

By the Committee on Transportation; and Senator Brown-Waite

306-1757-02

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 measures to the list of
6 projects eligible for funding by grant under
7 the Florida Seaport Transportation and Economic
8 Development Program; exempting certain measures
9 from matching fund requirements; providing for
10 the reimbursement of state funds under certain
11 conditions; providing for the use of reimbursed
12 funds; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:
15

16 Section 1. Paragraph (b) of subsection (3) of section
17 311.07, Florida Statutes, is amended to read:

18 311.07 Florida seaport transportation and economic
19 development funding.--

20 (3)

21 (b) Projects eligible for funding by grants under the
22 program are limited to the following port facilities or port
23 transportation projects:

24 1. Transportation facilities within the jurisdiction
25 of the port.

26 2. The dredging or deepening of channels, turning
27 basins, or harbors.

28 3. The construction or rehabilitation of wharves,
29 docks, structures, jetties, piers, storage facilities, cruise
30 terminals, automated people mover systems, or any facilities
31 necessary or useful in connection with any of the foregoing.

1 4. The acquisition of container cranes or other
2 mechanized equipment used in the movement of cargo or
3 passengers in international commerce.

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

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

8 7. Environmental protection projects which are
9 necessary because of requirements imposed by a state agency as
10 a condition of a permit or other form of state approval; which
11 are necessary for environmental mitigation required as a
12 condition of a state, federal, or local environmental permit;
13 which are necessary for the acquisition of spoil disposal
14 sites and improvements to existing and future spoil sites; or
15 which result from the funding of eligible projects listed in
16 this paragraph herein.

17 8. Transportation facilities as defined in s.
18 334.03(31) which are not otherwise part of the Department of
19 Transportation's adopted work program.

20 9. Seaport intermodal access projects identified in
21 the 5-year Florida Seaport Mission Plan as provided in s.
22 311.09(3).

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

29 11. Seaport security measures.

30 a. Seaport security measures include the following:

31

1 (I) Infrastructure security measures required by
2 seaport security plans approved by the Office of Drug Control
3 and the Department of Law Enforcement under s. 311.12,
4 including security gates, physical barriers, and
5 security-related lighting systems, equipment, or facilities to
6 be used for seaport security monitoring and recording, remote
7 surveillance systems, concealed recording systems, or other
8 security infrastructure, technology, vulnerability
9 assessments, or equipment that contributes to the overall
10 security of the seaport and its facilities as specified in the
11 security plans approved by the Office of Drug Control and the
12 Department of Law Enforcement under s. 311.12 or as otherwise
13 specifically found by the Department of Law Enforcement to be
14 a measure consistent with and supportive of such an approved
15 plan. Program funds for such measures may come from funds made
16 available under s. 311.07(2), s. 320.20(3) or s. 320.20(4).
17 Infrastructure measures required by an approved seaport
18 security plan or as otherwise found by the Department of Law
19 Enforcement to be consistent with and supportive of an
20 approved plan as authorized in this subparagraph are not
21 subject to the matching fund requirements of paragraph (a), s.
22 320.20(3), or s. 320.20(4).

23 (II) Law enforcement measures mandated by federal,
24 state or local governmental agencies, including the deployment
25 of the Florida National Guard, local law enforcement
26 personnel, seaport security personnel, private-sector security
27 personnel, or any such combination thereof, to provide
28 operational security services at any seaport identified in s.
29 311.09(1). Program funds for such measures may come from funds
30 made available under s. 311.07(2). Law enforcement measures
31 are subject to the matching fund requirements of paragraph

1 (a), except that any funds provided for the Florida National
2 Guard shall remain exempt from the matching fund requirements
3 of paragraph (a) through the period April 30, 2002.

4 b. Notwithstanding s. 339.135(7), or any other
5 provision of law to the contrary, seaports may request the
6 department to change the purpose of a project in the 2000-2001
7 and 2001-2002 work programs to a purpose authorized in this
8 subparagraph.

9 c. Additional consideration shall be given to seaports
10 having operating revenues of \$14 million or less for
11 operational security and law enforcement measures for grants
12 not to exceed \$350,000.

13 d. This subparagraph expires June 30, 2004.

14
15 Any federal funds that are provided for port security
16 infrastructure improvements of which funds seaports in this
17 state are the beneficiaries, shall be allocated consistent
18 with federal requirements and guidelines. Federal funds
19 obtained by a seaport for a specific security infrastructure
20 project, which project has also received state seaport
21 transportation and economic development funds, shall be used
22 to reimburse the state funds received by the seaport under
23 subparagraph 11. for the specific project. These reimbursed
24 funds must be used for projects and measures authorized under
25 subparagraphs 1.-10.

26 Section 2. This act shall take effect upon becoming a
27 law.

28
29
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 972

The CS ties the expenditure of FSTED funds to adopted and approved seaport security plans and expands the funding sources for seaport security measures to include unobligated bond revenues.

The CS authorizes the use of funds for operational security measures. Specifically, the CS authorizes the use of funds for mandated law enforcement measures, including the deployment of the National Guard, local law enforcement personnel, seaport security personnel, or private security personnel.

The CS provides that federal reimbursement must be allocated consistent with federal requirements and guidelines. If a seaport receives FSTED funding for specific security project, and subsequently receives federal funding for the same project, the seaport must reimburse the FSTED program.

Finally, the CS provides for the repeal of the FSTED seaport security provisions effective June 30, 2004.