

1 seaport consistent with the requirements of the statewide
2 minimum standards. ~~In such cases,~~ A Uniform Port Access
3 Credential Card, authorizing restricted-area access, shall be
4 required for any individual working within or authorized to
5 regularly enter a restricted access area and the requirements
6 in subsection (3) relating to criminal history checks and
7 employment restrictions shall be applicable only to employees
8 or other persons working within or authorized to regularly
9 enter a restricted access area. Every seaport security plan
10 shall set forth the conditions and restrictions to be imposed
11 upon others visiting the port or any restricted access area
12 sufficient to provide substantial compliance with the
13 statewide minimum standards.

14 (3)(a) A fingerprint-based criminal history check
15 shall be performed on any applicant for employment, every
16 current employee, and other persons as designated pursuant to
17 the seaport security plan for each seaport. The criminal
18 history check shall be performed in connection with employment
19 within or other authorized regular access to a restricted
20 access area ~~or the entire seaport if the seaport security plan~~
21 ~~does not designate one or more restricted access areas.~~ With
22 respect to employees or others with regular access, such
23 checks shall be performed at least once every 5 years or at
24 other more frequent intervals as provided by the seaport
25 security plan. Each individual subject to the background
26 criminal history check shall file a complete set of
27 fingerprints taken in a manner required by the Department of
28 Law Enforcement and the seaport security plan. Fingerprints
29 shall be submitted to the Department of Law Enforcement for
30 state processing and to the Federal Bureau of Investigation
31 for federal processing. The results of each fingerprint-based

1 check shall be reported to the requesting seaport. The costs
2 of the checks, consistent with s. 943.053(3), shall be paid by
3 the seaport or other employing entity or by the person
4 checked.

5 (b) ~~By January 1, 2002, each~~ Seaport security plans
6 ~~plan~~ shall identify criminal convictions or other criminal
7 history factors consistent with paragraph (c) which shall
8 disqualify a person from either initial seaport employment or
9 new authorization for regular access to ~~seaport property or to~~
10 a restricted access area. Such factors shall be used to
11 disqualify all applicants for employment or others seeking
12 regular access to the ~~seaport or~~ restricted access area on or
13 after January 1, 2002, and may be used to disqualify all those
14 employed or authorized for regular access on that date. Each
15 seaport security plan may establish a procedure to appeal a
16 denial of employment or access based upon procedural
17 inaccuracies or discrepancies regarding criminal history
18 factors established pursuant to this paragraph. A seaport may
19 allow waivers on a temporary basis to meet special or
20 emergency needs of the seaport or its users. Policies,
21 procedures, and criteria for implementation of this subsection
22 shall be included in the seaport security plan. All waivers
23 granted pursuant to this paragraph must be reported to the
24 Department of Law Enforcement within 30 days of issuance.

25 (c) In addition to other requirements for employment
26 or access established by each seaport pursuant to its seaport
27 security plan, each seaport security plan shall provide that:

28 1. Any person who has within the past 7 years been
29 convicted, regardless of whether adjudication was withheld,
30 for a forcible felony as defined in s. 776.08; an act of
31 terrorism as defined in s. 775.30; planting of a hoax bomb as

1 provided in s. 790.165; any violation involving the
2 manufacture, possession, sale, delivery, display, use, or
3 attempted or threatened use of a weapon of mass destruction or
4 hoax weapon of mass destruction as provided in s. 790.166;
5 dealing in stolen property; any violation of s. 893.135; any
6 violation involving the sale, manufacturing, delivery, or
7 possession with intent to sell, manufacture, or deliver a
8 controlled substance; burglary; robbery; any felony violation
9 of s. 812.014; any violation of s. 790.07; any crime an
10 element of which includes use or possession of a firearm; any
11 conviction for any similar offenses under the laws of another
12 jurisdiction; or conviction for conspiracy to commit any of
13 the listed offenses shall not be qualified for initial
14 employment within or regular access to a ~~seaport or~~ restricted
15 access area; and

16 2. Any person who has at any time been convicted for
17 any of the listed offenses shall not be qualified for initial
18 employment within or authorized regular access to a seaport or
19 restricted access area unless, after release from
20 incarceration and any supervision imposed as a sentence, the
21 person remained free from a subsequent conviction, regardless
22 of whether adjudication was withheld, for any of the listed
23 offenses for a period of at least 7 years prior to the
24 employment or access date under consideration.

25 (d) By October 1 of each year, each seaport shall
26 report to the Department of Law Enforcement each determination
27 of denial of employment or access, and any determination to
28 authorize employment or access after an appeal of a denial
29 made during the previous 12 months. The report shall include
30 the identity of the individual affected, the factors

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1 supporting the determination, and any other material factors
2 used in making the determination.

3 Section 2. This act shall take effect July 1, 2005.
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6 SENATE SUMMARY

7 Requires that seaport security plans establish restricted
8 access areas within the seaport. Deletes a requirement
9 that all prospective employees be subjected to a
10 fingerprint-based criminal history check if the seaport
11 security plan does not designate one or more restricted
12 access areas. Provides that only restricted access areas
13 require regulations concerning prospective or current
14 employees having criminal convictions or history.
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