

By the Committee on Domestic Security

583-868C-05

1 A bill to be entitled
2 An act relating to the certification and duties
3 of seaport security officers; creating s.
4 311.121, F.S.; authorizing the seaport
5 authority or governing board of certain
6 seaports to require that seaport security
7 officers receive additional training and
8 certification; providing eligibility
9 requirements for such certification; creating
10 the Seaport Security Officer Qualifications,
11 Training, and Standards Steering Committee to
12 develop the curriculum for the training
13 program; providing for the membership of the
14 steering committee; requiring the Division of
15 Community Colleges to implement the training
16 curriculum; authorizing the substitution of
17 training equivalencies; requiring an
18 examination; providing requirements for
19 certification renewal; providing requirements
20 for schools that offer training for seaport
21 security officers; providing for issuance of a
22 license indicating that the licensee is
23 certified as a seaport security officer;
24 creating s. 311.122, F.S.; authorizing a
25 seaport security officer to take into custody
26 any person whom the officer has cause to
27 believe is trespassing in a restricted access
28 area; providing that such officer is not
29 criminally or civilly liable for taking such
30 action; providing an effective date.
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Section 311.121, Florida Statutes, is
4 created to read:

5 311.121 Qualifications, training, and certification of
6 licensed security officers working on Florida seaports.--

7 (1) Each seaport authority or governing board of a
8 seaport identified in s. 311.09 which is subject to the
9 statewide minimum seaport security standards set forth in s.
10 311.12 may require that security officers working on the
11 seaport receive additional training and certification as a
12 seaport security officer.

13 (2) Any person who has received a Class D license as a
14 security officer pursuant to chapter 493 and successfully
15 completed the entire certified training curriculum for a Class
16 D license, or who has been determined to have equivalent
17 experience by the Department of Agriculture and Consumer
18 Services, is eligible to complete training and testing to
19 become certified as a seaport security officer. As used in
20 this subsection, the term "equivalent experience" means
21 experience that is substantially identical and equal in force,
22 power, and effect or import as the experience gained by
23 personal knowledge and activity for the required period of
24 time performing the type of service permitted under the
25 license for which application is made. The department shall
26 have final authority over any determination of equivalent
27 experience.

28 (3) The curriculum for the seaport security officer
29 training program shall be developed by the Seaport Security
30 Officer Qualifications, Training, and Standards Steering
31 Committee. The steering committee shall meet at least once

1 each year to update or modify the curriculum. Members of the
2 Steering Committee shall be appointed by the Department of Law
3 Enforcement. Members shall serve for the duration of their
4 employment or appointment in a specified position, or for a
5 term of 4 years if not designated by title to a specified
6 position. The members of the steering committee shall be the
7 Seaport Administrator of the Department of Law Enforcement,
8 the Chancellor of the Community College System, the Director
9 of the Division of Licensing of the Department of Agriculture
10 and Consumer Services, the Administrator of the Florida
11 Seaport Transportation and Economic Development Council, two
12 seaport security directors from ports designated in s. 311.09,
13 one director of a state law enforcement academy, one
14 representative of a local law enforcement agency, two
15 representatives of contract security services, one
16 representative of the Division of Driver Licenses of the
17 Department of Highway Safety and Motor Vehicles, and one
18 representative of the United States Coast Guard.

19 (4) The Division of Community Colleges within the
20 Department of Education shall be responsible for implementing
21 the curriculum recommendations of the Seaport Security Officer
22 Qualifications, Training, and Standards Steering Committee in
23 order to provide a training program for certified seaport
24 security officers which shall be used by licensed schools
25 pursuant to s. 493.6304. Each instructor providing training
26 must hold a Class DI license pursuant to s. 493.6301. A
27 seaport authority or other organization involved in
28 seaport-related activities may apply to become a licensed
29 school pursuant to s. 493.6304.

30 (5) The Seaport Security Officer Qualifications,
31 Training, and Standards Steering Committee may consider

1 training equivalencies that may be substituted for the
2 required training. These equivalencies must be established and
3 made known to persons seeking certification in advance of
4 training. A candidate for certification as a seaport security
5 officer shall be required to successfully pass a proficiency
6 examination.

7 (6) Persons who successfully complete the training, or
8 training equivalency, and pass the examination shall receive a
9 State of Florida Seaport Security Officer Certificate. This
10 certificate authorizes the bearer to represent that he or she
11 is qualified to perform duties specifically required of a
12 seaport security officer. The certificate shall remain valid
13 for the duration of an active Class D license and shall be
14 considered renewed upon proper renewal of the Class D license.
15 The certificate becomes void if the Class D license is revoked
16 or allowed to lapse for more than 1 year. Renewal of
17 certification following revocation or a lapse of longer than 1
18 year of a Class D license requires, at a minimum,
19 reexamination of the applicant.

20 (7) A State of Florida Seaport Security Officer
21 Certificate may be issued by a school licensed pursuant to s.
22 493.6304 upon a person's successful completion of the training
23 curriculum, proof of any applicable training equivalencies,
24 and passage of a proficiency examination. The certificate
25 shall be provided by the Department of Agriculture and
26 Consumer Services for issuance by the school. A school shall
27 notify the Division of Licensing within the department upon
28 the issuance of each State of Florida Seaport Security Officer
29 Certificate. The notification must include the name and Class
30 D license number of the certificateholder and a copy of the
31 certificate. The department shall place the notification with

1 the Class D licensee's file. Notification may be made through
2 an electronic or paper format pursuant to instructions of the
3 Department of Agriculture and Consumer Services.

4 (8) Upon completion of the certification process, a
5 person holding a Class D license shall be required to apply
6 for a revised duplicate license pursuant to s. 493.6107(2).
7 The revised duplicate license must contain language or
8 markings indicating that the licensee is certified as a
9 seaport security officer.

10 Section 2. Section 311.122, Florida Statutes, is
11 created to read:

12 311.122 Trespassing; detention by a certified seaport
13 security officer.--Any Facility Security Officer as designated
14 pursuant to 33 C.F.R. part 105 for each seaport identified in
15 s. 311.09, or any employee or agent holding a Class D or Class
16 G license and certification as a seaport security officer who
17 is designated by the Facility Security Officer to maintain
18 order and provide security within the seaport, who has
19 probable cause to believe that a person is trespassing in a
20 designated restricted access area of a seaport pursuant to s.
21 810.08 or s. 810.09 may take such person into custody and
22 detain him or her in a reasonable manner for a reasonable
23 length of time pending the arrival of a law enforcement
24 officer. Such taking into custody and detention by an
25 authorized person does not render that person criminally or
26 civilly liable for false arrest, false imprisonment, or
27 unlawful detention. If a trespasser is taken into custody, a
28 law enforcement officer shall be called to the scene
29 immediately after the person is taken into custody.

30 Section 3. This act shall take effect July 1, 2005.
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