

By the Committee on Home Defense, Public Security, and Ports

318-2425-04

1                                   A bill to be entitled  
2           An act relating to seaport security standards;  
3           amending s. 311.12, F.S.; providing for  
4           legislative review of seaports not in  
5           substantial compliance with statewide minimum  
6           security standards by November 2005; requiring  
7           the Legislature to review certain security  
8           costs; prohibiting the expenditure of state  
9           funds without certification of need by the  
10          Office of Ports Administrator within the  
11          Department of Law Enforcement; providing an  
12          effective date.

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

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16           Section 1. Subsection (4) of section 311.12, Florida  
17 Statutes, is amended to read:

18           311.12 Seaport security standards.--

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

22           (b) The Office of Drug Control and the Department of  
23 Law Enforcement may modify or waive any physical facility or  
24 other requirement contained in the statewide minimum standards  
25 for seaport security upon a finding or other determination  
26 that the purposes of the standards have been reasonably met or  
27 exceeded by the seaport requesting the modification or waiver.  
28 Such modifications or waivers shall be noted in the annual  
29 report submitted by the Department of Law Enforcement pursuant  
30 to this subsection.

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1           (c) Beginning with the 2001-2002 fiscal year, the  
2 Department of Law Enforcement, or any entity designated by the  
3 department, shall conduct no less than one annual unannounced  
4 inspection of each seaport listed in s. 311.09 to determine  
5 whether the seaport is meeting the minimum standards  
6 established pursuant to this section, and to identify seaport  
7 security changes or improvements necessary or otherwise  
8 recommended. The Department of Law Enforcement, or any entity  
9 designated by the department, may conduct additional announced  
10 or unannounced inspections or operations within or affecting  
11 any affected seaport to test compliance with, or the  
12 effectiveness of, security plans and operations at each  
13 seaport, to determine compliance with physical facility  
14 requirements and standards, or to assist the department in  
15 identifying changes or improvements necessary to bring a  
16 seaport into compliance with the statewide minimum security  
17 standards.

18           (d) By December 31, 2001, and annually thereafter, the  
19 Department of Law Enforcement, in consultation with the Office  
20 of Drug Control, shall complete a report indicating the  
21 observations and findings of all inspections or operations  
22 conducted during the year and any recommendations developed by  
23 reason of such inspections. A copy of the report shall be  
24 provided to the Governor, the President of the Senate, the  
25 Speaker of the House of Representatives, and the chief  
26 administrator of each seaport inspected. The report shall  
27 include responses from the chief administrator of any seaport  
28 indicating what actions, if any, have been taken or are  
29 planned to be taken in response to the recommendations,  
30 observations, and findings reported by the department.

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1           (e) In making security project or other funding  
2 decisions applicable to each seaport listed in s. 311.09, the  
3 Legislature may consider as authoritative the annual report of  
4 the Department of Law Enforcement required by this section,  
5 especially regarding each seaport's degree of substantial  
6 compliance with the statewide minimum security standards  
7 established by this section. The Legislature shall review any  
8 seaport that is not in substantial compliance with the  
9 statewide minimum security standards by November 2005, as  
10 reported by the Department of Law Enforcement.

11           (f) By December 31, 2004, the Legislature shall review  
12 the ongoing costs of operational security on seaports, the  
13 impacts of this section on those costs, mitigating factors  
14 that may reduce costs without reducing security, and methods  
15 by which seaports may implement operational security using a  
16 combination of sworn law enforcement officers and private  
17 security services.

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

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 1820

Provides for a legislative review to be completed by December 31, 2004, to review the ongoing operational security costs on seaports, the impacts of minimum security standards on those costs, mitigating factors that may reduce such costs without reducing security, and methods of operational security using a combination of sworn law enforcement officers and private security services.

Provides that no state funds may be expended for operational security costs without certification of need for such expenditures by the Office of the Ports Administrator within the Department of Law Enforcement.