

By the Committees on Criminal Justice; and Domestic Security

591-2179-05

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 legislative intent
21 relating to mitigation of operational security
22 costs at seaports; requiring the department to
23 apply such intent; providing eligibility
24 requirements for such certification; creating
25 the Seaport Security Officer Qualifications,
26 Training, and Standards Steering Committee to
27 develop the curriculum for the training
28 program; providing for the membership of the
29 steering committee; requiring the Department of
30 Education to implement the training curriculum;
31 authorizing the substitution of training

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

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Paragraph (e) is added to subsection (3) of
26 section 311.12, Florida Statutes, to read:

27 311.12 Seaport security standards.--

28 (3)

29 (e) The Department of Law Enforcement shall establish
30 a waiver process for allowing unescorted access to an
31 individual who is found to be unqualified under paragraph (c)

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

27 Section 2. Section 311.121, Florida Statutes, is
28 created to read:

29 311.121 Qualifications, training, and certification of
30 licensed security officers working on Florida seaports.--
31

1 (1) Each seaport authority or governing board of a
2 seaport identified in s. 311.09 which is subject to the
3 statewide minimum seaport security standards set forth in s.
4 311.12 may require that security officers working on the
5 seaport receive additional training and certification as a
6 seaport security officer. In accordance with s. 311.12(4), it
7 is the intent of the Legislature to provide seaports in this
8 state with the ability to mitigate operational security costs
9 without reducing security through a combination of sworn law
10 enforcement officers and certified private security services
11 as provided in this section. To the maximum extent feasible,
12 the Florida Department of Law Enforcement shall apply this
13 intent in achieving the security requirements as required in
14 s. 311.12.

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

30 (3) The curriculum for the seaport security officer
31 training program shall be developed by the Seaport Security

1 Officer Qualifications, Training, and Standards Steering
2 Committee. The curriculum must conform to the model courses
3 for facility personnel with specific security duties which
4 have been approved by the federal Maritime Administration
5 under Section 109 of the federal Maritime Transportation
6 Security Act of 2002. The steering committee shall meet at
7 least once each year to update or modify the curriculum.
8 Members of the Steering Committee shall be appointed by the
9 Department of Law Enforcement. Members shall serve for the
10 duration of their employment or appointment in a specified
11 position, or for a term of 4 years if not designated by title
12 to a specified position. The members of the steering committee
13 shall be the Seaport Administrator of the Department of Law
14 Enforcement, the Chancellor of the Community College System,
15 the Director of the Division of Licensing of the Department of
16 Agriculture and Consumer Services, the Administrator of the
17 Florida Seaport Transportation and Economic Development
18 Council, two seaport security directors from ports designated
19 in s. 311.09, one director of a state law enforcement academy,
20 one representative of a local law enforcement agency, two
21 representatives of contract security services, one
22 representative of the Division of Driver Licenses of the
23 Department of Highway Safety and Motor Vehicles, and one
24 representative of the United States Coast Guard.

25 (4) The Department of Education shall be responsible
26 for implementing the curriculum recommendations of the Seaport
27 Security Officer Qualifications, Training, and Standards
28 Steering Committee in order to provide a training program for
29 certified seaport security officers which shall be used by
30 licensed schools pursuant to s. 493.6304. Each instructor
31 providing training must hold a Class DI license pursuant to s.

1 493.6301. A seaport authority or other organization involved
2 in seaport-related activities may apply to become a licensed
3 school pursuant to s. 493.6304.

4 (5) The Seaport Security Officer Qualifications,
5 Training, and Standards Steering Committee may consider
6 training equivalencies that may be substituted for the
7 required training. These equivalencies must be established and
8 made known to persons seeking certification in advance of
9 training. A candidate for certification as a seaport security
10 officer shall be required to successfully pass a proficiency
11 examination.

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

25 (7) A State of Florida Seaport Security Officer
26 Certificate may be issued by a school licensed pursuant to s.
27 493.6304 upon a person's successful completion of the training
28 curriculum, proof of any applicable training equivalencies,
29 and passage of a proficiency examination. The certificate
30 shall be provided by the Department of Agriculture and
31 Consumer Services for issuance by the school. A school shall

1 notify the Division of Licensing within the department upon
2 the issuance of each State of Florida Seaport Security Officer
3 Certificate. The notification must include the name and Class
4 D license number of the certificateholder and a copy of the
5 certificate. The department shall place the notification with
6 the Class D licensee's file. Notification may be made through
7 an electronic or paper format pursuant to instructions of the
8 Department of Agriculture and Consumer Services.

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

15 Section 3. Section 311.122, Florida Statutes, is
16 created to read:

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

1 unlawful detention. If a trespasser is taken into custody, a
2 law enforcement officer shall be called to the scene
3 immediately after the person is taken into custody.

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

6 311.123 Maritime domain awareness training of
7 personnel working on Florida seaports.--The Florida Seaport
8 Transportation and Economic Development Council, in
9 conjunction with the Department of Law Enforcement and the
10 Office of Drug Control within the Executive Office of the
11 Governor, shall create a maritime domain awareness training
12 program. The program shall provide training designed to
13 instruct all workers within a seaport's boundaries about the
14 security awareness procedures required of those workers in
15 order to implement the security plan of the seaport. The
16 training program curriculum must also include security
17 training required pursuant to 33 C.F.R. part 105 and must be
18 designed to enable the seaports in this state to meet the
19 training, drill, and exercise requirements of 33 C.F.R. part
20 105, individual seaport security plans, and the security
21 awareness requirements of s. 311.12.

22 Section 5. This act shall take effect July 1, 2005.
23

24 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
25 COMMITTEE SUBSTITUTE FOR
26 CS/SB 1062

27 Expresses the intent of the Legislature to provide Florida
28 seaports with the ability to mitigate operational security
29 costs without reducing security through a combination of sworn
30 law enforcement officers and certified private security
31 services, and provides that, to the maximum extent feasible,
the Florida Department of Law Enforcement shall apply this
intent in achieving the seaport security requirements in s.
311.12, F.S.