

By the Council for Ready Infrastructure and Committee on Security, Select and Representatives Bense, Gelber, Ball, Green, Cusack, Cantens, Hart, Machek, Harrell, Goodlette and Pickens

1                                   A bill to be entitled  
 2           An act relating to Florida seaport  
 3           transportation and economic development  
 4           funding; amending s. 311.07, F.S.; adding  
 5           seaport security infrastructure measures to the  
 6           list of projects eligible for funding by grant  
 7           under the Florida Seaport Transportation and  
 8           Economic Development Program; exempting such  
 9           measures from certain matching fund  
 10          requirements; providing for expiration of such  
 11          provisions; authorizing seaports to request  
 12          specified changes in the purpose of work  
 13          program projects; providing for allocation and  
 14          use of specified federal funds; providing an  
 15          effective date.

16  
 17 Be It Enacted by the Legislature of the State of Florida:

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 19           Section 1. Paragraph (b) of subsection (3) of section  
 20 311.07, Florida Statutes, is amended to read:

21           311.07 Florida seaport transportation and economic  
 22 development funding.--

23           (3)

24           (b) Projects eligible for funding by grants under the  
 25 program are limited to the following port facilities or port  
 26 transportation projects:

27           1. Transportation facilities within the jurisdiction  
 28 of the port.

29           2. The dredging or deepening of channels, turning  
 30 basins, or harbors.

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- 1           3. The construction or rehabilitation of wharves,  
2 docks, structures, jetties, piers, storage facilities, cruise  
3 terminals, automated people mover systems, or any facilities  
4 necessary or useful in connection with any of the foregoing.
- 5           4. The acquisition of container cranes or other  
6 mechanized equipment used in the movement of cargo or  
7 passengers in international commerce.
- 8           5. The acquisition of land to be used for port  
9 purposes.
- 10          6. The acquisition, improvement, enlargement, or  
11 extension of existing port facilities.
- 12          7. Environmental protection projects which are  
13 necessary because of requirements imposed by a state agency as  
14 a condition of a permit or other form of state approval; which  
15 are necessary for environmental mitigation required as a  
16 condition of a state, federal, or local environmental permit;  
17 which are necessary for the acquisition of spoil disposal  
18 sites and improvements to existing and future spoil sites; or  
19 which result from the funding of eligible projects listed in  
20 this paragraph herein.
- 21          8. Transportation facilities as defined in s.  
22 334.03(31) which are not otherwise part of the Department of  
23 Transportation's adopted work program.
- 24          9. Seaport intermodal access projects identified in  
25 the 5-year Florida Seaport Mission Plan as provided in s.  
26 311.09(3).
- 27          10. Construction or rehabilitation of port facilities  
28 as defined in s. 315.02, excluding any park or recreational  
29 facilities, in ports listed in s. 311.09(1) with operating  
30 revenues of \$5 million or less, provided that such projects  
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1 create economic development opportunities, capital  
2 improvements, and positive financial returns to such ports.  
3 11. Seaport security measures. Such measures include:  
4 a. Infrastructure security measures required by  
5 seaport security plans approved by the Office of Drug Control  
6 and the Department of Law Enforcement under s. 311.12,  
7 including security gates, physical barriers, and  
8 security-related lighting systems, equipment, or facilities to  
9 be used for seaport security monitoring and recording, remote  
10 surveillance systems, concealed recording systems, or other  
11 security infrastructure, technology, vulnerability  
12 assessments, or equipment that contributes to the overall  
13 security of the seaport and its facilities as specified in the  
14 security plans approved by the Office of Drug Control and the  
15 Department of Law Enforcement under s. 311.12 or as otherwise  
16 specifically found by the Department of Law Enforcement to be  
17 a measure consistent with and supportive of such an approved  
18 plan. Program funds for such measures may come from funds made  
19 available under subsection (2) and s. 320.20(3) or (4).  
20 Infrastructure measures required by an approved seaport  
21 security plan or as otherwise found by the Department of Law  
22 Enforcement to be consistent with and supportive of an  
23 approved plan as authorized in this sub-subparagraph are not  
24 subject to the matching fund requirements of paragraph (a) or  
25 s. 320.20(3) or (4).  
26 b. Law enforcement measures mandated by federal,  
27 state, or local governmental agencies, including the  
28 deployment of the Florida National Guard, local law  
29 enforcement personnel, seaport security personnel, private  
30 sector security personnel, or any combination thereof to  
31 provide operational security services at any seaport

1 identified in s. 311.09(1). Program funds for such measures  
2 may come from funds made available under subsection (2). Law  
3 enforcement measures are subject to the matching fund  
4 requirements of paragraph (a), except that any funds provided  
5 for the Florida National Guard shall remain exempt from the  
6 matching fund requirements of paragraph (a) through April 30,  
7 2002.

8  
9 Notwithstanding s. 339.135(7) or any other provision of law to  
10 the contrary, seaports may request that the department change  
11 the purpose of a project in the 2000-2001 and 2001-2002 work  
12 programs to a purpose authorized under this subparagraph.  
13 Additional consideration shall be given to seaports having  
14 operating revenues of \$14 million or less for operational  
15 security and law enforcement measures for grants not to exceed  
16 \$350,000. Any federal funds that are provided for port  
17 security infrastructure improvements of which funds seaports  
18 in this state are the beneficiaries shall be allocated in a  
19 manner consistent with federal requirements and guidelines.  
20 Federal funds obtained by a seaport for a specific security  
21 infrastructure project, which project has also received state  
22 seaport transportation and economic development funds, shall  
23 be used to reimburse the state funds received by the seaport  
24 under this subparagraph for the specific project. These  
25 reimbursement funds must be used for projects and measures  
26 authorized under subparagraphs 1.-10. This subparagraph shall  
27 expire June 30, 2004.

28           Section 2. This act shall take effect upon becoming a  
29 law.