establish  
136 and define the state's long-range transportation goals and  
137 objectives to be accomplished over a period of at least 20 years  
138 within the context of the State Comprehensive Plan, and any  
139 other statutory mandates and authorizations and based upon the  
140 prevailing principles of:

141 (a) Preserving the existing transportation  
142 infrastructure.†

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

144 (c) Improving travel choices to ensure mobility.

145 (d) Expanding the state's role as a hub for trade and  
146 investment. ~~The Florida Transportation Plan shall consider the~~  
147 ~~needs of the entire state transportation system and examine the~~  
148 ~~use of all modes of transportation to effectively and~~  
149 ~~efficiently meet such needs.~~

150 Section 39. Subsection (2) of section 339.63, Florida  
151 Statutes, is amended to read:

152 339.63 System facilities designated; additions and  
153 deletions.—

154 (2) The Strategic Intermodal System and the Emerging  
155 Strategic Intermodal System include four ~~three~~ different types  
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156 of facilities that each form one component of an interconnected  
157 transportation system which types include:

158 (a) Existing or planned hubs that are ports and terminals  
159 including airports, seaports, spaceports, passenger terminals,  
160 and rail terminals serving to move goods or people between  
161 Florida regions or between Florida and other markets in the  
162 United States and the rest of the world.~~†~~

163 (b) Existing or planned corridors that are highways, rail  
164 lines, waterways, and other exclusive-use facilities connecting  
165 major markets within Florida or between Florida and other states  
166 or nations.~~†~~ and

167 (c) Existing or planned intermodal connectors that are  
168 highways, rail lines, waterways or local public transit systems  
169 serving as connectors between the components listed in  
170 paragraphs (a) and (b).

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

174 Section 40. Subsection (12) is added to section 373.406,  
175 Florida Statutes, to read:

176 373.406 Exemptions.—The following exemptions shall apply:

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

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

185 (b) The stormwater pollution prevention plan also provides  
186 similar pollution prevention measures for other activities that  
187 are not subject to the National Pollutant Discharge Elimination  
188 System Program and that occur on the port's overwater piers,  
189 docks, and similar structures.

190 Section 41. Paragraph (a) of subsection (8) of section  
191 373.4133, Florida Statutes, is amended to read:

192 373.4133 Port conceptual permits.—

193 (8) Except as otherwise provided in this section, the  
194 following procedures apply to the approval or denial of an  
195 application for a port conceptual permit or a final permit or  
196 authorization:

197 (a) Applications for a port conceptual permit, including  
198 any request for the conceptual approval of the use of  
199 sovereignty submerged lands, shall be processed in accordance  
200 with the provisions of ss. 373.427 and 120.60, with the  
201 following exceptions:—

202 1. An application for a port conceptual permit, and any  
203 applications for subsequent construction contained in a port  
204 conceptual permit, must be approved or denied within 60 days  
205 after receipt of a completed application.

206 2. The department may request additional information no  
207 more than twice, unless the applicant waives this limitation in  
208 writing. If the applicant does not provide a response to the  
209 second request for additional information within 90 days or

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210 another time period mutually agreed upon between the applicant  
211 and department, the application shall be considered withdrawn.

212 ~~However,~~

213 3. If the applicant believes that any request for  
214 additional information is not authorized by law or agency rule,  
215 the applicant may request an informal hearing pursuant to s.  
216 120.57(2) before the Secretary of Environmental Protection to  
217 determine whether the application is complete.

218 4. If a third party petitions to challenge the issuance of  
219 a port conceptual permit by the department, the petitioner  
220 initiating the action has the burden of ultimate persuasion and,  
221 in the first instance, has the burden of going forward with the  
222 evidence.

223 Section 42. Subsection (3) of section 403.813, Florida  
224 Statutes, is amended to read:

225 403.813 Permits issued at district centers; exceptions.—

226 (3) A permit is not required under this chapter, chapter  
227 373, chapter 61-691, Laws of Florida, or chapter 25214 or  
228 chapter 25270, 1949, Laws of Florida, for maintenance dredging  
229 conducted under this section by the seaports of Jacksonville,  
230 Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami,  
231 Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City,  
232 Pensacola, Key West, and Fernandina or by inland navigation  
233 districts if the dredging to be performed is no more than is  
234 necessary to restore previously dredged areas to original design  
235 specifications or configurations, previously undisturbed natural  
236 areas are not significantly impacted, and the work conducted

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237 does not violate the protections for manatees under s.

238 379.2431(2)(d). In addition:

239 (a) A mixing zone for turbidity is granted within a 150-  
240 meter radius from the point of dredging while dredging is  
241 ongoing, except that the mixing zone may not extend into areas  
242 supporting wetland communities, submerged aquatic vegetation, or  
243 hardbottom communities.

244 (b) The discharge of the return water from the site used  
245 for the disposal of dredged material shall be allowed only if  
246 such discharge does not result in a violation of water quality  
247 standards in the receiving waters. The return-water discharge  
248 into receiving waters shall be granted a mixing zone for  
249 turbidity within a 150-meter radius from the point of discharge  
250 into the receiving waters during and immediately after the  
251 dredging, except that the mixing zone may not extend into areas  
252 supporting wetland communities, submerged aquatic vegetation, or  
253 hardbottom communities. Ditches, pipes, and similar types of  
254 linear conveyances may not be considered receiving waters for  
255 the purposes of this paragraph.

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

260 (d) The use of flocculants at the site used for disposal  
261 of the dredged material is allowed if the use, including  
262 supporting documentation, is coordinated in advance with the  
263 department and the department has determined that the use is not  
264 harmful to water resources.

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

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

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

272 3. The site has adequate capacity to receive and retain  
273 the dredged material; and

274 4. The site has operating and maintenance procedures  
275 established that allow for discharge of return flow of water and  
276 to prevent the escape of the spoil material into the waters of  
277 the state.

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

282 (g) ~~(e)~~ This subsection does not prohibit maintenance  
283 dredging of areas where the loss of original design function and  
284 constructed configuration has been caused by a storm event,  
285 provided that the dredging is performed as soon as practical  
286 after the storm event. Maintenance dredging that commences  
287 within 3 years after the storm event shall be presumed to  
288 satisfy this provision. If more than 3 years are needed to  
289 commence the maintenance dredging after the storm event, a  
290 request for a specific time extension to perform the maintenance  
291 dredging shall be submitted to the department, prior to the end  
292 of the 3-year period, accompanied by a statement, including  
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293 supporting documentation, demonstrating that contractors are not  
294 available or that additional time is needed to obtain  
295 authorization for the maintenance dredging from the United  
296 States Army Corps of Engineers.

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301 **T I T L E A M E N D M E N T**

302 Remove line 212 and insert:  
303 specified properties; amending s. 20.23, F.S.; requiring  
304 the Secretary of Transportation to designate duties  
305 relating to certain investment opportunities and  
306 transportation projects to an assistant secretary;  
307 amending s. 311.09, F.S.; revising requirements for the  
308 inclusion of certain goals and objectives in the Florida  
309 Seaport Mission Plan; requiring the Florida Seaport  
310 Transportation and Economic Development Council to develop  
311 a priority list of projects and submit the list to the  
312 Department of Transportation; amending s. 311.14, F.S.;  
313 requiring certain ports to develop strategic plans;  
314 providing criteria for such plans; requiring such plans to  
315 be consistent with local government comprehensive plans;  
316 requiring such plans to be submitted to the Florida  
317 Seaport Transportation and Economic Development Council;  
318 requiring the Florida Seaport Transportation and Economic  
319 Development Council to review such plans and include  
320 related information in the Florida Seaport Mission Plan;

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321 amending s. 339.155, F.S.; clarifying and revising the  
322 principles on which the Florida Transportation Plan is  
323 based; amending s. 339.63, F.S.; adding certain existing  
324 and planned facilities to the list of facilities included  
325 in the Strategic Intermodal System and the Emerging  
326 Strategic Intermodal System; amending s. 373.406, F.S.;  
327 exempting overwater piers, docks, and structures located  
328 in deepwater ports from stormwater management system  
329 requirements under specified conditions; amending s.  
330 373.4133, F.S.; requiring the Department of Environmental  
331 Protection to approve or deny an application for a port  
332 conceptual permit within a specified time; providing a  
333 limitation for the request of additional information from  
334 an applicant by the department; providing that failure of  
335 an applicant to respond to such a request within a  
336 specified time constitutes withdrawal of the application;  
337 providing that a third party who challenge the issuance of  
338 a port conceptual permit has the burden of ultimate  
339 persuasion and the burden of going forward with evidence;  
340 amending s. 403.813, F.S.; exempting specified seaports  
341 and inland navigation districts from requirements to  
342 conduct maintenance dredging under certain conditions;  
343 excluding ditches, pipes, and similar linear conveyances  
344 from consideration as receiving waters for the disposal of  
345 dredged materials; authorizing public ports and inland  
346 navigation districts to use sovereignty submerged lands in  
347 connection with maintenance dredging; authorizing the  
348 disposal of spoil material on specified sites; providing

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349 an exemption from permitting requirements for sites that  
350 meet specified criteria; requiring notice to the  
351 Department of Environmental Protection of intent to use  
352 the exemption; providing an effective date.  
353