

**FSTED COUNCIL
PROJECT REVIEW AND ALLOCATION
PROCESS COMMITTEE
MEETING**

**WEDNESDAY, AUGUST 3, 2011
11:00 AM - 1:30 PM**

**ROOM 229
SENATE OFFICE BUILDING
TALLAHASSEE, FL**

TAB 1
WELCOME AND CALL TO ORDER

**FLORIDA SEAPORT TRANSPORTATION AND ECONOMIC DEVELOPMENT
COUNCIL**

Project Review and Allocation Process Committee Meeting

Wednesday, August 3, 2011

11:00 a.m. – 1:30 p.m.

Room 229

Senate Office Building

Tallahassee, Florida

AGENDA

- 1. Welcome and Call to Order.**
- 2. Roll Call.**
- 3. Introductions and Opening Comments.**
- 4. Brief Review and History of the FSTED Program – Member Comments.**
- 5. Discussion of Project Review and Allocation Process – Questions and Comments.**
- 6. Other Issues.**
 - A. Next Meetings: Tuesday, August 9, 2011 – 11:00 am – 1:30 p.m.
Room 229, Senate Office Building
Tallahassee, FL**

**Tuesday, August 30, or Wednesday, August 31, 2011
Tallahassee, FL – Room Location TBD**
 - B. Comments from Members.**
- 7. Adjournment.**

Lunch will be provided.

/njl

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Tallahassee\FSTED_allocationReviewSubcommitteemgAgenda080211.doc

TAB 2
ROLL CALL

**FLORIDA SEAPORT TRANSPORTATION AND ECONOMIC DEVELOPMENT
COUNCIL**

PROJECT REVIEW AND ALLOCATION PROCESS COMMITTEE

ROLL CALL

MEMBER:

Wayne Stubbs, Panama City, Chairman

David Anderton, Everglades

Michael Poole, Jaxport

Ram Kancharla, Tampa

Director, Florida Department of Economic Opportunity
[OTTED]

Secretary, Florida Department of Transportation

DESIGNEE:

Katherine Morrison

Bob Romig

/njl
8/3/11

TAB 3
INTRODUCTIONS AND OPENING
COMMENTS

TO BE DISCUSSED AT MEETING

TAB 4
BRIEF REVIEW AND HISTORY OF
THE FSTED PROGRAM AND
MEMBER COMMENTS

Select Year: 2010

The 2010 Florida Statutes(including Special Session A)

[Title XXII](#)
PORTS AND
HARBORS

[Chapter 311](#)
FLORIDA SEAPORT TRANSPORTATION AND ECONOMIC
DEVELOPMENT

[View Entire
Chapter](#)

CHAPTER 311 FLORIDA SEAPORT TRANSPORTATION AND ECONOMIC DEVELOPMENT

- 311.07 Florida seaport transportation and economic development funding.
- 311.09 Florida Seaport Transportation and Economic Development Council.
- 311.091 Entry into public-private infrastructure project agreements for port-related public infrastructure projects.
- 311.105 Florida Seaport Environmental Management Committee; permitting; mitigation.
- 311.11 Seaport Employment Training Grant Program.
- 311.115 Seaport Security Standards Advisory Council.
- 311.12 Seaport security.
- 311.121 Qualifications, training, and certification of licensed security officers at Florida seaports.
- 311.122 Seaport law enforcement agency; authorization; requirements; powers; training.
- 311.123 Maritime domain security awareness training program.
- 311.124 Trespassing; detention by a certified seaport security officer.
- 311.13 Certain information exempt from disclosure.
- 311.14 Seaport freight-mobility planning.
- 311.22 Additional authorization for funding certain dredging projects.

311.07 Florida seaport transportation and economic development funding.—

(1) There is created the Florida Seaport Transportation and Economic Development Program within the Department of Transportation to finance port transportation or port facilities 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.

(2) A minimum of \$8 million per year shall be made available from the State Transportation Trust Fund to fund the Florida Seaport Transportation and Economic Development Program.

(3)(a) Program funds shall be used to fund approved projects on a 50-50 matching basis with any of the deepwater ports, as listed in s. 403.021(9)(b), which is governed by a public body or any other deepwater port which is governed by a public body and which complies with the water quality provisions of s. 403.061, the comprehensive master plan requirements of s. 163.3178(2)(k), and the local financial management and reporting provisions of part III of chapter 218. However, program funds used to fund projects that involve the rehabilitation of wharves, docks, berths, bulkheads, or similar structures shall require a 25-percent match of funds. Program funds also may be used by the Seaport Transportation and

Economic Development Council to develop with the Florida Trade Data Center such trade data information products which will assist Florida's seaports and international trade.

(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 vessel tracking systems, 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.
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.

(c) To be eligible for consideration by the council pursuant to this section, a project must be consistent with the port comprehensive master plan which is incorporated as part of the approved local government comprehensive plan as required by s. 163.3178(2)(k) or other provisions of the Local Government Comprehensive Planning and Land Development Regulation Act, part II of chapter 163.

(4) A port eligible for matching funds under the program may receive a distribution of not more than \$7 million during any 1 calendar year and a distribution of not more than \$30 million during any 5-calendar-year period.

(5) Any port which receives funding under the program shall institute procedures to ensure that jobs created as a result of the state funding shall be subject to equal opportunity hiring practices in the manner provided in s. 110.112.

(6) The Department of Transportation shall subject any project that receives funds pursuant to this section and s. 320.20 to a final audit. The department may adopt rules and perform such other acts as are necessary or convenient to ensure that the final audits are conducted and that any deficiency or questioned costs noted by the audit are resolved.

History.—s. 65, ch. 90-136; s. 5, ch. 91-429; s. 55, ch. 93-120; s. 20, ch. 94-237; s. 130, ch. 96-320; s. 48, ch. 97-278; s. 5, ch. 97-280; s. 40, ch. 2000-152; s. 3, ch. 2000-266; s. 99, ch. 2001-266; s. 1, ch. 2002-190; s. 51, ch. 2004-269; s. 7, ch. 2006-2; s. 2, ch. 2010-201.

311.09 Florida Seaport Transportation and Economic Development Council.—

(1) The Florida Seaport Transportation and Economic Development Council is created within the Department of Transportation. The council consists of the following 17 members: the port director, or the port director's designee, of each of the ports of Jacksonville, Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina; the secretary of the Department of Transportation or his or her designee; the director of the Office of Tourism, Trade, and Economic Development or his or her designee; and the secretary of the Department of Community Affairs or his or her designee.

(2) The council shall adopt bylaws governing the manner in which the business of the council will be conducted. The bylaws shall specify the procedure by which the chairperson of the council is elected.

(3) The council shall prepare a 5-year Florida Seaport Mission Plan defining the goals and objectives of the council concerning the development of port facilities and an intermodal transportation system consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155. The Florida Seaport Mission Plan shall include specific recommendations for the construction of transportation facilities connecting any port to another transportation mode and for the efficient, cost-effective development of transportation facilities or port facilities for the purpose of enhancing international trade, promoting cargo flow, increasing cruise passenger movements, increasing port revenues, and providing economic benefits to the state. The council shall update the 5-year Florida Seaport Mission Plan annually and shall submit the plan no later than February 1 of each year to the President of the Senate; the Speaker of the House of Representatives; the Office of Tourism, Trade, and Economic Development; the Department of Transportation; and the Department of Community Affairs. The council shall develop programs, based on an examination of existing programs in Florida and other states, for the training of minorities and secondary school students in job skills associated with employment opportunities in the maritime industry, and report on progress and recommendations for further action to the President of the Senate and the Speaker of the House of Representatives annually.

(4) The council shall adopt rules for evaluating projects which may be funded under ss. 311.07 and 320.20. The rules shall provide criteria for evaluating the economic benefit of the project, measured by the potential for the proposed project to maintain or increase cargo flow, cruise passenger movement, international commerce, port revenues, and the number of jobs for the port's local community.

(5) The council shall review and approve or disapprove each project eligible to be funded pursuant to the Florida Seaport Transportation and Economic Development Program. The council shall annually submit to the Secretary of Transportation; the director of the Office of Tourism, Trade, and Economic Development; and the Secretary of Community Affairs a list of projects which have been approved by the council. The list shall specify the recommended funding level for each project; and, if staged implementation of the project is appropriate, the funding requirements for each stage shall be specified.

(6) The Department of Community Affairs shall review the list of projects approved by the council to determine consistency with approved local government comprehensive plans of the units of local government in which the port is located and consistency with the port master plan. The Department of Community Affairs shall identify and notify the council of those projects which are not consistent, to the maximum extent feasible, with such comprehensive plans and port master plans.

(7) The Department of Transportation shall review the list of projects approved by the council for consistency with the Florida Transportation Plan and the department's adopted work program. In evaluating the consistency of a project, the department shall determine whether the transportation impact of the proposed project is adequately handled by existing state-owned transportation facilities or by the construction of additional state-owned transportation facilities as identified in the Florida

Transportation Plan and the department's adopted work program. In reviewing for consistency a transportation facility project as defined in s. 334.03(31) which is not otherwise part of the department's work program, the department shall evaluate whether the project is needed to provide for projected movement of cargo or passengers from the port to a state transportation facility or local road. If the project is needed to provide for projected movement of cargo or passengers, the project shall be approved for consistency as a consideration to facilitate the economic development and growth of the state in a timely manner. The Department of Transportation shall identify those projects which are inconsistent with the Florida Transportation Plan and the adopted work program and shall notify the council of projects found to be inconsistent.

(8) The Office of Tourism, Trade, and Economic Development, in consultation with Enterprise Florida, Inc., shall review the list of projects approved by the council to evaluate the economic benefit of the project and to determine whether the project is consistent with the Florida Seaport Mission Plan. The Office of Tourism, Trade, and Economic Development shall review the economic benefits of each project based upon the rules adopted pursuant to subsection (4). The Office of Tourism, Trade, and Economic Development shall identify those projects which it has determined do not offer an economic benefit to the state or are not consistent with the Florida Seaport Mission Plan and shall notify the council of its findings.

(9) The council shall review the findings of the Department of Community Affairs; the Office of Tourism, Trade, and Economic Development; and the Department of Transportation. Projects found to be inconsistent pursuant to subsections (6), (7), and (8) and projects which have been determined not to offer an economic benefit to the state pursuant to subsection (8) shall not be included in the list of projects to be funded.

(10) The Department of Transportation shall include in its annual legislative budget request a Florida Seaport Transportation and Economic Development grant program for expenditure of funds of not less than \$8 million per year. Such budget shall include funding for projects approved by the council which have been determined by each agency to be consistent and which have been determined by the Office of Tourism, Trade, and Economic Development to be economically beneficial. The department shall include the specific approved seaport projects to be funded under this section during the ensuing fiscal year in the tentative work program developed pursuant to s. 339.135(4). The total amount of funding to be allocated to seaport projects under s. 311.07 during the successive 4 fiscal years shall also be included in the tentative work program developed pursuant to s. 339.135(4). The council may submit to the department a list of approved projects that could be made production-ready within the next 2 years. The list shall be submitted by the department as part of the needs and project list prepared pursuant to s. 339.135(2)(b). However, the department shall, upon written request of the Florida Seaport Transportation and Economic Development Council, submit work program amendments pursuant to s. 339.135(7) to the Governor within 10 days after the later of the date the request is received by the department or the effective date of the amendment, termination, or closure of the applicable funding agreement between the department and the affected seaport, as required to release the funds from the existing commitment. Notwithstanding s. 339.135(7)(c), any work program amendment to transfer prior year funds from one approved seaport project to another seaport project is subject to the procedures in s. 339.135(7)(d). Notwithstanding any provision of law to the contrary, the department may transfer unexpended budget between the seaport projects as identified in the approved work program amendments.

(11) The council shall meet at the call of its chairperson, at the request of a majority of its membership, or at such times as may be prescribed in its bylaws. However, the council must meet at

least semiannually. A majority of voting members of the council constitutes a quorum for the purpose of transacting the business of the council. All members of the council are voting members. A vote of the majority of the voting members present is sufficient for any action of the council, except that a member representing the Department of Transportation, the Department of Community Affairs, or the Office of Tourism, Trade, and Economic Development may vote to overrule any action of the council approving a project pursuant to subsection (5). The bylaws of the council may require a greater vote for a particular action.

(12) Members of the council shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. The council may elect to provide an administrative staff to provide services to the council on matters relating to the Florida Seaport Transportation and Economic Development Program and the council. The cost for such administrative services shall be paid by all ports that receive funding from the Florida Seaport Transportation and Economic Development Program, based upon a pro rata formula measured by each recipient's share of the funds as compared to the total funds disbursed to all recipients during the year. The share of costs for administrative services shall be paid in its total amount by the recipient port upon execution by the port and the Department of Transportation of a joint participation agreement for each council-approved project, and such payment is in addition to the matching funds required to be paid by the recipient port. Except as otherwise exempted by law, all moneys derived from the Florida Seaport Transportation and Economic Development Program shall be expended in accordance with the provisions of s. 287.057. Seaports subject to competitive negotiation requirements of a local governing body shall abide by the provisions of s. 287.055.

History.—s. 65, ch. 90-136; s. 26, ch. 90-227; s. 5, ch. 91-429; s. 56, ch. 93-120; s. 4, ch. 93-164; s. 4, ch. 93-262; s. 21, ch. 94-237; s. 87, ch. 95-143; s. 892, ch. 95-148; s. 10, ch. 95-257; s. 131, ch. 96-320; s. 71, ch. 99-385; s. 4, ch. 2000-266; s. 64, ch. 2002-20; s. 3, ch. 2010-201.

311.091 Entry into public-private infrastructure project agreements for port-related public infrastructure projects.—A seaport listed in s. 311.09(1) may receive or solicit proposals from and enter into a public-private infrastructure project agreement with a private entity, or a consortium of private entities, to build, operate, manage, maintain, or finance a port-related public infrastructure project.

History.—s. 8, ch. 2010-201.

311.105 Florida Seaport Environmental Management Committee; permitting; mitigation.—

(1)(a) There is created the Florida Seaport Environmental Management Committee, which shall be under the direction of the Florida Seaport Transportation and Economic Development Council.

(b) The committee shall consist of the following members: the Secretary of Environmental Protection, or his or her designee, as an ex officio, nonvoting member; a designee from the United States Army Corps of Engineers, as an ex officio, nonvoting member; a designee from the Florida Inland Navigation District, as an ex officio, nonvoting member; the Secretary of Community Affairs, or his or her designee, as an ex officio, nonvoting member; and five or more port directors, as voting members, appointed to the committee by the council chair, who shall also designate one such member as committee chair.

(c) The committee shall meet at the call of the chair but must meet at least semiannually. A majority of the voting members constitutes a quorum for the purpose of transacting business of the committee, and a vote of the majority of the voting members present is required for official action by the committee.

(d) The committee shall provide a forum for discussion of environmental issues, including, but not limited to, those relating to maintenance dredging and dredged-material management; environmental mitigation; air and water quality permitting; and the maintenance of navigation channels, port harbors, turning basins, harbor berths, and associated facilities.

(e) The committee shall work closely with the Department of Environmental Protection, United States Army Corps of Engineers, and ports listed in s. 403.021(9)(b) to ensure that suitable dredged material is deposited on Florida's beaches to the extent the committee determines to be economically feasible and consistent with beach restoration and other beneficial uses criteria of the Department of Environmental Protection.

(2) Each application for a permit authorized pursuant to s. 403.061(37) must include:

(a) A description of maintenance dredging activities to be conducted and proposed methods of dredged-material management.

(b) A characterization of the materials to be dredged and the materials within dredged-material management sites.

(c) A description of dredged-material management sites and plans.

(d) A description of measures to be undertaken, including environmental compliance monitoring, to minimize adverse environmental effects of maintenance dredging and dredged-material management.

(e) Such scheduling information as is required to facilitate state supplementary funding of federal maintenance dredging and dredged-material management programs consistent with beach restoration criteria of the Department of Environmental Protection.

(3) Each application for a permit authorized pursuant to s. 403.061(38) must include the provisions of paragraphs (2)(b)-(e) and the following:

(a) A description of dredging and dredged-material management and other related activities associated with port development, including the expansion of navigation channels, dredged-material management sites, port harbors, turning basins, harbor berths, and associated facilities.

(b) A discussion of environmental mitigation as is proposed for dredging and dredged-material management for port development, including the expansion of navigation channels, dredged-material management sites, port harbors, turning basins, harbor berths, and associated facilities.

(4) Environmental mitigation is not required for dredging and dredged-material management for the maintenance of port harbors, navigation channels, turning basins, or harbor berths if all prior conditions of the original permit to construct the port harbor, navigation channel, dredged-material management site, turning basin, or harbor berth issued by the Department of Environmental Protection or its predecessor agency are met.

(5) Where appropriate, the Department of Environmental Protection shall provide mitigation credits to those deepwater ports that provide for innovative approaches to the onshore and nearshore placement of suitable dredged material consistent with beach restoration and other beneficial uses criteria of the department.

(6) Dredged-material management activities authorized pursuant to s. 403.061(37) or (38) shall be incorporated into port master plans developed pursuant to s. 163.3178(2)(k).

History.—s. 132, ch. 96-320; s. 4, ch. 98-326.

311.11 Seaport Employment Training Grant Program.—

(1) The Office of Tourism, Trade, and Economic Development, in cooperation with the Florida Seaport Transportation and Economic Development Council, shall establish a Seaport Employment Training Grant Program within the office. The office shall grant funds appropriated by the Legislature to

the program for the purpose of stimulating and supporting seaport training and employment programs which will seek to match state and local training programs with identified job skills associated with employment opportunities in the port, maritime, and transportation industries, and for the purpose of providing such other training, educational, and information services as required to stimulate jobs in the described industries. Funds may be used for the purchase of equipment to be used for training purposes, hiring instructors, and any other purpose associated with the training program. The office's contribution to any specific training program may not exceed 50 percent of the total cost of the program. Matching contributions may include services in kind, including, but not limited to, training instructors, equipment usage, and training facilities.

(2) The office shall adopt criteria to implement this section.

History.—s. 12, ch. 92-277; s. 133, ch. 96-320; s. 3, ch. 96-418; s. 49, ch. 97-278.

311.115 Seaport Security Standards Advisory Council.—The Seaport Security Standards Advisory Council is created under the Office of Drug Control. The council shall serve as an advisory council as provided in s. 20.03(7).

(1) The members of the council shall be appointed by the Governor and consist of the following:

- (a) Two seaport directors.
- (b) Two seaport security directors.
- (c) One representative of seaport tenants.
- (d) One representative of seaport workers.
- (e) One member from the Department of Law Enforcement.
- (f) One member from the Office of Motor Carrier Compliance of the Department of Transportation.
- (g) One member from the Office of the Attorney General.
- (h) One member from the Department of Agriculture and Consumer Services.
- (i) One member from the Office of Tourism, Trade, and Economic Development.
- (j) One member from the Office of Drug Control.
- (k) One member from the Fish and Wildlife Conservation Commission.
- (l) The Director of the Division of Emergency Management, or his or her designee.

(2) In addition to the members designated in subsection (1), the council may invite a representative of the United States Coast Guard to attend and participate in council meetings as an ex officio, nonvoting member of the council.

(3) Members of the council shall be appointed to 4-year terms. A vacancy shall be filled by the Governor for the balance of the unexpired term.

(4) The council shall be chaired by the member from the Office of Drug Control.

(5) At least every 4 years after January 15, 2007, the Office of Drug Control shall convene the council to review the minimum security standards referenced in s. 311.12(1) for applicability to and effectiveness in combating current narcotics and terrorism threats to the state's seaports. All sources of information allowed by law shall be used in assessing the applicability and effectiveness of the standards.

(6) Council members shall serve without pay, but shall be entitled to per diem and travel expenses for attendance at officially called meetings as provided in s. 112.061.

(7) The council shall consult with the appropriate area maritime security committees to assess possible impacts to commerce and trade contained in the council's nonclassified recommendations and findings.

(8) The recommendations and findings of the council shall be transmitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

History.—s. 1, ch. 2009-171.

311.12 Seaport security.—

(1) SECURITY STANDARDS.—

(a) The statewide minimum standards for seaport security applicable to seaports listed in s. 311.09 shall be those based on the Florida Seaport Security Assessment 2000 and set forth in the Port Security Standards Compliance Plan delivered to the Speaker of the House of Representatives and the President of the Senate on December 11, 2000. The Office of Drug Control within the Executive Office of the Governor shall maintain a sufficient number of copies of the standards at its offices for distribution to the public and provide copies to each affected seaport upon request.

(b) A seaport may implement security measures that are more stringent, more extensive, or supplemental to the minimum security standards established by this subsection.

(c) The provisions of s. 790.251 are not superseded, preempted, or otherwise modified in any way by the provisions of this section.

(2) EXEMPTION.—The Department of Law Enforcement may exempt all or part of a seaport listed in s. 311.09 from the requirements of this section if the department determines that activity associated with the use of the seaport or part of the seaport is not vulnerable to criminal activity or terrorism. The department shall periodically review such exemptions to determine if there is a change in use. Such change may warrant removal of all or part of the exemption.

(3) SECURITY PLAN.—Each seaport listed in s. 311.09 shall adopt and maintain a security plan specific to that seaport which provides for a secure seaport infrastructure that promotes the safety and security of state residents and visitors and the flow of legitimate trade and travel.

(a) Every 5 years after January 1, 2007, each seaport director, with the assistance of the Regional Domestic Security Task Force and in conjunction with the United States Coast Guard, shall revise the seaport's security plan based on the director's ongoing assessment of security risks, the risks of terrorist activities, and the specific and identifiable needs of the seaport for ensuring that the seaport is in substantial compliance with the minimum security standards established under subsection (1).

(b) Each adopted or revised security plan must be reviewed and approved by the Office of Drug Control and the Department of Law Enforcement for compliance with federal facility security assessment requirements under 33 C.F.R. s. 105.305 and the minimum security standards established under subsection (1). Within 30 days after completion, a copy of the written review shall be delivered to the United States Coast Guard, the Regional Domestic Security Task Force, and the Domestic Security Oversight Council.

(4) SECURE AND RESTRICTED AREAS.—Each seaport listed in s. 311.09 must clearly designate in seaport security plans, and clearly identify with appropriate signs and markers on the premises of a seaport, all secure and restricted areas as defined by the United States Department of Homeland Security-United States Coast Guard Navigation and Vessel Inspection Circular No. 03-07 and 49 C.F.R. part 1572. The plans must also address access eligibility requirements and corresponding security enforcement authorizations.

(a) The seaport's security plan must set forth the conditions and restrictions to be imposed on persons employed at, doing business at, or visiting the seaport who have access to secure and restricted areas which are sufficient to provide substantial compliance with the minimum security standards established in subsection (1) and federal regulations.

1. All seaport employees and other persons working at the seaport who have regular access to secure or restricted areas must comply with federal access control regulations and state criminal history checks as prescribed in this section.

2. All persons and objects in secure and restricted areas are subject to search by a sworn state-certified law enforcement officer, a Class D seaport security officer certified under Maritime Transportation Security Act of 2002 guidelines and s. 311.121, or an employee of the seaport security force certified under the Maritime Transportation Security Act of 2002 guidelines and s. 311.121.

3. Persons found in these areas without the proper permission are subject to the trespass provisions of ss. 810.08 and 810.09.

(b) As determined by the seaport director's most current risk assessment under paragraph (3)(a), any secure or restricted area that has a potential human occupancy of 50 persons or more, any cruise terminal, or any business operation that is adjacent to a public access area must be protected from the most probable and credible terrorist threat to human life.

(c) The seaport must provide clear notice of the prohibition against possession of concealed weapons and other contraband material on the premises of the seaport. Any person in a restricted area who has in his or her possession a concealed weapon, or who operates or has possession or control of a vehicle in or upon which a concealed weapon is placed or stored, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. This paragraph does not apply to active-duty certified federal or state law enforcement personnel or persons so designated by the seaport director in writing.

(d) During a period of high terrorist threat level, as designated by the United States Department of Homeland Security or the Department of Law Enforcement, or during an emergency declared at a port by the seaport security director due to events applicable to that particular seaport, the management or controlling authority of the port may temporarily designate any part of the seaport property as a secure or restricted area. The duration of such designation is limited to the period in which the high terrorist threat level is in effect or a port emergency exists.

(5) ACCESS ELIGIBILITY REPORTING SYSTEM.—Subject to legislative appropriations, the Department of Law Enforcement shall administer a statewide seaport access eligibility reporting system.

(a) The system must include, at a minimum, the following:

1. A centralized, secure method of collecting and maintaining fingerprints, other biometric data, or other means of confirming the identity of persons authorized to enter a secure or restricted area of a seaport.

2. A methodology for receiving from and transmitting information to each seaport regarding a person's authority to enter a secure or restricted area of the seaport.

3. A means for receiving prompt notification from a seaport when a person's authorization to enter a secure or restricted area of a seaport has been suspended or revoked.

4. A means to communicate to seaports when a person's authorization to enter a secure or restricted area of a seaport has been suspended or revoked.

(b) Each seaport listed in s. 311.09 is responsible for granting, modifying, restricting, or denying access to secure and restricted areas to seaport employees, other persons working at the seaport, visitors who have business with the seaport, or other persons regularly appearing at the seaport. Based upon the person's criminal history check, each seaport may determine the specific access eligibility to be granted to that person. Each seaport is responsible for access eligibility verification at its location.

(c) Upon determining that a person is eligible to enter a secure or restricted area of a port pursuant to subsections (6) and (7), the seaport shall, within 3 business days, report the determination to the department for inclusion in the system.

(d) All information submitted to the department regarding a person's access eligibility screening may be retained by the department for subsequent use in promoting seaport security, including, but not limited to, the review of the person's criminal history status to ensure that the person has not become disqualified for such access.

(e) The following fees may not be charged by more than one seaport and shall be paid by the seaport, another employing entity, or the person being entered into the system to the department or to the seaport if the seaport is acting as an agent of the department for the purpose of collecting the fees:

1. The cost of the state criminal history check under subsection (7).
2. A \$50 fee to cover the initial cost of entering the person into the system and an additional \$50 fee every 5 years thereafter to coincide with the issuance of the federal Transportation Worker Identification Credential described in subsection (6). The fee covers all costs for entering or maintaining the person in the system including the retention and use of the person's fingerprint, other biometric data, or other identifying information.
3. The seaport entering the person into the system may charge an administrative fee to cover, but not exceed, the seaport's actual administrative costs for processing the results of the state criminal history check and entering the person into the system.

(f) All fees identified in paragraph (e) must be paid before the person may be granted access to a secure or restricted area. Failure to comply with the criminal history check and failure to pay the fees are grounds for immediate denial of access.

(g) Persons, corporations, or other business entities that employ persons to work or do business at seaports shall notify the seaport of the termination, resignation, work-related incapacitation, or death of an employee who has access permission.

1. If the seaport determines that the person has been employed by another appropriate entity or is self-employed for purposes of performing work at the seaport, the seaport may reinstate the person's access eligibility.
2. A business entity's failure to report a change in an employee's work status within 7 days after the change may result in revocation of the business entity's access to the seaport.

(h) In addition to access permissions granted or denied by seaports, access eligibility may be restricted or revoked by the department if there is a reasonable suspicion that the person is involved in terrorism or criminal violations that could affect the security of a port or otherwise render the person ineligible for seaport access.

(i) Any suspension or revocation of port access must be reported by the seaport to the department within 24 hours after such suspension or revocation.

(j) The submission of information known to be false or misleading to the department for entry into the system is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) ACCESS TO SECURE AND RESTRICTED AREAS.—

(a) Any person seeking authorization for unescorted access to secure and restricted areas of a seaport must possess, unless waived under paragraph (7)(e), a valid federal Transportation Worker Identification Credential (TWIC) and execute an affidavit under oath which provides TWIC identification information and indicates the following:

1. The TWIC is currently valid and in full force and effect.

2. The TWIC was not received through the waiver process for disqualifying criminal history allowed by federal law.

3. He or she has not, in any jurisdiction, civilian or military, been convicted of, entered a plea of guilty or nolo contendere to, regardless of adjudication, or been found not guilty by reason of insanity, of any disqualifying felony under subsection (7) or any crime that includes the use or possession of a firearm.

(b) Upon submission of a completed affidavit as provided in paragraph (a), the completion of the state criminal history check as provided in subsection (7), and payment of all required fees under subsection (5), a seaport may grant the person access to secure or restricted areas of the port.

(c) Any port granting a person access to secure or restricted areas shall report the grant of access to the Department of Law Enforcement for inclusion in the access eligibility reporting system under subsection (5) within 3 business days.

(d) The submission of false information on the affidavit required by this section is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Upon conviction for a violation of this provision, the person convicted forfeits all privilege of access to secure or restricted areas of a seaport and is disqualified from future approval for access to such areas.

(e) Any affidavit form created for use under this subsection must contain the following statement in conspicuous type: "SUBMISSION OF FALSE INFORMATION ON THIS AFFIDAVIT IS A FELONY UNDER FLORIDA LAW AND WILL, UPON CONVICTION, RESULT IN DISQUALIFICATION FOR ACCESS TO A SECURE OR RESTRICTED AREA OF A SEAPORT."

(f) Upon each 5-year renewal of a person's TWIC, the person must submit another affidavit as required by this subsection.

(7) **CRIMINAL HISTORY SCREENING.**—A fingerprint-based criminal history check must be performed on employee applicants, current employees, and other persons authorized to regularly enter a secure or restricted area, or the entire seaport if the seaport security plan does not designate one or more secure or restricted areas.

(a) A person is disqualified from employment or unescorted access if the person:

1. Was convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, any of the offenses listed in paragraph (b) in any jurisdiction, civilian or military, including courts-martial conducted by the Armed Forces of the United States, during the 7 years before the date of the person's application for access; or

2. Was released from incarceration, or any supervision imposed as a result of sentencing, for committing any of the disqualifying crimes listed in paragraph (b) in any jurisdiction, civilian or military, during the 5 years before the date of the person's application for access.

(b) Disqualifying offenses include:

1. An act of terrorism as defined in s. 775.30.

2. A violation involving a weapon of mass destruction or a hoax weapon of mass destruction as provided in s. 790.166.

3. Planting of a hoax bomb as provided in s. 790.165.

4. A violation of s. 876.02 or s. 876.36.

5. A violation of s. 860.065.

6. Trafficking as provided in s. 893.135.

7. Racketeering activity as provided in s. 895.03.

8. Dealing in stolen property as provided in s. 812.019.

9. Money laundering as provided in s. 896.101.

10. Criminal use of personal identification as provided in s. 817.568.
 11. Bribery as provided in s. 838.015.
 12. A violation of s. 316.302, relating to the transport of hazardous materials.
 13. A forcible felony as defined in s. 776.08.
 14. A violation of s. 790.07.
 15. Any crime that includes the use or possession of a firearm.
 16. A felony violation for theft as provided in s. 812.014.
 17. Robbery as provided in s. 812.13.
 18. Burglary as provided in s. 810.02.
 19. Any violation involving the sale, manufacture, delivery, or possession with intent to sell, manufacture, or deliver a controlled substance.
 20. Any offense under the laws of another jurisdiction that is similar to an offense listed in this paragraph.
 21. Conspiracy or attempt to commit any of the offenses listed in this paragraph.
- (c) Each individual who is subject to a criminal history check shall file a complete set of fingerprints taken in a manner acceptable to the Department of Law Enforcement for state processing. The results of the criminal history check must be reported to the requesting seaport and may be shared among seaports.
- (d) All fingerprints submitted to the Department of Law Enforcement shall be retained by the department and entered into the statewide automated fingerprint identification system established in s. 943.05(2)(b) and available for use in accordance with s. 943.05(2)(g) and (h). An arrest record that is identified with the retained fingerprints of a person subject to the screening shall be reported to the seaport where the person has been granted access to a secure or restricted area. If the fingerprints of a person who has been granted access were not retained, or are otherwise not suitable for use by the department, the person must be refingerprinted in a manner that allows the department to perform its functions as provided in this section.
- (e) The Department of Law Enforcement shall establish a waiver process for a person who does not have a TWIC, obtained a TWIC through a federal waiver process, or is found to be unqualified under paragraph (a) and denied employment by a seaport or unescorted access to secure or restricted areas. If the person does not have a TWIC and a federal criminal history record check is required, the Department of Law Enforcement may forward the person's fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The cost of the national check must be paid by the seaport, which may collect it as reimbursement from the person.
1. Consideration for a waiver shall be based on the circumstances of any disqualifying act or offense, restitution made by the individual, and other factors from which it may be determined that the individual does not pose a risk of engaging in any act within the public seaports regulated under this chapter that would pose a risk to or threaten the security of the seaport and the public's health, safety, or welfare.
 2. The waiver process begins when an individual who has been denied initial employment within or denied unescorted access to secure or restricted areas of a public seaport submits an application for a waiver and a notarized letter or affidavit from the individual's employer or union representative which states the mitigating reasons for initiating the waiver process.
 3. Within 90 days after receipt of the application, the administrative staff of the Parole Commission shall conduct a factual review of the waiver application. Findings of fact shall be transmitted to the

department for review. The department shall make a copy of those findings available to the applicant before final disposition of the waiver request.

4. The department shall make a final disposition of the waiver request based on the factual findings of the investigation by the Parole Commission. The department shall notify the waiver applicant of the final disposition of the waiver.

5. The review process under this paragraph is exempt from chapter 120.

6. By October 1 of each year, each seaport shall report to the department each instance of denial of employment within, or access to, secure or restricted areas, and each instance waiving a denial occurring during the last 12 months. The report must include the identity of the individual affected, the factors supporting the denial or waiver, and any other material factors used to make the determination.

(f) In addition to the waiver procedure established by the Department of Law Enforcement under paragraph (e), each seaport security plan may establish a procedure to appeal a denial of employment or access based upon procedural inaccuracies or discrepancies regarding criminal history factors established pursuant to this subsection.

(g) Each seaport may allow immediate waivers on a temporary basis to meet special or emergency needs of the seaport or its users. Policies, procedures, and criteria for implementation of this paragraph must be included in the seaport security plan. All waivers granted by the seaports pursuant to this paragraph must be reported to the department within 30 days after issuance.

(8) **WAIVER FROM SECURITY REQUIREMENTS.**—The Office of Drug Control and the Department of Law Enforcement may modify or waive any physical facility requirement or other requirement contained in the minimum security standards upon a determination that the purposes of the standards have been reasonably met or exceeded by the seaport requesting the modification or waiver. An alternate means of compliance must not diminish the safety or security of the seaport and must be verified through an extensive risk analysis conducted by the seaport director.

(a) Waiver requests shall be submitted in writing, along with supporting documentation, to the Office of Drug Control and the Department of Law Enforcement. The office and the department have 90 days to jointly grant or reject the waiver, in whole or in part.

(b) The seaport may submit any waivers that are not granted or are jointly rejected to the Domestic Security Oversight Council for review within 90 days. The council shall recommend that the Office of Drug Control and the Department of Law Enforcement grant the waiver or reject the waiver, in whole or in part. The office and the department shall give great weight to the council's recommendations.

(c) A request seeking a waiver from the seaport law enforcement personnel standards established under s. 311.122(3) may not be granted for percentages below 10 percent.

(d) Any modifications or waivers granted under this subsection shall be noted in the annual report submitted by the Department of Law Enforcement pursuant to subsection (10).

(9) **INSPECTIONS.**—It is the intent of the Legislature that the state's seaports adhere to security practices that are consistent with the risks assigned to each seaport through the ongoing risk assessment process established in paragraph (3)(a).

(a) The Department of Law Enforcement, or any entity designated by the department, shall conduct at least one annual unannounced inspection of each seaport to determine whether the seaport is meeting the minimum security standards established pursuant to subsection (1) and to identify seaport security changes or improvements needed or otherwise recommended.

(b) The Department of Law Enforcement, or any entity designated by the department, may conduct additional announced or unannounced inspections or operations within or affecting any seaport to test compliance with, or the effectiveness of, security plans and operations at each seaport, to determine

compliance with physical facility requirements and standards, or to assist the department in identifying changes or improvements needed to bring a seaport into compliance with minimum security standards.

(c) Within 30 days after completing the inspection report, the department shall submit a copy of the report to the Domestic Security Oversight Council.

(d) A seaport may request that the Domestic Security Oversight Council review the findings in the department's report as they relate to the requirements of this section. The council may review only those findings that are in dispute by the seaport. In reviewing the disputed findings, the council may concur in the findings of the department or the seaport or may recommend corrective action to the seaport. The department and the seaport shall give great weight to the council's findings and recommendations.

(e) All seaports shall allow the Department of Law Enforcement, or an entity designated by the department, unimpeded access to affected areas and facilities for the purpose of plan or compliance inspections or other operations authorized by this section.

(10) **REPORTS.**—The Department of Law Enforcement, in consultation with the Office of Drug Control, shall annually complete a report indicating the observations and findings of all reviews, inspections, or other operations relating to the seaports conducted during the year and any recommendations resulting from such reviews, inspections, and operations. A copy of the report shall be provided to the Governor, the President of the Senate, the Speaker of the House of Representatives, the governing body of each seaport or seaport authority, and each seaport director. The report must include each director's response indicating what actions, if any, have been taken or are planned to be taken pursuant to the observations, findings, and recommendations reported by the department.

(11) **FUNDING.**—

(a) In making decisions regarding security projects or other funding applicable to each seaport listed in s. 311.09, the Legislature may consider the Department of Law Enforcement's annual report under subsection (10) as authoritative, especially regarding each seaport's degree of substantial compliance with the minimum security standards established in subsection (1).

(b) The Legislature shall regularly review the ongoing costs of operational security on seaports, the impacts of this section on those costs, mitigating factors that may reduce costs without reducing security, and the methods by which seaports may implement operational security using a combination of sworn law enforcement officers and private security services.

(c) Subject to the provisions of this chapter and appropriations made for seaport security, state funds may not be expended for security costs without certification of need for such expenditures by the Office of Ports Administrator within the Department of Law Enforcement.

(d) If funds are appropriated for seaport security, the Office of Drug Control, the Department of Law Enforcement, and the Florida Seaport Transportation and Economic Development Council shall mutually determine the allocation of such funds for security project needs identified in the approved seaport security plans. Any seaport that receives state funds for security projects must enter into a joint participation agreement with the appropriate state entity and use the seaport security plan as the basis for the agreement.

1. If funds are made available over more than 1 fiscal year, the agreement must reflect the entire scope of the project approved in the security plan and, as practicable, allow for reimbursement for authorized projects over more than 1 year.

2. The agreement may include specific timeframes for completion of a security project and the applicable funding reimbursement dates. The agreement may also require a contractual penalty of up to \$1,000 per day to be imposed for failure to meet project completion dates if state funding is available.

Any such penalty shall be deposited into the State Transportation Trust Fund and used for seaport security operations and capital improvements.

History.—s. 1, ch. 2000-360; s. 1, ch. 2001-112; s. 1, ch. 2003-96; s. 1, ch. 2004-261; s. 6, ch. 2005-128; s. 2, ch. 2006-193; s. 2, ch. 2009-171; s. 55, ch. 2010-5.

311.121 Qualifications, training, and certification of licensed security officers at Florida seaports.—

(1) It is the intent of the Legislature that seaports in the state be able to mitigate operational security costs without reducing security levels by employing a combination of certified law enforcement officers and certified private security service officers. In order to accomplish this intent, seaports shall have the option to recruit and employ seaport security officers who are trained and certified pursuant to the provisions of this section. The Department of Law Enforcement shall adhere to this intent in the approval and certification process for seaport security required under s. 311.12.

(2) The authority or governing board of each seaport identified under s. 311.09 that is subject to the statewide minimum seaport security standards established in s. 311.12 shall require that a candidate for certification as a seaport security officer:

(a) Has received a Class D license as a security officer under chapter 493.

(b) Has successfully completed the certified training curriculum for a Class D license or has been determined by the Department of Agriculture and Consumer Services to have equivalent experience as established by rule of the department.

(c) Has completed the training or training equivalency and testing process established by this section for becoming a certified seaport security officer.

(3) The Seaport Security Officer Qualification, Training, and Standards Coordinating Council is created under the Department of Law Enforcement.

(a) The executive director of the Department of Law Enforcement shall appoint 11 members to the council, to include:

1. The seaport administrator of the Department of Law Enforcement.
2. The Commissioner of Education or his or her designee.
3. The director of the Division of Licensing of the Department of Agriculture and Consumer Services.
4. The administrator of the Florida Seaport Transportation and Economic Development Council.
5. Two seaport security directors from seaports designated under s. 311.09.
6. One director of a state law enforcement academy.
7. One representative of a local law enforcement agency.
8. Two representatives of contract security services.
9. One representative of the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles.

(b) In addition to the members designated in paragraph (a), the executive director may invite a representative of the United States Coast Guard to attend and participate in council meetings as an ex officio, nonvoting member of the council.

(c) Council members designated under subparagraphs (a)1.-4. shall serve for the duration of their employment or appointment. Council members designated under subparagraphs (a)5.-9. shall be appointed for 4-year terms.

(d) The Commissioner of Education or his or her designee shall serve as chair of the council.

(e) The council shall meet upon the call of the chair, and at least once a year to update or modify curriculum recommendations.

(f) Council members shall serve without pay; however, per diem and travel allowances may be claimed for attendance of officially called meetings as provided by s. 112.061.

(g) The council shall identify the qualifications, training, and standards for seaport security officer certification and recommend a curriculum for the seaport security officer training program that includes at least 218 hours of initial certification training and that conforms to or exceeds model courses approved under s. 109 of the federal Maritime Transportation Security Act of 2002 for facility personnel with specific security duties.

1. The council may recommend training equivalencies that may be substituted for portions of the required training.

2. The council shall recommend a continuing education curriculum of at least 8 hours of additional training for each annual licensing period.

(4)(a) The Department of Education shall develop the curriculum recommendations and classroom-hour specifications of the Seaport Security Officer Qualifications, Training, and Standards Coordinating Council into initial and continuing education and training programs for seaport security officer certification.

(b) Such training programs shall be used by schools licensed under s. 493.6304, and each instructor providing training must hold a Class D license pursuant to s. 493.6301.

(c) A seaport authority or other organization involved in seaport-related activities may apply to become a school licensed under s. 493.6304.

(d) The training programs shall include proficiency examinations that must be passed by each candidate for certification who successfully completes the required hours of training or provides proof of authorized training equivalencies.

(e) A candidate for certification must be provided with a list of authorized training equivalencies in advance of training; however, each candidate for certification must successfully complete 20 hours of study specific to Florida Maritime Security and pass the related portion of the proficiency examination.

(5) Seaport security officer certificates shall be provided by the Department of Agriculture and Consumer Services for issuance by a school licensed under s. 493.6304, and such school may issue the certificate to an applicant who has successfully completed the training program. A school shall notify the Division of Licensing within the department upon the issuance of each certificate. The notification must include the name and Class D license number of the certificate holder and a copy of the certificate. The department shall place the notification with the licensee's file. Notification may be provided by electronic or paper format pursuant to instruction of the Department of Agriculture and Consumer Services.

(6)(a) Upon completion of the certification process, a person holding a Class D license must apply for a revised license pursuant to s. 493.6107(2), which license shall state that the licensee is certified as a seaport security officer.

(b) A person who has been issued a seaport security officer certificate is authorized to perform duties specifically required of a seaport security officer.

(c) The certificate is valid for the duration of the seaport security officer's Class D license and shall be renewed upon renewal of the license.

(d) The certificate shall become void if the seaport security officer's Class D license is revoked or allowed to lapse for more than 1 year or if the licensee fails to complete the annual continuing education requirement prior to expiration of the Class D license.

(e) Renewal of certification following licensure revocation or a lapse of longer than 1 year requires, at a minimum, 20 hours of recertification training and reexamination of the applicant.

History.—s. 3, ch. 2006-193; s. 2, ch. 2009-40; s. 4, ch. 2009-171; s. 56, ch. 2010-5.

311.122 Seaport law enforcement agency; authorization; requirements; powers; training.—

(1) Each seaport in the state is authorized to create a seaport law enforcement agency for its facility, which authority in no way precludes the seaport from contracting with local governments or law enforcement agencies to comply with the security standards required by this chapter.

(2) Each seaport law enforcement agency shall meet all of the standards set by the state under certified law enforcement guidelines and requirements and shall be certified as provided under chapter 943.

(3) If a seaport creates a seaport law enforcement agency for its facility, a minimum of 30 percent of the aggregate personnel of each seaport law enforcement agency shall be sworn state-certified law enforcement officers with additional Maritime Transportation Security Act of 2002 seaport training; a minimum of 30 percent of on-duty personnel of each seaport law enforcement agency shall be sworn state-certified law enforcement officers with additional Maritime Transportation Security Act of 2002 seaport training; and at least one on-duty supervisor must be a sworn state-certified law enforcement officer with additional Maritime Transportation Security Act of 2002 seaport training.

(4) For the purposes of this chapter, where applicable, seaport law enforcement agency officers shall have the same powers as university police officers as provided in s. 1012.97; however, such powers do not extend beyond the property of the seaport except in connection with an investigation initiated on seaport property or in connection with an immediate, imminent threat to the seaport.

(5) For the purposes of this chapter, sworn state-certified seaport security officers shall have the same law enforcement powers with respect to the enforcement of traffic laws on seaport property as university police officers under s. 1012.97, community college police officers under s. 1012.88, and airport police officers under the provisions of s. 316.640(1)(a)1.d.(I) and (II).

(6) Certified seaport security officers shall have the authority to immediately tow any vehicle parked illegally as indicated by an existing sign or during an emergency as deemed necessary to maintain seaport security.

History.—s. 4, ch. 2006-193; s. 57, ch. 2010-5.

311.123 Maritime domain security awareness training program.—

(1) The Florida Seaport Transportation and Economic Development Council, in conjunction with the Department of Law Enforcement and the Office of Drug Control within the Executive Office of the Governor, shall create a maritime domain security awareness training program to instruct all personnel employed within a seaport's boundaries about the security procedures required of them for implementation of the seaport security plan required under s. 311.12(3).

(2) The training program curriculum must include security training required pursuant to 33 C.F.R. part 105 and must be designed to enable the seaports in this state to meet the training, drill, and exercise requirements of 33 C.F.R. part 105 and individual seaport security plans and to otherwise comply with the requirements of s. 311.12.

History.—s. 5, ch. 2006-193; s. 5, ch. 2009-171.

311.124 Trespassing; detention by a certified seaport security officer.—

(1) Any Class D or Class G seaport security officer certified under the federal Maritime Transportation Security Act of 2002 guidelines and s. 311.121 or any employee of the seaport security force certified under the federal Maritime Transportation Security Act of 2002 guidelines and s. 311.121 who has probable cause to believe that a person is trespassing pursuant to s. 810.08 or s. 810.09 or this

chapter in a designated secure or restricted area pursuant to s. 311.12(4) is authorized to detain such person in a reasonable manner for a reasonable period of time pending the arrival of a law enforcement officer, and such action does not render the security officer criminally or civilly liable for false arrest, false imprisonment, or unlawful detention.

(2) Upon detaining a person for trespass, the seaport security officer shall immediately call a certified law enforcement officer to the scene.

History.—s. 6, ch. 2006-193; s. 6, ch. 2009-171.

311.13 Certain information exempt from disclosure.—Seaport security plans created pursuant to s. 311.12 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. In addition, photographs, maps, blueprints, drawings, and similar materials that depict critical seaport operating facilities are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, to the extent that a seaport reasonably determines that such items contain information that is not generally known and that could jeopardize the security of the seaport; however, information relating to real estate leases, layout plans, blueprints, or information relevant thereto, is not included in this exemption.

History.—s. 1, ch. 2000-292; s. 1, ch. 2005-53; s. 7, ch. 2009-171.

311.14 Seaport freight-mobility planning.—

(1) The Florida Seaport Transportation and Economic Development Council, in cooperation with the Office of the State Public Transportation Administrator within the Department of Transportation, shall develop freight-mobility and trade-corridor plans to assist in making freight-mobility investments that contribute to the economic growth of the state. Such plans should enhance the integration and connectivity of the transportation system across and between transportation modes throughout Florida for people and freight.

(2) The Office of the State Public Transportation Administrator shall act to integrate freight-mobility and trade-corridor plans into the Florida Transportation Plan developed pursuant to s. 339.155 and into the plans and programs of metropolitan planning organizations as provided in s. 339.175. The office may also provide assistance in expediting the transportation permitting process relating to the construction of seaport freight-mobility projects located outside the physical borders of seaports. The Department of Transportation may contract, as provided in s. 334.044, with any port listed in s. 311.09(1) or any such other statutorily authorized seaport entity to act as an agent in the construction of seaport freight-mobility projects.

History.—s. 69, ch. 99-251.

311.22 Additional authorization for funding certain dredging projects.—

(1) The Florida Seaport Transportation and Economic Development Council shall establish a program to fund dredging projects in counties having a population of fewer than 300,000 according to the last official census. Funds made available under this program may be used to fund approved projects for the dredging or deepening of channels, turning basins, or harbors on a 25-percent local matching basis with any port authority, as such term is defined in s. 315.02(2), which complies with the permitting requirements in part IV of chapter 373 and the local financial management and reporting provisions of part III of chapter 218.

¹(2) The council shall adopt rules for evaluating the projects that may be funded pursuant to this section. The rules must provide criteria for evaluating the economic benefit of the project. The rules must include the creation of an administrative review process by the council which is similar to the process ²described in s. 311.09(5)-(12), and provide for a review by the Department of Community

Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development of all projects submitted for funding under this section.

History.—ss. 42, 55, ch. 2005-71; s. 1, ch. 2005-261; s. 1, ch. 2005-281; s. 39, ch. 2006-26; ss. 34, 53, 54, ch. 2007-73; s. 16, ch. 2007-196; s. 8, ch. 2008-5.

¹Note.—As enacted by s. 42, ch. 2005-71, and s. 1, ch. 2005-281. For a description of multiple acts in the same session affecting a statutory provision, *see* preface to the *Florida Statutes*, “Statutory Construction.” Subsection (2) was also enacted by s. 1, ch. 2005-261, and that version reads:

(2) The council shall adopt rules for evaluating projects submitted for funding pursuant to this section and establish criteria for evaluating the economic benefit of such projects. The rules shall also establish and require an administrative review process similar to the process contained in s. 311.09(5)-(9) for projects approved for funding pursuant to this section to be reviewed by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development.

²Note.—As enacted by s. 1, ch. 2005-281. The s. 42, ch. 2005-71, version uses the word “contained” instead of “described.”

CHAPTER 2011-41

Committee Substitute for Committee Substitute for Committee Substitute for Committee Substitute for House Bill No. 283

An act relating to seaports; amending s. 311.09, F.S.; including a representative of Port Citrus as a member of the Florida Seaport Transportation and Economic Development Council; providing that Citrus County may apply for a grant for a feasibility study through the Florida Seaport Transportation and Economic Development Council; providing for the evaluation of the application; requiring the Department of Transportation to include the study in its budget request under certain circumstances; terminating the membership of Port Citrus on the council under certain circumstances; amending s. 311.12, F.S.; deleting provisions relating to statewide minimum standards for seaport security; deleting provisions authorizing the Department of Law Enforcement to exempt all or part of a seaport from specified requirements in certain circumstances; revising provisions relating to seaport security plans; revising requirements for certain secure or restricted areas; revising provisions relating to when a part of a seaport property may temporarily be designated as a secure or restricted area; deleting provisions requiring that the Department of Law Enforcement administer a statewide seaport access eligibility reporting system; deleting provisions requiring that persons seeking authorization to access secure and restricted areas of a seaport execute an affidavit; prohibiting a seaport from charging any fee for administration or production of access control credentials that require or are associated with a fingerprint-based background check, in addition to the fee for the federal TWIC; providing exceptions; providing for issuance of seaport-specific access credentials; deleting provisions requiring fingerprint-based state criminal history checks on seaport employee applicants, current employees, and other authorized persons; deleting provisions authorizing waivers from security requirements in certain circumstances; deleting provisions relating to inspections; deleting reporting requirements; deleting the provisions relating to the allocation of appropriated funds for security project needs; amending s. 311.121, F.S.; conforming provisions to changes made by the act; amending s. 311.123, F.S.; revising who may create a maritime domain security awareness training program; conforming provisions to changes made by the act; amending s. 311.124, F.S.; conforming provisions to changes made by the act; repealing s. 311.115, F.S., relating to the Seaport Security Standards Advisory Council; providing an effective date.

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

Section 1. Subsection (1) of section 311.09, Florida Statutes, is amended, and subsection (13) is added that section, to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(1) The Florida Seaport Transportation and Economic Development Council is created within the Department of Transportation. The council consists of the following ~~18~~ 17 members: the port director, or the port director's designee, of each of the ports of Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina; the secretary of the Department of Transportation or his or her designee; the director of the Office of Tourism, Trade, and Economic Development or his or her designee; and the secretary of the Department of Community Affairs or his or her designee.

(13) Until July 1, 2014, Citrus County may apply for a grant through the Florida Seaport Transportation and Economic Development Council to perform a feasibility study regarding the establishment of a port in Citrus County. The council shall evaluate such application pursuant to subsections (5)–(9) and, if approved, the Department of Transportation shall include the feasibility study in its budget request pursuant to subsection (10). If the study determines that a port in Citrus County is not feasible, the membership of Port Citrus on the council shall terminate.

Section 2. Section 311.12, Florida Statutes, is amended to read:

311.12 Seaport security.—

(1) SECURITY STANDARDS.—

~~(a) The statewide minimum standards for seaport security applicable to seaports listed in s. 311.09 shall be those based on the Florida Seaport Security Assessment 2000 and set forth in the Port Security Standards Compliance Plan delivered to the Speaker of the House of Representatives and the President of the Senate on December 11, 2000. The Office of Drug Control within the Executive Office of the Governor shall maintain a sufficient number of copies of the standards at its offices for distribution to the public and provide copies to each affected seaport upon request.~~

~~(a)(b)~~ A seaport may implement security measures that are more stringent, more extensive, or supplemental to the applicable federal security regulations, including federal facility security assessment requirements under 33 C.F.R. s. 105.305 minimum security standards established by this subsection.

~~(b)(e)~~ The provisions of s. 790.251 are not superseded, preempted, or otherwise modified in any way by the provisions of this section.

~~(2) EXEMPTION.—The Department of Law Enforcement may exempt all or part of a seaport listed in s. 311.09 from the requirements of this section if the department determines that activity associated with the use of the seaport or part of the seaport is not vulnerable to criminal activity or~~

terrorism. The department shall periodically review such exemptions to determine if there is a change in use. Such change may warrant removal of all or part of the exemption.

~~(2)~~(3) SECURITY PLAN.—

(a) Each seaport listed in s. 311.09 shall adopt and maintain a security plan specific to that seaport which provides for a secure seaport infrastructure that promotes the safety and security of state residents and visitors and the flow of legitimate trade and travel.

~~(b)(a) Each seaport Every 5 years after January 1, 2007, each seaport director, with the assistance of the Regional Domestic Security Task Force and in conjunction with the United States Coast Guard, shall periodically revise the seaport's security plan based on the seaport's director's ongoing assessment of security risks, the risks of terrorist activities, and the specific and identifiable needs of the seaport for ensuring that the seaport is in substantial compliance with applicable federal security regulations, including federal facility security assessment requirements under 33 C.F.R. s. 105.305 the minimum security standards established under subsection (1).~~

~~(b)—Each adopted or revised security plan must be reviewed and approved by the Office of Drug Control and the Department of Law Enforcement for compliance with federal facility security assessment requirements under 33 C.F.R. s. 105.305 and the minimum security standards established under subsection (1). Within 30 days after completion, a copy of the written review shall be delivered to the United States Coast Guard, the Regional Domestic Security Task Force, and the Domestic Security Oversight Council.~~

(3)(4) SECURE AND RESTRICTED AREAS.—Each seaport listed in s. 311.09 must clearly designate in seaport security plans, and clearly identify with appropriate signs and markers on the premises of a seaport, all secure and restricted areas as defined by 33 C.F.R. part 105 the United States Department of Homeland Security United States Coast Guard Navigation and Vessel Inspection Circular No. 03-07 and 49 C.F.R. part 1572. The plans must also address access eligibility requirements and corresponding security enforcement authorizations.

(a) The seaport's security plan must set forth the conditions and restrictions to be imposed on persons employed at, doing business at, or visiting the seaport who have access to secure and restricted areas which are sufficient to provide substantial compliance with the minimum security standards established in subsection (1) and federal regulations.

1. All seaport employees and other persons working at the seaport who have regular access to secure or restricted areas must comply with federal access control regulations and state criminal history checks as prescribed in this section.

2. All persons and objects in secure and restricted areas are subject to search by a sworn state-certified law enforcement officer, a Class D seaport security officer certified under Maritime Transportation Security Act of 2002 guidelines and ~~s. 311.121~~, or an employee of the seaport security force certified under the Maritime Transportation Security Act of 2002 guidelines and ~~s. 311.121~~.

3. Persons found in these areas without the proper permission are subject to the trespass provisions of ss. 810.08 and 810.09.

~~(b) As determined by the seaport director's most current risk assessment under paragraph (3)(a), any secure or restricted area that has a potential human occupancy of 50 persons or more, any cruise terminal, or any business operation that is adjacent to a public access area must be protected from the most probable and credible terrorist threat to human life.~~

~~(b)(e)~~ The seaport must provide clear notice of the prohibition against possession of concealed weapons and other contraband material on the premises of the seaport. Any person in a restricted area who has in his or her possession a concealed weapon, or who operates or has possession or control of a vehicle in or upon which a concealed weapon is placed or stored, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. This paragraph does not apply to active-duty certified federal or state law enforcement personnel or persons so designated by the seaport director in writing.

~~(c)(d)~~ During a period of high terrorist threat level, as designated by the United States Department of Homeland Security or the Department of Law Enforcement, or during an emergency declared at a port by the seaport security director due to events applicable to that particular seaport, the management or controlling authority of the port may temporarily designate any part of the seaport property as a secure or restricted area. The duration of such designation is limited to the period in which the high terrorist threat level is in effect or a port emergency exists.

~~(5) ACCESS ELIGIBILITY REPORTING SYSTEM. Subject to legislative appropriations, the Department of Law Enforcement shall administer a statewide seaport access eligibility reporting system.~~

~~(a) The system must include, at a minimum, the following:~~

~~1. A centralized, secure method of collecting and maintaining fingerprints, other biometric data, or other means of confirming the identity of persons authorized to enter a secure or restricted area of a seaport.~~

~~2. A methodology for receiving from and transmitting information to each seaport regarding a person's authority to enter a secure or restricted area of the seaport.~~

~~3.— A means for receiving prompt notification from a seaport when a person's authorization to enter a secure or restricted area of a seaport has been suspended or revoked.~~

~~4.— A means to communicate to seaports when a person's authorization to enter a secure or restricted area of a seaport has been suspended or revoked.~~

~~(b)— Each seaport listed in s. 311.09 is responsible for granting, modifying, restricting, or denying access to secure and restricted areas to seaport employees, other persons working at the seaport, visitors who have business with the seaport, or other persons regularly appearing at the seaport. Based upon the person's criminal history check, each seaport may determine the specific access eligibility to be granted to that person. Each seaport is responsible for access eligibility verification at its location.~~

~~(c)— Upon determining that a person is eligible to enter a secure or restricted area of a port pursuant to subsections (6) and (7), the seaport shall, within 3 business days, report the determination to the department for inclusion in the system.~~

~~(d)— All information submitted to the department regarding a person's access eligibility screening may be retained by the department for subsequent use in promoting seaport security, including, but not limited to, the review of the person's criminal history status to ensure that the person has not become disqualified for such access.~~

~~(e)— The following fees may not be charged by more than one seaport and shall be paid by the seaport, another employing entity, or the person being entered into the system to the department or to the seaport if the seaport is acting as an agent of the department for the purpose of collecting the fees:~~

~~1.— The cost of the state criminal history check under subsection (7).~~

~~2.— A \$50 fee to cover the initial cost of entering the person into the system and an additional \$50 fee every 5 years thereafter to coincide with the issuance of the federal Transportation Worker Identification Credential described in subsection (6). The fee covers all costs for entering or maintaining the person in the system including the retention and use of the person's fingerprint, other biometric data, or other identifying information.~~

~~3.— The seaport entering the person into the system may charge an administrative fee to cover, but not exceed, the seaport's actual administrative costs for processing the results of the state criminal history check and entering the person into the system.~~

~~(f)— All fees identified in paragraph (e) must be paid before the person may be granted access to a secure or restricted area. Failure to comply with the criminal history check and failure to pay the fees are grounds for immediate denial of access.~~

~~(g) Persons, corporations, or other business entities that employ persons to work or do business at seaports shall notify the seaport of the termination, resignation, work-related incapacitation, or death of an employee who has access permission.~~

~~1. If the seaport determines that the person has been employed by another appropriate entity or is self-employed for purposes of performing work at the seaport, the seaport may reinstate the person's access eligibility.~~

~~2. A business entity's failure to report a change in an employee's work status within 7 days after the change may result in revocation of the business entity's access to the seaport.~~

~~(h) In addition to access permissions granted or denied by seaports, access eligibility may be restricted or revoked by the department if there is a reasonable suspicion that the person is involved in terrorism or criminal violations that could affect the security of a port or otherwise render the person ineligible for seaport access.~~

~~(i) Any suspension or revocation of port access must be reported by the seaport to the department within 24 hours after such suspension or revocation.~~

~~(j) The submission of information known to be false or misleading to the department for entry into the system is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

~~(4)(6)~~ ACCESS TO SECURE AND RESTRICTED AREAS.—

~~(a) Any person seeking authorization for unescorted access to secure and restricted areas of a seaport must possess, unless waived under paragraph (7)(e), a valid federal Transportation Worker Identification Credential (TWIC).~~

(b) A seaport may not charge a fee for the administration or production of any access control credential that requires or is associated with a fingerprint-based background check, in addition to the fee for the federal TWIC. Beginning July 1, 2013, a seaport may not charge a fee for a seaport-specific access credential issued in addition to the federal TWIC, except under the following circumstances:

1. The individual seeking to gain secured access is a new hire as defined under 33 C.F.R. s. 105; or

2. The individual has lost or misplaced his or her federal TWIC, and execute an affidavit under oath which provides TWIC identification information and indicates the following:

1. The TWIC is currently valid and in full force and effect.

~~2.—The TWIC was not received through the waiver process for disqualifying criminal history allowed by federal law.~~

~~3.—He or she has not, in any jurisdiction, civilian or military, been convicted of, entered a plea of guilty or nolo contendere to, regardless of adjudication, or been found not guilty by reason of insanity, of any disqualifying felony under subsection (7) or any crime that includes the use or possession of a firearm.~~

~~(b)—Upon submission of a completed affidavit as provided in paragraph (a), the completion of the state criminal history check as provided in subsection (7), and payment of all required fees under subsection (5), a seaport may grant the person access to secure or restricted areas of the port.~~

~~(c)—Any port granting a person access to secure or restricted areas shall report the grant of access to the Department of Law Enforcement for inclusion in the access eligibility reporting system under subsection (5) within 3 business days.~~

~~(d)—The submission of false information on the affidavit required by this section is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Upon conviction for a violation of this provision, the person convicted forfeits all privilege of access to secure or restricted areas of a seaport and is disqualified from future approval for access to such areas.~~

~~(e)—Any affidavit form created for use under this subsection must contain the following statement in conspicuous type: “SUBMISSION OF FALSE INFORMATION ON THIS AFFIDAVIT IS A FELONY UNDER FLORIDA LAW AND WILL, UPON CONVICTION, RESULT IN DISQUALIFICATION FOR ACCESS TO A SECURE OR RESTRICTED AREA OF A SEAPORT.”~~

~~(f)—Upon each 5-year renewal of a person’s TWIC, the person must submit another affidavit as required by this subsection.~~

~~(7)—CRIMINAL HISTORY SCREENING.—A fingerprint-based criminal history check must be performed on employee applicants, current employees, and other persons authorized to regularly enter a secure or restricted area, or the entire seaport if the seaport security plan does not designate one or more secure or restricted areas.~~

~~(a)—A person is disqualified from employment or unescorted access if the person:~~

~~1.—Was convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, any of the offenses listed in paragraph (b) in any jurisdiction, civilian or military, including courts-martial conducted by the Armed Forces of the United States, during the 7 years before the date of the person’s application for access; or~~

~~2.— Was released from incarceration, or any supervision imposed as a result of sentencing, for committing any of the disqualifying crimes listed in paragraph (b) in any jurisdiction, civilian or military, during the 5 years before the date of the person's application for access.~~

~~(b)—Disqualifying offenses include:~~

~~1.— An act of terrorism as defined in s. 775.30.~~

~~2.— A violation involving a weapon of mass destruction or a hoax weapon of mass destruction as provided in s. 790.166.~~

~~3.— Planting of a hoax bomb as provided in s. 790.165.~~

~~4.— A violation of s. 876.02 or s. 876.36.~~

~~5.— A violation of s. 860.065.~~

~~6.— Trafficking as provided in s. 893.135.~~

~~7.— Racketeering activity as provided in s. 895.03.~~

~~8.— Dealing in stolen property as provided in s. 812.019.~~

~~9.— Money laundering as provided in s. 896.101.~~

~~10.— Criminal use of personal identification as provided in s. 817.568.~~

~~11.— Bribery as provided in s. 838.015.~~

~~12.— A violation of s. 316.302, relating to the transport of hazardous materials.~~

~~13.— A forcible felony as defined in s. 776.08.~~

~~14.— A violation of s. 790.07.~~

~~15.— Any crime that includes the use or possession of a firearm.~~

~~16.— A felony violation for theft as provided in s. 812.014.~~

~~17.— Robbery as provided in s. 812.13.~~

~~18.— Burglary as provided in s. 810.02.~~

~~19.— Any violation involving the sale, manufacture, delivery, or possession with intent to sell, manufacture, or deliver a controlled substance.~~

~~20.— Any offense under the laws of another jurisdiction that is similar to an offense listed in this paragraph.~~

~~21.— Conspiracy or attempt to commit any of the offenses listed in this paragraph.~~

~~(c) Each individual who is subject to a criminal history check shall file a complete set of fingerprints taken in a manner acceptable to the Department of Law Enforcement for state processing. The results of the criminal history check must be reported to the requesting seaport and may be shared among seaports.~~

~~(d) All fingerprints submitted to the Department of Law Enforcement shall be retained by the department and entered into the statewide automated fingerprint identification system established in s. 943.05(2)(b) and available for use in accordance with s. 943.05(2)(g) and (h). An arrest record that is identified with the retained fingerprints of a person subject to the screening shall be reported to the seaport where the person has been granted access to a secure or restricted area. If the fingerprints of a person who has been granted access were not retained, or are otherwise not suitable for use by the department, the person must be refingerprinted in a manner that allows the department to perform its functions as provided in this section.~~

~~(e) The Department of Law Enforcement shall establish a waiver process for a person who does not have a TWIC, obtained a TWIC through a federal waiver process, or is found to be unqualified under paragraph (a) and denied employment by a seaport or unescorted access to secure or restricted areas. If the person does not have a TWIC and a federal criminal history record check is required, the Department of Law Enforcement may forward the person's fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The cost of the national check must be paid by the seaport, which may collect it as reimbursement from the person.~~

~~1. Consideration for a waiver shall be based on the circumstances of any disqualifying act or offense, restitution made by the individual, and other factors from which it may be determined that the individual does not pose a risk of engaging in any act within the public seaports regulated under this chapter that would pose a risk to or threaten the security of the seaport and the public's health, safety, or welfare.~~

~~2. The waiver process begins when an individual who has been denied initial employment within or denied unescorted access to secure or restricted areas of a public seaport submits an application for a waiver and a notarized letter or affidavit from the individual's employer or union representative which states the mitigating reasons for initiating the waiver process.~~

~~3. Within 90 days after receipt of the application, the administrative staff of the Parole Commission shall conduct a factual review of the waiver application. Findings of fact shall be transmitted to the department for review. The department shall make a copy of those findings available to the applicant before final disposition of the waiver request.~~

~~4. The department shall make a final disposition of the waiver request based on the factual findings of the investigation by the Parole Commission.~~

The department shall notify the waiver applicant of the final disposition of the waiver.

5.—The review process under this paragraph is exempt from chapter 120.

6.—By October 1 of each year, each seaport shall report to the department each instance of denial of employment within, or access to, secure or restricted areas, and each instance waiving a denial occurring during the last 12 months. The report must include the identity of the individual affected, the factors supporting the denial or waiver, and any other material factors used to make the determination.

(f)—In addition to the waiver procedure established by the Department of Law Enforcement under paragraph (e), each seaport security plan may establish a procedure to appeal a denial of employment or access based upon procedural inaccuracies or discrepancies regarding criminal history factors established pursuant to this subsection.

(g)—Each seaport may allow immediate waivers on a temporary basis to meet special or emergency needs of the seaport or its users. Policies, procedures, and criteria for implementation of this paragraph must be included in the seaport security plan. All waivers granted by the seaports pursuant to this paragraph must be reported to the department within 30 days after issuance.

(8)—**WAIVER FROM SECURITY REQUIREMENTS.**—The Office of Drug Control and the Department of Law Enforcement may modify or waive any physical facility requirement or other requirement contained in the minimum security standards upon a determination that the purposes of the standards have been reasonably met or exceeded by the seaport requesting the modification or waiver. An alternate means of compliance must not diminish the safety or security of the seaport and must be verified through an extensive risk analysis conducted by the seaport director.

(a)—Waiver requests shall be submitted in writing, along with supporting documentation, to the Office of Drug Control and the Department of Law Enforcement. The office and the department have 90 days to jointly grant or reject the waiver, in whole or in part.

(b)—The seaport may submit any waivers that are not granted or are jointly rejected to the Domestic Security Oversight Council for review within 90 days. The council shall recommend that the Office of Drug Control and the Department of Law Enforcement grant the waiver or reject the waiver, in whole or in part. The office and the department shall give great weight to the council's recommendations.

(c)—A request seeking a waiver from the seaport law enforcement personnel standards established under s. 311.122(3) may not be granted for percentages below 10 percent.

~~(d) Any modifications or waivers granted under this subsection shall be noted in the annual report submitted by the Department of Law Enforcement pursuant to subsection (10).~~

~~(9) INSPECTIONS.—It is the intent of the Legislature that the state's seaports adhere to security practices that are consistent with the risks assigned to each seaport through the ongoing risk assessment process established in paragraph (3)(a).~~

~~(a) The Department of Law Enforcement, or any entity designated by the department, shall conduct at least one annual unannounced inspection of each seaport to determine whether the seaport is meeting the minimum security standards established pursuant to subsection (1) and to identify seaport security changes or improvements needed or otherwise recommended.~~

~~(b) The Department of Law Enforcement, or any entity designated by the department, may conduct additional announced or unannounced inspections or operations within or affecting any seaport to test compliance with, or the effectiveness of, security plans and operations at each seaport, to determine compliance with physical facility requirements and standards, or to assist the department in identifying changes or improvements needed to bring a seaport into compliance with minimum security standards.~~

~~(c) Within 30 days after completing the inspection report, the department shall submit a copy of the report to the Domestic Security Oversight Council.~~

~~(d) A seaport may request that the Domestic Security Oversight Council review the findings in the department's report as they relate to the requirements of this section. The council may review only those findings that are in dispute by the seaport. In reviewing the disputed findings, the council may concur in the findings of the department or the seaport or may recommend corrective action to the seaport. The department and the seaport shall give great weight to the council's findings and recommendations.~~

~~(e) All seaports shall allow the Department of Law Enforcement, or an entity designated by the department, unimpeded access to affected areas and facilities for the purpose of plan or compliance inspections or other operations authorized by this section.~~

~~(10) REPORTS.—The Department of Law Enforcement, in consultation with the Office of Drug Control, shall annually complete a report indicating the observations and findings of all reviews, inspections, or other operations relating to the seaports conducted during the year and any recommendations resulting from such reviews, inspections, and operations. A copy of the report shall be provided to the Governor, the President of the Senate, the Speaker of the House of Representatives, the governing body of each seaport or seaport authority, and each seaport director. The report must include each director's response indicating what actions, if any, have been taken or are planned to be~~

taken pursuant to the observations, findings, and recommendations reported by the department.

~~(11) FUNDING.—~~

~~(a) In making decisions regarding security projects or other funding applicable to each seaport listed in s. 311.09, the Legislature may consider the Department of Law Enforcement's annual report under subsection (10) as authoritative, especially regarding each seaport's degree of substantial compliance with the minimum security standards established in subsection (1).~~

~~(b) The Legislature shall regularly review the ongoing costs of operational security on seaports, the impacts of this section on those costs, mitigating factors that may reduce costs without reducing security, and the methods by which seaports may implement operational security using a combination of sworn law enforcement officers and private security services.~~

~~(c) Subject to the provisions of this chapter and appropriations made for seaport security, state funds may not be expended for security costs without certification of need for such expenditures by the Office of Ports Administrator within the Department of Law Enforcement.~~

~~(d) If funds are appropriated for seaport security, the Office of Drug Control, the Department of Law Enforcement, and the Florida Seaport Transportation and Economic Development Council shall mutually determine the allocation of such funds for security project needs identified in the approved seaport security plans. Any seaport that receives state funds for security projects must enter into a joint participation agreement with the appropriate state entity and use the seaport security plan as the basis for the agreement.~~

~~1. If funds are made available over more than 1 fiscal year, the agreement must reflect the entire scope of the project approved in the security plan and, as practicable, allow for reimbursement for authorized projects over more than 1 year.~~

~~2. The agreement may include specific timeframes for completion of a security project and the applicable funding reimbursement dates. The agreement may also require a contractual penalty of up to \$1,000 per day to be imposed for failure to meet project completion dates if state funding is available. Any such penalty shall be deposited into the State Transportation Trust Fund and used for seaport security operations and capital improvements.~~

Section 3. Subsection (2) of section 311.121, Florida Statutes, is amended to read:

311.121 Qualifications, training, and certification of licensed security officers at Florida seaports.—

(2) The authority or governing board of each seaport identified under s. 311.09 that is subject to the statewide minimum seaport security standards referenced established in s. 311.12 shall require that a candidate for certification as a seaport security officer:

(a) Has received a Class D license as a security officer under chapter 493.

(b) Has successfully completed the certified training curriculum for a Class D license or has been determined by the Department of Agriculture and Consumer Services to have equivalent experience as established by rule of the department.

(c) Has completed the training or training equivalency and testing process established by this section for becoming a certified seaport security officer.

Section 4. Subsection (1) of section 311.123, Florida Statutes, is amended to read:

311.123 Maritime domain security awareness training program.—

(1) The Florida Seaport Transportation and Economic Development Council, ~~in conjunction with the Department of Law Enforcement and the Office of Drug Control within the Executive Office of the Governor,~~ shall create a maritime domain security awareness training program to instruct all personnel employed within a seaport's boundaries about the security procedures required of them for implementation of the seaport security plan required under s. 311.12(2)(3).

Section 5. Subsection (1) of section 311.124, Florida Statutes, is amended to read:

311.124 Trespassing; detention by a certified seaport security officer.—

(1) Any Class D or Class G seaport security officer certified under the federal Maritime Transportation Security Act of 2002 guidelines ~~and s. 311.121~~ or any employee of the seaport security force certified under the federal Maritime Transportation Security Act of 2002 guidelines ~~and s. 311.121~~ who has probable cause to believe that a person is trespassing pursuant to s. 810.08 or s. 810.09 or this chapter in a designated secure or restricted area pursuant to s. 311.12(3)(4) is authorized to detain such person in a reasonable manner for a reasonable period of time pending the arrival of a law enforcement officer, and such action does not render the security officer criminally or civilly liable for false arrest, false imprisonment, or unlawful detention.

Section 6. Section 311.115, Florida Statutes, is repealed.

Section 7. This act shall take effect upon becoming a law.

Approved by the Governor May 24, 2011.

Filed in Office Secretary of State May 24, 2011.

CHAPTER 2011-164

Committee Substitute for Committee Substitute for Committee Substitute for House Bill No. 399

An act relating to infrastructure investment; amending s. 20.23, F.S.; requiring the Secretary of Transportation to designate duties relating to certain investment opportunities and transportation projects to an assistant secretary; amending s. 311.09, F.S.; revising requirements for the inclusion of certain goals and objectives in the Florida Seaport Mission Plan; requiring the Florida Seaport Transportation and Economic Development Council to develop a priority list of projects and submit the list to the Department of Transportation; amending s. 311.14, F.S.; requiring certain ports to develop strategic plans; providing criteria for such plans; requiring such plans to be consistent with local government comprehensive plans; requiring such plans to be submitted to the Florida Seaport Transportation and Economic Development Council; requiring the Florida Seaport Transportation and Economic Development Council to review such plans and include related information in the Florida Seaport Mission Plan; amending s. 339.155, F.S.; clarifying and revising the principles on which the Florida Transportation Plan is based; amending s. 339.63, F.S.; adding certain existing and planned facilities to the list of facilities included in the Strategic Intermodal System and the Emerging Strategic Intermodal System; amending s. 373.406, F.S.; exempting overwater piers, docks, and structures located in deepwater ports from stormwater management system requirements under specified conditions; amending s. 373.4133, F.S.; requiring the Department of Environmental Protection to approve or deny an application for a port conceptual permit within a specified time; providing a limitation for the request of additional information from an applicant by the department; providing that failure of an applicant to respond to such a request within a specified time constitutes withdrawal of the application; providing that a third party who challenge the issuance of a port conceptual permit has the burden of ultimate persuasion and the burden of going forward with evidence; amending s. 403.813, F.S.; exempting specified seaports and inland navigation districts from requirements to conduct maintenance dredging under certain conditions; excluding ditches, pipes, and similar linear conveyances from consideration as receiving waters for the disposal of dredged materials; authorizing public ports and inland navigation districts to use sovereignty submerged lands in connection with maintenance dredging; authorizing the disposal of spoil material on specified sites; providing an exemption from permitting requirements for sites that meet specified criteria; requiring notice to the Department of Environmental Protection of intent to use the exemption; providing an effective date.

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

Section 1. Paragraph (d) of subsection (1) of section 20.23, Florida Statutes, is amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(1)

(d) The secretary may appoint up to three assistant secretaries who shall be directly responsible to the secretary and who shall perform such duties as are assigned by the secretary. The secretary shall designate to an assistant secretary the duties related to enhancing economic prosperity, including, but not limited to, the responsibility of liaison with the head of economic development in the Executive Office of the Governor. Such assistant secretary shall be directly responsible for providing the Executive Office of the Governor with investment opportunities and transportation projects that expand the state's role as a global hub for trade and investment and enhance the supply chain system in the state to process, assemble, and ship goods to markets throughout the eastern United States, Canada, the Caribbean, and Latin America. The secretary may delegate to any assistant secretary the authority to act in the absence of the secretary.

Section 2. Subsection (3) of section 311.09, Florida Statutes, is amended to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(3) The council shall prepare a 5-year Florida Seaport Mission Plan defining the goals and objectives of the council concerning the development of port facilities and an intermodal transportation system consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155. The Florida Seaport Mission Plan shall include specific recommendations for the construction of transportation facilities connecting any port to another transportation mode and for the efficient, cost-effective development of transportation facilities or port facilities for the purpose of enhancing international trade, promoting cargo flow, increasing cruise passenger movements, increasing port revenues, and providing economic benefits to the state. The council shall develop a priority list of projects based on these recommendations annually and submit the list to the Department of Transportation. The council shall update the 5-year Florida Seaport Mission Plan annually and shall submit the plan no later than February 1 of each year to the President of the Senate; the Speaker of the House of Representatives; the Office of Tourism, Trade, and Economic Development; the Department of Transportation; and the Department of Community Affairs. The council shall develop programs, based on an examination of existing programs in Florida and other states, for the training of minorities and secondary school students in job skills associated with employment opportunities in the maritime industry, and report on progress and

recommendations for further action to the President of the Senate and the Speaker of the House of Representatives annually.

Section 3. Section 311.14, Florida Statutes, is amended to read:

311.14 Seaport freight-mobility planning.—

(1) The Florida Seaport Transportation and Economic Development Council, in cooperation with the Office of the State Public Transportation Administrator within the Department of Transportation, shall develop freight-mobility and trade-corridor plans to assist in making freight-mobility investments that contribute to the economic growth of the state. Such plans should enhance the integration and connectivity of the transportation system across and between transportation modes throughout Florida for people and freight.

(2) The Office of the State Public Transportation Administrator shall act to integrate freight-mobility and trade-corridor plans into the Florida Transportation Plan developed pursuant to s. 339.155 and into the plans and programs of metropolitan planning organizations as provided in s. 339.175. The office may also provide assistance in expediting the transportation permitting process relating to the construction of seaport freight-mobility projects located outside the physical borders of seaports. The Department of Transportation may contract, as provided in s. 334.044, with any port listed in s. 311.09(1) or any such other statutorily authorized seaport entity to act as an agent in the construction of seaport freight-mobility projects.

(3) Each port shall develop a strategic plan with a 10-year horizon. Each plan must include the following:

(a) An economic development component that identifies targeted business opportunities for increasing business and attracting new business for which a particular facility has a strategic advantage over its competitors, identifies financial resources and other inducements to encourage growth of existing business and acquisition of new business, and provides a projected schedule for attainment of the plan's goals.

(b) An infrastructure development and improvement component that identifies all projected infrastructure improvements within the plan area which require improvement, expansion, or development in order for a port to attain a strategic advantage for competition with national and international competitors.

(c) A component that identifies all intermodal transportation facilities, including sea, air, rail, or road facilities, which are available or have potential, with improvements, to be available for necessary national and international commercial linkages and provides a plan for the integration of port, airport, and railroad activities with existing and planned transportation infrastructure.

(d) A component that identifies physical, environmental, and regulatory barriers to achievement of the plan's goals and provides recommendations for overcoming those barriers.

(e) An intergovernmental coordination component that specifies modes and methods to coordinate plan goals and missions with the missions of the Department of Transportation, other state agencies, and affected local, general-purpose governments.

To the extent feasible, the port strategic plan must be consistent with the local government comprehensive plans of the units of local government in which the port is located. Upon approval of a plan by the port's board, the plan shall be submitted to the Florida Seaport Transportation and Economic Development Council.

(4) The Florida Seaport Transportation and Economic Development Council shall review the strategic plans submitted by each port and prioritize strategic needs for inclusion in the Florida Seaport Mission Plan prepared pursuant to s. 311.09(3).

Section 4. Subsection (1) of section 339.155, Florida Statutes, is amended to read:

339.155 Transportation planning.—

(1) THE FLORIDA TRANSPORTATION PLAN.—The department shall develop and annually update a statewide transportation plan, to be known as the Florida Transportation Plan. The plan shall be designed so as to be easily read and understood by the general public. The plan shall consider the needs of the entire state transportation system and examine the use of all modes of transportation to effectively and efficiently meet such needs. The purpose of the Florida Transportation Plan is to establish and define the state's long-range transportation goals and objectives to be accomplished over a period of at least 20 years within the context of the State Comprehensive Plan, and any other statutory mandates and authorizations and based upon the prevailing principles of:

(a) Preserving the existing transportation infrastructure.;

(b) Enhancing Florida's economic competitiveness.;~~and~~

(c) Improving travel choices to ensure mobility.

(d) Expanding the state's role as a hub for trade and investment. ~~The Florida Transportation Plan shall consider the needs of the entire state transportation system and examine the use of all modes of transportation to effectively and efficiently meet such needs.~~

Section 5. Subsection (2) of section 339.63, Florida Statutes, is amended to read:

339.63 System facilities designated; additions and deletions.—

(2) The Strategic Intermodal System and the Emerging Strategic Intermodal System include ~~four~~ three different types of facilities that each form one component of an interconnected transportation system which types include:

(a) Existing or planned hubs that are ports and terminals including airports, seaports, spaceports, passenger terminals, and rail terminals serving to move goods or people between Florida regions or between Florida and other markets in the United States and the rest of the world;~~;~~

(b) Existing or planned corridors that are highways, rail lines, waterways, and other exclusive-use facilities connecting major markets within Florida or between Florida and other states or nations;~~;~~ ~~and~~

(c) Existing or planned intermodal connectors that are highways, rail lines, waterways or local public transit systems serving as connectors between the components listed in paragraphs (a) and (b).

(d) Existing or planned facilities that significantly improve the state's competitive position to compete for the movement of additional goods into and through this state.

Section 6. Subsection (12) is added to section 373.406, Florida Statutes, to read:

373.406 Exemptions.—The following exemptions shall apply:

(12) An overwater pier, dock, or a similar structure located in a deep-water port listed in s. 311.09 is not considered to be part of a stormwater management system for which this chapter or chapter 403 requires stormwater from impervious surfaces to be treated if:

(a) The port has a stormwater pollution prevention plan for industrial activities pursuant to the National Pollutant Discharge Elimination System Program; and

(b) The stormwater pollution prevention plan also provides similar pollution prevention measures for other activities that are not subject to the National Pollutant Discharge Elimination System Program and that occur on the port's overwater piers, docks, and similar structures.

Section 7. Paragraph (a) of subsection (8) of section 373.4133, Florida Statutes, is amended to read:

373.4133 Port conceptual permits.—

(8) Except as otherwise provided in this section, the following procedures apply to the approval or denial of an application for a port conceptual permit or a final permit or authorization:

(a) Applications for a port conceptual permit, including any request for the conceptual approval of the use of sovereignty submerged lands, shall be processed in accordance with the provisions of ss. 373.427 and 120.60, with the following exceptions:-

1. An application for a port conceptual permit, and any applications for subsequent construction contained in a port conceptual permit, must be approved or denied within 60 days after receipt of a completed application.

2. The department may request additional information no more than twice, unless the applicant waives this limitation in writing. If the applicant does not provide a response to the second request for additional information within 90 days or another time period mutually agreed upon between the applicant and department, the application shall be considered withdrawn. However,

3. If the applicant believes that any request for additional information is not authorized by law or agency rule, the applicant may request an informal hearing pursuant to s. 120.57(2) before the Secretary of Environmental Protection to determine whether the application is complete.

4. If a third party petitions to challenge the issuance of a port conceptual permit by the department, the petitioner initiating the action has the burden of ultimate persuasion and, in the first instance, has the burden of going forward with the evidence.

Section 8. Subsection (3) of section 403.813, Florida Statutes, is amended to read:

403.813 Permits issued at district centers; exceptions.—

(3) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for maintenance dredging conducted under this section by the seaports of Jacksonville, Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina or by inland navigation districts if the dredging to be performed is no more than is necessary to restore previously dredged areas to original design specifications or configurations, previously undisturbed natural areas are not significantly impacted, and the work conducted does not violate the protections for manatees under s. 379.2431(2)(d). In addition:

(a) A mixing zone for turbidity is granted within a 150-meter radius from the point of dredging while dredging is ongoing, except that the mixing zone may not extend into areas supporting wetland communities, submerged aquatic vegetation, or hardbottom communities.

(b) The discharge of the return water from the site used for the disposal of dredged material shall be allowed only if such discharge does not result in a violation of water quality standards in the receiving waters. The return-

water discharge into receiving waters shall be granted a mixing zone for turbidity within a 150-meter radius from the point of discharge into the receiving waters during and immediately after the dredging, except that the mixing zone may not extend into areas supporting wetland communities, submerged aquatic vegetation, or hardbottom communities. Ditches, pipes, and similar types of linear conveyances may not be considered receiving waters for the purposes of this paragraph.

(c) The state may not exact a charge for material that this subsection allows a public port or an inland navigation district to remove. In addition, consent to use any sovereignty submerged lands pursuant to this section is hereby granted.

(d) The use of flocculants at the site used for disposal of the dredged material is allowed if the use, including supporting documentation, is coordinated in advance with the department and the department has determined that the use is not harmful to water resources.

(e) The spoil material from maintenance dredging may be deposited in a self-contained, upland disposal site. The site is not required to be permitted if:

1. The site exists as of January 1, 2011;
2. A professional engineer certifies that the site has been designed in accordance with generally accepted engineering standards for such disposal sites;
3. The site has adequate capacity to receive and retain the dredged material; and
4. The site has operating and maintenance procedures established that allow for discharge of return flow of water and to prevent the escape of the spoil material into the waters of the state.

(f) The department must be notified at least 30 days before the commencement of maintenance dredging. The notice shall include, if applicable, the professional engineer certification required by paragraph (e).

(g)(e) This subsection does not prohibit maintenance dredging of areas where the loss of original design function and constructed configuration has been caused by a storm event, provided that the dredging is performed as soon as practical after the storm event. Maintenance dredging that commences within 3 years after the storm event shall be presumed to satisfy this provision. If more than 3 years are needed to commence the maintenance dredging after the storm event, a request for a specific time extension to perform the maintenance dredging shall be submitted to the department, prior to the end of the 3-year period, accompanied by a statement, including supporting documentation, demonstrating that contractors are not available or that additional time is needed to obtain

authorization for the maintenance dredging from the United States Army Corps of Engineers.

Section 9. This act shall take effect July 1, 2011.

Approved by the Governor June 17, 2011.

Filed in Office Secretary of State June 17, 2011.

CHAPTER 2011-142

Senate Bill No. 2156

An act relating to governmental reorganization; transferring the functions and trust funds of the Agency for Workforce Innovation to other agencies; transferring the Office of Early Learning to the Department of Education; transferring the Office of Unemployment Compensation to the Department of Economic Opportunity; transferring the Unemployment Appeals Commission to the Department of Economic Opportunity; transferring the Office of Workforce Services to the Department of Economic Opportunity; requiring the Auditor General to conduct an audit of the Office of Early Learning; transferring the functions and trust funds of the Department of Community Affairs to other agencies; transferring the Florida Housing Finance Corporation to the Department of Economic Opportunity; transferring the Division of Housing and Community Development to the Department of Economic Opportunity; transferring the Division of Community Planning to the Department of Economic Opportunity; transferring the Division of Emergency Management to the Executive Office of the Governor; transferring the Florida Building Commission to the Department of Business and Professional Regulation; transferring the responsibilities under the Florida Communities Trust to the Department of Environmental Protection; transferring the responsibilities under the Stan Mayfield Working Waterfronts Program to the Department of Environmental Protection; transferring functions and trust funds of the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor to the Department of Economic Opportunity; transferring the Ready to Work program to the Department of Education; providing legislative intent with respect to the transfer of programs and administrative responsibilities; providing for a transition period; providing for coordination between the Agency for Workforce Innovation, the Department of Community Affairs, the Department of Education, and the Office of Tourism, Trade, and Economic Development and other state agencies to implement the transition; requiring that the Governor appoint a representative to coordinate the transition plan; requiring that the Governor submit information and obtain waivers as required by federal law; authorizing the Governor to transfer funds and positions between agencies upon approval from the Legislative Budget Commission to implement the act; directing the nonprofit entities to enter into a plan for merger; transitioning the Florida Tourism Marketing Corporation d/b/a VISIT Florida to Enterprise Florida, Inc.; providing legislative intent with respect to the merger of Enterprise Florida, Inc., the Florida Sports Foundation Incorporated, and the Florida Black Business Investment Board, Inc., into, and the transition of the Florida Tourism Industry Marketing Corporation d/b/a VISIT Florida to, Enterprise Florida, Inc.; providing for a transition period; requiring that the Governor appoint a representative to coordinate the transition plan; providing for the transfer of any funds held in trust by the entities to be transferred to Enterprise

this subsection shall be deemed to create an agency or employment relationship between a pilot or deputy pilot and the pilot or pilots in a port.

2. The pilot or pilots in a port shall establish a competency-based mentor program by which minority persons, as defined in s. 288.703(3), may acquire the skills for the professional preparation and education competency requirements of a licensed state pilot or certificated deputy pilot. The department shall provide the Governor, the President of the Senate, and the Speaker of the House of Representatives with a report each year on the number of minority persons, as defined in s. 288.703(3), who have participated in each mentor program, who are licensed state pilots or certificated deputy pilots, and who have applied for state pilot licensure or deputy pilot certification.

Section 227. Subsections (1), (3), (5), (8), (9), (10), and (11) of section 311.09, Florida Statutes, are amended to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(1) The Florida Seaport Transportation and Economic Development Council is created within the Department of Transportation. The council consists of the following 17 members: the port director, or the port director's designee, of each of the ports of Jacksonville, Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina; the secretary of the Department of Transportation or his or her designee; and the director of the Department of Economic Opportunity Office of Tourism, Trade, and Economic Development or his or her designee; ~~and the secretary of the Department of Community Affairs or his or her designee.~~

(3) The council shall prepare a 5-year Florida Seaport Mission Plan defining the goals and objectives of the council concerning the development of port facilities and an intermodal transportation system consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155. The Florida Seaport Mission Plan shall include specific recommendations for the construction of transportation facilities connecting any port to another transportation mode and for the efficient, cost-effective development of transportation facilities or port facilities for the purpose of enhancing international trade, promoting cargo flow, increasing cruise passenger movements, increasing port revenues, and providing economic benefits to the state. The council shall update the 5-year Florida Seaport Mission Plan annually and shall submit the plan no later than February 1 of each year to the President of the Senate,; the Speaker of the House of Representatives,; the Department of Economic Opportunity, and the Office of Tourism, Trade, and Economic Development; the Department of Transportation; ~~and the Department of Community Affairs.~~ The council shall develop programs, based on an examination of existing programs in Florida and other states, for the training of minorities and secondary school students in job skills associated with employment opportunities in the maritime industry, and

report on progress and recommendations for further action to the President of the Senate and the Speaker of the House of Representatives annually.

(5) The council shall review and approve or disapprove each project eligible to be funded pursuant to the Florida Seaport Transportation and Economic Development Program. The council shall annually submit to the Secretary of Transportation ~~and; the executive director of the Department of Economic Opportunity, or his or her designee, director of the Office of Tourism, Trade, and Economic Development; and the Secretary of Community Affairs~~ a list of projects which have been approved by the council. The list shall specify the recommended funding level for each project; and, if staged implementation of the project is appropriate, the funding requirements for each stage shall be specified.

(8) ~~The Department of Economic Opportunity Office of Tourism, Trade, and Economic Development, in consultation with Enterprise Florida, Inc., shall review the list of projects approved by the council to evaluate the economic benefit of the project and to determine whether the project is consistent with the Florida Seaport Mission Plan. The Department of Economic Opportunity Office of Tourism, Trade, and Economic Development shall review the economic benefits of each project based upon the rules adopted pursuant to subsection (4). The Department of Economic Opportunity Office of Tourism, Trade, and Economic Development shall identify those projects which it has determined do not offer an economic benefit to the state or are not consistent with the Florida Seaport Mission Plan and shall notify the council of its findings.~~

(9) The council shall review the findings of the ~~Department of Economic Opportunity Department of Community Affairs; the Office of Tourism, Trade, and Economic Development; and the Department of Transportation.~~ Projects found to be inconsistent pursuant to subsections (6), (7), and (8) and projects which have been determined not to offer an economic benefit to the state pursuant to subsection (8) shall not be included in the list of projects to be funded.

(10) The Department of Transportation shall include in its annual legislative budget request a Florida Seaport Transportation and Economic Development grant program for expenditure of funds of not less than \$8 million per year. Such budget shall include funding for projects approved by the council which have been determined by each agency to be consistent and which have been determined by the ~~Department of Economic Opportunity Office of Tourism, Trade, and Economic Development~~ to be economically beneficial. The department shall include the specific approved seaport projects to be funded under this section during the ensuing fiscal year in the tentative work program developed pursuant to s. 339.135(4). The total amount of funding to be allocated to seaport projects under s. 311.07 during the successive 4 fiscal years shall also be included in the tentative work program developed pursuant to s. 339.135(4). The council may submit to the department a list of approved projects that could be made production-ready within the next 2 years. The list shall be submitted by the department as part

of the needs and project list prepared pursuant to s. 339.135(2)(b). However, the department shall, upon written request of the Florida Seaport Transportation and Economic Development Council, submit work program amendments pursuant to s. 339.135(7) to the Governor within 10 days after the later of the date the request is received by the department or the effective date of the amendment, termination, or closure of the applicable funding agreement between the department and the affected seaport, as required to release the funds from the existing commitment. Notwithstanding s. 339.135(7)(c), any work program amendment to transfer prior year funds from one approved seaport project to another seaport project is subject to the procedures in s. 339.135(7)(d). Notwithstanding any provision of law to the contrary, the department may transfer unexpended budget between the seaport projects as identified in the approved work program amendments.

(11) The council shall meet at the call of its chairperson, at the request of a majority of its membership, or at such times as may be prescribed in its bylaws. However, the council must meet at least semiannually. A majority of voting members of the council constitutes a quorum for the purpose of transacting the business of the council. All members of the council are voting members. A vote of the majority of the voting members present is sufficient for any action of the council, except that a member representing the Department of Transportation, ~~the Department of Community Affairs, or the Department of Economic Opportunity~~ Office of Tourism, Trade, and Economic Development may vote to overrule any action of the council approving a project pursuant to subsection (5). The bylaws of the council may require a greater vote for a particular action.

Section 228. Paragraph (b) of subsection (1) of section 311.105, Florida Statutes, is amended to read:

311.105 Florida Seaport Environmental Management Committee; permitting; mitigation.—

(1)

(b) The committee shall consist of the following members: the Secretary of Environmental Protection, or his or her designee, as an ex officio, nonvoting member; a designee from the United States Army Corps of Engineers, as an ex officio, nonvoting member; a designee from the Florida Inland Navigation District, as an ex officio, nonvoting member; ~~the executive director of Economic Opportunity~~ Secretary of Community Affairs, or his or her designee, as an ex officio, nonvoting member; and five or more port directors, as voting members, appointed to the committee by the council chair, who shall also designate one such member as committee chair.

Section 229. Subsection (3) of section 327.803, Florida Statutes, is amended to read:

327.803 Boating Advisory Council.—

(3) The purpose of the council is to make recommendations to the Fish and Wildlife Conservation Commission and the Department of Economic Opportunity ~~Community Affairs~~ regarding issues affecting the boating community, including, but not limited to, issues related to:

- (a) Boating and diving safety education.
- (b) Boating-related facilities, including marinas and boat testing facilities.
- (c) Boat usage.
- (d) Boat access.
- (e) Working waterfronts.

Section 230. Section 311.11, Florida Statutes, is amended to read:

311.11 Seaport Employment Training Grant Program.—

(1) The Department of Economic Opportunity ~~Office of Tourism, Trade, and Economic Development~~, in cooperation with the Florida Seaport Transportation and Economic Development Council, shall establish a Seaport Employment Training Grant Program within the Department of Economic Opportunity ~~Office~~. The Department of Economic Opportunity ~~office~~ shall grant funds appropriated by the Legislature to the program for the purpose of stimulating and supporting seaport training and employment programs which will seek to match state and local training programs with identified job skills associated with employment opportunities in the port, maritime, and transportation industries, and for the purpose of providing such other training, educational, and information services as required to stimulate jobs in the described industries. Funds may be used for the purchase of equipment to be used for training purposes, hiring instructors, and any other purpose associated with the training program. The ~~office's~~ contribution of the Department of Economic Opportunity to any specific training program may not exceed 50 percent of the total cost of the program. Matching contributions may include services in kind, including, but not limited to, training instructors, equipment usage, and training facilities.

(2) The Department of Economic Opportunity ~~Office~~ shall adopt criteria to implement this section.

Section 231. Paragraph (i) of subsection (1) of section 311.115, Florida Statutes, are amended to read:

311.115 Seaport Security Standards Advisory Council.—The Seaport Security Standards Advisory Council is created under the Office of Drug Control. The council shall serve as an advisory council as provided in s. 20.03(7).

(1) The members of the council shall be appointed by the Governor and consist of the following:

(i) One representative of the Department of Economic Opportunity ~~member from the Office of Tourism, Trade, and Economic Development.~~

Section 232. Subsection (2) of section 311.22, Florida Statutes, is amended to read:

311.22 Additional authorization for funding certain dredging projects.

(2) The council shall adopt rules for evaluating the projects that may be funded pursuant to this section. The rules must provide criteria for evaluating the economic benefit of the project. The rules must include the creation of an administrative review process by the council which is similar to the process described in s. 311.09(5)-(12), and provide for a review by ~~the Department of Community Affairs, the Department of Transportation, and the~~ Department of Economic Opportunity Office of Tourism, Trade, and Economic Development of all projects submitted for funding under this section.

Section 233. Paragraph (a) of subsection (6), paragraph (b) of subsection (9), subsection (60), and paragraph (b) of subsection (65) of section 320.08058, Florida Statutes, are amended to read:

320.08058 Specialty license plates.—

(6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE PLATES.—

(a) Because the United States Olympic Committee has selected this state to participate in a combined fundraising program that provides for one-half of all money raised through volunteer giving to stay in this state and be administered by Enterprise Florida, Inc., ~~the direct-support organization established under s. 288.1229 to support amateur sports, and because the United States Olympic Committee and Enterprise Florida, Inc., the direct-support organization~~ are nonprofit organizations dedicated to providing athletes with support and training and preparing athletes of all ages and skill levels for sports competition, and because Enterprise Florida, Inc., ~~the direct-support organization~~ assists in the bidding for sports competitions that provide significant impact to the economy of this state, and the Legislature supports the efforts of the United States Olympic Committee and Enterprise Florida, Inc., ~~the direct-support organization~~, the Legislature establishes a Florida United States Olympic Committee license plate for the purpose of providing a continuous funding source to support this worthwhile effort. Florida United States Olympic Committee license plates must contain the official United States Olympic Committee logo and must bear a design and colors that are approved by the department. The word “Florida” must be centered at the top of the plate.

(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

(g) Any expansion in the permanent seating capacity or additional improved parking facilities of an existing sports facility is exempt from ~~the provisions of this section~~, if the following conditions exist:

1.a. The sports facility had a permanent seating capacity on January 1, 1991, of at least 41,000 spectator seats;

b. The sum of such expansions in permanent seating capacity does not exceed a total of 10 percent in any 5-year period and does not exceed a cumulative total of 20 percent for any such expansions; or

c. The increase in additional improved parking facilities is a one-time addition and does not exceed 3,500 parking spaces serving the sports facility; and

2. The local government having jurisdiction of the sports facility includes in the development order or development permit approving such expansion under this paragraph a finding of fact that the proposed expansion is consistent with the transportation, water, sewer and stormwater drainage provisions of the approved local comprehensive plan and local land development regulations relating to those provisions.

Any owner or developer who intends to rely on this statutory exemption shall provide to the department a copy of the local government application for a development permit. Within 45 days ~~after~~ of receipt of the application, the department shall render to the local government an advisory and nonbinding opinion, in writing, stating whether, in the department's opinion, the prescribed conditions exist for an exemption under this paragraph. The local government shall render the development order approving each such expansion to the department. The owner, developer, or department may appeal the local government development order pursuant to s. 380.07, within 45 days after the order is rendered. The scope of review shall be limited to the determination of whether the conditions prescribed in this paragraph exist. If any sports facility expansion undergoes development-of-regional-impact review, all previous expansions which were exempt under this paragraph shall be included in the development-of-regional-impact review.

(h) Expansion to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities of ports listed in s. 403.021(9)(b), port transportation facilities and projects listed in s. 311.07(3)(b), and intermodal transportation facilities identified pursuant to s. 311.09(3) are exempt from ~~the provisions of this section~~ when such expansions, projects, or facilities are consistent with comprehensive master plans that are in compliance with ~~the provisions of~~ s. 163.3178.

(i) Any proposed facility for the storage of any petroleum product or any expansion of an existing facility is exempt from ~~the provisions of this section~~.

(j) Any renovation or redevelopment within the same land parcel which does not change land use or increase density or intensity of use.

**FLORIDA SEAPORT TRANSPORTATION AND ECONOMIC DEVELOPMENT PROGRAM
FUNDING ALLOCATIONS AND \$50M LEGISLATIVE STIMULUS PROGRAM (GR)
FY90/91 - FY10/11
(as of 2/11/11)**

	PORT	TOTAL FSTED PROGRAM ALLOCATION	TOTAL FSTED PROGRAM PERCENTAGES	COLLECTIVE PERCENT OF TOTAL FUNDS	2007 \$50 MILLION LEGISLATIVE STIMULUS PROGRAM (GR)	TOTAL FSTED PROGRAM FUNDING AND \$50M LEGISLATIVE STIMULUS PROGRAM (GR)	PERCENTAGES FOR TOTAL FSTED PROGRAM FUNDING AND \$50M LEGISLATIVE STIMULUS PROGRAM (GR)	COLLECTIVE PERCENT OF TOTAL FUNDS
1	MIAMI	\$ 131,193,595.63	19.83%		\$ 6,000,000.00	\$ 137,193,595.63	19.27%	
2	JACKSONVILLE	\$ 118,491,255.82	17.91%	37.74%	\$ 17,600,000.00	\$ 136,091,255.82	19.11%	38.38%
3	EVERGLADES	\$ 99,803,850.26	15.09%	52.83%	\$ 8,100,000.00	\$ 107,903,850.26	15.15%	53.53%
4	TAMPA	\$ 95,418,926.67	14.43%	67.26%	\$ 10,450,000.00	\$ 105,868,926.67	15.15%	68.68%
5	CANAVERAL	\$ 65,326,498.31	9.87%	77.13%	\$ 3,700,000.00	\$ 69,026,498.31	9.69%	78.37%
6	PALM BEACH	\$ 49,859,203.08	7.54%	84.67%	\$ 2,250,000.00	\$ 52,109,203.08	7.29%	85.66%
7	MANATEE	\$ 45,238,414.56	6.84%	91.51%	\$ -	\$ 45,238,414.56	6.29%	91.95%
8	PANAMA CITY	\$ 22,144,262.14	3.35%	94.86%	\$ 1,900,000.00	\$ 24,044,262.14	3.35%	95.30%
9	PENSACOLA	\$ 9,627,188.35	1.46%	96.32%	\$ -	\$ 9,627,188.35	1.34%	96.64%
11	ST. PETERSBURG	\$ 4,819,839.00	0.73%	97.05%	\$ -	\$ 4,819,839.00	0.66%	97.30%
10	FORT PIERCE	\$ 4,132,000.00	0.62%	97.67%	\$ -	\$ 4,132,000.00	0.57%	97.87%
12	FERNANDINA	\$ 4,130,772.37	0.62%	98.29%	\$ -	\$ 4,130,772.37	0.57%	98.44%
13	PORT ST. JOE	\$ 3,800,000.00	0.57%	98.86%	\$ -	\$ 3,800,000.00	0.52%	98.96%
14	KEY WEST	\$ 3,534,000.00	0.53%	99.39%	\$ -	\$ 3,534,000.00	0.48%	99.44%
	ACQUISITION OF TRADE DATA INFORMATION	\$ 3,738,551.00	0.57%	99.96%		\$ 3,738,551.00	0.52%	99.96%
	FSTED COUNCIL COMPETITIVE COMMERCE STUDY	\$ 75,000.00	0.01%	99.97%		\$ 75,000.00	0.01%	99.97%
	FSTED COUNCIL SECURITY ASSESSMENTS	\$ 70,000.00	0.01%	99.98%		\$ 70,000.00	0.01%	99.98%
	1996 BOND PROGRAM PROJECT MONITOR	\$ 56,000.00	0.01%	99.99%		\$ 56,000.00	0.01%	99.99%
	FDOT Central Office	\$ 20,000.00	0.01%	100.00%		\$ 20,000.00	0.01%	100.00%
	TOTALS:	\$ 661,479,357.19	100.00%		\$ 50,000,000.00	\$ 711,479,357.19	100.00%	
	1999 BOND PROGRAM PROJECT MONITOR	\$ 118,000.00		0.02%				
		\$ 661,597,357.19			\$ 50,000,000.00			

Note: Percentages are rounded to equal 100%. Palm Beach split funds between \$50M project list and Slip 3.

FLORIDA SEAPORT TRANSPORTATION AND ECONOMIC DEVELOPMENT PROGRAM

FUNDING ALLOCATIONS

FY90/91 - FY10/11

(as of 2/11/11)

320.20(3) AND 320.20(4) BOND PROGRAMS

NON-DEBT SERVICE
FSTED PROGRAM FUNDS

PORT	1996 BOND PROGRAM FINAL TOTALS (2/28/06)	PERCENTAGE OF TOTAL	1999 BOND PROGRAM FINAL TOTALS (9/30/07)	PERCENTAGE OF TOTAL	1996 AND 1999 BOND PROGRAMS FINAL TOTALS	BOND PROGRAMS PERCENTAGE OF TOTAL	COLLECTIVE PERCENTAGE OF TOTAL FOR BOND PROGRAM FUNDS	ALLOCATION OF EXCESS FUNDS	PERCENTAGE OF EXCESS FUNDS
MIAMI	\$ 57,541,981.54	22.70%	\$ 32,604,208.09	19.12%	\$ 90,146,189.63	21.26%		\$ -	0.00%
JACKSONVILLE	\$ 50,479,200.34	19.91%	\$ 35,057,055.48	20.56%	\$ 85,536,255.82	20.17%	41.43%	\$ -	0.00%
TAMPA	\$ 34,963,768.67	13.79%	\$ 26,624,997.00	15.61%	\$ 61,588,765.67	14.52%	55.95%	\$ -	0.00%
EVERGLADES	\$ 39,787,134.61	15.69%	\$ 18,236,715.65	10.69%	\$ 58,023,850.26	13.68%	69.63%	\$ -	0.00%
CANAVERAL	\$ 25,566,675.94	10.08%	\$ 21,659,822.37	12.70%	\$ 47,226,498.31	11.14%	80.77%	\$ -	0.00%
PALM BEACH	\$ 22,526,017.55	8.89%	\$ 14,168,988.45	8.31%	\$ 36,695,006.00	8.65%	89.42%	\$ 7,004,197.08	94.71%
MANATEE	\$ 17,825,452.96	7.03%	\$ 13,065,785.60	7.66%	\$ 30,891,238.56	7.28%	96.70%	\$ 277,176.00	3.75%
PANAMA CITY	\$ 4,738,258.60	1.87%	\$ 6,391,003.54	3.75%	\$ 11,129,262.14	2.63%	99.33%	\$ -	0.00%
PENSACOLA	\$ -		\$ 2,119,016.89	1.24%	\$ 2,119,016.89	0.50%	99.83%	\$ 58,171.46	0.78%
FORT PIERCE	\$ -		\$ -					\$ -	0.00%
KEY WEST	\$ -		\$ -					\$ -	0.00%
FERNANDINA	\$ 94,997.13	0.04%	\$ 617,275.24	0.36%	\$ 712,272.37	0.17%	100.00%	\$ -	0.00%
PORT ST. JOE	\$ -		\$ -					\$ -	0.00%
ST. PETERSBURG	\$ -		\$ -					\$ -	0.00%
1996 BOND PROGRAM PROJECT MONITOR									
TOTAL:	\$ 253,523,487.34	100.00%	\$ 170,544,868.31	100.00%	\$ 424,068,355.65	100.00%		\$ 56,000.00	0.76%
								\$ 7,395,544.54	100.00%
1999 BOND PROGRAM PROJECT MONITOR			\$ 118,000.00						
			\$ 170,662,868.31	0.07%					

FLORIDA SEAPORT TRANSPORTATION AND ECONOMIC DEVELOPMENT PROGRAM
FUNDING ALLOCATIONS
FY90/91 - FY10/11
 (as of 2/11/11)
CHAPTER 311 FUNDS

PORT	ALLOCATIONS FY90/91 THRU FY04/05 NEW TOTALS	ALLOCATION FY05/06	ALLOCATION FY06/07	ALLOCATION FY07/08	ALLOCATION FY08/09	ALLOCATION FY09/10	ALLOCATION FY10/11	CHAPTER 311 TOTAL FY90/91 THRU FY10/11	CHAPTER 311 PERCENTAGE OF TOTAL	COLLECTIVE PERCENT OF TOTAL CHAPTER 311 FUNDS
EVERGLADES	\$ 28,455,000.00	\$ 2,100,000.00	\$ 2,100,000.00	\$ 2,300,000.00	\$ 2,125,000.00	\$ 2,800,000.00	\$ 1,900,000.00	\$ 41,780,000.00	18.20%	
MIAMI	\$ 27,893,000.00	\$ 2,100,000.00	\$ 2,500,000.00	\$ 2,300,000.00	\$ 2,125,000.00	\$ 2,115,406.00	\$ 2,014,000.00	\$ 41,047,406.00	18.00%	36.20%
TAMPA	\$ 24,325,000.00	\$ 2,100,000.00	\$ 2,600,000.00	\$ -	\$ 2,125,000.00	\$ 1,000,000.00	\$ 1,680,161.00	\$ 33,830,161.00	15.00%	51.20%
JACKSONVILLE	\$ 18,380,000.00	\$ 3,350,000.00	\$ 2,100,000.00	\$ 2,300,000.00	\$ 2,125,000.00	\$ 2,800,000.00	\$ 1,900,000.00	\$ 32,955,000.00	14.50%	65.70%
CANAVERAL	\$ 8,400,000.00	\$ 1,500,000.00	\$ 1,000,000.00	\$ 1,800,000.00	\$ 1,800,000.00	\$ 2,000,000.00	\$ 1,600,000.00	\$ 18,100,000.00	8.00%	73.70%
MANATEE	\$ 5,620,000.00	\$ 1,000,000.00	\$ 1,000,000.00	\$ 2,950,000.00	\$ 1,800,000.00	\$ 950,000.00	\$ 750,000.00	\$ 14,070,000.00	6.30%	80.00%
PANAMA CITY	\$ 6,360,000.00	\$ 1,000,000.00	\$ 1,300,000.00	\$ 500,000.00	\$ 300,000.00	\$ 700,000.00	\$ 855,000.00	\$ 11,015,000.00	4.90%	84.90%
PENSACOLA	\$ 5,650,000.00	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00	\$ 675,000.00	\$ 300,000.00	\$ 75,000.00	\$ 7,450,000.00	3.37%	88.37%
PALM BEACH	\$ 4,360,000.00	\$ 1,000,000.00	\$ 800,000.00	\$ -	\$ -	\$ -	\$ -	\$ 6,160,000.00	2.70%	90.97%
ST. PETERSBURG	\$ 2,500,000.00	\$ -	\$ -	\$ 750,000.00	\$ 750,000.00	\$ -	\$ 819,839.00	\$ 4,819,839.00	2.10%	93.07%
FORT PIERCE	\$ 3,372,000.00	\$ -	\$ -	\$ -	\$ -	\$ 760,000.00	\$ -	\$ 4,132,000.00	1.90%	94.97%
PORT ST. JOE	\$ 2,000,000.00	\$ -	\$ 850,000.00	\$ -	\$ 680,000.00	\$ 350,000.00	\$ -	\$ 3,880,000.00	1.70%	96.67%
KEY WEST	\$ 2,498,000.00	\$ -	\$ -	\$ 1,150,000.00	\$ -	\$ -	\$ (114,000.00)	\$ 3,534,000.00	1.60%	98.27%
FERNANDINA	\$ 2,033,500.00	\$ 250,000.00	\$ 150,000.00	\$ 350,000.00	\$ 135,000.00	\$ 350,000.00	\$ 150,000.00	\$ 3,418,500.00	1.50%	99.77%
ACQUISITION OF TRADE DATA INFORMATION FSTED COUNCIL COMPETITIVE COMMERCE STUDY FSTED COUNCIL SECURITY ASSESSMENTS	\$ 1,588,500.00	\$ 350,000.00	\$ 350,000.00	\$ 350,000.00	\$ 360,000.00	\$ 370,000.00	\$ 370,051.00	\$ 3,738,551.00	0.16%	99.93%
FDOT Central Office	\$ 70,000.00				\$ -	\$ -	\$ -	\$ 70,000.00	0.03%	99.96%
TOTALS:	\$ 143,600,000.00	\$ 15,000,000.00	\$ 15,000,000.00	\$ 15,000,000.00	\$ 15,000,000.00	\$ 14,495,406.00	\$ 12,000,051.00	\$ 230,095,457.00	100.00%	100.00%

Note: Percentages were rounded to equal 100%.

Note: In FY00/01 and FY01/02, Everglades and Key West remained \$2.3 million for use by the National Guard.

Note: Port Everglades returned \$100,000 in STAR funding as unused to the FDOT Work Program. The total amount of allocated funds from FDOT Work Program is reduced by \$100,000.

FLORIDA SEAPORT TRANSPORTATION AND ECONOMIC DEVELOPMENT PROGRAM
21-Year FDOT Chapter 311 Funding History
FY90/91 - FY10/11

	FY90/91	FY91/92	FY92/93	FY93/94	FY94/95	FY95/96	FY96/97	FY97/98	FY98/99	FY99/00	FY00/01	FY01/02	FY02/03	FY03/04	FY04/05	FY05/06	FY06/07	FY07/08	FY08/09	FY09/10	FY10/11	TOTAL
Chapter 311 - "Minimum of \$8 million"	8M	8M	8M	8M	8M	8M	0	8M	8M	8M	8M	8M	8M	8M	8M	8M	8M	8M	8M	8M	8M	160M
Chapter 311 - FDOT additional \$2M					2M	2M	0	2M	2M	2M	2M	2M	2M	2M	2M	2M	2M	2M	2M	1,415,406	2M	31,415,406M
Chapter 311 - FDOT "Intermodal" funds																5M	5M	5M	5M	5M	2,000,051.00	27,000,051
Chapter 311 funds returned to FDOT for National Guard											(750K)	(1,550K)										(2.3M)
Chapter 311 - FDOT - non-recurring funds															4M							4M
Chapter 311 - Advance of FY96/97 funds in to FY94/95					10M																	10M
Chapter 311 Funds TOTAL	8M	8M	8M	8M	20M	10M	0	10M	10M	10M	9.25M	8.45M	10M	10M	14M	15M	15M	15M	15M	14,495,406	12,000,051	230,195,457
Section 320 20(3) Bond Program							15M	15M	15M	15M	15M	15M	15M	15M	15M	15M	15M	15M	15M	15M	15M	225M
Section 320 20(4) Intermodal Bond Program										10M	10M	10M	10M	10M	10M	10M	10M	10M	10M	10M	10M	120M
Bond Programs Debt Service TOTAL								15M	15M	25M	25M	25M	25M	25M	25M	25M	25M	25M	25M	25M	25M	345M
PROGRAM TOTAL	8M	8M	8M	8M	20M	10M	15M	25M	25M	35M	34.25M	33.45M	35M	35M	39M	40M	39.9M	40M	40M	39,495,406	37,000,051	\$575,195,457
																						(\$100,000)
																						\$575,095,457

In reconciling with FSTED Program History spreadsheet, Port Everglades returned \$100,000 in FY06/07 and as such total allocated was reduced by \$100,000 to \$218,015,406

NOTE: Amount provided by FDOT for Chapter 311 funds for FY09/10 includes rollover funds from previously allocated funds. GAA amount was \$15,734,594, but included \$1,319,188 in rollover funds. \$14,495,406 was new funding which also included an additional \$80,000 to Port St. Joe

TAB 5
DISCUSSION OF PROJECT
REVIEW AND ALLOCATION
PROCESS

QUESTIONS AND COMMENTS

Discussion of FSTED Allocation Policies and Procedures

1. Port Eligibility
2. Project Eligibility
3. Project Selection / Funding
 - Multiple Port Allocations (Balancing Funds)
 - Prioritizing Projects
 - Timing and Flexibility issues
 - Responding to unique needs of a single port
4. Annual Allocation Recommendation
 - Initial recommendation (who develops)
 - What information is needed
 - Adjusting for slow spend down of previous allocations
 - Adjusting for prior year allocations (balancing)
 - Presenting recommendation to FSTED Council (review period)
 - Final participation of full FSTED Council and allocation approval

Criteria Adopted by Florida Seaport Transportation and Economic Development Council

During the period from November, 1997 to June, 1998, the Florida Seaport Transportation and Economic Development Council appointed the Florida Seaport Transportation and Economic Development Council Allocation Policy Committee to review policies and criteria used by the Council in allocating funds to member seaports.

In determining funding levels, the Committee recommended the following criteria which was adopted by the Florida Seaport Transportation Economic Development Council at its June 10, 1998 meeting*:

1. Consistency reviews performed by the Departments of Transportation and Community Affairs and the Governor's Office of Tourism, Trade, and Economic Development (OTTED) and the economic benefit analysis performed by OTTED.
2. The goals and objectives of the Florida Seaport Mission Plan.
3. Competition for cargo or trade between an applicant port and port located outside the State of Florida.
4. Importance of a project to support or maintain existing cargo, trade or passenger movements at the applicant port.
5. Revenues or funds available at the applicant port to ensure that the port meets its matching fund requirement and to ensure that the project is initiated within the funding year in which the project is approved.
6. The overall 5-year capital improvement needs of each applicant port.
7. The ability of the port to finance port improvements through other sources.
8. Fairness in achieving balanced support for each port's priorities, objectives and goals in a 5-year capital improvement program.
9. Each port's recommendations concerning its funding needs.

***Criteria Adopted by Florida Seaport Transportation and Economic Development Council June 10, 1998.**

Revised to Include Security Measures February 25, 2003.

Revised on June 9, 2010 to Delete Security Reference Due to Statutory Amendment.

/njl

N:\FPC Administration - FY09-10\Criteria Adopted by Florida Seaport Transportation and Economic Revised - STRIKING SECURITY LANGUAGE 6-10-10.wpd

TAB 6
OTHER ISSUES

TAB 6A
NEXT MEETINGS

FSTED COUNCIL

PROJECT REVIEW AND ALLOCATION PROCESS COMMITTEE

NEXT MEETINGS

SCHEDULED:

Wednesday, August 9, 2011
11:00 A.M. - 1:30 P.M.
Room 229
Senate Office Building
Tallahassee, FL
Lunch will be provided

PROPOSED:

Tuesday, August 30, 2011 **or** Wednesday, August 31, 2011
Tallahassee, FL
Location and Time to be determined

FSTED COUNCIL MEETING

ALLOCATION OF FY11/12 AND FY12/13 DEBT SERVICE SAVINGS AND FUNDING:

Wednesday, September 7, 2011
1:00 P.M. - 4:00 P.M.
Tallahassee, FL
Location to be Determined

TAB 6B
COMMENTS FROM MEMBERS

TO BE DISCUSSED AT MEETING

TAB 7
ADJOURNMENT