

Bill No. SB 190

Barcode 374704

CHAMBER ACTION

Senate

House

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

311.111 Security area designations; access requirements; authority.--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 clearly designate in seaport-security plans and clearly identify with appropriate signs and markers on the premises of a seaport the following security-area designations, access requirements, and corresponding security enforcement authorizations, which may include, but are not limited to, clear notice of the prohibition on possession of concealed weapons and other contraband material on the premises of the seaport:

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1 (1) UNRESTRICTED PUBLIC-ACCESS AREA.--An unrestricted
2 public-access area of a seaport is open to the general public
3 without a seaport identification card other than that required
4 as a condition of employment by a seaport director.

5 (2) RESTRICTED PUBLIC ACCESS AREA.--A restricted
6 public-access area of a seaport is open to the public for a
7 specific purpose via restricted access and open to individuals
8 working on the seaport, seaport employees, or guests who have
9 business with the seaport. Any person found in this area
10 without the proper level of identification card is subject to
11 the trespass provisions of ss. 810.08, 810.09, and this
12 chapter. A person or object in this area is subject to search
13 by a sworn, state-certified law enforcement officer, a Class D
14 seaport officer certified under Maritime Transportation
15 Security Act guidelines and s. 311.121, or an employee of the
16 seaport security force certified under the guidelines of the
17 Maritime Transportation Security Act and s. 311.121.

18 (3) RESTRICTED-ACCESS AREA.--A restricted-access area
19 of a seaport is open only to individuals working on the
20 seaport, seaport employees, or guests who have business with
21 the seaport. Any person found in this area without the proper
22 level of identification card is subject to the trespass
23 provisions of ss. 810.08, 810.09, and this chapter. A person
24 or object in this area is subject to search by a sworn,
25 state-certified law enforcement officer, a Class D seaport
26 officer certified under Maritime Transportation Security Act
27 guidelines and s. 311.121, or an employee of the seaport
28 security force certified under the guidelines of the Maritime
29 Transportation Security Act and s. 311.121.

30 (4) SECURED RESTRICTED-ACCESS AREA.--A secured
31 restricted-access area of a seaport is open only to

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1 individuals working on the seaport, seaport employees, or
2 guests who have business with the seaport and shall be secured
3 at each point of access at all times by a Class D security
4 guard certified under the Maritime Transportation Security
5 Act, a sworn, state-certified law enforcement officer, or an
6 employee of the port's security force certified under the
7 Maritime Transportation Security Act. Any person found in
8 these areas without the proper level of identification card is
9 subject to the trespass provisions of ss. 810.08, 810.09, and
10 this chapter. A person or object in this area is subject to
11 search by a Class D seaport security officer certified under
12 the guidelines of the Maritime Transportation Security Act and
13 s. 311.121, a sworn, state-certified law enforcement officer,
14 or an employee of the seaport security force certified under
15 the guidelines of the Maritime Transportation Security Act and
16 s. 311.121.

17 (5) TEMPORARY DESIGNATION.--During a period of
18 high-terrorist-threat level designated by the United States
19 Department of Homeland Security or the Department of Law
20 Enforcement or during an emergency declared by the seaport
21 security director of a port due to events applicable to that
22 particular port, the management or controlling authority of
23 the port may temporarily designate any part of the port
24 property as a restricted-access area or a secured
25 restricted-access area. The duration of such designation is
26 limited to the period in which the high-terrorist-threat level
27 is in effect or a port emergency exists. Subsections (3) and
28 (4) do not limit the power of the managing or controlling
29 authority of a seaport to designate any port property as a
30 restricted-access area or a secured restricted-access area as
31 otherwise provided by law.

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1 Section 2. Section 311.12, Florida Statutes, is
2 amended to read:

3 311.12 Seaport security standards; inspections;
4 compliance; appeals.--

5 (1)(a) The statewide minimum standards for seaport
6 security for each seaport identified in s. 311.09 shall be
7 those based upon the Florida Seaport Security Assessment 2000
8 and set forth in the "Port Security Standards--Compliance
9 Plan" delivered to the Speaker of the House of Representatives
10 and the President of the Senate on December 11, 2000, pursuant
11 to this section. The statewide minimum standards are hereby
12 adopted. The Office of Drug Control within the Executive
13 Office of the Governor shall maintain a sufficient number of
14 copies of the standards for use of the public, at its offices,
15 and shall provide copies to each affected seaport upon
16 request.

17 (b) The Department of Law Enforcement may exempt any
18 seaport identified in s. 311.09 from all or part of the
19 requirements of subsections (1)-(5) if the department
20 determines that the seaport is not active. The department
21 shall periodically review exempted seaports to determine if
22 there is maritime activity at the seaport. A change in status
23 from inactive to active may warrant removal of all or part of
24 any exemption provided by the department.

25 (2)(a) Each seaport identified in s. 311.09 shall
26 maintain a security plan to provide for a secure seaport
27 infrastructure specific to that seaport which shall promote
28 the safety and security of the residents of and visitors to
29 the state and promote the flow of legitimate trade and travel.
30 Commencing January 1, 2007, and every 5 years thereafter, the
31 seaport director of each seaport, with the assistance of the

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1 Regional Domestic Security Task Force and in conjunction with
 2 the United States Coast Guard, shall revise the seaport
 3 security plan based on the results of continual, quarterly
 4 assessments by the seaport director of security risks and
 5 possible risks related to terrorist activities and ~~relating to~~
 6 ~~the specific and identifiable needs of the seaport which~~
 7 ~~assures that the seaport is in substantial compliance with the~~
 8 statewide minimum standards established pursuant to subsection
 9 (1).

10 (b) Each plan adopted or revised pursuant to this
 11 subsection must be inspected ~~reviewed~~ and approved by the
 12 Office of Drug Control and the Department of Law Enforcement
 13 based solely upon the standards set forth under the Maritime
 14 Transportation Security Act as revised July 2003, 33 C.F.R. s.
 15 105.305, and the statewide minimum standards established
 16 pursuant to subsection (1). All such seaports shall allow
 17 unimpeded access by the Department of Law Enforcement to the
 18 affected facilities for purposes of inspections for compliance
 19 with its plan or other operations authorized by this section.

20 (c) Each seaport security plan must ~~may~~ establish
 21 unrestricted and restricted access areas within the seaport
 22 consistent with the requirements of the statewide minimum
 23 standards and s. 311.111. In such cases, a Uniform Port Access
 24 Credential Card, authorizing restricted-area access, shall be
 25 required for any individual working within or authorized to
 26 regularly enter a restricted access area and the requirements
 27 in subsection (3) relating to criminal history checks and
 28 employment restrictions shall be applicable only to employees
 29 or other persons working within or authorized to regularly
 30 enter a restricted access area. Every seaport security plan
 31 shall set forth the conditions and restrictions to be imposed

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1 upon others visiting the port or any restricted access area
 2 sufficient to provide substantial compliance with the
 3 statewide minimum standards. As determined by the seaport
 4 director's most current quarterly risk-assessment report, any
 5 restricted-access area having a potential human occupancy of
 6 50 persons or more, any cruise terminal, or any business
 7 operation that is adjacent to an unrestricted public-access
 8 area shall be protected from the most probable and creditable
 9 terrorist threat to human life by the use of like or similar
 10 standards to those set forth in the United States Department
 11 of Defense Minimum Antiterrorism Standard for Buildings,
 12 Unified Facilities Criteria 4-010-0.

13 (d) The inspection of the seaport's security plan must
 14 be delivered within 30 days after its completion by the
 15 Department of Law Enforcement to the United States Coast
 16 Guard, the Regional Domestic Security Task Force, and the
 17 Domestic Security Oversight Council.

18 (e) It is the intent of the Legislature that this
 19 state's seaports adhere to security practices that are
 20 consistent with risks assigned to each seaport through the
 21 risk-assessment process established in this section.
 22 Therefore, the Department of Law Enforcement shall inspect
 23 each seaport within the state to determine if all security
 24 measures adopted by the seaport are in compliance with the
 25 standards set forth in this chapter and shall submit the
 26 department's findings within 30 days after the inspection in a
 27 report to the Domestic Security Oversight Council and the
 28 United States Coast Guard for review with requests to the
 29 Coast Guard for any necessary punitive action.

30 (f) Notwithstanding chapter 120, a seaport may appeal
 31 to the Domestic Security Oversight Council, for review and

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1 mediation, the findings in any inspection report by the
2 Department of Law Enforcement as it relates to the
3 requirements of this section. The Domestic Security Oversight
4 Council shall establish a review process and may review only
5 those findings under this section which are in specific
6 dispute by the seaport. In reviewing the disputed findings,
7 the council may concur in the findings of the department or
8 the seaport or may recommend corrective action to the seaport.
9 Findings of the council are final.

10 (3)(a) A fingerprint-based criminal history check must
11 ~~shall~~ be performed on any applicant for employment, every
12 current employee, and other persons as designated pursuant to
13 the seaport security plan for each seaport. The criminal
14 history check must ~~shall~~ be performed in connection with
15 employment within or other authorized regular access to a
16 restricted access area or the entire seaport if the seaport
17 security plan does not designate one or more restricted access
18 areas. With respect to employees or others with regular
19 access, such checks must ~~shall~~ be performed at least once
20 every 5 years or at other more frequent intervals as provided
21 by the seaport security plan. Each individual subject to the
22 background criminal history check shall file a complete set of
23 fingerprints taken in a manner required by the Department of
24 Law Enforcement and the seaport security plan. Fingerprints
25 must ~~shall~~ be submitted to the Department of Law Enforcement
26 for state processing and to the Federal Bureau of
27 Investigation for federal processing. The results of each
28 fingerprint-based check must ~~shall~~ be reported to the
29 requesting seaport. The costs of the checks, consistent with
30 s. 943.053(3), must ~~shall~~ be paid by the seaport or other
31 employing entity or by the person checked.

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

22 (c) In addition to other requirements for employment
23 or access established by each seaport pursuant to its seaport
24 security plan, each seaport security plan must ~~shall~~ provide
25 that:

- 26 1. Any person who has within the past 7 years been
27 convicted, regardless of whether adjudication was withheld,
28 for a forcible felony as defined in s. 776.08; an act of
29 terrorism as defined in s. 775.30; planting of a hoax bomb as
30 provided in s. 790.165; any violation involving the
31 manufacture, possession, sale, delivery, display, use, or

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

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

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

31 (e) The Department of Law Enforcement shall establish

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1 a waiver process to allow unescorted access to an individual
2 who is unqualified under paragraph (c) and denied employment
3 by a seaport. The waiver consideration shall be based on the
4 circumstances of any disqualifying act or offense, restitution
5 made by the individual, and other factors from which it may be
6 determined that the individual does not pose a risk of
7 engaging in theft, drug trafficking, or terrorism within the
8 public seaports regulated under this chapter or of harming any
9 person. In order to obtain a waiver, an individual who has
10 been denied initial employment within or regular unescorted
11 access to restricted areas of a public seaport as described in
12 paragraph (c) must submit an application for a waiver and a
13 notarized letter or affidavit from the individual's employer
14 or union representative which states the mitigating reasons
15 for initiating the waiver process. No later than 90 days after
16 receipt of the application, the administrative staff of the
17 Parole Commission shall conduct a factual review of the waiver
18 application. Findings of fact shall be transmitted to the
19 Department of Law Enforcement for review. The department shall
20 make a copy of those findings available to the applicant
21 before final disposition of the waiver request. The department
22 shall make a final disposition of the waiver request based on
23 the factual findings of the investigation by the Parole
24 Commission. The port authority that originally denied
25 employment and the waiver applicant shall be notified of the
26 final disposition of the waiver application by the department.
27 This review process is exempt from chapter 120.

28 (4)(a) Subject to ~~the provisions of~~ subsection (6),
29 each affected seaport shall begin to implement its security
30 plan developed under this section by July 1, 2001.

31 (b) The Office of Drug Control and the executive

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1 director of the Department of Law Enforcement may modify or
 2 waive any physical facility requirement or other requirement
 3 contained in the statewide minimum standards for seaport
 4 security upon a finding or other determination that the
 5 purposes of the standards have been reasonably met or exceeded
 6 by the seaport requesting the modification or waiver.
 7 Alternate means of compliance may not in any way diminish the
 8 safety or security of the seaport and must be verified through
 9 an extensive risk analysis conducted by the port director. A
 10 waiver must be submitted in writing with supporting
 11 documentation to the Office of Drug Control and the Department
 12 of Law Enforcement. The Office of Drug Control and the
 13 Department of Law Enforcement shall have 90 days to jointly
 14 grant the waiver or reject the waiver in whole or in part. A
 15 waiver that is not granted within 90 days or jointly rejected
 16 must be submitted by the seaport to the Domestic Security
 17 Oversight Council for consideration. The Domestic Security
 18 Oversight Council shall grant the waiver or reject the waiver
 19 in whole or in part. The decision of the Domestic Security
 20 Oversight Council is final. A waiver submitted for standards
 21 established under s. 311.122(3) may not be granted for
 22 percentages below 10 percent. Such modifications or waivers
 23 must ~~shall~~ be noted in the annual report submitted by the
 24 Department of Law Enforcement pursuant to this subsection.

25 (c) Beginning with the 2001-2002 fiscal year, the
 26 Department of Law Enforcement, or any entity designated by the
 27 department, shall conduct no less than one annual unannounced
 28 inspection of each seaport listed in s. 311.09 to determine
 29 whether the seaport is meeting the minimum standards
 30 established pursuant to this section, and to identify seaport
 31 security changes or improvements necessary or otherwise

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1 recommended. The Department of Law Enforcement, or any entity
 2 designated by the department, may conduct additional announced
 3 or unannounced inspections or operations within or affecting
 4 any affected seaport to test compliance with, or the
 5 effectiveness of, security plans and operations at each
 6 seaport, to determine compliance with physical facility
 7 requirements and standards, or to assist the department in
 8 identifying changes or improvements necessary to bring a
 9 seaport into compliance with the statewide minimum security
 10 standards.

11 (d) By December 31, 2001, and annually thereafter, the
 12 Department of Law Enforcement, in consultation with the Office
 13 of Drug Control, shall complete a report indicating the
 14 observations and findings of all inspections or operations
 15 conducted during the year and any recommendations developed by
 16 reason of such inspections. A copy of the report shall be
 17 provided to the Governor, the President of the Senate, the
 18 Speaker of the House of Representatives, and the chief
 19 administrator of each seaport inspected. The report shall
 20 include responses from the chief administrator of any seaport
 21 indicating what actions, if any, have been taken or are
 22 planned to be taken in response to the recommendations,
 23 observations, and findings reported by the department.

24 (e) In making security project or other funding
 25 decisions applicable to each seaport listed in s. 311.09, the
 26 Legislature may consider as authoritative the annual report of
 27 the Department of Law Enforcement required by this section,
 28 especially regarding each seaport's degree of substantial
 29 compliance with the statewide minimum security standards
 30 established by this section. The Legislature shall review any
 31 seaport that is not in substantial compliance with the

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1 statewide minimum security standards by November 2005, as
2 reported by the Department of Law Enforcement.

3 (f) By December 31, 2004, the Legislature shall review
4 the ongoing costs of operational security on seaports, the
5 impacts of this section on those costs, mitigating factors
6 that may reduce costs without reducing security, and methods
7 by which seaports may implement operational security using a
8 combination of sworn law enforcement officers and private
9 security services.

10 (g) Subject to the provisions of this chapter and
11 appropriations made for seaport security, state funds may not
12 be expended for operational security costs without
13 certification of need for such expenditures by the Office of
14 Ports Administrator within the Department of Law Enforcement.

15 (5) This section does not prevent ~~Nothing in this~~
16 ~~section shall be construed as preventing~~ any seaport from
17 implementing security measures that are more stringent,
18 greater than, or supplemental to the statewide minimum
19 standards established by this section except that, for
20 purposes of employment and access, each seaport shall adhere
21 to the requirements provided in paragraph (3)(c) and may ~~shall~~
22 not exceed statewide minimum requirements.

23 (6) When funds are appropriated for seaport security,
24 the Office of Drug Control and the Florida Seaport
25 Transportation and Economic Development Council shall mutually
26 determine the allocation of such funds for security project
27 needs identified in the approved seaport security plans
28 required by this section. Any seaport that receives state
29 funds for security projects must enter into a joint
30 participation agreement with the appropriate state entity and
31 must use the seaport security plan developed pursuant to this

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1 section as the basis for the agreement. If funds are made
 2 available over more than one fiscal year, such agreement must
 3 reflect the entire scope of the project approved in the
 4 security plan and, as practicable, allow for reimbursement for
 5 authorized projects over more than 1 year. The joint
 6 participation agreement may include specific timeframes for
 7 completion of a security project and the applicable funding
 8 reimbursement dates. The joint participation agreement may
 9 also require a contractual penalty, not to exceed \$1,000 per
 10 day, to be imposed for failure to meet project completion
 11 dates provided state funding is available. Any such penalty
 12 shall be deposited into the State Transportation Trust Fund to
 13 be used for seaport security operations and capital
 14 improvements.

15 (7) Any person who has in his or her possession a
 16 concealed weapon, or who operates or has possession or control
 17 of a vehicle in or upon which a concealed weapon is placed or
 18 stored while in a designated restricted area on seaport
 19 property, commits a misdemeanor of the first degree,
 20 punishable as provided in s. 775.082 or s. 775.083. This
 21 subsection does not apply to active-duty, certified federal or
 22 state law enforcement personnel.

23 (8)(a) Commencing on January 15, 2007, and at least
 24 every 5 years thereafter, a review of the statewide minimum
 25 standards for seaport security as contained in paragraph
 26 (1)(a) shall be conducted under the Office of Drug Control
 27 within the Executive Office of the Governor by the Seaport
 28 Security Standards Advisory Council as provided in paragraph
 29 (b).

30 (b) The Office of Drug Control shall convene a Seaport
 31 Security Standards Advisory Council as defined in s. 20.03(7)

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1 to review the statewide minimum standards for seaport security
 2 for applicability to and effectiveness in combating current
 3 narcotics and terrorism threats to this state's seaports. All
 4 sources of information allowed by law shall be used in
 5 assessing the applicability and effectiveness of the
 6 standards.

7 (c) The council shall consist of the following
 8 members:

9 1. Two seaport directors appointed by the Governor.

10 2. Two seaport security directors appointed by the
 11 Governor.

12 3. One designee from the Department of Law
 13 Enforcement.

14 4. The director of the Office of Motor Carrier
 15 Compliance of the Department of Transportation.

16 5. One designee from the Office of the Attorney
 17 General.

18 6. One designee from the Department of Agriculture and
 19 Consumer Services.

20 7. One designee from the Office of Tourism, Trade, and
 21 Economic Development.

22 8. A representative of the United States Coast Guard
 23 who shall serve as an ex officio member of the council.

24 (d) Each member of the council shall serve for a term
 25 of 4 years. A vacancy shall be filled by the original
 26 appointing authority for the balance of the unexpired term.

27 (e) Seaport Security Standards Advisory Council
 28 members shall serve without compensation, but are entitled to
 29 reimbursement for per diem and travel expenses for attendance
 30 at officially called meetings as provided by s. 112.061.

31 (f) The Seaport Security Standards Advisory Council

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1 shall be chaired by a designee from the Office of Drug
2 Control. The council shall meet upon the call of the chair and
3 at least once every 5 years.

4 (g) Recommendations and findings of the council shall
5 be transmitted to the Governor, the President of the Senate,
6 and the Speaker of the House of Representatives.

7 Section 3. Section 311.121, Florida Statutes, is
8 created to read:

9 311.121 Qualifications, training, and certification of
10 licensed security officers at Florida seaports.--

11 (1) It is the intent of the Legislature that seaports
12 in the state be able to mitigate operational security costs
13 without reducing security levels by employing a combination of
14 certified law enforcement officers and certified private
15 security service officers. In order to accomplish this intent,
16 seaports may recruit and employ seaport security officers who
17 are trained and certified pursuant to this section. The
18 Department of Law Enforcement shall adhere to this intent in
19 the approval and certification process for seaport security
20 required under s. 311.12.

21 (2) The authority or governing board of each seaport
22 identified under s. 311.09 which is subject to the statewide
23 minimum seaport security standards established in s. 311.12
24 shall require that a candidate for certification as a seaport
25 security officer has:

26 (a) Received a Class D license as a security officer
27 under chapter 493;

28 (b) Successfully completed the certified training
29 curriculum for a Class D license or has been determined by the
30 Department of Agriculture and Consumer Services to have
31 equivalent experience as established by rule of the

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1 department; and

2 (c) Completed the training or training equivalency and
3 testing process established by this section for becoming a
4 certified seaport security officer.

5 (3)(a) The Seaport Security Officer Qualification,
6 Training, and Standards Coordinating Council is created under
7 the Department of Law Enforcement.

8 (b) The executive director of the Department of Law
9 Enforcement shall appoint 12 members to the council which
10 shall include:

11 1. The seaport administrator of the Department of Law
12 Enforcement.

13 2. The chancellor of the Community College System.

14 3. The director of the Division of Licensing within
15 the Department of Agriculture and Consumer Services.

16 4. The administrator of the Florida Seaport
17 Transportation and Economic Development Council.

18 5. Two seaport security directors from seaports
19 designated under s. 311.09.

20 6. One director of a state law enforcement academy.

21 7. One representative of a local law enforcement
22 agency.

23 8. Two representatives of contract security services.

24 9. One representative of the Division of Driver
25 Licenses of the Department of Highway Safety and Motor
26 Vehicles.

27 10. One representative of the United States Coast
28 Guard who shall serve as an ex-officio member of the council.

29 (c) Council members designated in subparagraphs
30 (b)1.-4. shall serve for the duration of their employment or
31 appointment. Council members designated under subparagraphs

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1 (b)5.-10. shall be appointed to 4-year terms, except that the
 2 initial appointment for the representative of a local law
 3 enforcement agency, one representative of a contract security
 4 agency, and one seaport security director from a seaport
 5 designated in s. 311.09 shall be appointed to terms of 2
 6 years.

7 (d) The chancellor of the Community College System
 8 shall serve as chair of the council.

9 (e) The council shall meet upon the call of the chair
 10 and at least once a year to update or modify curriculum
 11 recommendations.

12 (f) Council members shall serve without compensation,
 13 but are entitled to reimbursement for per diem and travel
 14 expenses for attendance at officially called meetings as
 15 provided by s. 112.061.

16 (g) By December 1, 2006, the council shall identify
 17 the qualifications, training, and standards for certification
 18 as a seaport security officer and recommend a curriculum for
 19 the seaport security officer training program which shall
 20 include no less than 218 hours of initial certification
 21 training and which conforms to or exceeds model courses
 22 approved by the Federal Maritime Act under section 109 of the
 23 Federal Maritime Transportation Security Act of 2002 for
 24 facility personnel having specific security duties.

25 (h) The council may recommend training equivalencies
 26 that may be substituted for portions of the required training.

27 (i) The council shall recommend a continuing education
 28 curriculum of no less than 8 hours of additional training for
 29 each annual licensing period.

30 (4)(a) The Department of Education shall develop the
 31 curriculum recommendations and classroom-hour specifications

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1 of the Seaport Security Officer Qualifications, Training, and
2 Standards Coordinating Council into initial and continuing
3 education and training programs for certification as a seaport
4 security officer.

5 (b) Such training programs shall be used by schools
6 licensed under s. 493.6304, and each instructor providing
7 training must hold a Class D license pursuant to s. 493.6301.

8 (c) A seaport authority or other organization involved
9 in seaport-related activities may apply to become a school
10 licensed under s. 493.6304.

11 (d) Each training program must include proficiency
12 examinations that must be passed by each candidate for
13 certification who successfully completes the required hours of
14 training or provides proof of authorized training
15 equivalencies.

16 (e) A candidate for certification must be provided
17 with a list of authorized training equivalencies in advance of
18 training; however, each candidate for certification must
19 successfully complete 20 hours of study specific to Florida
20 Maritime Security and pass the related portion of the
21 proficiency examination.

22 (5) A seaport security officer's certificate shall be
23 provided by the Department of Agriculture and Consumer
24 Services for issuance by a school licensed under s. 493.6304,
25 and such school may issue the certificate to an applicant who
26 has successfully completed the training program. A school
27 shall notify the Division of Licensing upon the issuance of
28 each certificate. The notification must include the name and
29 Class D license number of the certificateholder and a copy of
30 the certificate. The department shall place the notification
31 with the licensee's file. Notification may be provided in

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1 electronic or paper format pursuant to instruction by the
2 Department of Agriculture and Consumer Services.

3 (6)(a) Upon completion of the certification process, a
4 person holding a Class D license shall apply for a revised
5 license pursuant to s. 493.6107(2) which indicates that the
6 licensee is certified as a seaport security officer.

7 (b) A person who has been issued a certificate as a
8 seaport security officer may perform duties specifically
9 required of a seaport security officer.

10 (c) The certificate is valid for the duration of the
11 seaport security officer's Class D license and shall be
12 renewed upon renewal of the license.

13 (d) The certificate is void if the seaport security
14 officer's Class D license is revoked or allowed to lapse for
15 more than 1 year or if the licensee fails to complete the
16 annual continuing-education requirement before expiration of
17 the Class D license.

18 (e) Renewal of certification following licensure
19 revocation or a lapse of longer than 1 year requires, at a
20 minimum, 20 hours of recertification training and
21 reexamination of the applicant.

22 Section 4. Section 311.122, Florida Statutes, is
23 created to read:

24 311.122 Seaport law enforcement agency; authorization;
25 requirements; powers; training.--

26 (1) Each seaport in the state may create a seaport law
27 enforcement agency for its facility. Such agency does not
28 preclude the seaport from contracting with a local government
29 or a law enforcement agency to comply with the security
30 standards required by this chapter.

31 (2) Each seaport law enforcement agency shall meet all

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1 of the guidelines and requirements set by law for certified
2 law enforcement agencies and shall be certified as provided
3 under chapter 943.

4 (3) If a seaport creates a seaport law enforcement
5 agency for its facility, a minimum of 30 percent of the
6 aggregate personnel of each seaport law enforcement agency
7 shall be sworn, state-certified, law enforcement officers who
8 have additional seaport training pursuant to the Maritime
9 Transportation Security Act; a minimum of 30 percent of
10 on-duty personnel of each seaport law enforcement agency shall
11 be sworn, state-certified, law enforcement officers who have
12 additional seaport training pursuant to the Maritime
13 Transportation Security Act; and at least one on-duty
14 supervisor must be a sworn, state-certified, law enforcement
15 officer who has additional seaport training pursuant to the
16 Maritime Transportation Security Act.

17 (4) For the purposes of this chapter, where
18 applicable, a seaport law enforcement agency officer shall
19 have the same powers as a university police officer as
20 provided in s. 1012.97; however, such powers do not extend
21 beyond the property of the seaport except in connection with
22 an investigation initiated on seaport property or in
23 connection with an immediate, imminent threat to the seaport.

24 (5) For the purposes of this chapter, a sworn,
25 state-certified, seaport security officer has the same law
26 enforcement powers with respect to the enforcement of traffic
27 laws on seaport property as a university police officer under
28 s. 1012.97, a community college police officer under s.
29 1012.88, and an airport police officer under s.
30 316.640(1)(a)1.d.(I)-(II).

31 (6) A certified seaport security officer may

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1 immediately tow any vehicle parked illegally as indicated by
2 an existing sign or during an emergency as deemed necessary to
3 maintain seaport security.

4 Section 5. Section 311.123, Florida Statutes, is
5 created to read:

6 311.123 Maritime domain security awareness training
7 program.--

8 (1) The Florida Seaport Transportation and Economic
9 Development Council, in conjunction with the Department of Law
10 Enforcement and the Office of Drug Control within the
11 Executive Office of the Governor, shall create a maritime
12 domain security awareness training program to instruct all
13 personnel employed within a seaport's boundaries concerning
14 the security procedures required of them for implementation of
15 the seaport security plan.

16 (2) The training program curriculum must include
17 security training required pursuant to 33 C.F.R. part 105 and
18 must be designed to enable the seaports in this state to meet
19 the training, drill, and exercise requirements of 33 C.F.R.
20 part 105 and individual seaport security plans and to comply
21 with the requirements of s. 311.12 relating to security
22 awareness.

23 Section 6. Section 311.124, Florida Statutes, is
24 created to read:

25 311.124 Trespassing; detention by a certified seaport
26 security officer.--

27 (1) Any Class D or Class G seaport security officer
28 certified under the Maritime Transportation Security Act
29 guidelines and s. 311.121 or any employee of the seaport
30 security force certified under the Maritime Transportation
31 Security Act guidelines and s. 311.121 who has probable cause

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1 to believe that a person is trespassing pursuant to s. 810.08,
 2 s. 810.09, or this chapter, or is in a designated restricted
 3 area pursuant to s. 311.111, may detain such person in a
 4 reasonable manner for a reasonable period of time pending the
 5 arrival of a law enforcement officer, and such action does not
 6 render the security officer criminally or civilly liable for
 7 false arrest, false imprisonment, or unlawful detention.

8 (2) Upon detaining a person for trespass, the seaport
 9 security officer shall immediately call a certified law
 10 enforcement officer to the scene.

11 Section 7. Section 817.021, Florida Statutes, is
 12 created to read:

13 817.021 False information to obtain a seaport security
 14 identification card.--A person who willfully and knowingly
 15 provides false information in obtaining or attempting to
 16 obtain a seaport security identification card commits a felony
 17 of the third degree, punishable as provided in s. 775.082, s.
 18 775.083, or s. 775.084.

19 Section 8. This act shall take effect July 1, 2006.

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

23 And the title is amended as follows:

24 Delete everything before the enacting clause

26 and insert:

27 A bill to be entitled
 28 An act relating to seaport security; creating
 29 s. 311.111, F.S.; requiring the seaport
 30 authority or governing board of certain
 31 seaports to designate and identify security

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1 areas, access requirements, and
2 security-enforcement authorizations on seaport
3 premises and in seaport security plans;
4 providing that any part of a port's property
5 may be designated as a restricted-access area
6 under certain conditions; amending s. 311.12,
7 F.S.; revising the purpose of security plans
8 maintained by seaports; requiring periodic plan
9 revisions; requiring that plans be inspected by
10 the Office of Drug Control and the Department
11 of Law Enforcement based upon specified
12 standards; providing requirements with respect
13 to protection standards in specified restricted
14 areas; requiring delivery of the plan to
15 specified entities; requiring the Department of
16 Law Enforcement to inspect every seaport to
17 determine if all security measures adopted by
18 the seaport are in compliance with seaport
19 security standards; requiring a report;
20 authorizing seaports to appeal findings in an
21 inspection report by the Department of Law
22 Enforcement; requiring the Domestic Security
23 Oversight Council to establish a review
24 process; requiring that the Department of Law
25 Enforcement establish a waiver process to allow
26 an individual who is otherwise unqualified to
27 be allowed unescorted access to a seaport or
28 restricted access area; requiring the
29 administrative staff of the Parole Commission
30 to review the facts of the waiver application
31 and transmit the findings to the Department of

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1 Law Enforcement; requiring the department to
2 make final disposition of the application and
3 notify the applicant and the port authority
4 that denied employment to the applicant;
5 exempting the review from ch. 120, F.S.;

6 providing procedures and requirements with
7 respect to waiver of any physical-facility
8 requirement or other requirement contained in
9 the statewide minimum standards for seaport
10 security; providing a penalty for possession of
11 a concealed weapon while on seaport property in
12 a designated restricted area; requiring that
13 periodic review of the statewide minimum
14 standards for seaport security be conducted
15 under the Office of Drug Control within the
16 Executive Office of the Governor; requiring the
17 Office of Drug Control to convene an advisory
18 council to review the statewide minimum
19 standards for seaport security; providing
20 membership standards for seaport security;
21 providing membership, terms, organization, and
22 meetings of the council; creating s. 311.121,
23 F.S.; requiring the seaport authority or
24 governing board of each seaport that is subject
25 to statewide minimum seaport security standards
26 to impose specified requirements for
27 certification as a seaport security officer;
28 creating the Seaport Security Officer
29 Qualification, Training, and Standards
30 Coordinating Council under the Department of
31 Law Enforcement; providing membership and

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1 organization of the council; providing terms of
2 members; providing duties and authority of the
3 council; requiring the Department of Education
4 to develop curriculum recommendations and
5 specifications of the council into initial and
6 continuing education and training programs for
7 certification as a seaport security officer;
8 providing requirements and procedures with
9 respect to such training programs; providing
10 requirements and procedures with respect to
11 certification as a seaport security officer;
12 providing requirements for renewal of inactive
13 or revoked certification; creating s. 311.122,
14 F.S.; authorizing each seaport in the state to
15 create a seaport law enforcement agency for its
16 facility; providing requirements of an agency;
17 requiring certification of an agency; providing
18 requirements with respect to the composition of
19 agency personnel; providing powers of seaport
20 law enforcement agency officers and seaport
21 security officers; creating s. 311.123, F.S.;
22 providing for the creation of a maritime domain
23 security awareness training program; providing
24 purpose of the program; providing requirements
25 for the program training curriculum; creating
26 s. 311.124, F.S.; authorizing seaport security
27 officers to detain persons suspected of
28 trespassing in a designated restricted area of
29 a seaport; providing immunity from specified
30 criminal or civil liability; creating s.
31 817.021, F.S.; providing a criminal penalty for

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1 providing false information in obtaining or
2 attempting to obtain a seaport security
3 identification card; providing an effective
4 date.
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