

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 972

SPONSOR: Transportation Committee and Senator Brown-Waite

SUBJECT: Florida Seaport Transportation and Economic Development

DATE: February 4, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vickers	Meyer	TR	Favorable/CS
2.	Fabricant	Hayes	AGG	Favorable
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This CS amends s. 311.07, F.S., to authorize the use of funds from the Florida Seaport Transportation and Economic Development (FSTED) Program for the purpose of seaport security measures. The CS stipulates infrastructure security projects must be included within a seaport security plan approved by the Department of Law Enforcement and the Office of Drug Control in order to be eligible for funding. Authorized uses for these funds include security fencing and lighting, equipment to be used for security monitoring and recording, remote surveillance systems, and other infrastructure or equipment that contributes to the overall security of the seaport and its facilities. The CS also authorizes the use of FSTED funds for operational security measures, including the deployment of state, local, and private law enforcement personnel at seaports. Finally, the CS provides that if a seaport receives FSTED funding for a specific security project, and subsequently receives federal funding for the same security project, the seaport must reimburse the FSTED Program.

This CS substantially amends section 311.07, Florida Statutes.

II. Present Situation:

Section 311.07, F.S., establishes the Florida Seaport Transportation and Economic Development (FSTED) Program within the Department of Transportation. Funds are provided to finance port transportation or port facility projects that will improve the movement and intermodal transportation of cargo or passengers in commerce and trade and that will support the interests, purposes, and requirements of ports located in this state. The FSTED Program currently provides \$10 million annually in grants and a total of \$25 million in bondable state revenues. State funding cannot exceed 50 percent of the total cost of a project. In order to be approved, a proposed project must be found consistent with the seaport's comprehensive master plan, the

local government's comprehensive plan, be of demonstrable economic benefit to the State, and be found consistent with the Department of Transportation's adopted five-year work program. Section 311.07, F.S., identifies 10 specific categories of port facility or port transportation projects that are eligible for funding. Currently, seaport security projects are not included in the list of authorized projects.

In recent months, Florida's 14 deep-water seaports have undertaken major security initiatives. Prior to September 11, 2001, seaports were taking steps to comply with the statewide minimum security standards established by the Florida Department of Law Enforcement (s. 311.12, F.S.) An assessment of security needs conducted by the Department of Law Enforcement in connection with that effort identified \$34 million in needed seaport security improvements. In the aftermath of September 11, 2001, seaports have incurred additional costs associated with heightened security. In November 2001, seaport and local law enforcement resources were augmented by the deployment of Florida National Guard Troops at four "high risk" ports. This classification includes those ports that handle the majority of cruise ship traffic and those ports that have high volumes of fuel and hazardous materials stored on premises. Ports included within this classification include the following: Port of Miami, Port Everglades, Port of Tampa, and Port Canaveral.

III. Effect of Proposed Changes:

This CS authorizes the use of FSTED funds for the purpose of seaport security measures. The CS stipulates that infrastructure security projects must be included within a seaport security plan (s. 311.12, F.S.) approved by the Department of Law Enforcement and the Office of Drug Control in order to be eligible for funding. Specific projects not included within an approved seaport security plan must be reviewed and approved by the Department of Law Enforcement. Authorized uses for these funds include security fencing and lighting, equipment to be used for security monitoring and recording, remote surveillance systems, and other infrastructure or equipment that contributes to the overall security of the seaport and its facilities. Infrastructure security measures required by an approved seaport security plan or as otherwise found by the Department of Law Enforcement to be consistent with an approved security plan are not subject to the 50 percent matching fund requirement.

The CS provides for the use of FSTED funds for operational security measures mandated by federal, state, or local agencies, including the deployment of the Florida National Guard, local, and private law enforcement personnel at seaports. Applicable law enforcement measures are subject to the 50 percent matching fund requirements, except that funds provided for the Florida National Guard are exempt from this requirement through the period April 30, 2002. This provision will facilitate the deployment of the Florida National Guard at certain seaports through the conclusion of the 2002 cruise season.

Seaports are authorized to request the Department of Transportation to revise the purpose of a project contained in the 2000-2001 and 2001-2002 work programs to reflect changes in funding for certain projects. The CS also provides that additional consideration will be given to seaports with operating revenues of \$14 million or less for seaport security grants not to exceed \$350,000.

Finally, the CS provides any federal funds provided to Florida seaports for seaport security infrastructure measures must be allocated consistent with federal guidelines and requirements. If a seaport receives FSTED funding for a specific security project, then subsequently receives federal funding for the same security project, the seaport must reimburse the FSTED Program.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The CS would enable Florida's seaports to utilize grant funds available through the Florida Seaport Transportation and Economic Development Program for the purpose of seaport security measures. The ports expect to spend \$7.5m recurring and \$35m nonrecurring on security measures in FY 02-03. These funds were to be used on other port improvements consistent with the seaport's comprehensive master plan, the local government's comprehensive plan, and the Department of Transportation's adopted five-year work program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
