

709-130AX-27

Bill No. HB 17-B

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Russell offered the following:

Amendment to Amendment (305539) (with title amendment)

On page 4, between lines 1 and 2,

insert:

Section 5. Subsection (3) of section 311.07, Florida Statutes, is amended to read:

311.07 Florida seaport transportation and economic development funding.--

(3)(a) Program funds shall be used to fund approved projects on a 50-50 matching basis with any of the deepwater ports, as listed in s. 403.021(9)(b), which is governed by a public body or any other deepwater port which is governed by a public body and which complies with the water quality provisions of s. 403.061, the comprehensive master plan requirements of s. 163.3178(2)(k), and the local financial management and reporting provisions of part III of chapter 218. Program funds also may be used by the Seaport Transportation and Economic Development Council to develop with the Florida Trade Data Center such trade data information

1 products which will assist Florida's seaports and
2 international trade.

3 (b) Projects eligible for funding by grants under the
4 program are limited to the following port facilities or port
5 transportation projects:

6 1. Transportation facilities within the jurisdiction
7 of the port.

8 2. The dredging or deepening of channels, turning
9 basins, or harbors.

10 3. The construction or rehabilitation of wharves,
11 docks, structures, jetties, piers, storage facilities, cruise
12 terminals, automated people mover systems, or any facilities
13 necessary or useful in connection with any of the foregoing.

14 4. The acquisition of container cranes or other
15 mechanized equipment used in the movement of cargo or
16 passengers in international commerce.

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

19 6. The acquisition, improvement, enlargement, or
20 extension of existing port facilities.

21 7. Environmental protection projects which are
22 necessary because of requirements imposed by a state agency as
23 a condition of a permit or other form of state approval; which
24 are necessary for environmental mitigation required as a
25 condition of a state, federal, or local environmental permit;
26 which are necessary for the acquisition of spoil disposal
27 sites and improvements to existing and future spoil sites; or
28 which result from the funding of eligible projects listed
29 herein.

30 8. Transportation facilities as defined in s.
31 334.03(31) which are not otherwise part of the Department of

1 Transportation's adopted work program.

2 9. Seaport intermodal access projects identified in
3 the 5-year Florida Seaport Mission Plan as provided in s.
4 311.09(3).

5 10. Construction or rehabilitation of port facilities
6 as defined in s. 315.02, excluding any park or recreational
7 facilities, in ports listed in s. 311.09(1) with operating
8 revenues of \$5 million or less, provided that such projects
9 create economic development opportunities, capital
10 improvements, and positive financial returns to such ports.

11 11. Seaport security measures. Such measures include
12 security infrastructure, technology, and the acquisition of
13 law enforcement personnel as contained in individual seaport
14 security plans required by s. 311.12. Seaport security
15 measures are not subject to the matching fund requirements of
16 paragraph (a).

17 (c) To be eligible for consideration by the council
18 pursuant to this section, a project must be consistent with
19 the port comprehensive master plan which is incorporated as
20 part of the approved local government comprehensive plan as
21 required by s. 163.3178(2)(k) or other provisions of the Local
22 Government Comprehensive Planning and Land Development
23 Regulation Act, part II of chapter 163.

24 Section 6. Present subsections (3), (4), (5), and (6)
25 of section 311.12, Florida Statutes, are renumbered as
26 subsections (4), (5), (6), and (7), respectively, subsection
27 (2) and paragraph (a) of present subsection (4) are amended,
28 and a new subsection (3) is added to said section, to read:

29 311.12 Seaport security standards.--

30 (2) Each seaport identified in s. 311.09 shall
31 maintain a security plan relating to the specific and

1 identifiable needs of the seaport which assures that the
2 seaport is in substantial compliance with the statewide
3 minimum standards established pursuant to subsection (1). Each
4 plan adopted or revised pursuant to this subsection must be
5 reviewed and approved by the Office of Drug Control and the
6 Department of Law Enforcement. All such seaports shall allow
7 unimpeded access by the Department of Law Enforcement to the
8 affected facilities for purposes of inspections or other
9 operations authorized by this section. Each seaport security
10 plan may establish restricted access areas within the seaport
11 consistent with the requirements of the statewide minimum
12 standards. In such cases, a Restricted Access Area Permit
13 shall be required for any individual working within or
14 authorized to regularly enter a restricted access area and the
15 requirements in subsection ~~(4)~~(3) relating to criminal
16 history checks and employment restrictions shall be applicable
17 only to employees or other persons working within or
18 authorized to regularly enter a restricted access area. Every
19 seaport security plan shall set forth the conditions and
20 restrictions to be imposed upon others visiting the port or
21 any restricted access area sufficient to provide substantial
22 compliance with the statewide minimum standards.

23 (3) Each security plan required by subsection (2)
24 shall contain a separate law enforcement security measure. The
25 law enforcement security measure shall identify law
26 enforcement personnel and other resource commitments,
27 including the use of organized militia pursuant to s. 250.06,
28 necessary to respond to attempted or actual terrorist
29 activity, criminal activity, or other threats to the safety or
30 unfettered operation of the seaport. Qualified law enforcement
31 personnel may include state law enforcement personnel, local

1 law enforcement personnel, seaport security personnel, private
2 sector security personnel, or any combination of such law
3 enforcement personnel. The Department of Law Enforcement shall
4 review and approve the law enforcement security measure, and
5 approve the use of qualified law enforcement personnel.

6 (5)(4)(a) Subject to the provisions of subsection(7)
7 (6), each affected seaport shall begin to implement its
8 security plan developed under this section by July 1, 2001.

9 Section 7. Subsection (7) is added to section 376.11,
10 Florida Statutes, to read:

11 376.11 Florida Coastal Protection Trust Fund.--

12 (7) For the 2001-2002 fiscal year only, and
13 notwithstanding the provisions of any other law to the
14 contrary, \$5 million shall be made available from the Florida
15 Coastal Protection Trust Fund to fund seaport security
16 measures listed in s. 311.07(3)(b)11. Such funds shall be
17 allocated by the Florida Seaport Transportation and Economic
18 Development Council pursuant to chapter 311.

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21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 On page 5, line 10, of the amendment

24

25 after the semicolon, insert:

26 amending s. 311.07, F.S.; adding seaport
27 security measures to the type of projects
28 eligible for funding by grants under the
29 Florida Seaport Transportation and Economic
30 Development Program; amending s. 311.12, F.S.;
31 requiring seaport security plans to include a

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1 separate law enforcement security measure;
2 specifying components of such measure;
3 specifying types of qualified law enforcement
4 personnel; providing responsibilities of the
5 Department of Law Enforcement; amending s.
6 376.11, F.S.; providing an appropriation to
7 fund seaport security measures;
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