

Bill No. SB 190

Barcode 092930

CHAMBER ACTION

Senate

House

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Comm: WD
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The Committee on Criminal Justice (Wise) recommended the following amendment:

Senate Amendment (with title amendment)

On page 2, line 30, through page 3, line 1, delete those lines

and insert:

Section 1. Section 311.111, Florida Statutes, is created to read:

311.111 Security area designation; access requirements; authority.--

(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 in s. 311.12 shall designate and clearly mark on the seaport premises and in the seaport security plans the following designations of security area, access requirements, and corresponding security-enforcement authorizations, including, for each access area, a statement indicating whether possession of concealed weapons and other contraband materials is

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1 prohibited:

2 (a) Unrestricted public access areas that are open to
3 the public without a seaport identification card. A seaport
4 director may require employees to carry a card in an
5 unrestricted public access area as a condition of employment.

6 (b) Restricted public access areas that are open only
7 to an employee of the seaport, an individual who is working on
8 the seaport or a guest of the seaport, or a member of the
9 public for a specific purpose via restricted access. A person
10 who is in a restricted public access area without the proper
11 identification card is subject to the trespass provisions of
12 ss. 311.122, 810.09, and 810.10. All persons and objects in a
13 restricted public access area are subject to search by an
14 on-duty sworn law enforcement officer certified by the state,
15 Class D seaport officer certified under guidelines of the
16 Maritime Transportation Security Act, or employee of the
17 seaport security force certified under guidelines of the
18 Maritime Transportation Security Act.

19 (c) Restricted access areas that are open only to an
20 employee of the seaport or an individual who is working on the
21 seaport or has business with the seaport. A person who is in a
22 restricted access area without the proper identification card
23 is subject to the trespass provisions of ss. 311.122, 810.09,
24 and 810.10. All persons and objects in a restricted access
25 area are subject to search by an on-duty sworn law enforcement
26 officer certified by the state, Class D seaport officer
27 certified under guidelines of the Maritime Transportation
28 Security Act, or employee of the seaport security force
29 certified under guidelines of the Maritime Transportation
30 Security Act.

31 (d) Secured restricted access areas that are open only

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1 to an employee of the seaport or an individual who is working
2 on the seaport or has business with the seaport. A secured
3 restricted access area shall, at all times, be secured at each
4 point of access by an on-duty sworn law enforcement officer
5 certified by the state, Class D security guard certified under
6 guidelines of the Maritime Transportation Security Act, or
7 employee of the seaport security force certified under
8 guidelines of the Maritime Transportation Security Act. A
9 person who is found in a secured restricted access area
10 without the proper identification card is subject to the
11 trespass provisions of ss. 311.122, 810.08, and 810.09. All
12 persons and objects in a secured restricted access area are
13 subject to search by an on-duty sworn law enforcement officer
14 certified by the state, Class D seaport officer certified
15 under guidelines of the Maritime Transportation Security Act,
16 or employee of the seaport security force certified under
17 guidelines of the Maritime Transportation Security Act.

18 (2) The management or controlling authority of the
19 port may temporarily designate any part of the port property
20 as a restricted access area during a period designated by the
21 United States Department of Homeland Security or the
22 Department of Law Enforcement as a high terrorist threat level
23 period or if the seaport security director of a port has
24 declared an emergency due to events applicable to that port.
25 The duration of any such designation may not exceed the period
26 during which the high terrorist threat level or port emergency
27 exists. This subsection does not limit the power of the
28 managing or controlling authority of a seaport to designate
29 any port property as a restricted access area as otherwise
30 provided by law.

31 Section 2. Subsection (2) of section 311.12, Florida

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1 Statutes, is amended, and paragraph (e) is added to subsection
2 (3) of that section, to read:

3 311.12 Seaport security standards.--

4 (2)(a) Each seaport identified in s. 311.09 shall
5 maintain a security plan that provides for a secure seaport
6 infrastructure specific to that seaport. Every 5 years,
7 commencing January 1, 2007, the director of each seaport
8 shall, with the assistance of the Regional Domestic Security
9 Task Force and in conjunction with the United States Coast
10 Guard, revise that seaport's security plan based on the
11 results of continual, quarterly assessments by the seaport
12 director of security risks and possible risks related to
13 terrorist activities and ~~relating to the specific and~~
14 ~~identifiable needs of the seaport which assures that the~~
15 ~~seaport is in substantial compliance with the statewide~~
16 minimum standards established pursuant to subsection (1).

17 (b) Each plan adopted or revised pursuant to this
18 subsection must be reviewed and approved by the Office of Drug
19 Control and the Department of Law Enforcement. All such
20 seaports shall allow unimpeded access by the Department of Law
21 Enforcement to the affected facilities for purposes of
22 inspections or other operations authorized by this section.
23 Each seaport security plan may establish restricted access
24 areas within the seaport consistent with the requirements of
25 the statewide minimum standards. In such cases, a Uniform Port
26 Access Credential Card, authorizing restricted-area access,
27 shall be required for any individual working within or
28 authorized to regularly enter a restricted access area and the
29 requirements in subsection (3) relating to criminal history
30 checks and employment restrictions shall be applicable only to
31 employees or other persons working within or authorized to

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1 regularly enter a restricted access area. Every seaport
 2 security plan shall set forth the conditions and restrictions
 3 to be imposed upon others visiting the port or any restricted
 4 access area sufficient to provide substantial compliance with
 5 the statewide minimum standards.

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 7 (Redesignate subsequent sections.)
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10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 On page 1, lines 2-3, delete those lines

13
 14 and insert:

15 An act relating to seaport security; creating
 16 s. 311.111, F.S.; providing for designation of
 17 various types of security areas at seaports;
 18 providing requirements concerning access to
 19 such areas or possession of concealed weapons
 20 or contraband within such areas; providing for
 21 search of certain persons within such areas by
 22 certain officers; authorizing temporary
 23 redesignation to a restricted access area
 24 during certain emergency or dangerous periods;
 25 amending s. 311.12, F.S.; revising provisions
 26 governing maintenance of a security plan by a
 27 seaport; requiring regular updates of such
 28 plans after certain consultations based on
 29 continual quarterly assessments of certain
 30 risks; requiring that the Department

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