

1 A bill to be entitled
2 An act relating to certification and duties of seaport
3 security officers; creating s. 311.121, F.S.; authorizing
4 a seaport authority or the governing board of specified
5 seaports to require that seaport security officers receive
6 additional training and certification; providing
7 eligibility requirements for such training and
8 certification; creating a Seaport Security Officer
9 Qualifications, Training, and Standards Steering Committee
10 to develop the training program curriculum; providing for
11 the membership of the steering committee; requiring the
12 Department of Education to implement the training
13 curriculum; authorizing the substitution of training
14 equivalencies for required training; requiring a
15 proficiency examination; providing requirements for
16 certification and renewal thereof; providing requirements
17 for schools and seaports that offer training for seaport
18 security officers; providing for issuance of a seaport
19 security officer certificate by the Department of
20 Agriculture and Consumer Services; creating s. 311.122,
21 F.S.; authorizing a seaport security officer to take into
22 custody any person who the officer has cause to believe is
23 trespassing in a restricted access area of a seaport;
24 providing criminal and civil nonliability of seaport
25 security officers for taking such action; providing an
26 effective date.

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

29
 30 Section 1. Section 311.121, Florida Statutes, is created
 31 to read:

32 311.121 Qualifications, training, and certification of
 33 licensed security officers working in Florida seaports.--

34 (1) Each seaport authority or governing board of a seaport
 35 identified in s. 311.09 which is subject to the statewide
 36 minimum seaport security standards set forth in s. 311.12 may
 37 require that security officers working in the seaport receive
 38 additional training and certification as a seaport security
 39 officer.

40 (2) Any person who has received a Class "D" license as a
 41 security officer pursuant to chapter 493 and successfully
 42 completed the entire certified training curriculum for a Class
 43 "D" license, or who has been determined to have equivalent
 44 experience by the Department of Agriculture and Consumer
 45 Services, is eligible to complete training and testing to become
 46 certified as a seaport security officer. As used in this
 47 subsection, the term "equivalent experience" means experience
 48 that is substantially identical or equal in relevance,
 49 educational value, effect, importance, and duration to the
 50 experience and personal knowledge acquired through active
 51 performance of the type of service permitted under the license
 52 for which application is made. The department shall have final
 53 authority over any determination of equivalent experience.

54 (3) The curriculum for seaport security officer training
 55 shall be developed by the Seaport Security Officer
 56 Qualifications, Training, and Standards Steering Committee. The

57 curriculum shall conform to or exceed the model courses for
58 facility personnel which have been approved by the federal
59 Maritime Administration under section 109 of the federal
60 Maritime Transportation Security Act of 2002, and which apply to
61 personnel who are certified as seaport security officers
62 pursuant to this section. The steering committee shall meet at
63 least once each year to update or modify the curriculum. Members
64 of the steering committee shall be appointed by the Department
65 of Law Enforcement. Members shall serve for the duration of
66 their employment or appointment in a specified position, or for
67 a term of 4 years if not designated by title to a specified
68 position. The members of the steering committee shall be the
69 Seaport Security Administrator of the Department of Law
70 Enforcement, the Chancellor of the Division of Colleges and
71 Universities, the Director of the Division of Licensing of the
72 Department of Agriculture and Consumer Services, the
73 administrator of the Florida Seaport Transportation and Economic
74 Development Council, two seaport security directors from ports
75 designated in s. 311.09, one director of a state law enforcement
76 academy, one representative of a local law enforcement agency,
77 two representatives of contract security services, one
78 representative of the Division of Driver Licenses of the
79 Department of Highway Safety and Motor Vehicles, and one
80 representative of the United States Coast Guard.

81 (4) The Department of Education shall be responsible for
82 implementing the curriculum recommendations of the steering
83 committee in order to provide a training program for certified
84 seaport security officers which shall be used by licensed

85 schools pursuant to s. 493.6304. Each instructor providing
 86 training must hold a Class "DI" license pursuant to s. 493.6301.
 87 A seaport authority or other organization involved in seaport-
 88 related activities may apply to become a licensed school or
 89 training facility pursuant to s. 493.6304.

90 (5) The steering committee may consider training
 91 equivalencies that may be substituted for the required training.
 92 Training equivalencies must be established and made known to
 93 persons seeking certification in advance of training.

94 (6) A candidate for certification as a seaport security
 95 officer shall be required to successfully pass a proficiency
 96 examination. Persons who successfully complete the training or
 97 training equivalency and pass the proficiency examination shall
 98 receive a State of Florida Seaport Security Officer Certificate.
 99 This certificate authorizes the bearer to represent himself or
 100 herself as qualified to perform duties specifically required of
 101 a seaport security officer. The certificate shall remain valid
 102 for the duration of an active Class "D" license issued under
 103 chapter 493 and shall be considered renewed upon proper renewal
 104 of the Class "D" license and completion of any continuing
 105 education requirement. The certificate becomes void if the Class
 106 "D" license is revoked or allowed to lapse for more than 1 year.
 107 Renewal of certification following revocation, a lapse of the
 108 Class "D" license for longer than 1 year, or failure to complete
 109 a continuing education requirement shall require, at a minimum,
 110 reexamination of the applicant.

111 (7) The steering committee shall recommend a continuing
 112 education curriculum to be implemented by the Department of

113 Education. The curriculum shall be offered by any licensed
114 school or seaport that offers certificate training for seaport
115 security officers, and shall require no less than 2 hours of
116 additional training per annual licensing period. A seaport
117 security officer certificate becomes void if the
118 certificateholder licensee fails to complete the annual
119 continuing education requirement prior to expiration of his or
120 her Class "D" license.

121 (8) A State of Florida Seaport Security Officer
122 certificate may be issued by a school licensed pursuant to s.
123 493.6304 upon a person's successful completion of the training
124 curriculum, proof of any applicable training equivalencies, and
125 passage of a proficiency examination. The certificate shall be
126 provided by the Department of Agriculture and Consumer Services
127 for issuance by the school. A school shall notify the Division
128 of Licensing within the department upon the issuance of each
129 seaport security officer certificate. The notification must
130 include the name and Class "D" license number of the
131 certificateholder and a copy of the certificate. The department
132 shall place the notification in the Class "D" licensee's file.
133 Notification may be made through an electronic or paper format
134 pursuant to instructions of the Department of Agriculture and
135 Consumer Services.

136 (9) Upon completion of the certification process, a person
137 holding a Class "D" license shall be required to apply for a
138 revised duplicate license pursuant to s. 493.6107(2). The
139 revised duplicate license must contain language or markings

140 indicating that the licensee is certified as seaport security
 141 officer.

142 Section 2. Section 311.122, Florida Statutes, is created
 143 to read:

144 311.122 Trespassing; detention by a certified seaport
 145 security officer.--Any facility security officer as designated
 146 pursuant to 33 C.F.R. part 105 for each seaport identified in s.
 147 311.09, or any employee or agent holding a Class "D" or Class
 148 "G" license and certification as a seaport security officer who
 149 is designated by the facility security officer to maintain order
 150 and provide security within a seaport, who has probable cause to
 151 believe that a person is trespassing in a designated restricted
 152 access area of a seaport pursuant to s. 810.08 or s. 810.09 may
 153 take such person into custody and detain him or her in a
 154 reasonable manner for a reasonable length of time pending
 155 arrival of a law enforcement officer. Such taking into custody
 156 and detention by an authorized person does not render that
 157 person criminally or civilly liable for false arrest, false
 158 imprisonment, or unlawful detention. If a trespasser is taken
 159 into custody, a law enforcement officer shall be called to the
 160 scene immediately after the person is taken into custody.

161 Section 3. This act shall take effect July 1, 2005.