



26 private infrastructure project agreements for port-  
 27 related public infrastructure projects, the Strategic  
 28 Port Investment Initiative within the department, the  
 29 Intermodal Logistics Center Infrastructure Support  
 30 Program, seaport security, licensed security officers  
 31 at Florida seaports, seaport planning, the  
 32 confidentiality of certain records held by deepwater  
 33 ports, the disposition of license tax moneys, the  
 34 definition of the term "governmental transportation  
 35 entity," seaport contractor services, exemptions for  
 36 overwater piers, docks, or similar structures in  
 37 deepwater ports, port conceptual permits, the  
 38 authorized use of mitigation banks, and the duties of  
 39 the Department of Environmental Protection in  
 40 providing environmental resource permits,  
 41 respectively, to incorporate the amendment made to s.  
 42 311.09, F.S., in references thereto; providing an  
 43 effective date.

44  
 45 Be It Enacted by the Legislature of the State of Florida:  
 46

47 Section 1. Subsection (1) of section 311.09, Florida  
 48 Statutes, is amended, and subsection (13) is added to that  
 49 section, to read:

50 311.09 Florida Seaport Transportation and Economic

51 Development Council.—

52 (1) The Florida Seaport Transportation and Economic  
53 Development Council is created within the Department of  
54 Transportation. The council consists of the following 18 ~~17~~  
55 members: the port director, or the port director's designee, of  
56 each of the ports of Jacksonville, Port Canaveral, Port Citrus,  
57 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,  
58 St. Petersburg, Putnam County, Tampa, Port St. Joe, Panama City,  
59 Pensacola, Key West, and Fernandina; the secretary of the  
60 Department of Transportation or his or her designee; and the  
61 secretary of the Department of Economic Opportunity or his or  
62 her designee.

63 (13) Until July 1, 2024, Putnam County may apply for a  
64 grant through the Florida Seaport Transportation and Economic  
65 Development Council to perform a study examining the economic,  
66 technical, and operational viability of the establishment of a  
67 port in Putnam County. The council shall evaluate the grant  
68 application pursuant to subsections (5)-(8) and, if approved,  
69 the Department of Transportation must include the feasibility  
70 study in its budget request pursuant to subsection (9). The  
71 council shall review the study upon completion to determine if a  
72 port in Putnam County is viable. If the council does not approve  
73 the study, the membership of Putnam County on the council must  
74 terminate.

75 Section 2. For the purpose of incorporating the amendment

76 | made by this act to section 311.09, Florida Statutes, in  
77 | references thereto, paragraph (k) of subsection (2) and  
78 | subsections (5) and (6) of section 163.3178, Florida Statutes,  
79 | are reenacted to read:

80 |       163.3178 Coastal management.—

81 |       (2) Each coastal management element required by s.  
82 | 163.3177(6)(g) shall be based on studies, surveys, and data; be  
83 | consistent with coastal resource plans prepared and adopted  
84 | pursuant to general or special law; and contain:

85 |       (k) A component which includes the comprehensive master  
86 | plan prepared by each deepwater port listed in s. 311.09(1),  
87 | which addresses existing port facilities and any proposed  
88 | expansions, and which adequately addresses the applicable  
89 | requirements of paragraphs (a)-(k) for areas within the port and  
90 | proposed expansion areas. Such component shall be submitted to  
91 | the appropriate local government at least 6 months prior to the  
92 | due date of the local plan and shall be integrated with, and  
93 | shall meet all criteria specified in, the coastal management  
94 | element. "The appropriate local government" means the  
95 | municipality having the responsibility for the area in which the  
96 | deepwater port lies, except that where no municipality has  
97 | responsibility, where a municipality and a county each have  
98 | responsibility, or where two or more municipalities each have  
99 | responsibility for the area in which the deepwater port lies,  
100 | "the appropriate local government" means the county which has

101 responsibility for the area in which the deepwater port lies.  
102 Failure by a deepwater port which is not part of a local  
103 government to submit its component to the appropriate local  
104 government shall not result in a local government being subject  
105 to sanctions pursuant to s. 163.3184. However, a deepwater port  
106 which is not part of a local government shall be subject to  
107 sanctions pursuant to s. 163.3184.

108 (5) The appropriate dispute resolution process provided  
109 under s. 186.509 must be used to reconcile inconsistencies  
110 between port master plans and local comprehensive plans. In  
111 recognition of the state's commitment to deepwater ports, the  
112 state comprehensive plan must include goals, objectives, and  
113 policies that establish a statewide strategy for enhancement of  
114 existing deepwater ports, ensuring that priority is given to  
115 water-dependent land uses. As an incentive for promoting plan  
116 consistency, port facilities as defined in s. 315.02(6) on lands  
117 owned or controlled by a deepwater port as defined in s.  
118 311.09(1), as of the effective date of this act shall not be  
119 subject to ~~development-of-regional-impact~~ review provided the  
120 port either successfully completes an alternative comprehensive  
121 development agreement with a local government pursuant to ss.  
122 163.3220-163.3243 or successfully enters into a development  
123 agreement with the state land planning agency and applicable  
124 local government pursuant to s. 380.032 or, where the port is a  
125 department of a local government, successfully enters into a

126 development agreement with the state land planning agency  
127 pursuant to s. 380.032. Port facilities as defined in s.  
128 315.02(6) on lands not owned or controlled by a deepwater port  
129 as defined in s. 311.09(1) as of the effective date of this act  
130 shall not be subject to development-of-regional-impact review  
131 provided the port successfully enters into a development  
132 agreement with the state land planning agency and applicable  
133 local government pursuant to s. 380.032 or, where the port is a  
134 department of a local government, successfully enters into a  
135 development agreement with the state land planning agency  
136 pursuant to s. 380.032.

137 (6) Each port listed in s. 311.09(1) and each local  
138 government in the coastal area which has spoil disposal  
139 responsibilities shall provide for or identify disposal sites  
140 for dredged materials in the future land use and port elements  
141 of the local comprehensive plan as needed to assure proper long-  
142 term management of material dredged from navigation channels,  
143 sufficient long-range disposal capacity, environmental  
144 sensitivity and compatibility, and reasonable cost and  
145 transportation. The disposal site selection criteria shall be  
146 developed in consultation with navigation and inlet districts  
147 and other appropriate state and federal agencies and the public.  
148 For areas owned or controlled by ports listed in s. 311.09(1)  
149 and proposed port expansion areas, compliance with the  
150 provisions of this subsection shall be achieved through

151 comprehensive master plans prepared by each port and integrated  
 152 with the appropriate local plan pursuant to paragraph (2)(k).

153 Section 3. For the purpose of incorporating the amendment  
 154 made by this act to section 311.09, Florida Statutes, in a  
 155 reference thereto, subsection (6) of section 189.068, Florida  
 156 Statutes, is reenacted to read:

157 189.068 Special districts; authority for oversight;  
 158 general oversight review process.—

159 (6) This section does not apply to a deepwater port listed  
 160 in s. 311.09(1) which is in compliance with a port master plan  
 161 adopted pursuant to s. 163.3178(2)(k), or to an airport  
 162 authority operating in compliance with an airport master plan  
 163 approved by the Federal Aviation Administration, or to any  
 164 special district organized to operate health systems and  
 165 facilities licensed under chapter 395, chapter 400, or chapter  
 166 429.

167 Section 4. For the purpose of incorporating the amendment  
 168 made by this act to section 311.09, Florida Statutes, in  
 169 references thereto, subsection (1) and paragraphs (a) and (b) of  
 170 subsection (3) of section 311.07, Florida Statutes, are  
 171 reenacted to read:

172 311.07 Florida seaport transportation and economic  
 173 development funding.—

174 (1) There is created the Florida Seaport Transportation  
 175 and Economic Development Program within the Department of

176 Transportation to finance port transportation or port facilities  
 177 projects that will improve the movement and intermodal  
 178 transportation of cargo or passengers in commerce and trade and  
 179 support the interests, purposes, and requirements of all ports  
 180 listed in s. 311.09.

181 (3)(a) Florida Seaport Transportation and Economic  
 182 Development Program funds shall be used to fund approved  
 183 projects on a 50-50 matching basis with any of the deepwater  
 184 ports, as listed in s. 311.09, which is governed by a public  
 185 body or any other deepwater port which is governed by a public  
 186 body and which complies with the water quality provisions of s.  
 187 403.061, the comprehensive master plan requirements of s.  
 188 163.3178(2)(k), and the local financial management and reporting  
 189 provisions of part III of chapter 218. However, program funds  
 190 used to fund projects that involve the rehabilitation of  
 191 wharves, docks, berths, bulkheads, or similar structures shall  
 192 require a 25-percent match of funds. Program funds also may be  
 193 used by the Seaport Transportation and Economic Development  
 194 Council for data and analysis that will assist Florida's  
 195 seaports and international trade.

196 (b) Projects eligible for funding by grants under the  
 197 program are limited to the following port facilities or port  
 198 transportation projects:

- 199 1. Transportation facilities within the jurisdiction of  
 200 the port.



201           2. The dredging or deepening of channels, turning basins,  
202 or harbors.

203           3. The construction or rehabilitation of wharves, docks,  
204 structures, jetties, piers, storage facilities, cruise  
205 terminals, automated people mover systems, or any facilities  
206 necessary or useful in connection with any of the foregoing.

207           4. The acquisition of vessel tracking systems, container  
208 cranes, or other mechanized equipment used in the movement of  
209 cargo or passengers in international commerce.

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

211           6. The acquisition, improvement, enlargement, or extension  
212 of existing port facilities.

213           7. Environmental protection projects which are necessary  
214 because of requirements imposed by a state agency as a condition  
215 of a permit or other form of state approval; which are necessary  
216 for environmental mitigation required as a condition of a state,  
217 federal, or local environmental permit; which are necessary for  
218 the acquisition of spoil disposal sites and improvements to  
219 existing and future spoil sites; or which result from the  
220 funding of eligible projects listed in this paragraph.

221           8. Transportation facilities as defined in s. 334.03(30)  
222 which are not otherwise part of the Department of  
223 Transportation's adopted work program.

224           9. Intermodal access projects.

225           10. Construction or rehabilitation of port facilities as

226 defined in s. 315.02, excluding any park or recreational  
227 facilities, in ports listed in s. 311.09(1) with operating  
228 revenues of \$5 million or less, provided that such projects  
229 create economic development opportunities, capital improvements,  
230 and positive financial returns to such ports.

231 11. Seaport master plan or strategic plan development or  
232 updates, including the purchase of data to support such plans.

233 Section 5. For the purpose of incorporating the amendment  
234 made by this act to section 311.09, Florida Statutes, in a  
235 reference thereto, section 311.091, Florida Statutes, is  
236 reenacted to read:

237 311.091 Entry into public-private infrastructure project  
238 agreements for port-related public infrastructure projects.—A  
239 seaport listed in s. 311.09(1) may receive or solicit proposals  
240 from and enter into a public-private infrastructure project  
241 agreement with a private entity, or a consortium of private  
242 entities, to build, operate, manage, maintain, or finance a  
243 port-related public infrastructure project.

244 Section 6. For the purpose of incorporating the amendment  
245 made by this act to section 311.09, Florida Statutes, in  
246 references thereto, subsections (1) and (2) of section 311.10,  
247 Florida Statutes, are reenacted to read:

248 311.10 Strategic Port Investment Initiative.—

249 (1) There is created the Strategic Port Investment  
250 Initiative within the Department of Transportation. Beginning in

251 fiscal year 2012-2013, a minimum of \$35 million annually shall  
252 be made available from the State Transportation Trust Fund to  
253 fund the Strategic Port Investment Initiative. The Department of  
254 Transportation shall work with the deepwater ports listed in s.  
255 311.09 to develop and maintain a priority list of strategic  
256 investment projects. Project selection shall be based on  
257 projects that meet the state's economic development goal of  
258 becoming a hub for trade, logistics, and export-oriented  
259 activities by:

260 (a) Providing important access and major on-port capacity  
261 improvements;

262 (b) Providing capital improvements to strategically  
263 position the state to maximize opportunities in international  
264 trade, logistics, or the cruise industry;

265 (c) Achieving state goals of an integrated intermodal  
266 transportation system; and

267 (d) Demonstrating the feasibility and availability of  
268 matching funds through local or private partners.

269 (2) Prior to making final project allocations, the  
270 Department of Transportation shall schedule a publicly noticed  
271 workshop with the Department of Economic Opportunity and the  
272 deepwater ports listed in s. 311.09 to review the proposed  
273 projects. After considering the comments received, the  
274 Department of Transportation shall finalize a prioritized list  
275 of potential projects.

276 Section 7. For the purpose of incorporating the amendment  
 277 made by this act to section 311.09, Florida Statutes, in a  
 278 reference thereto, subsection (2) of section 311.101, Florida  
 279 Statutes, is reenacted to read:

280 311.101 Intermodal Logistics Center Infrastructure Support  
 281 Program.—

282 (2) For the purposes of this section, the term "intermodal  
 283 logistics center," including, but not limited to, an "inland  
 284 port," means a facility or group of facilities serving as a  
 285 point of intermodal transfer of freight in a specific area  
 286 physically separated from a seaport where activities relating to  
 287 transport, logistics, goods distribution, consolidation, or  
 288 value-added activities are carried out and whose activities and  
 289 services are designed to support or be supported by conveyance  
 290 or shipping through one or more seaports listed in s. 311.09.

291 Section 8. For the purpose of incorporating the amendment  
 292 made by this act to section 311.09, Florida Statutes, in  
 293 references thereto, paragraph (a) of subsection (2), subsection  
 294 (3), and paragraph (a) of subsection (6) of section 311.12,  
 295 Florida Statutes, are reenacted to read:

296 311.12 Seaport security.—

297 (2) SECURITY PLAN.—

298 (a) Each seaport listed in s. 311.09 shall adopt and  
 299 maintain a security plan specific to that seaport which provides  
 300 for a secure seaport infrastructure that promotes the safety and

301 security of state residents and visitors and the flow of  
302 legitimate trade and travel.

303 (3) SECURE AND RESTRICTED AREAS.—Each seaport listed in s.  
304 311.09 must clearly designate in seaport security plans, and  
305 clearly identify with appropriate signs and markers on the  
306 premises of a seaport, all secure and restricted areas as  
307 defined by 33 C.F.R. part 105.

308 (a)1. All seaport employees and other persons working at  
309 the seaport who have regular access to secure or restricted  
310 areas must comply with federal access control regulations as  
311 prescribed in this section.

312 2. All persons and objects in secure and restricted areas  
313 are subject to search by a sworn state-certified law enforcement  
314 officer, a Class D seaport security officer certified under  
315 Maritime Transportation Security Act of 2002 guidelines, or an  
316 employee of the seaport security force certified under the  
317 Maritime Transportation Security Act of 2002 guidelines.

318 3. Persons found in these areas without the proper  
319 permission are subject to the trespass provisions of ss. 810.08  
320 and 810.09.

321 (b) The seaport must provide clear notice of the  
322 prohibition against possession of concealed weapons and other  
323 contraband material on the premises of the seaport. Any person  
324 in a restricted area who has in his or her possession a  
325 concealed weapon, or who operates or has possession or control

326 of a vehicle in or upon which a concealed weapon is placed or  
 327 stored, commits a misdemeanor of the first degree, punishable as  
 328 provided in s. 775.082 or s. 775.083. This paragraph does not  
 329 apply to active-duty certified federal or state law enforcement  
 330 personnel or persons so designated by the seaport director in  
 331 writing.

332 (c) During a period of high terrorist threat level, as  
 333 designated by the United States Department of Homeland Security,  
 334 the management or controlling authority of the port may  
 335 temporarily designate any part of the seaport property as a  
 336 secure or restricted area. The duration of such designation is  
 337 limited to the period in which the high terrorist threat level  
 338 is in effect or a port emergency exists.

339 (6) GRANT PROGRAM.—

340 (a) The Florida Seaport Transportation and Economic  
 341 Development Council shall establish a Seaport Security Grant  
 342 Program for the purpose of assisting in the implementation of  
 343 security plans and security measures at the seaports listed in  
 344 s. 311.09(1). Funds may be used for the purchase of equipment,  
 345 infrastructure needs, cybersecurity programs, and other security  
 346 measures identified in a seaport's approved federal security  
 347 plan. Such grants may not exceed 75 percent of the total cost of  
 348 the request and are subject to legislative appropriation.

349 Section 9. For the purpose of incorporating the amendment  
 350 made by this act to section 311.09, Florida Statutes, in

351 references thereto, subsection (2) and paragraph (a) of  
 352 subsection (3) of section 311.121, Florida Statutes, are  
 353 reenacted to read:

354 311.121 Qualifications, training, and certification of  
 355 licensed security officers at Florida seaports.—

356 (2) The authority or governing board of each seaport  
 357 identified under s. 311.09 that is subject to the seaport  
 358 security standards referenced in s. 311.12 shall require that a  
 359 candidate for certification as a seaport security officer:

360 (a) Has received a Class D license as a security officer  
 361 under chapter 493.

362 (b) Has successfully completed the certified training  
 363 curriculum for a Class D license or has been determined by the  
 364 Department of Agriculture and Consumer Services to have  
 365 equivalent experience as established by rule of the department.

366 (c) Has completed the training or training equivalency and  
 367 testing process established by this section for becoming a  
 368 certified seaport security officer.

369 (3) The Seaport Security Officer Qualification, Training,  
 370 and Standards Coordinating Council is created under the  
 371 Department of Law Enforcement.

372 (a) The executive director of the Department of Law  
 373 Enforcement shall appoint 11 members to the council, to include:

374 1. The seaport administrator of the Department of Law  
 375 Enforcement.

376 2. The Commissioner of Education or his or her designee.

377 3. The director of the Division of Licensing of the  
378 Department of Agriculture and Consumer Services.

379 4. The administrator of the Florida Seaport Transportation  
380 and Economic Development Council.

381 5. Two seaport security directors from seaports designated  
382 under s. 311.09.

383 6. One director of a state law enforcement academy.

384 7. One representative of a local law enforcement agency.

385 8. Two representatives of contract security services.

386 9. One representative of the Department of Highway Safety  
387 and Motor Vehicles.

388 Section 10. For the purpose of incorporating the amendment  
389 made by this act to section 311.09, Florida Statutes, in a  
390 reference thereto, subsection (1) of section 311.14, Florida  
391 Statutes, is reenacted to read:

392 311.14 Seaport planning.—

393 (1) The Department of Transportation shall develop, in  
394 coordination with the ports listed in s. 311.09(1) and other  
395 partners, a Statewide Seaport and Waterways System Plan. This  
396 plan shall be consistent with the goals of the Florida  
397 Transportation Plan developed pursuant to s. 339.155 and shall  
398 consider needs identified in individual port master plans and  
399 those from the seaport strategic plans required under this  
400 section. The plan will identify 5-year, 10-year, and 20-year



401 needs for the seaport system and will include seaport, waterway,  
402 road, and rail projects that are needed to ensure the success of  
403 the transportation system as a whole in supporting state  
404 economic development goals.

405 Section 11. For the purpose of incorporating the amendment  
406 made by this act to section 311.09, Florida Statutes, in a  
407 reference thereto, section 315.18, Florida Statutes, is  
408 reenacted to read:

409 315.18 Confidentiality of certain records held by  
410 deepwater ports.—Any proposal or counterproposal exchanged  
411 between a deepwater port listed in s. 311.09(1) and any  
412 nongovernmental entity, relating to the sale, use, or lease of  
413 land or of port facilities, and any financial records submitted  
414 by any nongovernmental entity to such a deepwater port for the  
415 purpose of the sale, use, or lease of land or of port  
416 facilities, are confidential and exempt from s. 119.07(1) and s.  
417 24(a), Art. I of the State Constitution. However, 30 days before  
418 any such proposal or counterproposal is considered for approval  
419 by the governing body of such a deepwater port, the proposal or  
420 counterproposal shall cease to be exempt. If no proposal or  
421 counterproposal is submitted to the governing body for approval,  
422 such a proposal or counterproposal shall cease to be exempt 90  
423 days after the cessation of negotiations.

424 Section 12. For the purpose of incorporating the amendment  
425 made by this act to section 311.09, Florida Statutes, in

426 references thereto, subsections (3) and (4) of section 320.20,  
427 Florida Statutes, are reenacted to read:

428       320.20 Disposition of license tax moneys.—The revenue  
429 derived from the registration of motor vehicles, including any  
430 delinquent fees and excluding those revenues collected and  
431 distributed under the provisions of s. 320.081, must be  
432 distributed monthly, as collected, as follows:

433       (3) Notwithstanding any other provision of law except  
434 subsections (1) and (2), \$15 million shall be deposited annually  
435 into the State Transportation Trust Fund solely for the purposes  
436 of funding the Florida Seaport Transportation and Economic  
437 Development Program as provided in chapter 311. Such revenues  
438 shall be distributed on a 50-50 matching basis to any port  
439 listed in s. 311.09(1) to be used for funding projects as  
440 described in s. 311.07(3)(b). Such revenues may be assigned,  
441 pledged, or set aside as a trust for the payment of principal or  
442 interest on bonds, tax anticipation certificates, or any other  
443 form of indebtedness issued by an individual port or appropriate  
444 local government having jurisdiction thereof, or collectively by  
445 interlocal agreement among any of the ports, or used to purchase  
446 credit support to permit such borrowings. However, such debt is  
447 not a general obligation of the state. The state covenants with  
448 holders of such revenue bonds or other instruments of  
449 indebtedness issued that it will not repeal or impair or amend  
450 in any manner that will materially and adversely affect the

451 rights of such holders so long as bonds authorized by this  
 452 section are outstanding. Any revenues that are not pledged to  
 453 the repayment of bonds authorized by this section may be used  
 454 for purposes authorized under the Florida Seaport Transportation  
 455 and Economic Development Program. This revenue source is in  
 456 addition to any amounts provided and appropriated in accordance  
 457 with s. 311.07. The Florida Seaport Transportation and Economic  
 458 Development Council shall approve the distribution of funds to  
 459 ports for projects that have been approved pursuant to s.  
 460 311.09(5)-(8). The council and the Department of Transportation  
 461 may perform acts required to facilitate and implement this  
 462 subsection. To better enable the ports to cooperate to their  
 463 mutual advantage, the governing body of each port may exercise  
 464 powers provided to municipalities or counties in s. 163.01(7)(d)  
 465 subject to chapter 311 and special acts, if any, pertaining to a  
 466 port. The use of funds provided pursuant to this subsection are  
 467 limited to eligible projects listed in this subsection. Income  
 468 derived from a project completed with the use of program funds,  
 469 beyond operating costs and debt service, is restricted solely to  
 470 further port capital improvements consistent with maritime  
 471 purposes. Use of such income for nonmaritime purposes is  
 472 prohibited. The revenues available under this subsection may not  
 473 be pledged to the payment of any bonds other than the Florida  
 474 Ports Financing Commission Series 1996 and Series 1999 Bonds  
 475 currently outstanding; however, such revenues may be pledged to

476 secure payment of refunding bonds to refinance the Florida Ports  
477 Financing Commission Series 1996 and Series 1999 Bonds.  
478 Refunding bonds secured by revenues available under this  
479 subsection may not be issued with a final maturity later than  
480 the final maturity of the Florida Ports Financing Commission  
481 Series 1996 and Series 1999 Bonds or which provide for higher  
482 debt service in any year than is currently payable on such  
483 bonds. Any revenue bonds or other indebtedness issued after July  
484 1, 2000, other than refunding bonds shall be issued by the  
485 Division of Bond Finance at the request of the Department of  
486 Transportation pursuant to the State Bond Act.

487 (4) Notwithstanding any other provision of law except  
488 subsections (1), (2), and (3), \$10 million shall be deposited  
489 annually into the State Transportation Trust Fund solely for the  
490 purposes of funding the Florida Seaport Transportation and  
491 Economic Development Program as provided in chapter 311 and for  
492 funding seaport intermodal access projects of statewide  
493 significance as provided in s. 341.053. Such revenues shall be  
494 distributed to any port listed in s. 311.09(1), to be used for  
495 funding projects as follows:

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

500 (b) For seaport intermodal access projects as described in

501 s. 341.053(6) which are identified in the 5-year Florida Seaport  
502 Mission Plan as provided in s. 311.09(3). Funding for such  
503 projects shall be on a matching basis as mutually determined by  
504 the Florida Seaport Transportation and Economic Development  
505 Council and the Department of Transportation if a minimum of 25  
506 percent of total project funds come from any port funds, local  
507 funds, private funds, or specifically earmarked federal funds.

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

510 (d) For seaport intermodal access projects that involve  
511 the dredging or deepening of channels, turning basins, or  
512 harbors; or the rehabilitation of wharves, docks, or similar  
513 structures. Funding for such projects requires a 25 percent  
514 match of the funds received pursuant to this subsection.  
515 Matching funds must come from port funds, federal funds, local  
516 funds, or private funds.

517  
518 Such revenues may be assigned, pledged, or set aside as a trust  
519 for the payment of principal or interest on bonds, tax  
520 anticipation certificates, or other form of indebtedness issued  
521 by an individual port or appropriate local government having  
522 jurisdiction thereof, or collectively by interlocal agreement  
523 among any of the ports, or used to purchase credit support to  
524 permit such borrowings. However, such debt is not a general  
525 obligation of the state. This state covenants with holders of

526 such revenue bonds or other instruments of indebtedness issued  
527 hereunder that it will not repeal, impair, or amend this  
528 subsection in a manner that will materially and adversely affect  
529 the rights of holders while bonds authorized by this subsection  
530 remain outstanding. Revenues that are not pledged to the  
531 repayment of bonds as authorized by this section may be used for  
532 purposes authorized under the Florida Seaport Transportation and  
533 Economic Development Program. This revenue source is in addition  
534 to any amounts provided for and appropriated in accordance with  
535 s. 311.07 and subsection (3). The Florida Seaport Transportation  
536 and Economic Development Council shall approve distribution of  
537 funds to ports for projects that have been approved pursuant to  
538 s. 311.09(5)-(8), or for seaport intermodal access projects  
539 identified in the 5-year Florida Seaport Mission Plan as  
540 provided in s. 311.09(3) and mutually agreed upon by the Florida  
541 Seaport Transportation and Economic Development Council and the  
542 Department of Transportation. All contracts for actual  
543 construction of projects authorized by this subsection must  
544 include a provision encouraging employment of participants in  
545 the welfare transition program. The goal for such employment is  
546 25 percent of all new employees employed specifically for the  
547 project, unless the Department of Transportation and the Florida  
548 Seaport Transportation and Economic Development Council  
549 demonstrate that such a requirement would severely hamper the  
550 successful completion of the project. In such an instance,

551 CareerSource Florida, Inc., shall establish an appropriate  
552 percentage of employees who are participants in the welfare  
553 transition program. The council and the Department of  
554 Transportation may perform such acts as are required to  
555 facilitate and implement the provisions of this subsection. To  
556 better enable the ports to cooperate to their mutual advantage,  
557 the governing body of each port may exercise powers provided to  
558 municipalities or counties in s. 163.01(7)(d) subject to the  
559 provisions of chapter 311 and special acts, if any, pertaining  
560 to a port. The use of funds provided pursuant to this subsection  
561 is limited to eligible projects listed in this subsection. The  
562 revenues available under this subsection may not be pledged to  
563 the payment of any bonds other than the Florida Ports Financing  
564 Commission Series 1996 and Series 1999 Bonds currently  
565 outstanding; however, such revenues may be pledged to secure  
566 payment of refunding bonds to refinance the Florida Ports  
567 Financing Commission Series 1996 and Series 1999 Bonds.  
568 Refunding bonds secured by revenues available under this  
569 subsection may not be issued with a final maturity later than  
570 the final maturity of the Florida Ports Financing Commission  
571 Series 1996 and Series 1999 Bonds and may not provide for higher  
572 debt service in any year than is currently payable on such  
573 bonds. Any revenue bonds or other indebtedness issued after July  
574 1, 2000, other than refunding bonds shall be issued by the  
575 Division of Bond Finance at the request of the Department of

576 Transportation pursuant to the State Bond Act.

577 Section 13. For the purpose of incorporating the amendment  
 578 made by this act to section 311.09, Florida Statutes, in a  
 579 reference thereto, subsection (1) of section 334.27, Florida  
 580 Statutes, is reenacted to read:

581 334.27 Governmental transportation entities; property  
 582 acquired for transportation purposes; limitation on soil or  
 583 groundwater contamination liability.—

584 (1) For the purposes of this section, the term  
 585 "governmental transportation entity" means the department; an  
 586 authority created pursuant to chapter 343, chapter 348, or  
 587 chapter 349; airports as defined in s. 332.004(14); a port  
 588 enumerated in s. 311.09(1); a county; or a municipality.

589 Section 14. For the purpose of incorporating the amendment  
 590 made by this act to section 311.09, Florida Statutes, in a  
 591 reference thereto, subsection (7) of section 337.14, Florida  
 592 Statutes, is reenacted to read:

593 337.14 Application for qualification; certificate of  
 594 qualification; restrictions; request for hearing.—

595 (7) A "contractor" as defined in s. 337.165(1)(d) or his  
 596 or her "affiliate" as defined in s. 337.165(1)(a) qualified with  
 597 the department under this section may not also qualify under s.  
 598 287.055 or s. 337.105 to provide testing services, construction,  
 599 engineering, and inspection services to the department. This  
 600 limitation does not apply to any design-build prequalification



601 under s. 337.11(7) and does not apply when the department  
602 otherwise determines by written order entered at least 30 days  
603 before advertisement that the limitation is not in the best  
604 interests of the public with respect to a particular contract  
605 for testing services, construction, engineering, and inspection  
606 services. This subsection does not authorize a contractor to  
607 provide testing services, or provide construction, engineering,  
608 and inspection services, to the department in connection with a  
609 construction contract under which the contractor is performing  
610 any work. Notwithstanding any other provision of law to the  
611 contrary, for a project that is wholly or partially funded by  
612 the department and administered by a local governmental entity,  
613 except for a seaport listed in s. 311.09 or an airport as  
614 defined in s. 332.004, the entity performing design and  
615 construction engineering and inspection services may not be the  
616 same entity.

617 Section 15. For the purpose of incorporating the amendment  
618 made by this act to section 311.09, Florida Statutes, in a  
619 reference thereto, subsection (12) of section 373.406, Florida  
620 Statutes, is reenacted to read:

621 373.406 Exemptions.—The following exemptions shall apply:

622 (12) An overwater pier, dock, or a similar structure  
623 located in a deepwater port listed in s. 311.09 is not  
624 considered to be part of a stormwater management system for  
625 which this chapter or chapter 403 requires stormwater from

626 | impervious surfaces to be treated if:

627 |       (a) The port has a stormwater pollution prevention plan  
628 | for industrial activities pursuant to the National Pollutant  
629 | Discharge Elimination System Program; and

630 |       (b) The stormwater pollution prevention plan also provides  
631 | similar pollution prevention measures for other activities that  
632 | are not subject to the National Pollutant Discharge Elimination  
633 | System Program and that occur on the port's overwater piers,  
634 | docks, and similar structures.

635 |       Section 16. For the purpose of incorporating the amendment  
636 | made by this act to section 311.09, Florida Statutes, in  
637 | references thereto, subsections (2) and (10) of section  
638 | 373.4133, Florida Statutes, are reenacted to read:

639 |       373.4133 Port conceptual permits.—

640 |       (2) Any port listed in s. 311.09(1) may apply to the  
641 | department for a port conceptual permit, including any  
642 | applicable authorization under chapter 253 to use sovereignty  
643 | submerged lands under a joint coastal permit pursuant to s.  
644 | 161.055 or an environmental resource permit issued pursuant to  
645 | this part, for all or a portion of the area within the  
646 | geographic boundaries of the port. A private entity with a  
647 | controlling interest in property used for private industrial  
648 | marine activities in the immediate vicinity of a port listed in  
649 | s. 311.09(1) may also apply for a port conceptual permit under  
650 | this section. A port conceptual permit may be issued for a

651 period of up to 20 years and extended one time for an additional  
652 10 years. A port conceptual permit constitutes the state's  
653 conceptual certification of compliance with state water quality  
654 standards for purposes of s. 401 of the Clean Water Act and the  
655 state's conceptual determination that the activities contained  
656 in the port conceptual permit are consistent with the state  
657 coastal zone management program.

658 (10) In lieu of meeting the generally applicable  
659 stormwater design standards in rules adopted under this part,  
660 which create a presumption that stormwater discharged from the  
661 system will meet the applicable state water quality standards in  
662 the receiving waters, any port listed in s. 311.09(1) may  
663 propose alternative stormwater treatment and design criteria for  
664 the construction, operation, and maintenance of stormwater  
665 management systems serving overwater piers. The proposal shall  
666 include such structural components or best management practices  
667 to address the stormwater discharge from the pier, including  
668 consideration of activities conducted on the pier, as are  
669 necessary to provide reasonable assurance that stormwater  
670 discharged from the system will meet the applicable state water  
671 quality standards in the receiving waters.

672 Section 17. For the purpose of incorporating the amendment  
673 made by this act to section 311.09, Florida Statutes, in a  
674 reference thereto, paragraph (d) of subsection (6) of section  
675 373.4136, Florida Statutes, is reenacted to read:

676 | 373.4136 Establishment and operation of mitigation banks.—

677 | (6) MITIGATION SERVICE AREA.—The department or water  
 678 | management district shall establish a mitigation service area  
 679 | for each mitigation bank permit. The department or water  
 680 | management district shall notify and consider comments received  
 681 | on the proposed mitigation service area from each local  
 682 | government within the proposed mitigation service area. Except  
 683 | as provided herein, mitigation credits may be withdrawn and used  
 684 | only to offset adverse impacts in the mitigation service area.  
 685 | The boundaries of the mitigation service area shall depend upon  
 686 | the geographic area where the mitigation bank could reasonably  
 687 | be expected to offset adverse impacts. Mitigation service areas  
 688 | may overlap, and mitigation service areas for two or more  
 689 | mitigation banks may be approved for a regional watershed.

690 | (d) If the requirements in s. 373.414(1)(b) and (8) are  
 691 | met, the following projects or activities regulated under this  
 692 | part shall be eligible to use a mitigation bank, regardless of  
 693 | whether they are located within the mitigation service area:

694 | 1. Projects with adverse impacts partially located within  
 695 | the mitigation service area.

696 | 2. Linear projects, such as roadways, transmission lines,  
 697 | distribution lines, pipelines, railways, or seaports listed in  
 698 | s. 311.09(1).

699 | 3. Projects with total adverse impacts of less than 1 acre  
 700 | in size.

701 Section 18. For the purpose of incorporating the amendment  
702 made by this act to section 311.09, Florida Statutes, in  
703 references thereto, subsections (38) and (39) of section  
704 403.061, Florida Statutes, are reenacted to read:

705 403.061 Department; powers and duties.—The department  
706 shall have the power and the duty to control and prohibit  
707 pollution of air and water in accordance with the law and rules  
708 adopted and promulgated by it and, for this purpose, to:

709 (38) Provide a supplemental permitting process for the  
710 issuance of a joint coastal permit pursuant to s. 161.055 or  
711 environmental resource permit pursuant to part IV of chapter  
712 373, to a port listed in s. 311.09(1), for maintenance dredging  
713 and the management of dredged materials from maintenance  
714 dredging of all navigation channels, port harbors, turning  
715 basins, and harbor berths. Such permit shall be issued for a  
716 period of 5 years and shall be annually extended for an  
717 additional year if the port is in compliance with all permit  
718 conditions at the time of extension. The department is  
719 authorized to adopt rules to implement this subsection.

720 (39) Provide a supplemental permitting process for the  
721 issuance of a conceptual joint coastal permit pursuant to s.  
722 161.055 or environmental resource permit pursuant to part IV of  
723 chapter 373, to a port listed in s. 311.09(1), for dredging and  
724 the management of materials from dredging and for other related  
725 activities necessary for development, including the expansion of

CS/HB 907

2022

726 navigation channels, port harbors, turning basins, harbor  
727 berths, and associated facilities. Such permit shall be issued  
728 for a period of up to 15 years. The department is authorized to  
729 adopt rules to implement this subsection.

730

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

735 Section 19. This act shall take effect July 1, 2022.