

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A bill to be entitled
 An act relating to seaport security; amending s. 311.12,
 F.S.; requiring seaport security plans to establish
 restricted access areas within the seaport; deleting a
 provision that subjects all prospective employees to a
 fingerprint-based criminal history check if the seaport
 security plan does not designate one or more restricted
 access areas; providing that only restricted access areas
 require regulations concerning prospective or current
 employees having criminal convictions or history;
 providing an effective date.

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

Section 1. Subsections (2) and (3) of section 311.12,
 Florida Statutes, are amended to read:

311.12 Seaport security standards.--

(2) Each seaport identified in s. 311.09 shall maintain a
 security plan relating to the specific and identifiable needs of
 the seaport which assures that the seaport is in substantial
 compliance with the statewide minimum standards established
 pursuant to subsection (1). Each plan adopted or revised
 pursuant to this subsection must be reviewed and approved by the
 Office of Drug Control and the Department of Law Enforcement.
 All such seaports shall allow unimpeded access by the Department
 of Law Enforcement to the affected facilities for purposes of
 inspections or other operations authorized by this section. Each
 seaport security plan shall ~~may~~ establish restricted access

29 areas within the seaport consistent with the requirements of the
30 statewide minimum standards. ~~In such cases,~~ A Uniform Port
31 Access Credential Card, authorizing restricted-area access,
32 shall be required for any individual working within or
33 authorized to regularly enter a restricted access area and the
34 requirements in subsection (3) relating to criminal history
35 checks and employment restrictions shall be applicable only to
36 employees or other persons working within or authorized to
37 regularly enter a restricted access area. Every seaport security
38 plan shall set forth the conditions and restrictions to be
39 imposed upon others visiting the port or any restricted access
40 area sufficient to provide substantial compliance with the
41 statewide minimum standards.

42 (3)(a) A fingerprint-based criminal history check shall be
43 performed on any applicant for employment, every current
44 employee, and other persons as designated pursuant to the
45 seaport security plan for each seaport. The criminal history
46 check shall be performed in connection with employment within or
47 other authorized regular access to a restricted access area ~~or~~
48 ~~the entire seaport if the seaport security plan does not~~
49 ~~designate one or more restricted access areas.~~ With respect to
50 employees or others with regular access, such checks shall be
51 performed at least once every 5 years or at other more frequent
52 intervals as provided by the seaport security plan. Each
53 individual subject to the background criminal history check
54 shall file a complete set of fingerprints taken in a manner
55 required by the Department of Law Enforcement and the seaport
56 security plan. Fingerprints shall be submitted to the Department

57 of Law Enforcement for state processing and to the Federal
 58 Bureau of Investigation for federal processing. The results of
 59 each fingerprint-based check shall be reported to the requesting
 60 seaport. The costs of the checks, consistent with s. 943.053(3),
 61 shall be paid by the seaport or other employing entity or by the
 62 person checked.

63 (b) ~~By January 1, 2002, each~~ Seaport security plans ~~plan~~
 64 shall identify criminal convictions or other criminal history
 65 factors consistent with paragraph (c) which shall disqualify a
 66 person from either initial seaport employment or new
 67 authorization for regular access to ~~seaport property or to a~~
 68 restricted access area. Such factors shall be used to disqualify
 69 all applicants for employment or others seeking regular access
 70 to the ~~seaport or~~ restricted access area on or after January 1,
 71 2002, and may be used to disqualify all those employed or
 72 authorized for regular access on that date. Each seaport
 73 security plan may establish a procedure to appeal a denial of
 74 employment or access based upon procedural inaccuracies or
 75 discrepancies regarding criminal history factors established
 76 pursuant to this paragraph. A seaport may allow waivers on a
 77 temporary basis to meet special or emergency needs of the
 78 seaport or its users. Policies, procedures, and criteria for
 79 implementation of this subsection shall be included in the
 80 seaport security plan. All waivers granted pursuant to this
 81 paragraph must be reported to the Department of Law Enforcement
 82 within 30 days of issuance.

83 (c) In addition to other requirements for employment or
 84 access established by each seaport pursuant to its seaport

85 security plan, each seaport security plan shall provide that:

86 1. Any person who has within the past 7 years been
 87 convicted, regardless of whether adjudication was withheld, for
 88 a forcible felony as defined in s. 776.08; an act of terrorism
 89 as defined in s. 775.30; planting of a hoax bomb as provided in
 90 s. 790.165; any violation involving the manufacture, possession,
 91 sale, delivery, display, use, or attempted or threatened use of
 92 a weapon of mass destruction or hoax weapon of mass destruction
 93 as provided in s. 790.166; dealing in stolen property; any
 94 violation of s. 893.135; any violation involving the sale,
 95 manufacturing, delivery, or possession with intent to sell,
 96 manufacture, or deliver a controlled substance; burglary;
 97 robbery; any felony violation of s. 812.014; any violation of s.
 98 790.07; any crime an element of which includes use or possession
 99 of a firearm; any conviction for any similar offenses under the
 100 laws of another jurisdiction; or conviction for conspiracy to
 101 commit any of the listed offenses shall not be qualified for
 102 initial employment within or regular access to a ~~seaport or~~
 103 restricted access area; and

104 2. Any person who has at any time been convicted for any
 105 of the listed offenses shall not be qualified for initial
 106 employment within or authorized regular access to a seaport or
 107 restricted access area unless, after release from incarceration
 108 and any supervision imposed as a sentence, the person remained
 109 free from a subsequent conviction, regardless of whether
 110 adjudication was withheld, for any of the listed offenses for a
 111 period of at least 7 years prior to the employment or access
 112 date under consideration.

HB 1239

2005

113 (d) By October 1 of each year, each seaport shall report
114 to the Department of Law Enforcement each determination of
115 denial of employment or access, and any determination to
116 authorize employment or access after an appeal of a denial made
117 during the previous 12 months. The report shall include the
118 identity of the individual affected, the factors supporting the
119 determination, and any other material factors used in making the
120 determination.

121 Section 2. This act shall take effect July 1, 2005.