

CHAMBER ACTION

1 The Committee on Transportation recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to seaport security standards; amending s.  
7 311.12, F.S.; requiring that each seaport security plan  
8 have a procedure that notifies an individual that he or  
9 she is disqualified from employment within, or regular  
10 access to, a seaport or a seaport's restricted access  
11 area; requiring each plan to include a procedure by which  
12 the individual may seek review of the decision of the  
13 seaport; directing a seaport to have its procedures in  
14 substantial compliance with federal regulations; providing  
15 criteria for seaports to consider for inclusion in  
16 procedures for appeals and waivers from disqualification;  
17 providing that an individual remain free from subsequent  
18 convictions for 7 years before seeking employment in, or  
19 access to, a seaport; requiring each seaport to report to  
20 the Department of Law Enforcement by a specified date the  
21 number of waivers from disqualification issued in the  
22 previous 12 months; amending s. 311.125, F.S.; conforming  
23 provisions to changes made by the act; reenacting s.

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24 | 315.02(6), F.S., relating to the definitions for the 1959  
 25 | Port Facilities Financing Law, for the purpose of  
 26 | incorporating the amendment to s. 311.12, F.S., in a  
 27 | reference thereto; limiting the applicability of a  
 28 | provision of the act related to disqualification from  
 29 | employment; providing an effective date.

30 |  
 31 | Be It Enacted by the Legislature of the State of Florida:

32 |  
 33 | Section 1. Section 311.12, Florida Statutes, is amended to  
 34 | read:

35 | 311.12 Seaport security standards.--

36 | (1)(a) The statewide minimum standards for seaport  
 37 | security for each seaport identified in s. 311.09 shall be those  
 38 | based upon the Florida Seaport Security Assessment 2000 and set  
 39 | forth in the "Port Security Standards--Compliance Plan"  
 40 | delivered to the Speaker of the House of Representatives and the  
 41 | President of the Senate on December 11, 2000, under ~~pursuant to~~  
 42 | this section. The statewide minimum standards are hereby  
 43 | adopted. The Office of Drug Control within the Executive Office  
 44 | of the Governor shall maintain a sufficient number of copies of  
 45 | the standards for use of the public, at its offices, and shall  
 46 | provide copies to each affected seaport upon request.

47 | (b) The Department of Law Enforcement may exempt any  
 48 | seaport identified in s. 311.09 from all or part of the  
 49 | requirements of subsections (1)-(5) if the department determines  
 50 | that the seaport is not active. The department shall  
 51 | periodically review exempted seaports to determine if there is

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52 maritime activity at the seaport. A change in status from  
53 inactive to active may warrant removal of all or part of any  
54 exemption provided by the department.

55 (2) Each seaport identified in s. 311.09 shall maintain a  
56 security plan relating to the specific and identifiable needs of  
57 the seaport which assures that the seaport is in substantial  
58 compliance with the statewide minimum standards established  
59 under ~~pursuant to~~ subsection (1). Each plan adopted or revised  
60 under ~~pursuant to~~ this subsection must be reviewed and approved  
61 by the Office of Drug Control and the Department of Law  
62 Enforcement. All ~~such~~ seaports shall allow unimpeded access by  
63 the Department of Law Enforcement to the affected facilities for  
64 purposes of inspections or other operations authorized by this  
65 section. Each seaport security plan may establish restricted  
66 access areas within the seaport consistent with the requirements  
67 of the statewide minimum standards. In these ~~such~~ cases, a  
68 Uniform Port Access Credential Card, authorizing restricted-area  
69 access, shall be required for any individual working within or  
70 authorized to regularly enter a restricted access area and the  
71 requirements in subsection (3) relating to criminal history  
72 checks and employment restrictions shall be applicable only to  
73 employees or other persons working within or authorized to  
74 regularly enter a restricted access area. Every seaport security  
75 plan shall set forth the conditions and restrictions to be  
76 imposed upon others visiting the port or any restricted access  
77 area sufficient to provide substantial compliance with the  
78 statewide minimum standards.

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79 (3)(a) A fingerprint-based criminal history check shall be  
80 performed on any applicant for employment, every current  
81 employee, and other persons as designated under ~~pursuant to~~ the  
82 seaport security plan for each seaport. The criminal history  
83 check shall be performed in connection with employment within or  
84 other authorized regular access to a restricted access area or  
85 the entire seaport if the seaport security plan does not  
86 designate one or more restricted access areas. With respect to  
87 employees or others with regular access, the ~~such~~ checks shall  
88 be performed at least once every 5 years or at other more  
89 frequent intervals as provided by the seaport security plan.  
90 Each individual subject to the background criminal history check  
91 shall file a complete set of fingerprints taken in a manner  
92 required by the Department of Law Enforcement and the seaport  
93 security plan. Fingerprints shall be submitted to the Department  
94 of Law Enforcement for state processing and to the Federal  
95 Bureau of Investigation for federal processing. The results of  
96 each fingerprint-based check shall be reported to the requesting  
97 seaport. The costs of the checks, consistent with s. 943.053(3),  
98 shall be paid by the seaport or other employing entity or by the  
99 person checked.

100 (b) By January 1, 2002, each seaport security plan shall  
101 identify criminal convictions or other criminal history factors  
102 consistent with paragraph (e) ~~(e)~~ which shall disqualify a  
103 person from either initial seaport employment or new  
104 authorization for regular access to seaport property or to a  
105 restricted access area. These ~~Such~~ factors shall be used to  
106 disqualify all applicants for employment or others seeking

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107 regular access to the seaport or restricted access area on or  
108 after January 1, 2002, and may be used to disqualify all those  
109 employed or authorized for regular access on that date. ~~Each~~  
110 ~~seaport security plan may establish a procedure to appeal a~~  
111 ~~denial of employment or access based upon procedural~~  
112 ~~inaccuracies or discrepancies regarding criminal history factors~~  
113 ~~established pursuant to this paragraph. A seaport may allow~~  
114 ~~wavers on a temporary basis to meet special or emergency needs~~  
115 ~~of the seaport or its users. Policies, procedures, and criteria~~  
116 ~~for implementation of this subsection shall be included in the~~  
117 ~~seaport security plan. All waivers granted pursuant to this~~  
118 ~~paragraph must be reported to the Department of Law Enforcement~~  
119 ~~within 30 days of issuance.~~

120 (c) Each seaport security plan shall establish a procedure  
121 that notifies an individual that he or she is disqualified for  
122 employment within or regular access to a seaport or restricted  
123 access area. The plan shall also include a procedure by which  
124 the individual may appeal the decision of the seaport. The  
125 procedures must be in substantial compliance with 49 C.F.R.,  
126 Part 1572, and must include, but need not be limited to, the  
127 following:

128 1. The seaport must notify the individual, in writing,  
129 that he or she poses a security threat to the seaport and is  
130 disqualified for employment in or access to the seaport. The  
131 notification must include a statement that the seaport has  
132 determined that the individual poses a security threat  
133 warranting disqualification, the basis for the determination,

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134 and information about the correction of records and appeal  
135 procedures.

136 2. An individual may appeal a disqualification  
137 determination only if the individual asserts that he or she  
138 meets the qualifications set by the seaport for the position for  
139 which he or she is applying. If the disqualification  
140 determination is based on a conviction for a disqualifying crime  
141 listed in paragraph (e), the individual may present evidence  
142 that the underlying criminal record is incorrect, or that the  
143 conviction was pardoned, expunged, or overturned on appeal. An  
144 executive pardon, expungement, or overturned conviction may  
145 nullify a disqualifying conviction if the pardon, expungement,  
146 or overturned conviction does not impose any restrictions on the  
147 individual.

148 3. An individual may initiate an appeal of a  
149 disqualification determination by submitting a written request  
150 for materials or a written reply to the seaport within 15 days  
151 after receiving notification of the disqualification  
152 determination. If the individual does not initiate an appeal  
153 within that time, the decision of the seaport is final.

154 4. The individual may serve upon the seaport a written  
155 request for copies of the materials upon which the  
156 disqualification determination was based. If the  
157 disqualification determination was based on a state or Federal  
158 Bureau of Investigation criminal history record that the  
159 individual believes is erroneous, the individual may correct the  
160 record and submit the corrections to the seaport. The seaport  
161 must respond within 30 days after receiving the individual's

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162 request for materials. The seaport must give the individual a  
163 copy of the releasable materials upon which the disqualification  
164 determination was based. The seaport may not include any  
165 classified information as provided by federal law.

166 5. The individual may also serve on the seaport a written  
167 reply to the disqualification determination stating that the  
168 seaport made errors when it issued the disqualification  
169 determination.

170 6. The seaport must respond to the individual's appeal no  
171 later than 30 days after the seaport receives an individual's  
172 request. If the seaport determines that the individual does pose  
173 a security threat, the seaport shall give written notice to the  
174 individual of its final decision that the individual is  
175 disqualified for employment in or access to the seaport. If,  
176 upon reconsideration, the seaport concludes that the individual  
177 does not pose a security threat to the seaport, the seaport must  
178 notify the individual in writing of its decision. Thereafter,  
179 the seaport shall issue to the individual the appropriate  
180 Uniform Port Access Credential Card.

181 7. If the seaport determines that the individual does pose  
182 a security threat, the seaport must include in its written  
183 notice of disqualification that the seaport's decision is final  
184 agency action subject to review under chapter 120, where  
185 applicable, or if the seaport is not subject to chapter 120,  
186 that the seaport's decision is subject to judicial review in the  
187 circuit court.

188 (d) A seaport may allow waivers on a temporary basis to  
189 meet special or emergency needs of the seaport or its users.

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190 Policies, procedures, and criteria for implementation of this  
 191 paragraph must be included in the seaport security plan. The  
 192 seaport must consider, when determining whether to grant a  
 193 waiver, if the disqualification is based on a disqualifying  
 194 criminal offense, the circumstances of the disqualifying act or  
 195 offense, whether restitution was made by the individual, and  
 196 other factors that indicate that the individual does not  
 197 otherwise pose a security threat warranting disqualification for  
 198 access to the seaport. The seaport must send a written notice to  
 199 the individual informing the individual whether the seaport  
 200 granted or denied the request for a waiver. All waivers granted  
 201 under this paragraph must be reported to the Department of Law  
 202 Enforcement within 30 days after issuance.

203 (e)~~(e)~~ In addition to other requirements for employment or  
 204 access established by each seaport under ~~pursuant to~~ its seaport  
 205 security plan, each seaport security plan shall provide that:

206 1. Any person who has within the past 7 years been  
 207 convicted, regardless of whether adjudication was withheld, for  
 208 a forcible felony as defined in s. 776.08; an act of terrorism  
 209 as defined in s. 775.30; planting of a hoax bomb as provided in  
 210 s. 790.165; any violation involving the manufacture, possession,  
 211 sale, delivery, display, use, or attempted or threatened use of  
 212 a weapon of mass destruction or hoax weapon of mass destruction  
 213 as provided in s. 790.166; dealing in stolen property; any  
 214 violation of s. 893.135; any violation involving the sale,  
 215 manufacturing, delivery, or possession with intent to sell,  
 216 manufacture, or deliver a controlled substance; burglary;  
 217 robbery; any felony violation of s. 812.014; any violation of s.



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218 790.07; any crime an element of which includes use or possession  
 219 of a firearm; any conviction for any similar offenses under the  
 220 laws of another jurisdiction; or conviction for conspiracy to  
 221 commit any of the listed offenses is ~~shall~~ not be qualified for  
 222 initial employment within or regular access to a seaport or  
 223 restricted access area; and

224 2. Any person who has at any time been convicted for any  
 225 of the listed offenses is ~~shall~~ not be qualified for initial  
 226 employment within or authorized regular access to a seaport or  
 227 restricted access area unless, after release from incarceration  
 228 and any supervision imposed as a sentence, the person remained  
 229 free from a subsequent conviction, regardless of whether  
 230 adjudication was withheld, for any of the listed offenses for a  
 231 period of at least 7 years prior to the employment or access  
 232 date under consideration.

233 (f) ~~(d)~~ By October 1 of each year, each seaport shall  
 234 report to the Department of Law Enforcement each determination  
 235 of denial of employment or access, and any determination to  
 236 authorize employment or access after an appeal of a denial and  
 237 any determination to issue a waiver made during the previous 12  
 238 months. The report shall include the identity of the individual  
 239 affected, the factors supporting the determination, and any  
 240 other material factors used in making the determination.

241 (4)(a) Subject to ~~the provisions of~~ subsection (6), each  
 242 affected seaport shall begin to implement its security plan  
 243 developed under this section by July 1, 2001.

244 (b) The Office of Drug Control and the Department of Law  
 245 Enforcement may modify or waive any physical facility or other

246 requirement contained in the statewide minimum standards for  
 247 seaport security upon a finding or other determination that the  
 248 purposes of the standards have been reasonably met or exceeded  
 249 by the seaport requesting the modification or waiver. The Such  
 250 modifications or waivers shall be noted in the annual report  
 251 submitted by the Department of Law Enforcement under ~~pursuant to~~  
 252 this subsection.

253 (c) Beginning with the 2001-2002 fiscal year, the  
 254 Department of Law Enforcement, or any entity designated by the  
 255 department, shall conduct no less than one annual unannounced  
 256 inspection of each seaport listed in s. 311.09 to determine  
 257 whether the seaport is meeting the minimum standards established  
 258 under ~~pursuant to~~ this section, and to identify seaport security  
 259 changes or improvements necessary or otherwise recommended. The  
 260 Department of Law Enforcement, or any entity designated by the  
 261 department, may conduct additional announced or unannounced  
 262 inspections or operations within or affecting any affected  
 263 seaport to test compliance with, or the effectiveness of,  
 264 security plans and operations at each seaport, to determine  
 265 compliance with physical facility requirements and standards, or  
 266 to assist the department in identifying changes or improvements  
 267 necessary to bring a seaport into compliance with the statewide  
 268 minimum security standards.

269 (d) By December 31, 2001, and annually thereafter, the  
 270 Department of Law Enforcement, in consultation with the Office  
 271 of Drug Control, shall complete a report indicating the  
 272 observations and findings of all inspections or operations  
 273 conducted during the year and any recommendations developed by

274 | reason of these ~~such~~ inspections. A copy of the report shall be  
 275 | provided to the Governor, the President of the Senate, the  
 276 | Speaker of the House of Representatives, and the chief  
 277 | administrator of each seaport inspected. The report shall  
 278 | include responses from the chief administrator of any seaport  
 279 | indicating what actions, if any, have been taken or are planned  
 280 | to be taken in response to the recommendations, observations,  
 281 | and findings reported by the department.

282 |         (e) In making security project or other funding decisions  
 283 | applicable to each seaport listed in s. 311.09, the Legislature  
 284 | may consider as authoritative the annual report of the  
 285 | Department of Law Enforcement required by this section,  
 286 | especially regarding each seaport's degree of substantial  
 287 | compliance with the statewide minimum security standards  
 288 | established by this section.

289 |         (5) ~~Nothing in~~ This section does not prevent ~~shall be~~  
 290 | ~~construed as preventing~~ any seaport from implementing security  
 291 | measures that are more stringent, greater than, or supplemental  
 292 | to the statewide minimum standards established by this section  
 293 | except that, for purposes of employment and access, each seaport  
 294 | shall adhere to the requirements provided in paragraph (3)(e)  
 295 | ~~(3)(e)~~ and may ~~shall~~ not exceed statewide minimum requirements.

296 |         (6) When funds are appropriated for seaport security, the  
 297 | Office of Drug Control and the Florida Seaport Transportation  
 298 | and Economic Development Council shall mutually determine the  
 299 | allocation of these ~~such~~ funds for security project needs  
 300 | identified in the approved seaport security plans required by  
 301 | this section. Any seaport that receives state funds for security

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302 projects must enter into a joint participation agreement with  
 303 the appropriate state entity and must use the seaport security  
 304 plan developed under ~~pursuant to~~ this section as the basis for  
 305 the agreement. If funds are made available over more than one  
 306 fiscal year, the ~~such~~ agreement must reflect the entire scope of  
 307 the project approved in the security plan and, as practicable,  
 308 allow for reimbursement for authorized projects over more than 1  
 309 year. The joint participation agreement may include specific  
 310 timeframes for completion of a security project and the  
 311 applicable funding reimbursement dates. The joint participation  
 312 agreement may also require a contractual penalty, not to exceed  
 313 \$1,000 per day, to be imposed for failure to meet project  
 314 completion dates provided state funding is available. Any ~~such~~  
 315 penalty shall be deposited into the State Transportation Trust  
 316 Fund to be used for seaport security operations and capital  
 317 improvements.

318 Section 2. Section 311.125, Florida Statutes, is amended  
 319 to read:

320 311.125 Uniform Port Access Credential System.--

321 (1) By July 1, 2004, each seaport identified in s. 311.09  
 322 and subject to the statewide minimum seaport security standards  
 323 set forth in s. 311.12 shall ~~be required to~~ use a Uniform Port  
 324 Access Credential Card that is to be used ~~utilized~~ in the  
 325 operation of the state Uniform Port Access Credential System as  
 326 required herein. All Uniform Port Access Credential Cards shall  
 327 be issued by the Department of Highway Safety and Motor Vehicles  
 328 to the designated port authority, or recognized governing board,

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329 of the requesting seaport for distribution to the credential  
330 applicant.

331 (2)(a) The Department of Highway Safety and Motor  
332 Vehicles, in consultation with the Department of Law  
333 Enforcement, the Florida Seaport Transportation and Economic  
334 Development Council, the Florida Trucking Association, and the  
335 United States Transportation Security Administration shall  
336 develop a Uniform Port Access Credential System for use in  
337 onsite verification of access authority for all persons on a  
338 seaport as defined in s. 311.12(2), using ~~utilizing~~ the Uniform  
339 Port Access Credential Card as authorized herein. Each seaport,  
340 in a manner consistent with the "Port Security Standards  
341 Compliance Plan" delivered to the Speaker of the House of  
342 Representatives and the President of the Senate on December 11,  
343 2000, under ~~pursuant to~~ s. 311.12, and this section, is  
344 responsible for granting, restricting, or modifying access  
345 authority provided to each Uniform Port Access Credential Card  
346 holder and promptly communicating the levels of access or  
347 changes in the level of access to the department for its use in  
348 administering the Uniform Port Access Credential System. Each  
349 seaport is responsible for the proper operation and maintenance  
350 of the Uniform Port Access Credential Card reader and access  
351 verification utilizing the Uniform Port Access Credential System  
352 at its location. The Uniform Port Access Credential Card reader  
353 and Uniform Port Access Credential System shall be used ~~utilized~~  
354 by each seaport to ensure compliance with the access  
355 restrictions provided by s. 311.12.

356 (b) The system shall be designed to conform, as closely as  
 357 possible, with criteria established by the United States  
 358 Transportation Security Administration for a Transportation  
 359 Worker Identification Card, or similar identification, as  
 360 required by federal law. The system shall, at a minimum,  
 361 consist of:

362 1. A centralized, secure database for collecting and  
 363 maintaining fingerprints and other biometric means of identity,  
 364 and other information pertaining to personal identification of  
 365 persons working on, or doing business at, a Florida seaport as  
 366 set forth in s. 311.12;

367 2. A methodology for receiving data from each port and  
 368 transmitting data to each port regarding access permissions;

369 3. Technology required for each gate and portal at each  
 370 seaport to be interactive with the Uniform Port Access  
 371 Credential System during all hours of operation;

372 4. The ability to identify persons who have violated the  
 373 access requirements of s. 311.12 and to deactivate the access  
 374 permissions of those persons; and

375 5. The ability to use ~~utilize~~ the Uniform Port Access  
 376 Credential Card in a manner consistent herein.

377  
 378 The ~~Such~~ system shall be designed to ensure the credentialed  
 379 cardholders' privacy in a manner consistent with the state's  
 380 security requirements as provided herein.

381 (3) The Uniform Port Access Credential Card must include  
 382 at a minimum a digital fullface photograph, a digital  
 383 fingerprint, a multilayered security process, a two-dimensional

384 barcode with technology specifications that will allow the  
 385 unique biometric identifiers to reside in the barcode, a unique  
 386 identifying code or number, scanning capability to compare  
 387 required identifiers with information on file in the central  
 388 database, and background color differentials for visual  
 389 identification of access permissions.

390 (4) A fingerprint-based criminal history check shall be  
 391 performed on an applicant for a Uniform Port Access Credential  
 392 Card as provided in s. 311.12(3). Based upon review of the  
 393 criminal history check, each seaport may determine the specific  
 394 access permissions that will be granted to that applicant. Upon  
 395 receipt of a port authority "Notification of Access Permission"  
 396 form and a verification of the criminal history check, the  
 397 department shall issue a Uniform Port Access Credential Card to  
 398 the port authority for distribution to the applicant.

399 (5) A Uniform Port Access Credential Card is valid for 4  
 400 years following the date of issuance. Criminal history checks  
 401 may be performed on a random basis, but at least once a year,  
 402 during the period that the ~~such~~ credential card is active to  
 403 ensure that the credential holder complies with the requirements  
 404 for access to restricted areas provided in s. 311.12(3). Failure  
 405 to complete any part of the required credential application  
 406 process, or failure to comply with the criminal history  
 407 clearances, shall be grounds for immediate denial of access. In  
 408 addition to access authority granted to seaports, access  
 409 authority may be restricted or revoked by the Department of  
 410 Highway Safety and Motor Vehicles or the Department of Law  
 411 Enforcement if the cardholder is suspected of criminal

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412 | violations that could affect the security of a port or that  
 413 | otherwise render the cardholder ineligible for port access, upon  
 414 | suspicion that the person in possession of the card is using it,  
 415 | or attempting to use it, fraudulently, or if restriction or  
 416 | revocation is done to assure the security of any port or portion  
 417 | thereof.

418 |         (6) Corporations, persons, or other business entities that  
 419 | employ persons to work on, or do business at, seaports regulated  
 420 | in s. 311.12 shall notify those seaports for which those  
 421 | employees have access permissions in the event of the employee's  
 422 | termination, resignation, work-related incapacitation, or death.  
 423 | Uniform Port Access Credential Card accesses for persons not  
 424 | currently employed to perform a job on a seaport shall be placed  
 425 | in an inactive status. Upon notification of a work status  
 426 | change, the port authority, or recognized governing board, shall  
 427 | notify the department to have the credential card placed in an  
 428 | inactive status. Inactive status shall continue until the  
 429 | expiration of the credential card or reactivation of the card by  
 430 | petition. The former employee may have the credential card  
 431 | reactivated by petitioning a seaport. The port authority, or  
 432 | recognized governing board, of any seaport may determine that  
 433 | the individual is employed by another appropriate entity or is  
 434 | self-employed for purposes of performing work on the seaport.  
 435 | Upon that determination, the port authority, or recognized  
 436 | governing board, may request reactivation of credentialing  
 437 | permissions. All these ~~such~~ cards may be restricted or revoked  
 438 | as provided in subsection(5).



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439 (7) Failure to report a change in work status, as defined  
440 in this section, within 7 days after the action may result in  
441 revocation of the business entity's access to the seaport.

442 (8) Each person working on a seaport, as regulated in s.  
443 311.12(2), shall be issued a Uniform Port Access Credential Card  
444 upon completion of the application process. Upon issuance of the  
445 Uniform Port Access Credential Card, the cardholder is eligible  
446 to enter a seaport in the system based on the level of  
447 permission allowed by each respective seaport. A person working  
448 in a restricted access area must meet the requirements of s.  
449 311.12(3). The Uniform Port Access Credential Card shall be  
450 clearly marked for visual verification of the cardholder's  
451 permission for access to a restricted area, under ~~pursuant to~~  
452 subsection (3). The card must contain biometric verification of  
453 the cardholder's identity and proper access permissions.  
454 Entrance to a restricted access area, as defined in s.  
455 311.12(2), shall require a machine check and fingerprint  
456 verification of each person's Uniform Port Access Credential  
457 Card for proper identification. Exit from any restricted access  
458 area of a seaport shall require a machine check of the  
459 credential card.

460 (9) Each person not producing a Uniform Port Access  
461 Credential Card upon arrival at a restricted area of a seaport  
462 must, at a minimum, stop at a check point, show valid  
463 identification, and receive a visitor's pass in order to  
464 proceed. The visitor's pass must be plainly displayed on the  
465 person of the visitor or in the windshield of the vehicle and  
466 designate what area of the seaport may be accessed by the

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467 visitor. Failure to display the visitor's pass shall result in  
 468 revocation of a worker's permission to work on the seaport.  
 469 Public conveyances such as buses carrying passengers into  
 470 restricted access areas must be able to verify that all  
 471 passengers have legitimate business on the seaport. Procedures  
 472 for implementation of this process are the responsibility of  
 473 each seaport.

474 (10) The price of a Uniform Port Access Credential Card  
 475 shall be set by the department and shall reflect the cost of the  
 476 required criminal history checks, including the cost of the  
 477 initial state and federal fingerprint check and the annual  
 478 criminal history check and the cost of production and issuance  
 479 of the card by the department. A seaport may charge an  
 480 additional administrative fee to cover the costs of issuing  
 481 credentials to its employees and persons doing business at the  
 482 seaport.

483 (11) Each Uniform Port Access Credential Card remains the  
 484 property of the State of Florida. Any person possessing ~~such~~ a  
 485 card shall provide it to any law enforcement officer upon  
 486 request. A law enforcement officer having reasonable suspicion  
 487 to believe that a card is possessed or is being used in  
 488 violation of law or the standards provided by this section, or  
 489 in any other manner that raises a concern about the safety and  
 490 security of a seaport, may seize the card. A cardholder has no  
 491 cause of action against any law enforcement officer who seizes a  
 492 Uniform Port Access Credential Card.

493 (12) Each seaport defined in s. 311.09 and required to  
 494 meet the minimum security standards set forth in s. 311.12 shall

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495 | comply with technology improvement requirements for the  
 496 | activation of the Uniform Port Access Credential System no later  
 497 | than July 1, 2004. Equipment and technology requirements for the  
 498 | system shall be specified by the department no later than July  
 499 | 1, 2003. The system shall be implemented at the earliest  
 500 | possible time that all seaports have active technology in place,  
 501 | but no later than July 1, 2004.

502 |       (13) The "Port Security Standards Compliance Plan"  
 503 | delivered to the Speaker of the House of Representatives and the  
 504 | President of the Senate on December 11, 2000, under ~~pursuant to~~  
 505 | s. 311.12, shall be updated by the Department of Law Enforcement  
 506 | to reflect the changes made by this act.

507 |       (14) This section shall be contingent on the receipt of  
 508 | the federal grant funds necessary to implement the Uniform Port  
 509 | Access Credential System.

510 |       Section 3. For the purpose of incorporating the amendment  
 511 | to section 311.12, Florida Statutes, in a reference thereto,  
 512 | subsection (6) of section 315.02, Florida Statutes, is reenacted  
 513 | to read:

514 |       315.02 Definitions.--As used in this law, the following  
 515 | words and terms shall have the following meanings:

516 |       (6) The term "port facilities" shall mean and shall  
 517 | include harbor, shipping, and port facilities, and improvements  
 518 | of every kind, nature, and description, including, but without  
 519 | limitation, channels, turning basins, jetties, breakwaters,  
 520 | public landings, wharves, docks, markets, parks, recreational  
 521 | facilities, structures, buildings, piers, storage facilities,  
 522 | including facilities that may be used for warehouse, storage,

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523 and distribution of cargo transported or to be transported  
524 through an airport or port facility, security measures  
525 identified pursuant to s. 311.12, public buildings and plazas,  
526 anchorages, utilities, bridges, tunnels, roads, causeways, and  
527 any and all property and facilities necessary or useful in  
528 connection with the foregoing, and any one or more or any  
529 combination thereof and any extension, addition, betterment, or  
530 improvement of any thereof.

531       Section 4. Notwithstanding s. 311.12, Florida Statutes, as  
532 amended by this act and as implemented under chapter 2003-96,  
533 Laws of Florida, any person holding credentials on June 3, 2003,  
534 that allow access as provided by s. 311.12, Florida Statutes,  
535 and who is otherwise qualified for such access shall not have  
536 access denied solely upon grounds related to a prior conviction  
537 within the preceding 7 years, but may be disqualified if such  
538 conviction occurred within the preceding 5 years. This section  
539 is repealed on June 4, 2005.

540       Section 5. This act shall take effect July 1, 2004.