

Committee Substitute for House Bill No. 811

An act relating to Florida seaport transportation and economic development funding; amending s. 311.07, F.S.; adding seaport security infrastructure measures to the list of projects eligible for funding by grant under the Florida Seaport Transportation and Economic Development Program; exempting such measures from certain matching fund requirements; providing for expiration of such provisions; authorizing seaports to request specified changes in the purpose of work program projects; providing for allocation and use of specified federal funds; providing an effective date.

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

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

311.07 Florida seaport transportation and economic development funding.—

(3)

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

1. Transportation facilities within the jurisdiction of the port.
2. The dredging or deepening of channels, turning basins, or harbors.
3. The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing.
4. The acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in international commerce.
5. The acquisition of land to be used for port purposes.
6. The acquisition, improvement, enlargement, or extension of existing port facilities.
7. Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or which result from the funding of eligible projects listed in this paragraph herein.
8. Transportation facilities as defined in s. 334.03(31) which are not otherwise part of the Department of Transportation's adopted work program.

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

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

11. Seaport security measures. Such measures include:

a. Infrastructure security measures required by seaport security plans approved by the Office of Drug Control and the Department of Law Enforcement under s. 311.12, including security gates, physical barriers, and security-related lighting systems, equipment, or facilities to be used for seaport security monitoring and recording, remote surveillance systems, concealed recording systems, or other security infrastructure, technology, vulnerability assessments, or equipment that contributes to the overall security of the seaport and its facilities as specified in the security plans approved by the Office of Drug Control and the Department of Law Enforcement under s. 311.12 or as otherwise specifically found by the Department of Law Enforcement to be a measure consistent with and supportive of such an approved plan. Program funds for such measures may come from funds made available under subsection (2) and s. 320.20(3) or (4). Infrastructure measures required by an approved seaport security plan or as otherwise found by the Department of Law Enforcement to be consistent with and supportive of an approved plan as authorized in this sub-subparagraph are not subject to the matching fund requirements of paragraph (a) or s. 320.20(3) or (4).

b. Law enforcement measures mandated by federal, state, or local governmental agencies, including the deployment of the Florida National Guard, local law enforcement personnel, seaport security personnel, private sector security personnel, or any combination thereof to provide operational security services at any seaport identified in s. 311.09(1). Program funds for such measures may come from funds made available under subsection (2). Law enforcement measures are subject to the matching fund requirements of paragraph (a), except that any funds provided for the Florida National Guard shall remain exempt from the matching fund requirements of paragraph (a) through April 30, 2002.

Notwithstanding s. 339.135(7) or any other provision of law to the contrary, seaports may request that the department change the purpose of a project in the 2000-2001 and 2001-2002 work programs to a purpose authorized under this subparagraph. Additional consideration shall be given to seaports having operating revenues of \$14 million or less for operational security and law enforcement measures for grants not to exceed \$350,000. Any federal funds that are provided for port security infrastructure improvements of which funds seaports in this state are the beneficiaries shall be allocated in a manner consistent with federal requirements and guidelines. Federal funds obtained by a seaport for a specific security infrastructure project, which project has also received state seaport transportation and economic development funds, shall be used to reimburse the state funds

received by the seaport under this subparagraph for the specific project. These reimbursement funds must be used for projects and measures authorized under subparagraphs 1.-10. This subparagraph shall expire June 30, 2004.

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

Approved by the Governor April 25, 2002.

Filed in Office Secretary of State April 25, 2002.