

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

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

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

1 311.12 Seaport security standards.--
2 (3)
3 (e) The Department of Law Enforcement shall establish
4 a waiver process for allowing unescorted access to an
5 individual who is found to be unqualified under paragraph (c)
6 and denied employment by a seaport. The waiver consideration
7 shall be based on the circumstances of any disqualifying act
8 or offense, restitution made by the individual, and other
9 factors from which it may be determined that the individual
10 does not pose a risk of engaging in theft, drug trafficking,
11 or terrorism within the public seaports regulated under this
12 chapter or of harming the residents of this state. The waiver
13 process shall begin when an individual who has been denied
14 initial employment within or regular unescorted access to
15 restricted areas on a public seaport as described in paragraph
16 (c) submits an application for a waiver, along with a
17 notarized letter or affidavit from the individual's employer
18 or union representative, which states the mitigating reasons
19 for initiating the waiver process. No later than 90 days after
20 receipt of the application, the administrative staff of the
21 Parole Commission shall conduct a factual review of the waiver
22 application. Findings of fact shall be transmitted to the
23 Department of Law Enforcement for review. The department shall
24 make a copy of those findings available to the applicant
25 before final disposition of the waiver request. The department
26 shall make a final disposition of the waiver request based on
27 the factual findings of the investigation by the Parole
28 Commission. The port authority that originally denied
29 employment and the waiver applicant shall be notified of the
30 final disposition of the waiver application by the department.
31 This review process is exempt from chapter 120.

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 require no less than 8 hours
7 of initial certification training and must conform to or
8 exceed the model courses for facility personnel with specific
9 security duties which have been approved by the federal
10 Maritime Administration under Section 109 of the federal
11 Maritime Transportation Security Act of 2002. The steering
12 committee shall meet at least once each year to update or
13 modify the curriculum. Members of the Steering Committee shall
14 be appointed by the Department of Law Enforcement. Members
15 shall serve for the duration of their employment or
16 appointment in a specified position, or for a term of 4 years
17 if not designated by title to a specified position. The
18 members of the steering committee shall be the Seaport
19 Administrator of the Department of Law Enforcement, the
20 Chancellor of the Community College System, the Director of
21 the Division of Licensing of the Department of Agriculture and
22 Consumer Services, the Administrator of the Florida Seaport
23 Transportation and Economic Development Council, two seaport
24 security directors from ports designated in s. 311.09, one
25 director of a state law enforcement academy, one
26 representative of a local law enforcement agency, two
27 representatives of contract security services, one
28 representative of the Division of Driver Licenses of the
29 Department of Highway Safety and Motor Vehicles, and one
30 representative of the United States Coast Guard.

31

1 (4) The Department of Education shall be responsible
2 for implementing the curriculum recommendations of the Seaport
3 Security Officer Qualifications, Training, and Standards
4 Steering Committee in order to provide a training program for
5 certified seaport security officers which shall be used by
6 licensed schools pursuant to s. 493.6304. Each instructor
7 providing training must hold a Class DI license pursuant to s.
8 493.6301. A seaport authority or other organization involved
9 in seaport-related activities may apply to become a licensed
10 school pursuant to s. 493.6304.

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

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

1 (7) The steering committee shall recommend a
2 continuing education curriculum to be implemented by the
3 Department of Education. The curriculum must be offered by
4 any licensed school or seaport that offers certificate
5 training for seaport security officers and must require no
6 less than 4 hours of additional training per annual licensing
7 period. A seaport security officer certificate is void if the
8 certificateholder licensee fails to complete the annual
9 continuing education requirement prior to expiration of his or
10 her Class D license.

11 (8) A State of Florida Seaport Security Officer
12 Certificate may be issued by a school licensed pursuant to s.
13 493.6304 upon a person's successful completion of the training
14 curriculum, proof of any applicable training equivalencies,
15 and passage of a proficiency examination. The certificate
16 shall be provided by the Department of Agriculture and
17 Consumer Services for issuance by the school. A school shall
18 notify the Division of Licensing within the department upon
19 the issuance of each State of Florida Seaport Security Officer
20 Certificate. The notification must include the name and Class
21 D license number of the certificateholder and a copy of the
22 certificate. The department shall place the notification with
23 the Class D licensee's file. Notification may be made through
24 an electronic or paper format pursuant to instructions of the
25 Department of Agriculture and Consumer Services.

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

1 Section 3. Section 311.122, Florida Statutes, is
2 created to read:

3 311.122 Trespassing; detention by a certified seaport
4 security officer.--Any Facility Security Officer as designated
5 pursuant to 33 C.F.R. part 105 for each seaport identified in
6 s. 311.09, or any employee or agent holding a Class D or Class
7 G license and certification as a seaport security officer who
8 is designated by the Facility Security Officer to maintain
9 order and provide security within the seaport, who has
10 probable cause to believe that a person is trespassing in a
11 designated restricted access area of a seaport pursuant to s.
12 810.08 or s. 810.09 may take such person into custody and
13 detain him or her in a reasonable manner for a reasonable
14 length of time pending the arrival of a law enforcement
15 officer. Such taking into custody and detention by an
16 authorized person does not render that person criminally or
17 civilly liable for false arrest, false imprisonment, or
18 unlawful detention. If a trespasser is taken into custody, a
19 law enforcement officer shall be called to the scene
20 immediately after the person is taken into custody. For the
21 purposes of this section, the term "designated restricted
22 access area" means an area where signage, fencing, or other
23 access-control measures designed to prevent unauthorized
24 access to that area are in place. During a period of a high
25 terrorist threat level, as defined by the United States
26 Department of Homeland Security or the Department of Law
27 Enforcement, or during a period of emergency declared by the
28 seaport security director of a particular port due to events
29 applicable to that particular port, the management or
30 controlling authority of the port may temporarily designate
31 any part or all of the port property as a restricted access

1 area. The duration of any such temporary designation is
2 limited to the period when the high terrorist threat level or
3 port emergency exists. This section does not limit the power
4 of the managing or controlling authority of a seaport to
5 designate any or all of the port property as a restricted
6 access area as otherwise provided by law.

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

9 311.123 Maritime domain awareness training of
10 personnel working on Florida seaports.--The Florida Seaport
11 Transportation and Economic Development Council, in
12 conjunction with the Department of Law Enforcement and the
13 Office of Drug Control within the Executive Office of the
14 Governor, shall create a maritime domain awareness training
15 program. The program shall provide training designed to
16 instruct all workers within a seaport's boundaries about the
17 security awareness procedures required of those workers in
18 order to implement the security plan of the seaport. The
19 training program curriculum must also include security
20 training required pursuant to 33 C.F.R. part 105 and must be
21 designed to enable the seaports in this state to meet the
22 training, drill, and exercise requirements of 33 C.F.R. part
23 105, individual seaport security plans, and the security
24 awareness requirements of s. 311.12.

25 Section 5. This act shall take effect July 1, 2005.
26
27
28
29
30
31