

By the Committees on Transportation and Economic Development
Appropriations; Criminal Justice; and Domestic Security

606-2368-05

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; defining the term
14 "restricted access area"; providing for
15 designation of part or all of a seaport as a
16 restricted access area under certain emergency
17 conditions; creating s. 311.123, F.S. ;
18 requiring that the Florida Seaport
19 Transportation and Economic Development
20 Council, in conjunction with the Department of
21 Law Enforcement and the Governor's Office of
22 Drug Control, create a maritime domain
23 awareness training program; providing purposes
24 of the program; providing requirements for the
25 curriculum; providing an effective date.

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

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

31 311.12 Seaport security standards.--

1 (3)
2 (e) The Department of Law Enforcement shall establish
3 a waiver process for allowing unescorted access to an
4 individual who is found to be unqualified under paragraph (c)
5 and denied employment by a seaport. The waiver consideration
6 shall be based on the circumstances of any disqualifying act
7 or offense, restitution made by the individual, and other
8 factors from which it may be determined that the individual
9 does not pose a risk of engaging in theft, drug trafficking,
10 or terrorism within the public seaports regulated under this
11 chapter or of harming the residents of this state. The waiver
12 process shall begin when an individual who has been denied
13 initial employment within or regular unescorted access to
14 restricted areas on a public seaport as described in paragraph
15 (c) submits an application for a waiver, along with a
16 notarized letter or affidavit from the individual's employer
17 or union representative, which states the mitigating reasons
18 for initiating the waiver process. No later than 90 days after
19 receipt of the application, the administrative staff of the
20 Parole Commission shall conduct a factual review of the waiver
21 application. Findings of fact shall be transmitted to the
22 Department of Law Enforcement for review. The department shall
23 make a copy of those findings available to the applicant
24 before final disposition of the waiver request. The department
25 shall make a final disposition of the waiver request based on
26 the factual findings of the investigation by the Parole
27 Commission. The port authority that originally denied
28 employment and the waiver applicant shall be notified of the
29 final disposition of the waiver application by the department.
30 This review process is exempt from chapter 120.
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1 Section 2. Section 311.121, Florida Statutes, is
2 created to read:

3 311.121 Qualifications, training, and certification of
4 licensed security officers working on Florida seaports.--

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

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

1 have final authority over any determination of equivalent
2 experience.

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

29 (4) The Department of Education shall be responsible
30 for implementing the curriculum recommendations of the Seaport
31 Security Officer Qualifications, Training, and Standards

1 Steering Committee in order to provide a training program for
2 certified seaport security officers which shall be used by
3 licensed schools pursuant to s. 493.6304. Each instructor
4 providing training must hold a Class DI license pursuant to s.
5 493.6301. A seaport authority or other organization involved
6 in seaport-related activities may apply to become a licensed
7 school pursuant to s. 493.6304.

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

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

29 (7) A State of Florida Seaport Security Officer
30 Certificate may be issued by a school licensed pursuant to s.
31 493.6304 upon a person's successful completion of the training

1 curriculum, proof of any applicable training equivalencies,
2 and passage of a proficiency examination. The certificate
3 shall be provided by the Department of Agriculture and
4 Consumer Services for issuance by the school. A school shall
5 notify the Division of Licensing within the department upon
6 the issuance of each State of Florida Seaport Security Officer
7 Certificate. The notification must include the name and Class
8 D license number of the certificateholder and a copy of the
9 certificate. The department shall place the notification with
10 the Class D licensee's file. Notification may be made through
11 an electronic or paper format pursuant to instructions of the
12 Department of Agriculture and Consumer Services.

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

19 Section 3. Section 311.122, Florida Statutes, is
20 created to read:

21 311.122 Trespassing; detention by a certified seaport
22 security officer.--Any Facility Security Officer as designated
23 pursuant to 33 C.F.R. part 105 for each seaport identified in
24 s. 311.09, or any employee or agent holding a Class D or Class
25 G license and certification as a seaport security officer who
26 is designated by the Facility Security Officer to maintain
27 order and provide security within the seaport, who has
28 probable cause to believe that a person is trespassing in a
29 designated restricted access area of a seaport pursuant to s.
30 810.08 or s. 810.09 may take such person into custody and
31 detain him or her in a reasonable manner for a reasonable

1 length of time pending the arrival of a law enforcement
2 officer. Such taking into custody and detention by an
3 authorized person does not render that person criminally or
4 civilly liable for false arrest, false imprisonment, or
5 unlawful detention. If a trespasser is taken into custody, a
6 law enforcement officer shall be called to the scene
7 immediately after the person is taken into custody. For the
8 purposes of this section, the term "designated restricted
9 access area" means an area where signage, fencing, or other
10 access-control measures designed to prevent unauthorized
11 access to that area are in place. During a period of a high
12 terrorist threat level, as defined by the United States
13 Department of Homeland Security or the Department of Law
14 Enforcement, or during a period of emergency declared by the
15 seaport security director of a particular port due to events
16 applicable to that particular port, the management or
17 controlling authority of the port may temporarily designate
18 any part or all of the port property as a restricted access
19 area. The duration of any such temporary designation is
20 limited to the period when the high terrorist threat level or
21 port emergency exists. This section does not limit the power
22 of the managing or controlling authority of a seaport to
23 designate any or all of the port property as a restricted
24 access area as otherwise provided by law.

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

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

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

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

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14 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
15 COMMITTEE SUBSTITUTE FOR
16 CS/CS Senate Bill 1062

17 During a period of a high terrorist threat level, or other
18 emergency situation, the port authority may designate all or
19 part of the port property as a restricted area.
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