

By the Committee on Domestic Security

583-1702-05

1 A bill to be entitled
2 An act relating to seaport security; amending
3 s. 311.12, F.S.; requiring that the Department
4 of Law Enforcement establish a waiver process
5 for allowing an individual, who is otherwise
6 unqualified, to be allowed unescorted access to
7 a seaport or restricted access area; requiring
8 that the administrative staff of the Parole
9 Commission review the facts of the waiver
10 application and transmit the findings to the
11 Department of Law Enforcement; requiring the
12 department to make a final disposition of the
13 application and notify the applicant and the
14 port authority that denied employment to the
15 applicant; exempting the review from ch. 120,
16 F.S.; creating s. 311.121, F.S.; authorizing
17 the seaport authority or governing board of
18 certain seaports to require that seaport
19 security officers receive additional training
20 and certification; providing eligibility
21 requirements for such certification; creating
22 the Seaport Security Officer Qualifications,
23 Training, and Standards Steering Committee to
24 develop the curriculum for the training
25 program; providing for the membership of the
26 steering committee; requiring the Department of
27 Education to implement the training curriculum;
28 authorizing the substitution of training
29 equivalencies; requiring an examination;
30 providing requirements for certification
31 renewal; providing requirements for schools

1 that offer training for seaport security
2 officers; providing for issuance of a license
3 indicating that the licensee is certified as a
4 seaport security officer; creating s. 311.122,
5 F.S.; authorizing a seaport security officer to
6 take into custody any person whom the officer
7 has cause to believe is trespassing in a
8 restricted access area; providing that such
9 officer is not criminally or civilly liable for
10 taking such action; creating s. 311.123, F.S. ;
11 requiring that the Florida Seaport
12 Transportation and Economic Development
13 Council, in conjunction with the Department of
14 Law Enforcement and the Governor's Office of
15 Drug Control, create a maritime domain
16 awareness training program; providing purposes
17 of the program; providing requirements for the
18 curriculum; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Paragraph (e) is added to subsection (3) of
23 section 311.12, Florida Statutes, to read:

24 311.12 Seaport security standards.--

25 (3)

26 (e) The Department of Law Enforcement shall establish
27 a waiver process for allowing unescorted access to an
28 individual who is found to be unqualified under paragraph (c)
29 and denied employment by a seaport. The waiver consideration
30 shall be based on the circumstances of any disqualifying act
31 or offense, restitution made by the individual, and other

1 factors from which it may be determined that the individual
2 does not pose a risk of engaging in theft, drug trafficking,
3 or terrorism within the public seaports regulated under this
4 chapter or of harming the residents of this state. The waiver
5 process shall begin when an individual who has been denied
6 initial employment within or regular unescorted access to
7 restricted areas on a public seaport as described in paragraph
8 (c) submits an application for a waiver, along with a
9 notarized letter or affidavit from the individual's employer
10 or union representative, which states the mitigating reasons
11 for initiating the waiver process. No later than 90 days after
12 receipt of the application, the administrative staff of the
13 Parole Commission shall conduct a factual review of the waiver
14 application. Findings of fact shall be transmitted to the
15 Department of Law Enforcement for review. The department shall
16 make a copy of those findings available to the applicant
17 before final disposition of the waiver request. The department
18 shall make a final disposition of the waiver request based on
19 the factual findings of the investigation by the Parole
20 Commission. The port authority that originally denied
21 employment and the waiver applicant shall be notified of the
22 final disposition of the waiver application by the department.
23 This review process is exempt from chapter 120.

24 Section 2. Section 311.121, Florida Statutes, is
25 created to read:

26 311.121 Qualifications, training, and certification of
27 licensed security officers working on Florida seaports.--

28 (1) Each seaport authority or governing board of a
29 seaport identified in s. 311.09 which is subject to the
30 statewide minimum seaport security standards set forth in s.
31 311.12 may require that security officers working on the

1 seaport receive additional training and certification as a
2 seaport security officer.

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

18 (3) The curriculum for the seaport security officer
19 training program shall be developed by the Seaport Security
20 Officer Qualifications, Training, and Standards Steering
21 Committee. The curriculum must conform to the model courses
22 for facility personnel with specific security duties which
23 have been approved by the federal Maritime Administration
24 under Section 109 of the federal Maritime Transportation
25 Security Act of 2002. The steering committee shall meet at
26 least once each year to update or modify the curriculum.
27 Members of the Steering Committee shall be appointed by the
28 Department of Law Enforcement. Members shall serve for the
29 duration of their employment or appointment in a specified
30 position, or for a term of 4 years if not designated by title
31 to a specified position. The members of the steering committee

1 shall be the Seaport Administrator of the Department of Law
2 Enforcement, the Chancellor of the Community College System,
3 the Director of the Division of Licensing of the Department of
4 Agriculture and Consumer Services, the Administrator of the
5 Florida Seaport Transportation and Economic Development
6 Council, two seaport security directors from ports designated
7 in s. 311.09, one director of a state law enforcement academy,
8 one representative of a local law enforcement agency, two
9 representatives of contract security services, one
10 representative of the Division of Driver Licenses of the
11 Department of Highway Safety and Motor Vehicles, and one
12 representative of the United States Coast Guard.

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

23 (5) The Seaport Security Officer Qualifications,
24 Training, and Standards Steering Committee may consider
25 training equivalencies that may be substituted for the
26 required training. These equivalencies must be established and
27 made known to persons seeking certification in advance of
28 training. A candidate for certification as a seaport security
29 officer shall be required to successfully pass a proficiency
30 examination.

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

14 (7) A State of Florida Seaport Security Officer
15 Certificate may be issued by a school licensed pursuant to s.
16 493.6304 upon a person's successful completion of the training
17 curriculum, proof of any applicable training equivalencies,
18 and passage of a proficiency examination. The certificate
19 shall be provided by the Department of Agriculture and
20 Consumer Services for issuance by the school. A school shall
21 notify the Division of Licensing within the department upon
22 the issuance of each State of Florida Seaport Security Officer
23 Certificate. The notification must include the name and Class
24 D license number of the certificateholder and a copy of the
25 certificate. The department shall place the notification with
26 the Class D licensee's file. Notification may be made through
27 an electronic or paper format pursuant to instructions of the
28 Department of Agriculture and Consumer Services.

29 (8) Upon completion of the certification process, a
30 person holding a Class D license shall be required to apply
31 for a revised duplicate license pursuant to s. 493.6107(2).

1 The revised duplicate license must contain language or
2 markings indicating that the licensee is certified as a
3 seaport security officer.

4 Section 3. Section 311.122, Florida Statutes, is
5 created to read:

6 311.122 Trespassing; detention by a certified seaport
7 security officer.--Any Facility Security Officer as designated
8 pursuant to 33 C.F.R. part 105 for each seaport identified in
9 s. 311.09, or any employee or agent holding a Class D or Class
10 G license and certification as a seaport security officer who
11 is designated by the Facility Security Officer to maintain
12 order and provide security within the seaport, who has
13 probable cause to believe that a person is trespassing in a
14 designated restricted access area of a seaport pursuant to s.
15 810.08 or s. 810.09 may take such person into custody and
16 detain him or her in a reasonable manner for a reasonable
17 length of time pending the arrival of a law enforcement
18 officer. Such taking into custody and detention by an
19 authorized person does not render that person criminally or
20 civilly liable for false arrest, false imprisonment, or
21 unlawful detention. If a trespasser is taken into custody, a
22 law enforcement officer shall be called to the scene
23 immediately after the person is taken into custody.

24 Section 4. Section 311.123, Florida Statutes, is
25 created to read:

26 311.123 Maritime domain awareness training of
27 personnel working on Florida seaports.--The Florida Seaport
28 Transportation and Economic Development Council, in
29 conjunction with the Department of Law Enforcement and the
30 Office of Drug Control within the Executive Office of the
31 Governor, shall create a maritime domain awareness training

1 program. The program shall provide training designed to
2 instruct all workers within a seaport's boundaries about the
3 security awareness procedures required of those workers in
4 order to implement the security plan of the seaport. The
5 training program curriculum must also include security
6 training required pursuant to 33 C.F.R. part 105 and must be
7 designed to enable the seaports in this state to meet the
8 training, drill, and exercise requirements of 33 C.F.R. part
9 105, individual seaport security plans, and the security
10 awareness requirements of s. 311.12.

11 Section 5. This act shall take effect July 1, 2005.

12
13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
14 COMMITTEE SUBSTITUTE FOR
15 Senate Bill 1062

16 The bill amends s. 311.12, F.S. to establish a waiver process
17 for persons who have been determined not qualified for initial
employment at a seaport pursuant to s. 311.12 (3) (c).

18 The bill also creates s. 311.123, F.S. to establish a maritime
19 domain awareness training program. The program shall be
20 designed to provide seaport workers with security awareness
training to include training required by 33 C.F.R.. part 105,
individual seaport security plans, and s. 311.12, F.S.