

By the Committee on Transportation and Senator Burt

306-1882-01

1 A bill to be entitled
2 An act relating to seaport security; amending
3 s. 311.12, F.S.; providing for minimum security
4 standards for seaports; requiring seaports to
5 implement seaport security plans; requiring the
6 Department of Law Enforcement to adopt rules
7 for specific security standards; providing
8 requirements for such rules; providing
9 requirements for criminal-history checks on
10 applicants for employment or current employees
11 of a seaport; providing for a seaport to
12 request a waiver or variance from a particular
13 standard; requiring that security plans and
14 other information be made available to the
15 Department of Law Enforcement for review;
16 providing for inspections of seaports;
17 providing requirements for compliance by
18 seaports; providing for additional security
19 measures at specified seaports; providing for
20 the Department of Law Enforcement to impose
21 civil penalties if a seaport fails to initiate
22 or take corrective action; providing rulemaking
23 authority; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. Section 311.12, Florida Statutes, is
28 amended to read:

29 311.12 Seaport security standards.--

30 (1) The minimum standards for seaport security and the
31 expectations for security contained in such standards for each

1 seaport identified in s. 311.09, as developed by the Office of
2 Drug Control within the Executive Office of the Governor, in
3 consultation with the Florida Seaport Transportation and
4 Economic Development Council, and in conjunction with the
5 Florida Department of Law Enforcement and local law
6 enforcement agencies having primary authority over the
7 affected seaports, are adopted by the Legislature as provided
8 in this section. ~~shall develop, by January 1, 2001, a~~
9 ~~statewide security plan based upon the Florida Seaport~~
10 ~~Security Assessment 2000 conducted by the Office of Drug~~
11 ~~Control. Such plan shall establish statewide minimum~~
12 ~~standards for seaport security including the prevention of~~
13 ~~criminal activity including money laundering. The statewide~~
14 ~~seaport security plan shall identify the funding needs for~~
15 ~~security requirements of all relevant ports and shall~~
16 ~~recommend mechanisms to fund those needs including an analysis~~
17 ~~of the ability of seaports to provide funding for necessary~~
18 ~~improvements. The statewide seaport security plan shall be~~
19 ~~submitted to the Speaker of the House of Representatives and~~
20 ~~the President of the Senate and the chairs of the fiscal~~
21 ~~committees of the House of Representatives and Senate for~~
22 ~~review on or before January 1, 2001.~~

23 (2) All seaports, as identified in s. 311.09 pursuant
24 to s. 311.09(1), in conjunction with and pending review and
25 approval by the Office of Drug Control, within the Executive
26 Office of the Governor, and the Florida Department of Law
27 Enforcement, and in consultation with the Florida Seaport
28 Transportation and Economic Development Council, shall
29 implement no later than January 31, 2001, develop and draft
30 individual seaport security plans particular to the specific
31 and identifiable needs of their respective seaports which are

1 in compliance with the security standards established by rule
2 of the Department of Law Enforcement as authorized in this
3 section.

4 (3) The Department of Law Enforcement, in consultation
5 with the Office of Drug Control, shall adopt rules that
6 implement specific security standards that shall apply to
7 seaports identified in s. 311.09 as the minimum level of
8 security allowed at any such seaport. The rules must reflect
9 the security expectations supporting the statewide minimum
10 security standards adopted by the Legislature as referred to
11 in subsection (1) and must include, but are not limited to:

12 (a) Criteria establishing specifications for and the
13 requirements for the issuance, use, display, renewal, and
14 maintenance of picture-identification badges for personnel
15 permanently employed at each seaport and those workers and
16 laborers working at a port any more frequently than 5 days in
17 any given 90-day period and criteria limiting access of such
18 personnel to only authorized areas within the port;

19 (b) Criteria establishing the method by which port
20 management will conduct fingerprint-based criminal-history
21 background checks of all prospective and current seaport
22 employees and personnel, including criteria for initial
23 employment and name-based and fingerprint-based
24 criminal-history checks at intervals during ongoing
25 employment;

26 (c) Uniform criteria and procedures to be applied by
27 each seaport in determining whether the fingerprint-based
28 criminal history of any prospective or current seaport
29 employee disqualifies the employee from seaport employment
30 and, if an affected person requests relief from any
31 criminal-history-based employment-disqualification decision,

1 whether good cause has been shown to justify the relief
2 requested. Notwithstanding this paragraph, any finding of
3 guilt, regardless of whether adjudication was withheld, for
4 dealing in stolen property, for any violation of s. 893.135,
5 for any violation involving the sale, manufacturing, delivery,
6 or possession with intent to sell, manufacture, or deliver a
7 controlled substance, for robbery, for burglary, or for use or
8 possession of a firearm in the commission of a crime; any
9 finding of guilt for any similar offense under the laws of
10 another jurisdiction; or any finding of guilt for conspiracy
11 to commit any of the listed offenses disqualifies a
12 prospective or current employee from employment at a seaport,
13 unless the person has remained free from a finding of guilt
14 for a felony, as provided in this paragraph, for 5 years prior
15 to the date of the person's current employment or the date of
16 proposed employment of an applicant by the seaport employer.
17 Neither the Department of Law Enforcement nor the Office of
18 Drug Control is responsible for making individual or group
19 determinations of criminal-history-based employment
20 disqualifications, or relief of disqualifications as required
21 or allowed in this paragraph. Each seaport shall annually
22 report in detail the year's history and activity in
23 implementing the employment restrictions or granting of relief
24 as established in this paragraph to the Department of Law
25 Enforcement for inclusion in the department's annual reports
26 as required in this paragraph. To assist the Department of Law
27 Enforcement in developing the criteria and procedures required
28 in this paragraph by August 1, 2001, the Florida Seaport
29 Transportation and Economic Development Council shall submit
30 to the Department of Law Enforcement a draft of criteria and
31 procedures that it suggests be used uniformly among the

1 seaports to comply with the mandate of this paragraph. The
2 department may accept or reject all or part of the draft so
3 submitted;

4 (d) A requirement that any seaport employee promptly
5 notify the seaport director when the employee is arrested for
6 any felony offense that would disqualify the employee for
7 employment under paragraph (c) and a requirement to promptly
8 notify the seaport director of the disposition of the arrest;

9 (e) Criteria limiting access to a seaport for visitors
10 and vehicles, including parking and access passes or signage
11 for pedestrian and vehicular traffic at the seaport in areas
12 for which limited access is required or appropriate;

13 (f) Criteria establishing parking or standing zones
14 for employee or other vehicles only in designated areas at a
15 seaport;

16 (g) Criteria for the use of gates and gatehouses at
17 each seaport and the staffing of each gate house;

18 (h) Criteria for the access and identification of
19 vendors or service and maintenance personnel and vehicles to
20 seaport property, including temporary permits, vehicular
21 signage, and designated parking or standing areas;

22 (i) Criteria for fencing at, around, and within the
23 seaports;

24 (j) Criteria for lighting at the seaports;

25 (k) Criteria for the posting of signs at the seaport
26 related to security and restrictions upon access to designated
27 areas;

28 (l) Criteria for the use of locks and keys at the
29 seaport and the issuance and maintenance of keys by seaport
30 personnel;

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1 (m) Criteria for the regularly scheduled maintenance
2 and internal inspection of security-related fences,
3 structures, equipment, and facilities at the seaport;

4 (n) Criteria for operational and procedural security
5 within each seaport, which must include at a minimum, the
6 establishment and use of security committees at each seaport,
7 master security plans and standard operating procedures,
8 definitive descriptions of the function and responsibilities
9 of each security-related employee of a seaport, and procedures
10 for dealing with threats to the physical security of a seaport
11 or threats to personnel working or present at a seaport;

12 (o) Criteria for assuring that a routine presence and
13 patrol by sworn law enforcement personnel occurs at each
14 seaport;

15 (p) Criteria for the equipping and minimum training
16 and qualification standards applied to security personnel
17 employed or used by each seaport, which must include as a
18 minimum, that any guard or security personnel used at a
19 seaport who is not a sworn law enforcement officer must
20 possess a valid Class "D" security license as defined in
21 chapter 493;

22 (q) Criteria for establishing and using formal
23 guidelines for computer security at each seaport, including
24 requirements that suspected criminal activity involving
25 computers used at a seaport be reported to a law enforcement
26 agency;

27 (r) Criteria for establishing and using procedures to
28 assure cargo security at each seaport, including, but not
29 limited to, controlled access by commercial carriers to the
30 seaport and methods of verification of the carrier's identity
31 and purpose for accessing a seaport;

1 (s) Criteria for securing cargo in storage at the
2 seaport;

3 (t) Criteria for establishing video surveillance of
4 seaport property;

5 (u) For seaports in which cruise ships dock or
6 otherwise have access, criteria for the security of cruise
7 operations, including the security of passengers and their
8 property while on seaport property; and

9 (v) Enhanced security requirements applicable to the
10 ports of Jacksonville, Port Everglades, Miami, and Tampa,
11 including, but not limited to, extra video surveillance and
12 enhanced 24-hour security monitoring of activities at the
13 ports.

14 (4) A fingerprint-based criminal-history check shall
15 be performed on any applicant for employment or current
16 employee of the seaports identified in s. 311.09, as required
17 by rule established by the Department of Law Enforcement and
18 paragraph (3)(b). The costs of such checks shall be paid by
19 the seaport or employing entity or any person so checked. The
20 applicant or employee shall file a complete set of
21 fingerprints taken in a manner required by the Department of
22 Law Enforcement. These fingerprints shall be submitted to the
23 Department of Law Enforcement for state processing and to the
24 Federal Bureau of Investigation for federal processing. The
25 results of the checks shall be reported to the seaports.

26 (5)(a) By July 1, 2001, each seaport shall implement
27 its own individual security plan that shall be in conformance
28 with the minimum statewide security standards adopted by the
29 Legislature in subsection (1).

30 (b) In developing, implementing, and maintaining its
31 security plan, each seaport shall adhere to the standards

1 established by rule by the Department of Law Enforcement
2 unless the department, in consultation with the Office of Drug
3 Control, in response to a petition for variance or waiver of
4 rule filed by a seaport pursuant to s. 120.542, determines
5 that a waiver or variance of a particular standard is
6 appropriate. In petitioning for any waiver or variance, a
7 seaport may include the recommendations of local law
8 enforcement and the Florida Seaport Transportation and
9 Economic Development Council as support for its request for
10 variance or waiver. In addition to the existing standards for
11 variance and waiver established by s. 120.542, the department,
12 in consultation with the Office of Drug Control, may grant a
13 waiver or variance of standards if it determines that existing
14 port structures, facilities, processes, requirements, or
15 operations or proposed construction or efforts of a seaport
16 reasonably assure a level of security equal to or exceeding
17 the level of security promoted by the specific rule provision
18 for which variance or waiver is sought.

19 (c) Only a seaport identified pursuant to s. 311.09
20 shall have standing to seek a variance or waiver of a security
21 standard established by rule of the Department of Law
22 Enforcement under this section. An individual or other entity
23 may not petition for variance or waiver of a seaport security
24 standard established by rule of the Department of Law
25 Enforcement under this section.

26 (6) If funds are appropriated for seaport security,
27 the Office of Drug Control and the Florida Seaport
28 Transportation and Economic Development Council shall mutually
29 determine the allocation of such funds for security project
30 needs identified pursuant to subsection (1) and this
31 subsection. Any seaport that receives state funds for security

1 projects must enter into a joint-participation agreement with
2 the appropriate state entity and use the seaport security plan
3 developed pursuant to this section as the basis for the
4 agreement. If funds are made available over more than 1 fiscal
5 year, any such agreement must reflect the entire scope of the
6 security plan and allow for reimbursement for projects
7 authorized to receive state funds by the Office of Drug
8 Control and the council over more than 1 fiscal year.

9 (7) All seaports shall make all security plans,
10 documents, and information available to the Department of Law
11 Enforcement or any entity selected by the department for
12 review and inspection and shall allow unimpeded access to the
13 Department of Law Enforcement or any entity selected by the
14 department for any inspection, announced or unannounced, or
15 any operation designed by the department to determine whether
16 seaport security plans are being implemented effectively. The
17 Department of Law Enforcement, or any entity selected by the
18 department or operating on its behalf, may conduct undercover
19 or otherwise unannounced operations designed to test the
20 effectiveness of a port's security.

21 (8) By December 31, 2001, the Department of Law
22 Enforcement or any entity selected by the department shall
23 conduct an initial inspection of each seaport listed in s.
24 311.09 to determine the preliminary status of security
25 compliance and shall report its observations to each seaport,
26 the Office of Drug Control, and the Florida Seaport
27 Transportation and Economic Development Council. A copy of the
28 report, including the administrator's responses, shall be
29 provided to the Governor, the President of the Senate, the
30 Speaker of the House of Representatives, the chairs of the
31 fiscal committees of the House of Representatives and the

1 Senate, and each seaport chief administrator. The observations
2 contained in the reports shall be used as a factor in making
3 funding decisions as noted in subsection (6) or as otherwise
4 applicable to each seaport listed in s. 311.09.

5 (9)(a) Beginning January 1, 2002, the Department of
6 Law Enforcement or any entity selected by the department shall
7 conduct not less than once annually an unannounced inspection
8 of each seaport listed in s. 311.09 to determine the degree to
9 which the seaport is meeting the minimum standards established
10 by rule under this section and to determine whether changes or
11 improvements in a seaport's security plan are recommended.

12 (b) By December 31, 2002, and each year thereafter,
13 the Department of Law Enforcement, in consultation with the
14 Office of Drug Control, shall issue a report indicating the
15 results of each seaport inspection and shall within the report
16 indicate deficiencies noted, failures to comply with standards
17 noted, and any concerns or suggestions developed by reason of
18 individual or collective inspections. Failures of a seaport to
19 comply with applicable standards shall be specifically noted.
20 If a report notes deficiencies or failures or identifies
21 concerns related to a seaport, the report must include a
22 response from the chief administrator of the affected seaport
23 or seaports. Each administrator's response shall include what
24 actions, if any, have been taken or are planned to be taken to
25 address the deficiencies, failures, or concerns noted.

26 (c) A copy of the report, including the
27 administrator's responses, shall be provided to the Governor,
28 the President of the Senate, the Speaker of the House of
29 Representatives, the chairs of the fiscal committees of the
30 House of Representatives and the Senate, and each seaport
31 chief administrator.

1 (d) The department, in consultation with the Office of
2 Drug Control and the Florida Seaport Transportation and
3 Economic Development Council, may use its observations and
4 experience from inspections conducted under this section as
5 the basis for modifying security criteria established by rule
6 if the modifications enhance the security of seaports.

7 (10) By June 30, 2004, each seaport listed in s.
8 311.09 must be in compliance with the physical infrastructure
9 improvements and minimum security standards implemented under
10 this section, unless the standard has been waived or a
11 variance has been granted as provided in this section and s.
12 120.542. The Legislature expresses its intent to annually take
13 into account each seaport's performance in implementing and
14 maintaining compliance with the security standards, as well as
15 other information available to it related to seaport security,
16 criminal activity, and money laundering occurring at, or in
17 conjunction with, seaports in determining allocations of state
18 funds to each seaport in the coming fiscal year. The
19 Legislature expresses its intent that failure by a seaport to
20 assure compliance with minimum seaport security standards will
21 result in a reduction of state-provided funding to the seaport
22 as a sanction for not meeting security expectations.

23 (11) The Department of Law Enforcement, in
24 consultation with the Office of Drug Control, may by rule
25 require additional security measures for the ports of
26 Jacksonville, Miami, Tampa, and Port Everglades. The
27 additional measures may include minimum criteria for the use
28 of closed-circuit television cameras and the videotaping of
29 activity at entrances and exits, areas with high risk or crime
30 or endangerment, or areas at which valuable cargo is stored.

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1 (12) This section does not prevent any seaport from
2 implementing security measures that are more stringent,
3 greater than, or supplemental to the minimum security
4 standards established pursuant to rule by the Department of
5 Law Enforcement and this section.

6 (13)(a) Upon completion of an inspection by the
7 Department of Law Enforcement or entity selected by the
8 department in which any failure to implement, meet, or
9 maintain a security standard is noted to exist at a particular
10 seaport listed in s. 311.09, the Department of Law Enforcement
11 shall issue a written notification identifying each such
12 failure to the seaport director or head of seaport management
13 if other than a director. The written notification must
14 indicate a date certain, not less than 30 days nor more than
15 45 days after the date the notification is issued, that a
16 written response from the seaport shall be received by the
17 Department of Law Enforcement at an address stated in the
18 notification.

19 (b) A seaport receiving notification of any failure to
20 implement, meet, or maintain a security standard from the
21 Department of Law Enforcement shall, by the date stated in the
22 notice, assure receipt by the department of a written response
23 to the notification of failure. The response must address each
24 item specified in the department's notification and indicate
25 with specificity the seaport's planned response to address and
26 rectify any noted failure or failures, including a date for
27 completion of each corrective action, the estimated cost of
28 corrective action, the funding identified to cover the costs
29 of the corrective action, and the date the corrective action
30 is to be or has been initiated. If a seaport believes the
31 department's finding on a particular standard is in error, it

1 shall state in the written response the basis of its belief,
2 including why it believes the department's finding may be in
3 error, and may request that the department conduct a followup
4 review of the particular standard and finding.

5 (c) The Department of Law Enforcement shall review the
6 written response provided under paragraph (b) and conduct a
7 followup review to determine whether a particular finding was
8 in error when requested to do so by a seaport in the manner
9 provided for in paragraph (b). The department, or any entity
10 selected by the department, may conduct additional inspections
11 or make any other inquiry to assist in making this
12 determination. The department shall state its followup review
13 finding in writing to the seaport. If the followup review
14 determines that the seaport continues to fail to implement,
15 meet, or maintain the security standard about which the
16 concern was raised, the seaport shall have 5 working days
17 following the receipt of the written response to provide the
18 department with a written supplemental response providing all
19 information required in paragraph (b) regarding corrective
20 actions to be implemented to meet the standard that was
21 reviewed. If the followup review determines that the seaport
22 has implemented, met, or maintained the standard, the written
23 response must so indicate.

24 (d) The Department of Law Enforcement may impose a
25 civil penalty upon any seaport listed in s. 311.09 for any
26 failure to respond within the time limits or in the manner and
27 specificity required by this section. Any seaport failing to
28 respond as noted in paragraph (b) or paragraph (c) within the
29 time periods provided and in the manner and specificity
30 required shall be assessed by the department a civil penalty
31 of up to \$1,000 for each day the failure continues. The funds

1 collected as civil penalties shall be deposited in the General
2 Revenue Fund.

3 (e) The Department of Law Enforcement, in consultation
4 with the Office of Drug Control, shall review all proposed
5 corrective actions proposed by a seaport as required in
6 paragraph (b) or paragraph (c), and shall determine whether a
7 seaport's proposed timeline for corrective action provides for
8 the reasonably prompt implementation, meeting, or maintenance
9 of a particular security standard. The department shall
10 attempt to mutually resolve with a seaport of any concern that
11 the timeline for any proposed corrective action does not
12 provide the required reasonably prompt implementation and
13 completion of corrective action. If agreement is met, the
14 seaport shall file an amended response with the Department of
15 Law Enforcement stating a revised corrective-action timeline.
16 If agreement is not met, the department may impose a revised
17 timeline upon a seaport that provides for the reasonably
18 prompt implementation and completion of corrective action, and
19 shall notify the seaport in writing of the revised timeline.

20 (f) Any seaport failing to initiate or complete the
21 corrective action within the original or revised
22 corrective-action timeline, whether agreed upon or imposed by
23 the department, shall be assessed by the department a civil
24 penalty of up to \$1,000 for each day the corrective-action
25 implementation is delayed and for each day the corrective
26 action is not completed as provided by the timeline. The funds
27 collected as civil penalties shall be deposited in the General
28 Revenue Fund.

29 (g) The Department of Law Enforcement, in consultation
30 with the Office of Drug Control, may suspend the imposition of
31 any civil penalty authorized in this subsection conditioned

1 upon terms the department, in its discretion, deems
2 appropriate and consistent with the purpose of this section
3 and the statewide seaport security plan.

4 (h) The Department of Law Enforcement may adopt rules
5 necessary to administer the civil penalties and authority
6 provided in this section.

7 ~~(a) Each seaport security plan shall adhere to the~~
8 ~~statewide minimum standards established pursuant to subsection~~
9 ~~(1).~~

10 ~~(b) All such seaports shall allow unimpeded access to~~
11 ~~the affected ports for purposes of inspections by the~~
12 ~~Department of Law Enforcement as authorized by this section.~~

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

26 ~~(4) The affected seaports shall implement the security~~
27 ~~plans developed under this section by April 30, 2002,~~
28 ~~contingent upon legislative approval of the statewide security~~
29 ~~plan established pursuant to subsection (1). The Department of~~
30 ~~Law Enforcement, or any entity selected by the department,~~
31 ~~shall conduct no less than once annually an unannounced~~

1 ~~inspection of each seaport listed in s. 311.09(1) to determine~~
2 ~~whether the seaport is meeting the minimum standards~~
3 ~~established under the authority of this section. The~~
4 ~~Department of Law Enforcement, in consultation with the Office~~
5 ~~of Drug Control within the Executive Office of the Governor,~~
6 ~~shall complete a report indicating the results of all such~~
7 ~~inspections conducted during the year and any suggestions or~~
8 ~~concerns developed by reason of such inspections by no later~~
9 ~~than December 31 of each year. A copy of the report shall be~~
10 ~~provided to the Governor, the President of the Senate, the~~
11 ~~Speaker of the House of Representatives, and the chief~~
12 ~~administrator of each seaport inspected. The report shall, to~~
13 ~~the extent possible, include responses from the chief~~
14 ~~administrator of any seaport about which suggestions have been~~
15 ~~made or security concerns raised, indicating what actions, if~~
16 ~~any, have been taken or are planned to be taken in response to~~
17 ~~the suggestions or concerns noted.~~

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

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

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 978

4 The CS amends s. 311.12, F.S., to provide minimum-security
5 standards for Florida's seaports. The CS provides the Florida
6 Department of Law Enforcement (FDLE), in consultation with the
7 Office of Drug Control (ODC) must adopt rules incorporating
8 statewide minimum-security standards for all 14 of Florida's
9 deep-water seaports. The rules must include, but are not
10 limited to:

11 1. Criteria establishing specifications, and requirements of
12 picture-identification badges for personnel at the port any
13 more frequently than 5 days in any given 90-day period and
14 criteria limiting access to only authorized areas.

15 2. Criteria establishing fingerprint-based criminal history
16 background checks of all prospective and current seaport
17 employees.

18 3. Criteria for felony criminal history that would disqualify
19 a prospective or current seaport employee.

20 4. Criteria for waivers under certain circumstances. A
21 requirement that any seaport employee promptly notify the
22 seaport director when the employee is arrested for any felony,
23 which would disqualify them from employment.

24 5. Criteria limiting access to a seaport in restricted areas
25 for visitors and vehicles, including parking access passes.

26 6. Criteria for the use of gates and gatehouses; criteria for
27 vendor access; criteria for fencing, lighting and signage;
28 criteria for the use of locks and keys and for regularly
29 scheduled inspections of facilities.

30 7. Criteria for operational and procedural security within
31 each seaport including security committees and sworn law
enforcement presence at the seaport.

8. Criteria for the equipping and minimum training of
security personnel.

9. Criteria for establishing computer security, cargo
security, and video surveillance.

10. Criteria for security of cruise operations and passengers.

11. Enhanced security requirements applicable to the ports of
Jacksonville, Port Everglades, Miami, and Tampa, but not
limited to, extra video surveillance and enhanced 24-hour
security monitoring of activities at the ports.

The CS provides the cost of the fingerprint-based criminal
history check will be paid by the employing entity or the
prospective or current employee. The fingerprints will be
submitted to the FDLE for state processing and the Federal
Bureau of Investigation for federal processing.

1 The CS provides a seaport may petition for a waiver or variance
2 to the minimum seaport security standards. The FDLE in
3 consultation with the ODC, may grant a waiver or variance if
4 it determines the existing port structures or operations
5 reasonably assure a level of security equal to or exceeding
6 the level of security promoted by the specific rule provision
7 for which the variance or waiver is sought. Only a seaport
8 may seek such a variance or waiver.

9 The CS provides if funds are appropriated for seaport security
10 the ODC and the FSTED Council will mutually determine the
11 allocation of such funds.

12 By December 31, 2001, the FDLE or any entity selected by FDLE,
13 will conduct an initial inspection of each seaport to
14 determine the preliminary status of security compliance and
15 report its observations to each seaport, ODC, the FSTED
16 Council, the Legislature and the Governor. Such observations
17 will be used as a factor in making funding decisions.
18 Beginning January 1, 2002, the FDLE will conduct, not less
19 than once annually, an unannounced inspection of each seaport
20 to determine if the seaports are meeting minimum-security
21 standards. By December 31, 2002, and each year thereafter,
22 the FDLE, in consultation with ODC, will issue a report
23 indicating the results of each seaport inspection. Failures
24 to comply with minimum-security standards noted in the report
25 must be accompanied by a response from the seaport. Findings
26 from the report may be used to modify security criteria.

27 The CS provides by June 30, 2004, each seaport must be in
28 compliance with the physical infrastructure improvements and
29 minimum-security standards unless the standard has been waived
30 or a variance has been granted. The level of compliance with
31 seaport security standards will effect state funding of
seaports.

The CS provides any seaport that receives notification of
failure to meet security standards must respond to FDLE. FDLE
will review the seaport response and conduct a follow-up
review to determine if the notification was justified. If the
follow-up review determines the seaport continues to fail to
meet the security standard the seaport will have 5 working
days following the written FDLE response, to provide a written
supplemental response.

The CS provides FDLE may impose a civil penalty of \$1,000 per
day on any seaport which fails to respond to FDLE within the
time limits. FDLE, in consultation with ODC, may suspend the
imposition of any civil penalty authorized in this CS.