

Bill No. SPB 7016

Barcode 023722

CHAMBER ACTION

Senate

House

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The Committee on Domestic Security (Wise) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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

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

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

(2) Any person who has received a Class D license as a security officer pursuant to chapter 493 and successfully completed the entire certified training curriculum for a Class D license, or who has been determined to have equivalent

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1 experience by the Department of Agriculture and Consumer  
 2 Services, is eligible to complete training and testing to  
 3 become certified as a seaport security officer. As used in  
 4 this subsection, the term "equivalent experience" means  
 5 experience that is substantially identical and equal in force,  
 6 power, and effect or import as the experience gained by  
 7 personal knowledge and activity for the required period of  
 8 time performing the type of service permitted under the  
 9 license for which application is made. The department shall  
 10 have final authority over any determination of equivalent  
 11 experience.

12 (3) The curriculum for the seaport security officer  
 13 training program shall be developed by the Seaport Security  
 14 Officer Qualifications, Training, and Standards Steering  
 15 Committee. The steering committee shall meet at least once  
 16 each year to update or modify the curriculum. Members of the  
 17 Steering Committee shall be appointed by the Department of Law  
 18 Enforcement. Members shall serve for the duration of their  
 19 employment or appointment in a specified position, or for a  
 20 term of 4 years if not designated by title to a specified  
 21 position. The members of the steering committee shall be the  
 22 Seaport Administrator of the Department of Law Enforcement,  
 23 the Chancellor of the Community College System, the Director  
 24 of the Division of Licensing of the Department of Agriculture  
 25 and Consumer Services, the Administrator of the Florida  
 26 Seaport Transportation and Economic Development Council, two  
 27 seaport security directors from ports designated in s. 311.09,  
 28 one director of a state law enforcement academy, one  
 29 representative of a local law enforcement agency, two  
 30 representatives of contract security services, one  
 31 representative of the Division of Driver Licenses of the

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1 Department of Highway Safety and Motor Vehicles, and one  
2 representative of the United States Coast Guard.

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

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

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

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1 certification following revocation or a lapse of longer than 1  
2 year of a Class D license requires, at a minimum,  
3 reexamination of the applicant.

4       (7) A State of Florida Seaport Security Officer  
5 Certificate may be issued by a school licensed pursuant to s.  
6 493.6304 upon a person's successful completion of the training  
7 curriculum, proof of any applicable training equivalencies,  
8 and passage of a proficiency examination. The certificate  
9 shall be provided by the Department of Agriculture and  
10 Consumer Services for issuance by the school. A school shall  
11 notify the Division of Licensing within the department upon  
12 the issuance of each State of Florida Seaport Security Officer  
13 Certificate. The notification must include the name and Class  
14 D license number of the certificateholder and a copy of the  
15 certificate. The department shall place the notification with  
16 the Class D licensee's file. Notification may be made through  
17 an electronic or paper format pursuant to instructions of the  
18 Department of Agriculture and Consumer Services.

19       (8) Upon completion of the certification process, a  
20 person holding a Class D license shall be required to apply  
21 for a revised duplicate license pursuant to s. 493.6107(2).  
22 The revised duplicate license must contain language or  
23 markings indicating that the licensee is certified as a  
24 seaport security officer.

25       Section 2. Section 311.122, Florida Statutes, is  
26 created to read:

27       311.122 Trespassing; detention by a certified seaport  
28 security officer.--Any Facility Security Officer as designated  
29 pursuant to 33 C.F.R. part 105 for each seaport identified in  
30 s. 311.09, or any employee or agent holding a Class D or Class  
31 G license and certification as a seaport security officer who

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1 is designated by the Facility Security Officer to maintain  
2 order and provide security within the seaport, who has  
3 probable cause to believe that a person is trespassing in a  
4 designated restricted access area of a seaport pursuant to s.  
5 810.08 or s. 810.09 may take such person into custody and  
6 detain him or her in a reasonable manner for a reasonable  
7 length of time pending the arrival of a law enforcement  
8 officer. Such taking into custody and detention by an  
9 authorized person does not render that person criminally or  
10 civilly liable for false arrest, false imprisonment, or  
11 unlawful detention. If a trespasser is taken into custody, a  
12 law enforcement officer shall be called to the scene  
13 immediately after the person is taken into custody.

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

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause

and insert:

A bill to be entitled

An act relating to the certification and duties  
of seaport security officers; creating s.  
311.121, F.S.; authorizing the seaport  
authority or governing board of certain  
seaports to require that seaport security  
officers receive additional training and  
certification; providing eligibility  
requirements for such certification; creating  
the Seaport Security Officer Qualifications,

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1 Training, and Standards Steering Committee to  
2 develop the curriculum for the training  
3 program; providing for the membership of the  
4 steering committee; requiring the Division of  
5 Community Colleges to implement the training  
6 curriculum; authorizing the substitution of  
7 training equivalencies; requiring an  
8 examination; providing requirements for  
9 certification renewal; providing requirements  
10 for schools that offer training for seaport  
11 security officers; providing for issuance of a  
12 license indicating that the licensee is  
13 certified as a seaport security officer;  
14 creating s. 311.122, F.S.; authorizing a  
15 seaport security officer to take into custody  
16 any person whom the officer has cause to  
17 believe is trespassing in a restricted access  
18 area; providing that such officer is not  
19 criminally or civilly liable for taking such  
20 action; providing an effective date.

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