

583-868B-05

1 A bill to be entitled
2 An act relating to the certification and duties
3 of seaport security officers; creating s.
4 311.121, F.S.; authorizing the seaport
5 authority or governing board of each seaport to
6 require that seaport security officers receive
7 additional training and certification;
8 providing eligibility requirements for such
9 certification; creating the Seaport Security
10 Officer Qualifications, Training, and Standards
11 Steering Committee to develop the curriculum
12 for the training program; providing for the
13 membership of the steering committee; requiring
14 the Division of Community Colleges to implement
15 the training curriculum; authorizing the
16 substitution of training equivalencies;
17 requiring an examination; providing
18 requirements for certification renewal;
19 providing requirements for schools that offer
20 training for seaport security officers;
21 creating s. 311.122, F.S.; authorizing a
22 seaport security officer to take into custody
23 any person whom the officer has cause to
24 believe is trespassing in a restricted access
25 area; providing that such officer is not
26 criminally or civilly liable for taking such
27 action; providing an effective date.
28
29 Be It Enacted by the Legislature of the State of Florida:
30
31

1 Section 1. 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.

11 (2) Any person who has received a Class D license as a
12 security officer pursuant to chapter 493 or successfully
13 completed the 40-hour certified training curriculum for a
14 Class D license, or who has been determined to have equivalent
15 experience by the Department of Agriculture and Consumer
16 Services, is eligible to complete training and testing to
17 become certified as a seaport security officer. As used in
18 this subsection, the term "equivalent experience" means
19 experience that is substantially identical and equal in force,
20 power, and effect or import as the experience gained by
21 personal knowledge and activity for the required period of
22 time performing the type of service permitted under the
23 license for which application is made. The department shall
24 have final authority over any determination of equivalent
25 experience.

26 (3) The curriculum for the seaport security officer
27 training program shall be developed by the Seaport Security
28 Officer Qualifications, Training, and Standards Steering
29 Committee. The steering committee shall meet at least once
30 each year to update or modify the curriculum. Members of the
31 Steering Committee shall be appointed by the Department of Law

1 Enforcement. Members shall serve for the duration of their
2 employment or appointment in a specified position, or for a
3 term of 4 years if not designated by title to a specified
4 position. The members of the steering committee shall be the
5 Seaport Administrator of the Department of Law Enforcement,
6 the Chancellor of the Community College System, the Director
7 of the Division of Licensing of the Department of Agriculture
8 and Consumer Services, the Administrator of the Florida
9 Seaport Transportation and Economic Development Council, two
10 seaport security directors from ports designated in s. 311.09,
11 one director of a state law enforcement academy, one
12 representative of a local law enforcement agency, two
13 representatives of contract security services, one
14 representative of the Division of Driver Licenses of the
15 Department of Highway Safety and Motor Vehicles, and one
16 representative of the United States Coast Guard.

17 (4) The Division of Community Colleges within the
18 Department of Education shall be responsible for implementing
19 the curriculum recommendations of the Seaport Security Officer
20 Qualifications, Training, and Standards Steering Committee in
21 order to provide a training program for certified seaport
22 security officers which shall be used by licensed schools or
23 other licensed purveyors of security officer training pursuant
24 to s. 493.6304. Each instructor providing training must hold a
25 Class DI license pursuant to s. 493.6301. A seaport authority
26 or other organization involved in seaport-related activities
27 may apply to become a licensed training entity.

28 (5) The Seaport Security Officer Qualifications,
29 Training, and Standards Steering Committee may consider
30 training equivalencies that may be substituted for the
31 required training. These equivalencies must be established and

1 made known to persons seeking certification in advance of
2 training. A candidate for certification as a seaport security
3 officer shall be required to successfully pass a proficiency
4 examination.

5 (6) Persons who successfully complete the training, or
6 training equivalency, and pass the examination shall receive a
7 State of Florida Seaport Security Officer Certificate. This
8 certificate authorizes the bearer to represent that he or she
9 is qualified to perform duties specifically required of a
10 seaport security officer. The certificate shall remain valid
11 for the duration of an active Class D license and shall be
12 considered renewed upon proper renewal of the Class D license.
13 The certificate becomes void if the Class D license is revoked
14 or allowed to lapse for more than 1 year. Renewal of
15 certification following revocation or a lapse of longer than 1
16 year of a Class D license requires, at a minimum,
17 reexamination of the applicant.

18 (7) A State of Florida Seaport Security Officer
19 Certificate may be issued by a school or purveyor of training
20 licensed pursuant to s. 493.6304 upon a person's successful
21 completion of the training curriculum, proof of any applicable
22 training equivalencies, and passage of a proficiency
23 examination. A school or purveyor shall notify the Division of
24 Licensing of the Department of Agriculture and Consumer
25 Services upon the issuance of each State of Florida Seaport
26 Security Officer Certificate. The notification must include
27 the name and Class D license number of the certificateholder
28 and a copy of the certificate. The department shall place the
29 notification with the Class D licensee's file. Notification
30 may be made through an electronic or paper format pursuant to
31

1 instructions of the Department of Agriculture and Consumer
2 Services.

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

5 311.122 Trespassing; detention by a certified seaport
6 security officer.--Any Facility Security Officer as designated
7 pursuant to 33 C.F.R. part 105 for each seaport identified in
8 s. 311.09, or any employee or agent holding a Class D or Class
9 G license and certification as a seaport security officer who
10 is designated by the Facility Security Officer to maintain
11 order and provide security within the seaport, who has
12 probable cause to believe that a person is trespassing in a
13 designated restricted access area of a seaport pursuant to s.
14 810.08 or s. 810.09 may take such person into custody and
15 detain him or her in a reasonable manner for a reasonable
16 length of time pending the arrival of a law enforcement
17 officer. Such taking into custody and detention by an
18 authorized person does not render that person criminally or
19 civilly liable for false arrest, false imprisonment, or
20 unlawful detention. If a trespasser is taken into custody, a
21 law enforcement officer shall be called to the scene
22 immediately after the person is taken into custody.

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

24
25 *****

26 SENATE SUMMARY

27 Authorizes seaports in this state to require that seaport
28 security officers receive additional training and obtain
29 certification. Provides certification requirements.
30 Creates the Seaport Security Officer Qualifications,
31 Training, and Standards Steering Committee to develop the
curriculum for the training program. Authorizes a seaport
security officer to take into custody any person whom the
officer has cause to believe is trespassing in a
restricted access area. (See bill for details.)