

By the Committee on Transportation; and Senator Ring

596-02037-12

20121168c1

1 A bill to be entitled
2 An act relating to freight mobility development;
3 providing definitions; providing tax credits of a
4 specified amount relating to increased trade
5 activities at port facilities for use against
6 specifically enumerated taxes for a specified number
7 of tax years; providing eligibility criteria,
8 limitations, conditions, requirements, and
9 prohibitions relating to applying for, approving,
10 calculating, claiming, issuing, recapturing, carrying
11 over, and redeeming such tax credits; providing for
12 application; requiring the Department of Economic
13 Opportunity to adopt rules; requesting the Division of
14 Statutory Revision to redesignate the title of ch.
15 311, F.S.; amending s. 311.07, F.S.; redesignating the
16 ports to be benefitted by the Florida Seaport
17 Transportation and Economic Development Program;
18 increasing the minimum amount of annual funding from
19 the State Transportation Trust Fund to the Florida
20 Seaport Transportation and Economic Development
21 Program; requiring the Florida Seaport Transportation
22 and Economic Development Council to develop guidelines
23 for project funding; providing for the allocation of
24 funds to projects and placement of projects in the
25 tentative work program; authorizing program funds to
26 be used for data collection and analysis; correcting a
27 cross-reference; deleting a requirement that
28 intermodal access projects eligible for funding under
29 the program be identified in the 5-year Florida

596-02037-12

20121168c1

30 Seaport Mission Plan; authorizing program funds to be
31 used for updates to a seaport master plan or strategic
32 development plan; deleting limits on the maximum
33 amount of matching funds that a port may receive under
34 the program; making audits of a project receiving
35 funds under the program subject to the discretion of
36 the Department of Transportation; amending s. 311.09,
37 F.S.; revising the criteria that the Florida Seaport
38 Transportation and Economic Development Council must
39 use in evaluating certain proposed projects for
40 funding; deleting responsibilities of the Department
41 of Community Affairs with respect to projects approved
42 by the council; requiring the Department of
43 Transportation to review the applications for projects
44 approved by the council for consistency with the
45 Statewide Seaport and Waterways System Plan; requiring
46 the Department of Transportation to assess the
47 transportation impacts and economic benefits of
48 projects approved by the council; requiring the
49 Department of Economic Opportunity to review projects
50 approved by the council for consistency with state
51 economic development goals and policies and with
52 state, regional, and local plans; conforming cross-
53 references; requiring the Department of Transportation
54 to request a specified minimum amount of funding for
55 the Florida Seaport Transportation and Economic
56 Development Program in its annual budget request;
57 requiring the Department of Transportation to include
58 projects approved under the program to be included in

596-02037-12

20121168c1

59 the tentative work program; creating s. 311.10, F.S.;

60 creating the Strategic Port Investment Initiative;

61 requiring a specified minimum amount of annual funding

62 from the State Transportation Trust Fund to the

63 initiative; requiring the Department of Transportation

64 to create a prioritized list of strategic investment

65 projects; specifying criteria for placing a proposed

66 project on the list; requiring the Department of

67 Transportation to include projects on the list of

68 strategic investment projects in the tentative work

69 program; amending s. 311.14, F.S.; requiring the

70 Department of Transportation to develop a Statewide

71 Seaport and Waterways System Plan; specifying the

72 contents of the plan; deleting requirements for the

73 creation of freight-mobility and trade-corridor plans;

74 amending ss. 311.22 and 320.20, F.S.; conforming

75 cross-references to changes made by the act; providing

76 an effective date.

77

78 Be It Enacted by the Legislature of the State of Florida:

79

80 Section 1. Freight and logistics facility credit.—

81 (1) DEFINITIONS.—As used in this section, the term:

82 (a) "Capital investment" means the amount properly

83 chargeable to a capital account for improvements to rehabilitate

84 or expand depreciable real property placed in service during the

85 taxable year and the cost of machinery, tools, and equipment

86 used in a freight and logistics facility directly related to the

87 movement of cargo. The term includes expenditures associated

596-02037-12

20121168c1

88 with any exterior, structural, mechanical, or electrical
89 improvements necessary to expand or rehabilitate a building for
90 commercial or industrial use and excavations, grading, paving,
91 driveways, roads, sidewalks, landscaping, or other land
92 improvements. For purposes of this section, machinery, tools,
93 and equipment shall be deemed to include only that property
94 placed in service by the freight and logistics facility on or
95 after January 1, 2013. The term does not include:

96 1. The cost of acquiring any real property or building.

97 2. The cost of furnishings.

98 3. Any expenditure associated with appraisal,
99 architectural, engineering, or interior design fees.

100 4. Loan fees, points, or capitalized interest.

101 5. Legal, accounting, realtor, sales and marketing, or
102 other professional fees.

103 6. Closing costs, permit fees, user fees, zoning fees,
104 impact fees, or inspection fees.

105 7. The costs of temporary facilities incurred during
106 construction or the costs of bids, insurance, signage,
107 utilities, bonding, or copying or lost rent.

108 8. Utility hookup or access fees.

109 9. Outbuildings.

110 10. The cost of any well or septic system.

111 (b) "Freight and logistics facility" means a company that:

112 1. Is engaged in port-related activities, including, but
113 not limited to, warehousing, distribution, freight forwarding
114 and handling, and goods processing;

115 2. Uses maritime port facilities as identified in s.
116 311.09, Florida Statutes; and

596-02037-12

20121168c1

117 3. Transports at least 10 percent more cargo, measured in
118 20-foot equivalent marine containers, through maritime port
119 facilities identified in s. 311.09, Florida Statutes, during the
120 taxable year than was transported by the company through such
121 facilities during the previous taxable year.

122 (c) "New, permanent full-time position" means a job of
123 indefinite duration, created by the company after establishing
124 or expanding a freight and logistics facility in this state,
125 requiring a minimum of 35 hours of employment per week for each
126 employee for the entire normal year of the company's operations,
127 or a position of indefinite duration that requires a minimum of
128 35 hours of employment per week for each employee for the
129 portion of the taxable year in which the employee was initially
130 hired for, or transferred to, the freight and logistics facility
131 in this state. Seasonal or temporary positions, or a job created
132 when a job function is shifted from an existing location in this
133 state to the freight and logistics facility, and positions in
134 building and grounds maintenance, security, and other such
135 positions that are ancillary to the principal activities
136 performed by the employees at the freight and logistics facility
137 do not qualify as new, permanent full-time positions.

138 (d) "Normal year" means at least 48 weeks in a calendar
139 year.

140 (e) "Qualified full-time employee" means an employee
141 filling a new, permanent full-time position in a freight and
142 logistics facility in this state.

143 (f) "Qualified trade activities" means the completed
144 exportation or importation of at least one International
145 Organization for Standardization ocean container, with a minimum

596-02037-12

20121168c1

146 20-foot length, through a port facility identified in s. 311.09,
147 Florida Statutes. An export container must be loaded on a barge
148 or ocean-going vessel, and an import container must be
149 discharged from a barge or ocean-going vessel, at such facility.

150 (g) "Taxable year" has the same meaning as provided in s.
151 220.03(1)(y), Florida Statutes.

152 (2) ELIGIBLE CREDIT AMOUNTS.—

153 (a) For taxable years beginning on or after January 1,
154 2013, but before January 1, 2017, a taxpayer satisfying the
155 requirements of this section is allowed a credit against the
156 taxes imposed by chapters 199, 201, 212, and 220, Florida
157 Statutes, and s. 624.509, Florida Statutes. The amount of the
158 credit earned under this section equals:

159 1. Three thousand dollars per qualified full-time employee
160 hired as a result of increased qualified trade activities by the
161 taxpayer; or

162 2. Five percent of the capital investment made by the
163 taxpayer to facilitate the increased qualified trade activities.

164
165 The election of which tax credit amount to claim is the
166 responsibility of the taxpayer. Both tax credits may not be
167 claimed for the same activities occurring in a calendar year.
168 The portion of the \$3,000 credit earned with respect to any
169 qualified full-time employee who works in this state for less
170 than 12 full months during the applicable taxable year is
171 determined by multiplying the credit amount by a fraction the
172 numerator of which is the number of full months the employee
173 worked for the freight and logistics facility in this state
174 during the applicable taxable year and the denominator of which

596-02037-12

20121168c1

175 is 12. A taxpayer is not eligible for more than \$500,000 in tax
176 credit for a taxable year.

177 (b) The Department of Economic Opportunity shall issue the
178 tax credits under this section and may not issue more than \$10
179 million in tax credits under this section in any fiscal year. If
180 the amount of tax credits requested under this section for any
181 taxable year exceeds \$10 million, the credits shall be allocated
182 proportionately among all qualified taxpayers who requested the
183 credit. The department may not issue tax credits under this
184 section after the fiscal year ending on June 30, 2017. A
185 taxpayer may not claim any tax credit under this section unless
186 the taxpayer has applied to the department for the tax credit
187 and the department has approved the credit. The department shall
188 determine the credit amount allowable for the taxable year and
189 provide a written certification to the taxpayer that specifies
190 the amount of the tax credit approved by the department. The
191 taxpayer must attach the certification to the applicable income
192 tax return.

193 (c) The taxpayer may carry forward any unused credit amount
194 for the next 10 taxable years.

195 (d) Credit may not be earned for any employee:

196 1. For whom a credit was previously earned under this
197 section or s. 288.106, Florida Statutes, by a related party as
198 defined in s. 267(b) of the Internal Revenue Code, as amended,
199 or a trade or business under common control as defined in s.
200 52(b) of the Internal Revenue Code, as amended;

201 2. Who was previously employed in the same job function in
202 this state by a related party as defined in s. 267(b) of the
203 Internal Revenue Code, as amended, or a trade or business under

596-02037-12

20121168c1

204 common control as defined in s. 52(b) of the Internal Revenue
205 Code, as amended;

206 3. Whose job function was previously performed at a
207 different location in this state by an employee of the taxpayer,
208 by a related party as defined in s. 267(b) of the Internal
209 Revenue Code, as amended, or by a trade or business under common
210 control as defined in s. 52(b) of the Internal Revenue Code, as
211 amended; or

212 4. Whose job function previously qualified for a credit
213 under this section at a different major business facility that
214 constitutes an employing unit, as defined in s. 443.036, Florida
215 Statutes, on behalf of the taxpayer, by a related party as
216 defined in s. 267(b) of the Internal Revenue Code, as amended,
217 or by a trade or business under common control as defined in s.
218 52(b) of the Internal Revenue Code, as amended.

219 (e) For purposes of this section, the amount of any credit
220 attributable to a partnership, an electing small business
221 corporation (S corporation), or a limited liability company
222 shall be allocated to the individual partners, shareholders, or
223 members, respectively, in proportion to their ownership or
224 interest in such business entities.

225 (f) For purposes of this section, two or more affiliated
226 companies may elect to aggregate the number of jobs created for
227 qualified full-time employees or the amounts of capital
228 investments as the result of the establishment or expansion by
229 the individual companies in order to qualify for the credit
230 allowed.

231 (g) Recapture of the credit amount is required, and shall
232 be accomplished by increasing the tax in any of the 5 taxable

596-02037-12

20121168c1

233 years after the year in which a credit has been earned under
234 this section, if the number of qualified full-time employees
235 falls below the average number of qualified full-time employees
236 during the taxable year. The tax increase amount shall be
237 determined by:

238 1. Recalculating the credit that would have been earned for
239 the original taxable year using the decreased number of
240 qualified full-time employees; and

241 2. Subtracting the recalculated credit amount from the
242 amount previously earned.

243
244 If the average number of qualified full-time employees employed
245 at a freight and logistics facility falls below the number
246 employed by the taxpayer before claiming any credits under this
247 section in any of the 5 taxable years after the year in which
248 the credits were earned, all credits earned with respect to the
249 freight and logistics facility must be recaptured. A credit
250 amount may not be recaptured more than once under this
251 subsection. Any recapture under this subsection reduces the
252 credits earned but not yet allowed, and the credits allowed but
253 carried forward before the taxpayer's tax liability is
254 increased.

255 (3) ADMINISTRATION.—The Department of Economic Opportunity
256 shall adopt rules to administer this section, including, but not
257 limited to:

258 (a) The computation, carryover, and recapture of credits
259 under this section.

260 (b) The establishment of criteria to determine eligibility
261 for credits under this section, including, but not limited to,

596-02037-12

20121168c1

262 the identification of freight and logistics facilities,
263 qualified full-time employees at such facilities, and capital
264 investments.

265 (c) The computation, carryover, recapture, and redemption
266 of credits under this section by affiliated companies.

267 Section 2. The Division of Statutory Revision is requested
268 to redesignate the title of chapter 311, Florida Statutes, as
269 "Seaport Programs and Facilities."

270 Section 3. Section 311.07, Florida Statutes, is amended to
271 read:

272 311.07 Florida seaport transportation and economic
273 development funding.—

274 (1) There is created the Florida Seaport Transportation and
275 Economic Development Program within the Department of
276 Transportation to finance port transportation or port facilities
277 projects that will improve the movement and intermodal
278 transportation of cargo or passengers in commerce and trade and
279 that will support the interests, purposes, and requirements of
280 ports that have a representative on the Florida Seaport
281 Transportation and Economic Development Council located in this
282 state.

283 (2) A minimum of \$15 ~~\$8~~ million per year shall be made
284 available from the State Transportation Trust Fund to fund the
285 Florida Seaport Transportation and Economic Development Program.
286 The Florida Seaport Transportation and Economic Development
287 Council shall develop guidelines for project funding. Council
288 staff, the Department of Transportation, and the Department of
289 Economic Opportunity shall work in cooperation to review
290 projects and allocate funds in accordance with the schedule

596-02037-12

20121168c1

291 required for the Department of Transportation to include these
292 projects in the tentative work program developed pursuant to s.
293 339.135(4).

294 (3) (a) Program Funds of the Florida Seaport Transportation
295 and Economic Development Program shall be used to fund approved
296 projects on a 50-50 matching basis with any of the deepwater
297 ports that have a representative on the Florida Seaport
298 Transportation and Economic Development Council, as listed in s.
299 403.021(9)(b), which is governed by a public body or any other
300 deepwater port that ~~which~~ is governed by a public body and that
301 ~~which~~ complies with the water quality provisions of s. 403.061,
302 the comprehensive master plan requirements of s. 163.3178(2)(k),
303 and the local financial management and reporting provisions of
304 part III of chapter 218. However, program funds used to fund
305 projects that involve the rehabilitation of wharves, docks,
306 berths, bulkheads, or similar structures shall require a 25-
307 percent match of funds. Program funds also may be used by the
308 Seaport Transportation and Economic Development Council for data
309 collection and analysis that ~~to develop trade data information~~
310 ~~products which~~ will assist Florida's seaports and international
311 trade.

312 (b) Projects eligible for funding by grants under the
313 program are limited to the following port facilities or port
314 transportation projects:

- 315 1. Transportation facilities within the jurisdiction of the
316 port.
- 317 2. The dredging or deepening of channels, turning basins,
318 or harbors.
- 319 3. The construction or rehabilitation of wharves, docks,

596-02037-12

20121168c1

320 structures, jetties, piers, storage facilities, cruise
321 terminals, automated people mover systems, or any facilities
322 necessary or useful in connection with any of the foregoing.

323 4. The acquisition of vessel tracking systems, container
324 cranes, or other mechanized equipment used in the movement of
325 cargo or passengers in international commerce.

326 5. The acquisition of land to be used for port purposes.

327 6. The acquisition, improvement, enlargement, or extension
328 of existing port facilities.

329 7. Environmental protection projects that ~~which~~ are
330 necessary because of requirements imposed by a state agency as a
331 condition of a permit or other form of state approval; that
332 ~~which~~ are necessary for environmental mitigation required as a
333 condition of a state, federal, or local environmental permit;
334 that ~~which~~ are necessary for the acquisition of spoil disposal
335 sites and improvements to existing and future spoil sites; or
336 that ~~which~~ result from the funding of eligible projects listed
337 in this paragraph.

338 8. A transportation facility ~~facilities~~ as defined in s.
339 334.03(31) which is ~~are~~ not otherwise part of the Department of
340 Transportation's adopted work program.

341 9. ~~Seaport~~ Intermodal access projects ~~identified in the 5-~~
342 ~~year Florida Seaport Mission Plan as provided in s. 311.09(3).~~

343 10. Construction or rehabilitation of port facilities as
344 defined in s. 315.02, excluding any park or recreational
345 facilities, in ports listed in s. 311.09(1) with operating
346 revenues of \$5 million or less, if ~~provided that~~ such projects
347 create economic development opportunities, capital improvements,
348 and positive financial returns to such ports.

596-02037-12

20121168c1

349 11. Updates to a seaport master plan or strategic plan
350 development, including the purchase of data to support such plan
351 updates.

352 (c) To be eligible for consideration by the council
353 pursuant to this section, a project must be consistent with the
354 port comprehensive master plan that ~~which~~ is incorporated as
355 part of the approved local government comprehensive plan as
356 required by s. 163.3178(2)(k) or other provisions of the
357 Community Planning Act, part II of chapter 163.

358 ~~(4) A port eligible for matching funds under the program~~
359 ~~may receive a distribution of not more than \$7 million during~~
360 ~~any 1 calendar year and a distribution of not more than \$30~~
361 ~~million during any 5 calendar year period.~~

362 ~~(4)(5)~~ Any port that ~~which~~ receives funding under the
363 program shall institute procedures to ensure that jobs created
364 as a result of the state funding are ~~shall be~~ subject to equal
365 opportunity hiring practices in the manner provided in s.
366 110.112.

367 ~~(5)(6)~~ The Department of Transportation may conduct a final
368 audit of a ~~shall subject any~~ project that receives funds
369 pursuant to this section and s. 320.20 ~~to a final audit~~. The
370 department may adopt rules and perform such other acts as are
371 necessary or convenient to ensure that the final audits are
372 conducted and that any deficiency or questioned costs noted by
373 the audit are resolved.

374 Section 4. Section 311.09, Florida Statutes, is amended to
375 read:

376 311.09 Florida Seaport Transportation and Economic
377 Development Council.—

596-02037-12

20121168c1

378 (1) The Florida Seaport Transportation and Economic
379 Development Council is created within the Department of
380 Transportation. The council consists of the following 18
381 members: the port director, or the port director's designee, of
382 each of the ports of Jacksonville, Port Canaveral, Port Citrus,
383 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,
384 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
385 West, and Fernandina; the secretary of the Department of
386 Transportation or his or her designee; and the director of the
387 Department of Economic Opportunity or his or her designee.

388 (2) The council shall adopt bylaws governing the manner in
389 which the business of the council will be conducted. The bylaws
390 shall specify the procedure by which the chairperson of the
391 council is elected.

392 (3) The council shall prepare a 5-year Florida Seaport
393 Mission Plan defining the goals and objectives of the council
394 concerning the development of port facilities and an intermodal
395 transportation system consistent with the goals of the Florida
396 Transportation Plan developed pursuant to s. 339.155. The
397 Florida Seaport Mission Plan shall include specific
398 recommendations for the construction of transportation
399 facilities connecting any port to another transportation mode
400 and for the efficient, cost-effective development of
401 transportation facilities or port facilities for the purpose of
402 enhancing trade, promoting cargo flow, increasing cruise
403 passenger movements, increasing port revenues, and providing
404 economic benefits to the state. The council shall develop a
405 priority list of projects based on these recommendations
406 annually and submit the list to the Department of

596-02037-12

20121168c1

407 Transportation. The council shall update the 5-year Florida
408 Seaport Mission Plan annually and shall submit the plan no later
409 than February 1 of each year to the President of the Senate, the
410 Speaker of the House of Representatives, the Department of
411 Economic Opportunity, and the Department of Transportation. The
412 council shall develop programs, based on an examination of
413 existing programs in Florida and other states, for the training
414 of minorities and secondary school students in job skills
415 associated with employment opportunities in the maritime
416 industry, and report on progress and recommendations for further
417 action to the President of the Senate and the Speaker of the
418 House of Representatives annually.

419 (4) The council shall adopt rules for evaluating projects
420 that ~~which~~ may be funded under ss. 311.07 and 320.20. The rules
421 shall provide criteria for evaluating proposed projects, which
422 include, but are not limited to, the following factors:

423 (a) The consistency of the project with relevant plans;

424 (b) The potential economic benefits of the project;

425 (c) Whether the project will create a competitive advantage
426 for a port over other ports in this state;

427 (d) The amount of time between the approval of funding and
428 the commencement of construction of the project; and

429 (e) Whether the project will increase the capacity of the
430 seaport system. ~~the economic benefit of the project, measured by~~
431 ~~the potential for the proposed project to maintain or increase~~
432 ~~cargo flow, cruise passenger movement, international commerce,~~
433 ~~port revenues, and the number of jobs for the port's local~~
434 ~~community.~~

435 (5) The council shall review and approve or disapprove each

596-02037-12

20121168c1

436 project eligible to be funded pursuant to the Florida Seaport
437 Transportation and Economic Development Program. The council
438 shall annually submit to the Secretary of Transportation and the
439 executive director of the Department of Economic Opportunity, or
440 his or her designee, a list of projects that ~~which~~ have been
441 approved by the council. The list shall specify the recommended
442 funding level for each project; and, if staged implementation of
443 the project is appropriate, the funding requirements for each
444 stage shall be specified.

445 ~~(6) The Department of Community Affairs shall review the~~
446 ~~list of projects approved by the council to determine~~
447 ~~consistency with approved local government comprehensive plans~~
448 ~~of the units of local government in which the port is located~~
449 ~~and consistency with the port master plan. The Department of~~
450 ~~Community Affairs shall identify and notify the council of those~~
451 ~~projects which are not consistent, to the maximum extent~~
452 ~~feasible, with such comprehensive plans and port master plans.~~

453 (6)(7) The Department of Transportation shall review the
454 applications for ~~list of~~ projects approved by the council for
455 consistency with the Florida Transportation Plan, the Statewide
456 Seaport and Waterways System Plan, and the department's adopted
457 work program. In evaluating the consistency of a project, the
458 department shall assess the transportation impacts and economic
459 benefits for each project. ~~determine whether the transportation~~
460 ~~impact of the proposed project is adequately handled by existing~~
461 ~~state-owned transportation facilities or by the construction of~~
462 ~~additional state-owned transportation facilities as identified~~
463 ~~in the Florida Transportation Plan and the department's adopted~~
464 ~~work program. In reviewing for consistency a transportation~~

596-02037-12

20121168c1

465 ~~facility project as defined in s. 334.03(31) which is not~~
466 ~~otherwise part of the department's work program, the department~~
467 ~~shall evaluate whether the project is needed to provide for~~
468 ~~projected movement of cargo or passengers from the port to a~~
469 ~~state transportation facility or local road. If the project is~~
470 ~~needed to provide for projected movement of cargo or passengers,~~
471 ~~the project shall be approved for consistency as a consideration~~
472 ~~to facilitate the economic development and growth of the state~~
473 ~~in a timely manner.~~ The Department of Transportation shall
474 identify those projects that ~~which~~ are inconsistent with the
475 Florida Transportation Plan, the Statewide Seaport and Waterways
476 System Plan, or ~~and~~ the adopted work program and shall notify
477 the council of projects found to be inconsistent.

478 (7)~~(8)~~ The Department of Economic Opportunity shall review
479 the applications for ~~list of~~ projects approved by the council to
480 evaluate the economic benefit of the project and to determine
481 whether the project is consistent with the Florida Seaport
482 Mission Plan and with state economic development goals and
483 policies. The Department of Economic Opportunity shall review
484 the consistency of the proposed project with state, regional,
485 and local plans, as appropriate, and the economic benefits of
486 each project based upon the rules adopted pursuant to subsection
487 (4). The Department of Economic Opportunity shall identify those
488 projects that ~~which~~ it has determined do not offer an economic
489 benefit to the state, are not consistent with an appropriate
490 plan, or are not consistent with the Florida Seaport Mission
491 Plan or state economic development goals and policies, and shall
492 notify the council of its findings.

493 (8)~~(9)~~ The council shall review the findings of the

596-02037-12

20121168c1

494 Department of Economic Opportunity and the Department of
495 Transportation. Projects found to be inconsistent pursuant to
496 subsections (6) and (7) ~~(6), (7), and (8)~~ and projects that
497 ~~which~~ have been determined not to offer an economic benefit to
498 the state pursuant to subsection (7) ~~may (8)~~ shall not be
499 included in the list of projects to be funded.

500 (9) ~~(10)~~ The Department of Transportation shall request at
501 least \$15 million ~~include~~ in its annual legislative budget
502 request for the a Florida Seaport Transportation and Economic
503 Development ~~grant~~ program under s. 311.07 ~~for expenditure of~~
504 ~~funds of not less than \$8 million per year~~. Such budget shall
505 include funding for projects approved by the council which have
506 been determined by each agency to be consistent with the
507 appropriate plans and state economic goals and policies ~~and~~
508 ~~which have been determined by the Department of Economic~~
509 ~~Opportunity to be economically beneficial~~. The department shall
510 include the specific ~~approved seaport~~ projects approved under
511 the Florida Seaport Transportation and Economic Development
512 Program to be funded under s. 311.07 ~~this section~~ during the
513 ensuing fiscal year in the tentative work program developed
514 pursuant to s. 339.135(4). The total amount of funding allocated
515 ~~to be allocated to seaport~~ projects approved under the Florida
516 Seaport Transportation and Economic Development Program under s.
517 311.07 during the successive 4 fiscal years shall also be
518 included in the tentative work program developed pursuant to s.
519 339.135(4). The council may submit to the department a list of
520 approved projects that could be made production-ready within the
521 next 2 years. The list shall be submitted by the department as
522 part of the needs and project list prepared pursuant to s.

596-02037-12

20121168c1

523 339.135(2)(b). However, the department shall, upon written
524 request of the Florida Seaport Transportation and Economic
525 Development Council, submit work program amendments pursuant to
526 s. 339.135(7) to the Governor within 10 days after the later of
527 the date the request is received by the department or the
528 effective date of the amendment, termination, or closure of the
529 applicable funding agreement between the department and the
530 affected seaport, as required to release the funds from the
531 existing commitment. Notwithstanding s. 339.135(7)(c), any work
532 program amendment to transfer prior year funds from one approved
533 seaport project to another seaport project is subject to the
534 procedures in s. 339.135(7)(d). Notwithstanding any provision of
535 law to the contrary, the department may transfer unexpended
536 budget between the seaport projects as identified in the
537 approved work program amendments.

538 (10)~~(11)~~ The council shall meet at the call of its
539 chairperson, at the request of a majority of its membership, or
540 at such times as may be prescribed in its bylaws. However, the
541 council must meet at least semiannually. A majority of voting
542 members of the council constitutes a quorum for the purpose of
543 transacting the business of the council. All members of the
544 council are voting members. A vote of the majority of the voting
545 members present is sufficient for any action of the council,
546 except that a member representing the Department of
547 Transportation or the Department of Economic Opportunity may
548 vote to overrule any action of the council approving a project
549 pursuant to subsection (5). The bylaws of the council may
550 require a greater vote for a particular action.

551 (11)~~(12)~~ Members of the council shall serve without

596-02037-12

20121168c1

552 compensation but are entitled to receive reimbursement for per
553 diem and travel expenses as provided in s. 112.061. The council
554 may elect to provide an administrative staff to provide services
555 to the council on matters relating to the Florida Seaport
556 Transportation and Economic Development Program and the council.
557 The cost for such administrative services shall be paid by all
558 ports that receive funding from the Florida Seaport
559 Transportation and Economic Development Program, based upon a
560 pro rata formula measured by each recipient's share of the funds
561 as compared to the total funds disbursed to all recipients
562 during the year. The share of costs for administrative services
563 shall be paid in its total amount by the recipient port upon
564 execution by the port and the Department of Transportation of a
565 joint participation agreement for each council-approved project,
566 and such payment is in addition to the matching funds required
567 to be paid by the recipient port. Except as otherwise exempted
568 by law, all moneys derived from the Florida Seaport
569 Transportation and Economic Development Program shall be
570 expended in accordance with the provisions of s. 287.057.
571 Seaports subject to competitive negotiation requirements of a
572 local governing body shall abide by the provisions of s.
573 287.055.

574 (12)~~(13)~~ Until July 1, 2014, Citrus County may apply for a
575 grant through the Florida Seaport Transportation and Economic
576 Development Council to perform a feasibility study regarding the
577 establishment of a port in Citrus County. The council shall
578 evaluate such application pursuant to subsections (5)-(8) ~~(5)-~~
579 ~~(9)~~ and, if approved, the Department of Transportation shall
580 include the feasibility study in its budget request pursuant to

596-02037-12

20121168c1

581 subsection (9) ~~(10)~~. If the study determines that a port in
582 Citrus County is not feasible, the membership of Port Citrus on
583 the council shall terminate.

584 Section 5. Section 311.10, Florida Statutes, is created to
585 read:

586 311.10 Strategic Port Investment Initiative.—There is
587 created the Strategic Port Investment Initiative within the
588 Department of Transportation. Beginning in the 2012-2013 fiscal
589 year, a minimum of \$35 million annually shall be made available
590 from the State Transportation Trust Fund to fund the initiative.
591 The Department of Transportation shall work with the deepwater
592 ports represented on the Florida Seaport Transportation and
593 Economic Development Council to annually develop, update, and
594 maintain a prioritized list of strategic investment projects. A
595 proposed project may be placed on the list only if the project
596 will meet the state's economic development goal of becoming a
597 hub for trade, logistics, and export-oriented activities by:

598 (a) Providing important access and major on-port capacity
599 improvements;

600 (b) Providing capital improvements that will strategically
601 position the state to maximize opportunities in international
602 trade and logistics and in the cruise industry;

603 (c) Achieving the state's goals for an integrated
604 intermodal transportation system; and

605 (d) Demonstrating the feasibility of receiving matching
606 funds through local or private partners.

607 (2) Before finalizing the list of strategic investment
608 projects, the Department of Transportation must hold a public
609 workshop with the Department of Economic Opportunity and the

596-02037-12

20121168c1

610 deepwater ports represented on the Florida Seaport
611 Transportation and Economic Development Council to review the
612 proposed projects. The Department of Transportation shall
613 finalize the list of projects after considering the comments
614 received during the workshop.

615 (3) The Department of Transportation, to the extent
616 feasible, shall include the projects on the list of strategic
617 investment projects, in the tentative work program developed
618 pursuant to s. 339.135(4).

619 Section 6. Section 311.14, Florida Statutes, is amended to
620 read:

621 311.14 Seaport planning.—

622 (1) The Department of Transportation shall develop, in
623 coordination with the ports represented on the Florida Seaport
624 Transportation and Economic Development Council and other
625 partners, a Statewide Seaport and Waterways System Plan. The
626 plan must be consistent with the principles of the Florida
627 Transportation Plan under s. 339.155 and must consider the needs
628 identified in individual port master plans and those needs from
629 the seaport strategic plans required under this section. The
630 plan must identify 5-year, 10-year, and 20-year needs for the
631 seaport system and include seaport, waterway, road, and rail
632 projects that are needed to support the success of the
633 transportation system as a whole in supporting state economic
634 development goals. ~~The Florida Seaport Transportation and~~
635 ~~Economic Development Council, in cooperation with the Office of~~
636 ~~the State Public Transportation Administrator within the~~
637 ~~Department of Transportation, shall develop freight-mobility and~~
638 ~~trade-corridor plans to assist in making freight-mobility~~

596-02037-12

20121168c1

639 ~~investments that contribute to the economic growth of the state.~~
640 ~~Such plans should enhance the integration and connectivity of~~
641 ~~the transportation system across and between transportation~~
642 ~~modes throughout Florida for people and freight.~~

643 ~~(2) The Office of the State Public Transportation~~
644 ~~Administrator shall act to integrate freight-mobility and trade-~~
645 ~~corridor plans into the Florida Transportation Plan developed~~
646 ~~pursuant to s. 339.155 and into the plans and programs of~~
647 ~~metropolitan planning organizations as provided in s. 339.175.~~
648 ~~The office may also provide assistance in expediting the~~
649 ~~transportation permitting process relating to the construction~~
650 ~~of seaport freight-mobility projects located outside the~~
651 ~~physical borders of seaports. The Department of Transportation~~
652 ~~may contract, as provided in s. 334.044, with any port listed in~~
653 ~~s. 311.09(1) or any such other statutorily authorized seaport~~
654 ~~entity to act as an agent in the construction of seaport~~
655 ~~freight-mobility projects.~~

656 (2)~~(3)~~ Each port shall develop a strategic plan with a 10-
657 year horizon. Each plan must include the following:

658 (a) An economic development component that identifies
659 targeted business opportunities for increasing business and
660 attracting new business for which a particular facility has a
661 strategic advantage over its competitors, identifies financial
662 resources and other inducements to encourage growth of existing
663 business and acquisition of new business, and provides a
664 projected schedule for attainment of the plan's goals.

665 (b) An infrastructure development and improvement component
666 that identifies all projected infrastructure improvements within
667 the plan area which require improvement, expansion, or

596-02037-12

20121168c1

668 development in order for a port to attain a strategic advantage
669 for competition with national and international competitors.

670 (c) A component that identifies all intermodal
671 transportation facilities, including sea, air, rail, or road
672 facilities, which are available or have potential, with
673 improvements, to be available for necessary national and
674 international commercial linkages and provides a plan for the
675 integration of port, airport, and railroad activities with
676 existing and planned transportation infrastructure.

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

680 (e) An intergovernmental coordination component that
681 specifies modes and methods to coordinate plan goals and
682 missions with the missions of the Department of Transportation,
683 other state agencies, and affected local, general-purpose
684 governments.

685

686 To the extent feasible, the port strategic plan must be
687 consistent with the local government comprehensive plans of the
688 units of local government in which the port is located. Upon
689 approval of a plan by the port's board, the plan shall be
690 submitted to the Florida Seaport Transportation and Economic
691 Development Council.

692 (3)~~(4)~~ The Florida Seaport Transportation and Economic
693 Development Council shall review the strategic plans submitted
694 by each port and prioritize strategic needs for inclusion in the
695 Florida Seaport Mission Plan prepared pursuant to s. 311.09(3).

696 Section 7. Subsection (2) of section 311.22, Florida

596-02037-12

20121168c1

697 Statutes, is amended to read:

698 311.22 Additional authorization for funding certain
699 dredging projects.—

700 (2) The council shall adopt rules for evaluating the
701 projects that may be funded pursuant to this section. The rules
702 must provide criteria for evaluating the economic benefit of the
703 project. The rules must include the creation of an
704 administrative review process by the council which is similar to
705 the process described in s. 311.09(5)-(11) ~~s. 311.09(5)-(12)~~,
706 and provide for a review by the Department of Transportation and
707 the Department of Economic Opportunity of all projects submitted
708 for funding under this section.

709 Section 8. Subsections (3) and (4) of section 320.20,
710 Florida Statutes, are amended to read:

711 320.20 Disposition of license tax moneys.—The revenue
712 derived from the registration of motor vehicles, including any
713 delinquent fees and excluding those revenues collected and
714 distributed under the provisions of s. 320.081, must be
715 distributed monthly, as collected, as follows:

716 (3) Notwithstanding any other provision of law except
717 subsections (1) and (2), on July 1, 1996, and annually
718 thereafter, \$15 million shall be deposited in the State
719 Transportation Trust Fund solely for the purposes of funding the
720 Florida Seaport Transportation and Economic Development Program
721 as provided for in chapter 311. Such revenues shall be
722 distributed on a 50-50 matching basis to any port listed in s.
723 311.09(1) to be used for funding projects as described in s.
724 311.07(3)(b). Such revenues may be assigned, pledged, or set
725 aside as a trust for the payment of principal or interest on

596-02037-12

20121168c1

726 bonds, tax anticipation certificates, or any other form of
727 indebtedness issued by an individual port or appropriate local
728 government having jurisdiction thereof, or collectively by
729 interlocal agreement among any of the ports, or used to purchase
730 credit support to permit such borrowings. However, such debt
731 does ~~shall~~ not constitute a general obligation of the State of
732 Florida. The state does hereby covenant with holders of such
733 revenue bonds or other instruments of indebtedness issued
734 hereunder that it will not repeal, ~~or~~ impair, or amend in any
735 manner that ~~which~~ will materially and adversely affect the
736 rights of such holders so long as bonds authorized by this
737 section are outstanding. Any revenues that ~~which~~ are not pledged
738 to the repayment of bonds as authorized by this section may be
739 utilized for purposes authorized under the Florida Seaport
740 Transportation and Economic Development Program. This revenue
741 source is in addition to any amounts provided for and
742 appropriated in accordance with s. 311.07. The Florida Seaport
743 Transportation and Economic Development Council shall approve
744 distribution of funds to ports for projects that ~~which~~ have been
745 approved pursuant to s. 311.09(5)-(8) ~~s. 311.09(5)-(9)~~. The
746 council and the Department of Transportation are authorized to
747 perform such acts as are required to facilitate and implement
748 the provisions of this subsection. To better enable the ports to
749 cooperate to their mutual advantage, the governing body of each
750 port may exercise powers provided to municipalities or counties
751 in s. 163.01(7)(d) subject to the provisions of chapter 311 and
752 special acts, if any, pertaining to a port. The use of funds
753 provided pursuant to this subsection are limited to eligible
754 projects listed in this subsection. Income derived from a

596-02037-12

20121168c1

755 project completed with the use of program funds, beyond
756 operating costs and debt service, shall be restricted to further
757 port capital improvements consistent with maritime purposes and
758 for no other purpose. Use of such income for nonmaritime
759 purposes is prohibited. ~~The provisions of s. 311.07(4) do not~~
760 ~~apply to any funds received pursuant to this subsection.~~ The
761 revenues available under this subsection may ~~shall~~ not be
762 pledged to the payment of any bonds other than the Florida Ports
763 Financing Commission Series 1996 and Series 1999 Bonds currently
764 outstanding; provided, however, such revenues may be pledged to
765 secure payment of refunding bonds to refinance the Florida Ports
766 Financing Commission Series 1996 and Series 1999 Bonds. No
767 refunding bonds secured by revenues available under this
768 subsection may be issued with a final maturity later than the
769 final maturity of the Florida Ports Financing Commission Series
770 1996 and Series 1999 Bonds or which provide for higher debt
771 service in any year than is currently payable on such bonds. Any
772 revenue bonds or other indebtedness issued after July 1, 2000,
773 other than refunding bonds shall be issued by the Division of
774 Bond Finance at the request of the Department of Transportation
775 pursuant to the State Bond Act.

776 (4) Notwithstanding any other provision of law except
777 subsections (1), (2), and (3), on July 1, 1999, and annually
778 thereafter, \$10 million shall be deposited in the State
779 Transportation Trust Fund solely for the purposes of funding the
780 Florida Seaport Transportation and Economic Development Program
781 as provided in chapter 311 and for funding seaport intermodal
782 access projects of statewide significance as provided in s.
783 341.053. Such revenues shall be distributed to any port listed

596-02037-12

20121168c1

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

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

789 (b) For seaport intermodal access projects as described in
790 s. 341.053(5) that are identified in the 5-year Florida Seaport
791 Mission Plan as provided in s. 311.09(3). Funding for such
792 projects shall be on a matching basis as mutually determined by
793 the Florida Seaport Transportation and Economic Development
794 Council and the Department of Transportation, provided a minimum
795 of 25 percent of total project funds shall come from any port
796 funds, local funds, private funds, or specifically earmarked
797 federal funds.

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

800 (d) For seaport intermodal access projects that involve the
801 dredging or deepening of channels, turning basins, or harbors;
802 or the rehabilitation of wharves, docks, or similar structures.
803 Funding for such projects shall require a 25 percent match of
804 the funds received pursuant to this subsection. Matching funds
805 shall come from any port funds, federal funds, local funds, or
806 private funds.

807
808 Such revenues may be assigned, pledged, or set aside as a trust
809 for the payment of principal or interest on bonds, tax
810 anticipation certificates, or any other form of indebtedness
811 issued by an individual port or appropriate local government
812 having jurisdiction thereof, or collectively by interlocal

596-02037-12

20121168c1

813 agreement among any of the ports, or used to purchase credit
814 support to permit such borrowings. However, such debt does ~~shall~~
815 not constitute a general obligation of the state. This state
816 does hereby covenant with holders of such revenue bonds or other
817 instruments of indebtedness issued hereunder that it will not
818 repeal, ~~or~~ impair, or amend this subsection in any manner that
819 ~~which~~ will materially and adversely affect the rights of holders
820 so long as bonds authorized by this subsection are outstanding.
821 Any revenues that are not pledged to the repayment of bonds as
822 authorized by this section may be utilized for purposes
823 authorized under the Florida Seaport Transportation and Economic
824 Development Program. This revenue source is in addition to any
825 amounts provided for and appropriated in accordance with s.
826 311.07 and subsection (3). The Florida Seaport Transportation
827 and Economic Development Council shall approve distribution of
828 funds to ports for projects that have been approved pursuant to
829 s. 311.09(5)-(8) ~~s. 311.09(5)-(9)~~, or for seaport intermodal
830 access projects identified in the 5-year Florida Seaport Mission
831 Plan as provided in s. 311.09(3) and mutually agreed upon by the
832 FSTED Council and the Department of Transportation. All
833 contracts for actual construction of projects authorized by this
834 subsection must include a provision encouraging employment of
835 participants in the welfare transition program. The goal for
836 employment of participants in the welfare transition program is
837 25 percent of all new employees employed specifically for the
838 project, unless the Department of Transportation and the Florida
839 Seaport Transportation and Economic Development Council
840 demonstrate that such a requirement would severely hamper the
841 successful completion of the project. In such an instance,

596-02037-12

20121168c1

842 Workforce Florida, Inc., shall establish an appropriate
843 percentage of employees that must be participants in the welfare
844 transition program. The council and the Department of
845 Transportation are authorized to perform such acts as are
846 required to facilitate and implement the provisions of this
847 subsection. To better enable the ports to cooperate to their
848 mutual advantage, the governing body of each port may exercise
849 powers provided to municipalities or counties in s. 163.01(7)(d)
850 subject to the provisions of chapter 311 and special acts, if
851 any, pertaining to a port. The use of funds provided pursuant to
852 this subsection is limited to eligible projects listed in this
853 subsection. ~~The provisions of s. 311.07(4) do not apply to any~~
854 ~~funds received pursuant to this subsection.~~ The revenues
855 available under this subsection may ~~shall~~ not be pledged to the
856 payment of any bonds other than the Florida Ports Financing
857 Commission Series 1996 and Series 1999 Bonds currently
858 outstanding; provided, however, such revenues may be pledged to
859 secure payment of refunding bonds to refinance the Florida Ports
860 Financing Commission Series 1996 and Series 1999 Bonds. No
861 refunding bonds secured by revenues available under this
862 subsection may be issued with a final maturity later than the
863 final maturity of the Florida Ports Financing Commission Series
864 1996 and Series 1999 Bonds or which provide for higher debt
865 service in any year than is currently payable on such bonds. Any
866 revenue bonds or other indebtedness issued after July 1, 2000,
867 other than refunding bonds shall be issued by the Division of
868 Bond Finance at the request of the Department of Transportation
869 pursuant to the State Bond Act.

870 Section 9. This act shall take effect July 1, 2012.