

By Representative Harrell

1 A bill to be entitled
 2 An act relating to seaport security; amending
 3 s. 311.12, F.S.; providing for minimum seaport
 4 security standards; authorizing additional
 5 security measures under certain circumstances;
 6 providing for implementation by April 30, 2002;
 7 providing for annual inspections; amending s.
 8 790.06, F.S.; providing that concealed firearms
 9 may not be permitted on a port facility;
 10 providing an effective date.

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

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 14 Section 1. Section 311.12, Florida Statutes, is
 15 amended to read:

16 311.12 Seaport security standards.--

17 (1) The minimum seaport security standards developed
 18 by the Office of Drug Control within the Executive Office of
 19 the Governor, in consultation with the Florida Seaport
 20 Transportation and Economic Development Council, and in
 21 conjunction with the Florida Department of Law Enforcement and
 22 local law enforcement agencies having primary authority over
 23 the affected seaports, are adopted by the Legislature as
 24 provided in this section shall develop, by January 1, 2001, a
 25 statewide security plan based upon the Florida Seaport
 26 Security Assessment 2000 conducted by the Office of Drug
 27 Control. Such plan shall establish statewide minimum
 28 standards for seaport security including the prevention of
 29 criminal activity including money laundering. The statewide
 30 seaport security plan shall identify the funding needs for
 31 security requirements of all relevant ports and shall

1 ~~recommend mechanisms to fund those needs including an analysis~~
2 ~~of the ability of seaports to provide funding for necessary~~
3 ~~improvements. The statewide seaport security plan shall be~~
4 ~~submitted to the Speaker of the House of Representatives and~~
5 ~~the President of the Senate and the chairs of the fiscal~~
6 ~~committees of the House of Representatives and Senate for~~
7 ~~review on or before January 1, 2001.~~

8 (2)(a) All personnel permanently employed at the
9 seaport, including, but not limited to, port management staff,
10 tenant activity staff, truck drivers, stevedores, and
11 longshoremen, must display a picture identification badge or
12 card at all times when accessing or working within restricted
13 areas, as designated by port management. At a minimum, cargo
14 storage or staging yards, docks or berths, fuel storage or
15 transfer yards, and cruise terminals should be regarded as
16 restricted areas. This requirement also applies to day
17 workers and casual laborers who work at the port more than 5
18 days in any given 90-day period.

19 (b) Picture identification cards or badges must
20 clearly identify areas to which access is authorized.

21 (c) Identification cards and badges must be laminated
22 and issued by serial number. Lost or stolen cards and badges
23 must be reported and a log must be maintained of all currently
24 issued and rescinded cards and badges.

25 (d) Port management will be responsible for issuance
26 of the picture identification badge or card. A picture
27 identification badge or card will be issued to the port
28 employee contingent on the successful completion of a
29 fingerprint-based criminal history background check.
30 Personnel with felony convictions for serious or violent
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1 crimes during the previous 5 years may not be approved for
2 issuance of an identification badge or card.

3 (e) Port management must determine local procedures
4 for permitting access by transient laborers or itinerant
5 visitors and businesspeople. At a minimum, these procedures
6 will include logging in all personnel to whom a port
7 identification card or badge has not been issued and issuance
8 of a temporary or visitor's pass.

9 (f) Identification cards and badges must be renewed on
10 an annual basis. Any felony conviction for a serious or
11 violent crime during the previous year will constitute grounds
12 for denial or disapproval.

13 (3)(a) Prospective employees must provide background
14 information about previous employment history, criminal
15 records, and drug use.

16 (b) Prospective employees must be fingerprinted as
17 part of the application process.

18 (4)(a) Access to the seaport may be granted only after
19 checking and recording the visitor's name, purpose of visit,
20 destination, vehicle tag number, and date and time of entry
21 and departure, and visitors shall be authorized access only to
22 areas specific to their port business.

23 (b) Visitor vehicles may not be on the dock or in
24 restricted cargo areas.

25 (c) Motor vehicles must park only in designated areas.

26 (5)(a) Gates and gate houses must control access to
27 restricted areas as determined by port management. Gates
28 should be located at all perimeter access points and principal
29 interior access points.

30 (b) Gates must be the minimum number to provide
31 adequate access.

1 (c) Gates and gate houses shall be staffed or locked
2 at all times.

3 (d) The gates must be 8-feet-high, 9-gauge galvanized
4 steel, of 2-inch-wide chain link construction topped with an
5 additional 2-foot barbed wire outrigger consisting of three
6 strands of 9-gauge galvanized steel barbed wire at a 45-degree
7 outward angle above the fence.

8 (e) Gate houses at all vehicle entrances and exits
9 must be staffed during business hours unless controlled by
10 electronic access systems. Gate houses must be situated so
11 that exiting vehicles may be halted and examined on seaport
12 property.

13 (6)(a) Parking within the seaport must be severely
14 restricted and authorized by a strictly enforced gate pass or
15 decal system.

16 (b) Passes or decals must be color or otherwise coded
17 to further restrict access to authorized times and locations.

18 (c) Parking for employees, dock workers, and visitors
19 must be restricted to designated areas off dock and outside of
20 fenced operational, cargo handling, and storage areas.

21 (d) Parking for vehicles authorized on port grounds
22 must be restricted to vehicles essential within the seaport or
23 marine terminal. Parking for these vehicles must be restricted
24 to fenced or clearly marked designated parking areas within
25 the perimeter of the port.

26 (e) Temporary permits or passes must be issued to
27 vendors and visitors for parking in designated controlled
28 areas.

29 (7)(a) Perimeter or interior fencing must be
30 8-feet-high, 9-gauge galvanized steel, of 2-inch-wide chain
31 link construction topped with an additional 2-foot barbed wire

- 1 outrigger consisting of three strands of 9-gauge galvanized
2 steel barbed wire at a 45-degree outward angle above the
3 fence.
- 4 (b) The bottom of the fencing must be no more than 2
5 inches from hard surface of concrete or asphalt. This surface
6 must be sufficiently thick to prevent access from underneath.
- 7 (c) The exterior and interior sides of the fence must
8 be cleared and uncluttered by not less than 5 feet.
- 9 (8)(a) Lighting must conform to federal regulations
10 and should comply with voluntary agreements such as the U.S.
11 Customs Sea Carrier or Super Carrier initiatives.
- 12 (b) Lighting must not interfere with safe vessel
13 navigation as per 33 C.F.R. 154.570(d).
- 14 (c) Lighting must be provided from sunset to sunrise.
- 15 (d) Lighting shall be high mast, and should be
16 sufficient for adequately illuminating exterior gates, piers,
17 cargo areas, cargo traffic areas, and all working and walking
18 areas.
- 19 (e) Lights must be properly spaced.
- 20 (f) Updated lighting technology, such as high-pressure
21 sodium, mercury vapor, or metal halide lighting, shall be
22 used.
- 23 (g) Lighting shall be directed downward, away from
24 guards or offices, and must produce high contrasts with few
25 shadows.
- 26 (h) Dock work areas, including container unloading and
27 loading areas, must have 5-foot candle illumination.
- 28 (i) Container and cargo yards must have, at least,
29 1-foot candle illumination. Dark or blind spots should not
30 exist.
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1 (j) If security vehicles are used, they must be
2 equipped with spotlights that enable security personnel to
3 look down through rows of containers.

4 (9)(a) Signs must be strategically posted throughout
5 the port and wherever access is restricted to authorized
6 personnel.

7 (b) A sign conveying United States Customs Service
8 authority and stating language substantially similar to "This
9 Port Is a Border Entry Point and All Persons, Effects, and
10 Vehicles Are Subject to Search Under Federal Statute 19 United
11 States Code Sec 981 (f)" must be posted at main exterior
12 access points, vessel gangways, and all restricted areas.

13 (10)(a) Key control must be implemented to delineate
14 which personnel have right of access to specified areas. Key
15 control must include a master ledger recording the legitimate
16 holder of each copy of each key, issuance for which must be
17 controlled by management or security personnel.

18 (b) Locks, locking devices, and key control systems
19 must be inspected regularly, and malfunctioning equipment must
20 be repaired or replaced.

21 (c) Keys must be removed and secured from cargo
22 handling equipment and vehicles when not in use.

23 (d) Only case-hardened locks and chains may be used,
24 with chains permanently attached to fence posts or gates.

25 (11) An adequate maintenance system comprised of
26 regularly scheduled inspections to keep fencing, gates,
27 lighting, and cameras in good condition and working order must
28 be implemented.

29 (12)(a) Port management must create a standing
30 security committee which will sponsor or conduct a regularly
31 scheduled forum, not less than once per quarter, at which all

1 stakeholders in port security are invited to participate to
2 discuss security issues.

3 (b) Port management shall include security-related
4 initiatives in the port's strategic or master plan. These
5 initiatives should identify and prioritize projected capital
6 outlays for security-related projects.

7 (c) Port management shall provide a current security
8 manual incorporating standard operating procedures, standards
9 of conduct, and responsibilities of appropriate security and
10 management personnel, and a definitive statement of what
11 management expects of its security force personnel.

12 (d) The port security director must formulate written
13 operating procedures for security-related matters, including
14 bomb threats and alert levels, and collaborate with relevant
15 government and law enforcement agencies to develop an
16 emergency response plan.

17 (e) Port management must review procedures
18 periodically to ensure that new threats and procedural
19 vulnerabilities are identified as they arise.

20 (f) Port management must ensure the routine, scheduled
21 presence at the port of security patrols by sworn law
22 enforcement personnel.

23 (13)(a) Port management is responsible for training
24 and maintaining qualified personnel.

25 (b) At a minimum, guards or security personnel must:

26 1. Wear uniforms that are complete, distinct, and
27 authoritative.

28 2. Have two-way radios with capability to promptly
29 reach backup support.

30 3. Provide adequate patrols to include roving security
31 of buildings, perimeter, and wharf checks.

- 1 4. Control all exterior access points and principal
2 interior access points to the seaport.
- 3 5. Be sufficient in number to provide adequate
4 security 24 hours a day.
- 5 (c) Guards and security personnel must be properly
6 trained. Training is imperative for in-house or contracted
7 security force personnel, all of which must receive adequate
8 prework classroom training and be state certified Class "D"
9 licenseholders. Non-sworn security personnel working for a
10 local law enforcement agency and assigned to the port are not
11 required to hold a Class "D" license. Training of security
12 force personnel must address the following:
- 13 1. Patrol methods.
- 14 2. Report writing, logkeeping, and recordkeeping.
- 15 3. Identification of security problems and specific
16 trouble areas.
- 17 4. Cargo handling and cargo documentation handling.
- 18 5. Federal security procedures, including United
19 States Customs Service, Immigration and Naturalization
20 Service, and United States Coast Guard requirements.
- 21 6. State and port authority procedures.
- 22 7. Local police procedures.
- 23 8. Hazardous Materials Transport and Hazardous
24 Materials Response procedures.
- 25 9. First aid.
- 26 10. Use of force and weapons use.
- 27 11. Explosives, nuclear, and biological and chemical
28 agent response procedures.
- 29 12. Terrorism response procedures.
- 30 13. Labor unrest.
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1 (14)(a) Formal guidelines for computer security
2 (INFOSEC) must be in place for each port and tenant activity.
3 (b) Computerized information access must be password
4 controlled and restricted on a need-to-know basis, which would
5 include dissemination of information no sooner than required.
6 (15)(a) Gate passes must be issued to truck drivers
7 and other carriers to control and identify those vehicles
8 authorized to pick up cargo.
9 (b) Cargo may not be released to the carrier specified
10 in the delivery order unless a release authorizing delivery to
11 another carrier is presented and verified.
12 (c) Personnel processing delivery orders must verify
13 the identity of the truck driver and trucking company before
14 allowing entrance to or exit from restricted areas.
15 (d) Cargo stored in open areas and palletized or
16 stacked cargo stored in warehouse facilities must be properly
17 stacked and placed within, away from, and parallel to fences
18 and walls to ensure unimpeded views for security personnel.
19 (e) Cargo may only be released to the carrier
20 specified in the delivery order unless a release authorizing
21 delivery to another carrier is presented and verified.
22 (f) High-value commodities must be stored in cribs or
23 security cages designed to resist forcible entry from all
24 sides, and separate logs and procedures for the release and
25 receipt of these commodities must be maintained.
26 (g) High-value merchandise in mounted containers must
27 be placed in a secure holding area where it can be observed by
28 management or security personnel, and separate logs and
29 procedures for the release and receipt of these containers
30 must be maintained.
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1 (h) High-value cargo containers requiring storage must
2 be placed in a systematic manner such that their location is
3 not readily apparent. Doors of high-value containers must be
4 stacked so that the doors of each container abut the other.

5 (i) Access and keys to cargo handling equipment such
6 as yard mules, tug-masters, trucks, or high loaders must be
7 strictly controlled.

8 (j) Cargo handling equipment must be kept in a secure
9 and specified area when not in use.

10 (16) The port must prevent or deter the introduction
11 of prohibited weapons, incendiaries, or explosives into the
12 terminal and its restricted areas and onto any passenger
13 vessel moored at the terminal by persons; within personal
14 articles or baggage; or in stowed baggage, cargo, or stores.

15 (17) Additional port management responsibilities shall
16 include:

17 (a) Providing standard operating procedures for all
18 armed and unarmed security personnel used at passenger
19 terminals.

20 (b) Providing and maintaining physical security such
21 as barriers, alarms, and lighting in accordance with IMO
22 circular 443.

23 (c) Ensuring that vehicular access to cruise ships is
24 strictly enforced and that only authorized vendors are
25 permitted access to cruise ships.

26 (d) Providing communications between all security
27 personnel involved with the security of passenger terminals
28 and vessels.

29 (e) Establishing a system of identification and
30 control for all personnel authorized access to the terminal.
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1 (f) Designating restricted areas for the embarking and
2 disembarking of both passengers and baggage.

3 (g) Ensuring that carriers provide timely, accurate,
4 and complete passenger and crew arrival and departure manifest
5 information, in accordance with the Advanced Passenger
6 Information System, to the Immigration and Naturalization
7 Service and the United States Customs Service.

8 (h) Restricting access to passenger terminal
9 facilities and cruise ships through a designated screening
10 point that, at a minimum, includes a metal detector and X-ray
11 system for carry-on items.

12 (i) In situations in which the port does not provide
13 terminal security guards, ensuring that cruise terminal
14 operators train security guards in accordance with the above
15 provisions.

16 (18)(2) All seaports, as identified pursuant to s.
17 311.09(1), in conjunction with and pending review and approval
18 by the Office of Drug Control, within the Executive Office of
19 the Governor, and the Florida Department of Law Enforcement,
20 and in consultation with the Florida Seaport Transportation
21 and Economic Development Council, shall no later than January
22 31, 2001, develop and draft individual seaport security plans
23 particular to the specific and identifiable needs of their
24 respective seaports. The Office of Drug Control within the
25 Executive Office of the Governor and the Department of Law
26 Enforcement may require additional security measures for
27 high-risk ports.

28 (a) Each seaport security plan shall adhere to the
29 statewide minimum standards established pursuant to this
30 section ~~subsection (1)~~.

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1 (b) All such seaports shall allow unimpeded access to
2 the affected ports for purposes of inspections by the
3 Department of Law Enforcement as authorized by this section.

4 ~~(3) A fingerprint-based criminal history check shall~~
5 ~~be performed on any applicant for employment or current~~
6 ~~employee, as designated by each security plan required by~~
7 ~~subsection (2), who will be working within the property of or~~
8 ~~have regular access to any seaport listed in s. 311.09(1). The~~
9 ~~costs of such checks shall be paid by the seaport or employing~~
10 ~~entity or any person so checked. The applicant or employee~~
11 ~~shall file a complete set of fingerprints taken in a manner~~
12 ~~required by the Department of Law Enforcement and the security~~
13 ~~plan. These fingerprints shall be submitted to the Department~~
14 ~~of Law Enforcement for state processing and to the Federal~~
15 ~~Bureau of Investigation for federal processing. The results of~~
16 ~~the checks shall be reported to the seaports.~~

17 (19)~~(4)~~ The affected seaports shall implement the
18 security plans developed under this section by April 30, 2002,
19 ~~contingent upon legislative approval of the statewide security~~
20 ~~plan established pursuant to subsection (1). The Department of~~
21 ~~Law Enforcement, or any entity selected by the department,~~
22 shall conduct no less than once annually an unannounced
23 inspection of each seaport listed in s. 311.09(1) to determine
24 whether the seaport is meeting the minimum standards
25 established under the authority of this section. The
26 Department of Law Enforcement, in consultation with the Office
27 of Drug Control within the Executive Office of the Governor,
28 shall complete a report indicating the results of all such
29 inspections conducted during the year and any suggestions or
30 concerns developed by reason of such inspections by no later
31 than December 31 of each year. A copy of the report shall be

1 provided to the Governor, the President of the Senate, the
2 Speaker of the House of Representatives, and the chief
3 administrator of each seaport inspected. The report shall, to
4 the extent possible, include responses from the chief
5 administrator of any seaport about which suggestions have been
6 made or security concerns raised, indicating what actions, if
7 any, have been taken or are planned to be taken in response to
8 the suggestions or concerns noted.

9 (20)~~(5)~~ Nothing in this section shall be construed as
10 preventing any seaport from implementing security measures
11 that are more stringent, greater than, or supplemental to, the
12 minimum standards established by this section.

13 Section 2. The minimum seaport standards required
14 pursuant to s. 311.12, Florida Statutes, as amended by this
15 act, shall be implemented on or before April 30, 2002.

16 Section 3. Subsection (12) of section 790.06, Florida
17 Statutes, is amended to read:

18 790.06 License to carry concealed weapon or firearm.--

19 (12) No license issued pursuant to this section shall
20 authorize any person to carry a concealed weapon or firearm
21 into any place of nuisance as defined in s. 823.05; any
22 police, sheriff, or highway patrol station; any detention
23 facility, prison, or jail; any courthouse; any courtroom,
24 except that nothing in this section would preclude a judge
25 from carrying a concealed weapon or determining who will carry
26 a concealed weapon in his or her courtroom; any polling place;
27 any meeting of the governing body of a county, public school
28 district, municipality, or special district; any meeting of
29 the Legislature or a committee thereof; any school, college,
30 or professional athletic event not related to firearms; any
31 school administration building; any portion of an

1 establishment licensed to dispense alcoholic beverages for
2 consumption on the premises, which portion of the
3 establishment is primarily devoted to such purpose; any
4 elementary or secondary school facility; any area technical
5 center; any college or university facility unless the licensee
6 is a registered student, employee, or faculty member of such
7 college or university and the weapon is a stun gun or
8 nonlethal electric weapon or device designed solely for
9 defensive purposes and the weapon does not fire a dart or
10 projectile; inside the passenger terminal and sterile area of
11 any airport, provided that no person shall be prohibited from
12 carrying any legal firearm into the terminal, which firearm is
13 encased for shipment for purposes of checking such firearm as
14 baggage to be lawfully transported on any aircraft; any
15 seaport facility; or any place where the carrying of firearms
16 is prohibited by federal law. Any person who willfully
17 violates any provision of this subsection commits a
18 misdemeanor of the second degree, punishable as provided in s.
19 775.082 or s. 775.083.

20 Section 4. This act shall take effect upon becoming a
21 law.

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23 HOUSE SUMMARY

24 Provides for minimum seaport security standards in the
25 state and provides for implementation on or before April
26 30, 2002. Prohibits concealed firearms at a port
27 facility. See bill for details.

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