

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Military Affairs and Domestic Security Committee

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BILL: CS/SB 470

INTRODUCER: Military Affairs and Domestic Security Committee and Senator Hill

SUBJECT: Seaport Security Standards Advisory Council

DATE: March 25, 2008

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Pardue</u>	<u>McElroy</u>	<u>MS</u>	<u>Fav/CS</u>
2.	_____	_____	<u>CJ</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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**I. Summary:**

This committee substitute adds eight additional members to the Seaport Security Standards Advisory Council. Two designees will represent seaport tenants; two designees will represent seaport workers; one designee will be from the Fish and Wildlife Conservation Commission Law Enforcement Division along with two designees of sheriffs who have law enforcement responsibilities on Florida's public seaports, and one designee of a police chief who has law enforcement responsibilities on Florida's public seaports.

This committee substitute also adds two additional members to the Florida Seaport Transportation and Economic Development Council (FSTED). The substitute further requires this council to meet at least once annually to analyze and assess the impact of seaport security on the state's 14 designated public ports. The bill provides minimum guidelines for conducting the analysis and requires the council to submit a report to the Legislature with its analysis and recommendations.

The bill will likely have minimal fiscal impact regarding appropriations expenditures. However, the annual analysis and assessment required of the FSTED potentially may produce security efficiencies and reduce security costs to the state's public seaports.

The bill substantially amends sections 311.12 (8) (b) and 311.09 of the Florida Statutes (F.S.).

## II. Present Situation:

### Seaport Security Standards Advisory Council

The 2006 Legislature created the Seaport Security Standards Advisory Council under the Office of Drug Control for the purpose of reviewing the statewide minimum standards for seaport security relating to their applicability and effectiveness in combating current narcotics and terrorism threats to Florida's seaports.<sup>1</sup>

The Council serves as an "advisory council" under s. 20.03 (7), Florida Statutes (F.S.), which defines the term as "an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives."

Council members are appointed by the Governor for terms of four years. Council membership includes the following:

- Two seaport directors;
- Two seaport security directors;
- One designee from the Department of Law Enforcement;
- One designee from the Office of Motor Carrier Compliance of the Department of Transportation;
- One designee from the Attorney General's Office;
- One designee from the Department of Agriculture and Consumer Services;
- One designee from the Office of Tourism, Trade, and Economic Development; and
- One designee from the Office of Drug Control.

The council may extend an invitation to a representative of the United States Coast Guard to attend and participate as a non-voting member. Further, the council is chaired by a designee from the Office of Drug Control and shall meet on the call of the chair and at least once every four years.

Current statewide minimum standards for seaport security are based upon the Florida Seaport Security Assessment of 2000 and set forth in the "Port Security Standards-Compliance Plan" that was delivered to the Speaker of the House of Representatives and the President of the Senate on December 11, 2000.<sup>2</sup>

Florida Statutes directed the Office of Drug Control to convene the council commencing on January 15, 2007 to review the minimum statewide standards.<sup>3</sup> That review is ongoing and is expected to result in a report to the Governor and the presiding officers of the Legislature with recommendations sometime in 2008.

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<sup>1</sup> Chapter 2006-193 L.O.F.

<sup>2</sup> Section 311.12, F.S.

<sup>3</sup> Section 311.12 (8) (e), F.S..

## **Florida Seaport Transportation and Economic Development Council**

As described on council's website, FSTED is a public entity created by statute and charged with implementing the state's economic development mission by facilitating the implementation of seaport capital improvement projects at the local level. The council was created within the Department of Transportation and consists of the port directors of the 14 publicly owned seaports and a representative from the Department of Transportation, the Department of Community Affairs, and the Governor's Office of Tourism, Trade and Economic Development.

In 1990, the State Legislature created the FSTED program, under Chapter 311, F.S., to finance port transportation projects on a 50-50 matching basis. Chapter 311 creates a partnership between the state and its public seaports. It is driven by an approach to project development that reflects the special characteristics of these seaports: they are public entities, but must function as businesses to fulfill their public purpose. In order to support this approach, s. 320.20, F.S., provides for annual funding of \$15 million to be deposited in the State Transportation Trust Fund solely for the purposes of funding FSTED. This section authorizes seaport bond financing programs.

The FSTED program requires consistency with local plans and matching funds from each seaport; thus seaport investments are driven by a local commitment to meet the community's strategic objectives. Ten of the 14 seaport governing bodies are comprised directly of elected officials. The Port of Tampa's Board includes elected officials as well as members appointed by the Governor; the Port of Jacksonville's Board is appointed by the Governor and by the Mayor of Jacksonville; Port Panama City's Board is appointed by the elected City Commission; and the Port of Port St. Joe's Board is appointed entirely by the Governor.

Responsibility for project development through the FSTED program is thus initiated at the local level, based on an understanding of market demand and local seaport opportunity and capacity. At the state level, project review is accomplished by three state agencies that are full voting members of FSTED. They are the Departments of Transportation and Community Affairs and the Governor's Office of Tourism, Trade and Economic Development.

Section 311.07(3) (a), F.S., provides that program funds will be used to fund approved projects on a 50-50 matching basis with any of the deepwater ports which are governed by a public body. An approved project is a project that has been approved by the FSTED council. Grant funding under the program is limited to specific types of port facilities or port transportation projects.

The FSTED council has several committees which discuss and facilitate issues related to the environment, growth management, job training, and seaport security.<sup>4</sup>

### **III. Effect of Proposed Changes:**

This committee substitute amends s. 311.12 (8) (b), F.S., to add eight additional members to the Seaport Security Standards Advisory Council as follows:

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<sup>4</sup> <http://www.flaports.org/fsted.htm>

- Two designees from an organization that represents the tenants of the state's 14 public seaports designated in s. 311.09 (1);
- Two designees from a labor organization as defined in s. 447.02, F.S., which represents seaport workers at the state's public seaports;
- One designee from the Division of Law Enforcement of the Fish and Wildlife Conservation Commission;
- Two designees of sheriffs who have law enforcement responsibilities on the state's public seaports; and
- One designee of a police chief who has law enforcement responsibilities on the state's public seaports.

The bill also amends s. 311.09 (1), F.S., to add two additional members to the Florida Seaport Transportation and Economic Development Council. One member will be a designee from an organization that represents the tenants of the state's public seaports. The other member will be a designee from a labor organization representing seaport workers at the state's public seaports.

The bill further requires FSTED to convene at least one annual meeting to consult with appropriate maritime security committees, the Seaport Security Standards Advisory Council, the Department of Law Enforcement, and seaport tenants in order to analyze and assess the impact of seaport security on commerce and trade.

Pursuant to the annual requirement, the council shall consider the cost of security on the state's public seaports including, but not limited to:

- The impact on operational and capital costs resulting from the requirements of federal law, state law, and a combination of both federal and state law;
- The impact of security costs on the ability of seaports to fund enhanced commercial operations;
- The impact from actual and potential criminal activity associated with seaport operations including cargo theft, human trafficking, and the smuggling of illegal drugs through the public seaports; and
- The economic impact, including tax revenue loss to the state, of a successful terrorism event at a public seaport.

The council shall exclude the costs related to routine business and safety operations of a port from its analysis.

The council is required to make an annual report of its analysis to the President of the Senate and the Speaker of the House of Representatives with recommendations to promote the flow of legitimate trade and travel through the state's public seaports.

The bill provides for an effective date of July 1, 2008.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

Members of the Seaport Security Standards Advisory Council serve without pay but may file for per diem and travel expenses when attending officially called meetings. The addition of eight members to the council will likely have minimal fiscal impact.

The Florida Seaport Transportation and Economic Development Council members similarly serve without pay and are also entitled to file for per diem and travel expenses. The addition of two members to the council will likely have minimal fiscal impact.

Recommendations by FSTED that are made pursuant to the requirements of this bill potentially may lead to greater efficiencies in seaport security and result in cost savings to the state's public seaports.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Military Affairs and Domestic Security on March 25, 2008:**

This committee substitute adds six additional members to the Seaport Security Standards Advisory Council including:

- One additional designee representing seaport tenants;
- One additional designee representing seaport workers
- One designee from the Law Enforcement Division of the Fish and Wildlife Conservation Commission
- Two designees of sheriffs who have law enforcement responsibilities on the state's public seaports; and
- One designee of a police chief who has law enforcement responsibilities on the state's public seaports.

This committee substitute also adds two additional members to the Florida Seaport Transportation and Economic Development Council; one designee representing seaport tenants and one designee representing seaport workers. The substitute further requires this council to meet at least once annually to analyze and assess the impact of seaport security on the state's 14 designated public ports. The bill provides minimum guidelines for conducting the analysis and requires the council to submit a report to the Legislature with its analysis and recommendations.

- B. **Amendments:**

None.