

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Justice Appropriations Committee

BILL: CS/CS/CS/SB 190

INTRODUCER: Justice Appropriations Committee, Commerce and Consumer Services Committee,
Criminal Justice Committee and Senator Wise

SUBJECT: Seaport Security

DATE: April 24, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Pardue</u>	<u>Skelton</u>	<u>DS</u>	<u>Favorable</u>
2.	<u>Erickson</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/CS</u>
3.	<u>Earlywine</u>	<u>Cooper</u>	<u>CM</u>	<u>Fav/CS</u>
4.	<u>Butler</u>	<u>Sadberry</u>	<u>JA</u>	<u>Fav/CS</u>
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This committee substitute for committee substitute for committee substitute is intended to address a number of concerns relating to security at Florida's seaports. The major features of this bill include:

- Establishing security area designations and access requirements for seaports which can be used by the seaport directors in their security plan and credentialing program.
- Establishing a five-year recurring review of seaport security plans by the seaport director with the assistance of the Regional Domestic Security Task Force and the Coast Guard.
- Providing for the use of a risk assessment by seaport directors in creating a security plan and determining the use of counter terrorism devices and initiatives.
- Requiring that each seaport security plan be inspected and adopted by the Office of Drug Control and the Florida Department of Law Enforcement based solely on the standards set forth in the most current Maritime Transportation Act and the statewide minimum standards established in state law.
- Allowing a seaport to request review by the Domestic Security Oversight Council of the seaport's request to waive minimum statewide seaport security standards if this request is not approved by the Office of Drug Control and the Florida Department of Law Enforcement. Authorizing those agencies to modify or waive any physical facility requirement or other requirement contained in the security standards upon a finding or other determination that the purposes of the standards have been reasonably met or exceeded by the seaport requesting the modification or waiver.
- Providing that security improvements identified in a seaport risk assessment report as potential solutions for mitigation shall be presented to the appropriate regional domestic

- security task force, to the Domestic Security Oversight Council and to the U.S. Coast Guard.
- Establishing a process to allow unescorted access to an individual who is found to be unqualified and denied employment by a seaport.
 - Establishing a Seaport Security Standards Advisory Council under the Office of Drug Control within the Governor's Office to review the statewide seaport security standards for applicability to effectiveness in current narcotics and terrorist threats.
 - Establishing a certification program for Seaport Security Officers and allowing seaport authorities and governing boards to require security officers working on a seaport to receive additional training and designation as a certified Seaport Security Officer.
 - Providing authority to create a Seaport Law Enforcement Agency at the discretion of the seaport director.
 - Establishing a maritime domain awareness training program for security awareness training of all seaport workers.
 - Authorizing certified Seaport Security Officers to detain, based on probable cause, persons believed to be trespassing in designated seaport restricted access areas pending the immediate arrival of a law enforcement officer, and providing limited protection from liability.
 - Providing that it is a third degree felony for a person to willfully and knowingly provide false information or attempting to obtain a seaport security identification card.

This committee substitute for committee substitute for committee substitute amends section 311.12 of the Florida Statutes. This bill also creates the following sections of the Florida Statutes: 311.111, 311.121, 311.122, 311.123, 311.124, and 817.021.

II. Present Situation:

Seaport Access

Section 311.12, F.S., establishes statewide minimum security standards for Florida's twelve currently active public seaports. Pursuant to this section, ports are required to create security plans that may create restricted access areas within the port. Persons allowed regular access to port restricted access areas are subject to a fingerprint-based criminal history check as a condition of access. Section 311.12, F.S., requires that any person who has been convicted within the past 7 years, regardless of whether adjudication was withheld, for a forcible felony, an act of terrorism, planting a hoax bomb, acts involving the attempted or threatened use of a weapon of mass destruction, dealing in stolen property, trafficking of a controlled substance, burglary, robbery, felony theft, any crime involving the use or possession of a firearm, or conviction for conspiracy to commit any of the above crimes shall not be qualified for initial employment within or regular access to a seaport or restricted access area.

Seaport Security Standards and Waivers

Seaports subject to this committee substitute for committee substitute are required to review their security plan once every four years and are subject to inspection by the Florida Department of Law Enforcement on a random and annual basis. Security plans developed by the seaports must conform to the standards set forth in the Office of Drug Control, Minimum Security Standards for Florida Seaports. In general, the Office of Drug Control and the Florida Department of Law Enforcement may modify or waive the standards as contained in the statewide minimum standards for seaport security.

Review of the Statewide Minimum Standards for Seaport Security

There are no provisions for review or modification of the statewide minimum standards for seaport security contained in s. 311.12, F.S.

Seaport Security Officer Training and Certification

Prior to 2000, seaport security in Florida was focused on supply chain theft prevention to protect the commercial interests of seaport tenants. Since 2001, considerable effort and resources have been devoted to improving physical security and security operations at Florida's commercial seaports to meet the ongoing concerns about drug trafficking and the emerging threat of terrorism. Florida pursued a successful strategy for seaport security improvements through grant funding now administered by the Transportation Security Administration of the Department of Homeland Security. However, these federal grants are restricted to pre-approved physical infrastructure improvements.

Improvements in security operations at Florida's seaports have been primarily funded through the Florida Seaport Transportation Economic Development Council (FSTED) and the commercial seaports individually. In order to accomplish these operational security improvements, the council has voluntarily foregone needed economic development infrastructure projects. Concern for long-term funding of operational security costs prompted a review of operational structures at several public seaports by the Senate Domestic Security Committee. The statutory authority to use FSTED funds for seaport security has expired, and there is no dedicated state funding source at this time.

Florida Senate Interim Project Report 2005-144, Seaport Security, November 2004, by the Domestic Security Committee describes and documents the above situation and identifies several possible methods to reduce or mitigate operational security costs including the training and certification of seaport security officers.

As a general rule, private security personnel working on Florida's public seaports are required to maintain at a minimum, a CLASS D private security officer license,¹ including at least 40 hours of professional education completed at a school or training facility licensed by the Florida Department of Agriculture and Consumer Services. At least one port employs CLASS G security officers as a part of its private security force. These officers are permitted to carry firearms and must undergo additional training requirements prior to obtaining a state CLASS G license.²

¹ Section 493.6303, F.S.

² Section 493.6115, F.S.

With the exception of Port Manatee, the state's county-operated ports appear to have operational security costs which are substantially higher than other public ports. The extensive use of government law enforcement employees, with the inherent costs of salary and benefits associated with those personnel may be a driving factor in those higher costs. In fact, ports using a blend of sworn law enforcement, non-sworn law enforcement, and private security forces had security operating costs of less than half that of the county operated facilities. One factor in the cost of security which is difficult to account for is the size of each port, both geographically and operationally. The two county-operated ports are the largest operationally, and thus have more activity requiring security presence on a daily basis. However, the extreme differences in security costs between Port Everglades and Port of Miami as compared to Jaxport and Port of Tampa point to the method of service delivery being the reason for higher costs.

Proper training of private security personnel employed to protect Florida's public seaports is an ongoing concern. Prevention, protection, and response procedures on seaports are quite unique and require specialized education and training. While CLASS D and CLASS G security officers must receive specialized patrol and firearms training, respectively, there is no required additional training, nor any additional specialized seaport security certification or separate class of security officers that have completed such training, recognized by the State of Florida.

Seaport Security Forces

Seaports in Florida utilize a combination of force structures to meet their human capital security needs. A contract between a seaport and local law enforcement agencies is a very popular approach to solving the security needs of seaports. Another is to contract with a private firm for security services. Still other seaports use a variation of employed labor and contracts to fulfill this requirement. Although seaports have the authority to contract for security service they are not authorized by statute to establish and maintain a seaport law enforcement agency under the sole control of the seaport director.

The Power to Detain

Florida Statute authorizes a law enforcement officer, a merchant, a farmer, or their employee or agent, who has probable cause to believe that a retail theft, farm theft, or trespass, has been committed by a person and, in the case of retail or farm theft, that the property can be recovered by taking the offender into custody may, for the purpose of attempting to effect such recovery or for prosecution, take the offender into custody and detain the offender in a reasonable manner for a reasonable length of time.³ The subsection further prescribes that in the event the merchant, merchant's employee, farmer, or a transit agency's employee or agent takes the person into custody, a law enforcement officer shall be called to the scene immediately after the person has been taken into custody. The subsection is also applicable to transit fare evasion with respect to detention.

No similar authorization to detain exists in Florida Statute in the case of a trespass offender found in a restricted area on a seaport. A licensed seaport security officer is currently not authorized to detain such a person pending the arrival of a law enforcement officer.

³ Section 812.015(3)(a), F.S.

Security Identification Card

State or federal law does not provide any penalty for the use of false information to obtain a seaport security identification card.

III. Effect of Proposed Changes:

Section 1 creates s. 311.111, F.S., which requires certain seaports to designate and identify security area designations, access requirements, and security enforcement authorizations on seaport premises.

Each seaport authority or governing board of a seaport identified in s. 311.09, F.S., that is subject to the statewide minimum seaport security standards in s. 311.12, F.S., 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 not be limited to, clear notice of the prohibition on possession of concealed weapons and other contraband material on the premises of the seaport: unrestricted public access area; restricted public access area; restricted access area; and secure restricted access area.

An “unrestricted public access area” is an area of a seaport open to the general public without a seaport identification card other than that required as a condition of employment by a seaport director. A “restricted public access area” is an area of a seaport open to the public for a specific purpose via restricted access and open to individuals working on the seaport, seaport employees, or guests who have business with the seaport. Any person found in these areas without the proper level of identification card is subject to being prosecuted for trespass. All persons and objects in these areas are subject to search by an on-duty sworn state-certified law enforcement officer, a Class D seaport officer certified under Maritime Transportation Security Act (MTSA) guidelines and s. 311.121, F.S., or an employee of the seaport security force certified under the MTSA and s. 311.121, F.S. A “restricted access area” is an area of a seaport open only to individuals working on the seaport, seaport employees, or guests who have business with the seaport. A “secure restricted access area” is an area of a seaport open only to individuals working on the seaport, seaport employees, or guests who have business with the seaport and is secured at each point of access at all times by a Class D security guard certified under the MTSA, a sworn state-certified law enforcement officer, or an employee of the port’s security force certified under the MTSA. Trespass and search provisions pertaining to a restricted public access area also pertain to a restricted access area and a secure restricted access area.

During a period of high terrorist threat level designated by the United States Department of Homeland Security or the Florida Department of Law Enforcement (FDLE) or during an emergency declared by the seaport security director of a port due to events applicable to that particular port, the management or controlling authority of the port may temporarily designate any part of the port property as a restricted access area or a secured restricted access area. The duration of such designation is limited to the period in which the high terrorist threat level is in effect or port emergency exists. Provisions relevant to a restricted access area and a secure restricted access area do not limit the power of the managing or controlling authority of a seaport to designate any port property as a restricted access area or a secured restricted access area as otherwise provided by law.

Section 2 amends s. 311.12, F.S., which revises the purpose of seaport security plans; requires periodic plan revisions; requires plans to be inspected by the Office of Drug Control and the Department of Law Enforcement; provides requirements with respect to protection standards in specified restricted areas; requires delivery of the plan to specified entities; requires the Department of Law Enforcement to inspect seaports to determine if all security measures are in compliance with the seaport security standards; requires a report; provides procedures and requirements with respect to waiver of any physical facility requirement; provides a penalty for possession of a concealed weapon on seaport property; requires periodic review of statewide minimum standards for seaport security; and requires the Office of Drug Control to convene a Seaport Security Standards Advisory Council to review the statewide minimum standards.

Each seaport identified in s. 311.09, F.S., shall maintain a security plan to provide for a secure seaport infrastructure specific to that seaport that shall promote the safety and security of the residents and visitors of the state and promote the flow of legitimate trade and travel. Commencing January 1, 2007, and every 5 years thereafter, the seaport director of each seaport, with the assistance of the Regional Domestic Security Task Force and in conjunction with the United States Coast Guard (USCG), shall revise the seaport security plan based on the results of continual, quarterly assessments by the seaport director of security risks and possible risks related to terrorist activities and the statewide minimum standards (established under the section).

Each plan adopted or revised shall be inspected and approved by the Office of Drug Control (ODC) and FDLE based solely upon the standards as set forth under the most current MTSA, 33 C.F.R. s. 105.305, and the statewide minimum standards (established under the section). All such seaports shall allow unimpeded access by FDLE to the affected facilities for purposes of plan or compliance inspections or other operations authorized by this section.

Each seaport security plan shall establish unrestricted and restricted access areas within the seaport consistent with the requirements of the statewide minimum standards and the provisions of s. 311.111, F.S. Within 30 days after the completion of the seaport's security plan inspection by the FDLE, it shall be delivered to the USCG, Regional Domestic Security Task Force, and the Domestic Security Oversight Council (DSOC).

Consistent with legislative intent that Florida's seaports adhere to security practices that are consistent with risks assigned to each seaport through the risk assessment process established in this section, the FDLE shall inspect every seaport within the state to determine if all security

measures adopted by the seaport are in compliance with the standards set forth in ch. 311, F.S., and shall submit the department's findings within 30 days after the inspection in a report to the DSOC and the USCG for review, with requests to the USCG for any necessary corrective action.

A seaport may request the DSOC to review findings in any FDLE inspection report relating to the requirements of this section. The DSOC shall establish a review process and may review only those findings under this section that are in specific dispute by the seaport. In reviewing the disputed findings, the council may concur in the findings of the department or the seaport or may recommend corrective action to the seaport. The department and the seaport shall give great weight to any finding and recommendation of the council.

The FDLE shall establish a waiver process to allow unescorted access to an individual who is found to be unqualified (as provided in this section) and denied employment by a seaport. The waiver consideration shall be based on the circumstances of any disqualifying act or offense, restitution made by the individual, and other factors from which it may be determined that the individual does not pose a risk of engaging in theft, drug trafficking, or terrorism within the public seaports regulated under ch. 311, F.S., or of harming any person. This section specifies how the waiver process shall be conducted, which culminates in a final disposition of the waiver request by FDLE based on the factual findings of the investigation by the Parole Commission of the waiver applicant. The port authority that originally denied employment and the waiver applicant shall be notified of the final disposition of the waiver application by the FDLE. This review process is exempt from ch. 120, F.S.

The ODC and the executive director of FDLE may modify or waive any physical facility requirement or other requirement contained in the statewide minimum standards for seaport security upon a finding or other determination that the purposes of the standards have been reasonably met or exceeded by the seaport requesting the modification or waiver. Alternate means of compliance may not in any way diminish the safety or security of the seaport and shall be verified through an extensive risk analysis conducted by the port director. Waivers shall be submitted in writing with supporting documentation to the ODC and the FDLE, which shall have 90 days to jointly grant the waiver or reject the waiver in whole or in part. Waivers not granted within 90 days or jointly rejected shall be submitted by the seaport to the DSOC for consideration. The DSOC shall grant the waiver or reject the waiver in whole or in part. This decision is final. Waivers submitted for standards established under s. 311.122(3), F.S., may not be granted for percentages below 10 percent. Such modifications or waivers shall be noted in the annual report submitted by FDLE (as required by this section).

It is a first degree misdemeanor⁴ for any person to possess a concealed weapon, or operate or have possession or control of a vehicle in or upon which a concealed weapon is placed or stored while in a designated restricted area on seaport property. Active-duty certified federal and state law enforcement personnel or persons designated by the seaport director in writing are excluded.

Commencing on January 15, 2007, and at least every 4 years thereafter, a review of the statewide minimum standards for seaport security shall be conducted under the ODC by the Seaport

⁴ The maximum term of imprisonment for a first degree misdemeanor is one-year imprisonment (in a jail, not a state prison). Section 775.082, F.S.

Security Standards Advisory Council. The ODC shall convene the council to review such standards for applicability to, and effectiveness in combating current narcotics and terrorism threats to Florida's seaports. All sources of information allowed by law shall be utilized in assessing the applicability and effectiveness of such standards.

This section sets forth the membership of the council, appointed by the Governor. Membership includes: two seaport directors, two seaport security directors, one designee each from FDLE, from the Office of Motor Carrier Compliance of the Department of Transportation, from the Attorney General's Office, from the Department of Agriculture and Consumer Services, from the Office of Tourism, Trade and Economic Development, from the ODC who also acts as chair, and a representative of the USCG (as an ex officio member). Members are unpaid but may claim state per diem and travel allowances for official meetings. This section also specifies the members' terms, the filling of vacancies, and the minimum number of meetings (at least once every 5 years). Recommendations and findings of the council shall be transmitted to the Governor and the Legislature.

Section 3 creates s. 311.121, F.S., which requires certain seaports to impose specified requirements for certification as a seaport security officer; creates the Seaport Security Officer Qualification, Training, and Standards Coordinating Council under the Florida Department of Law Enforcement; requires the Department of Education to develop initial and continuing education and training programs for seaport security officer certification; provides requirements and procedures with respect to such training programs; and provides requirements for renewal of inactive or revoked certification.

This section provides legislative intent that seaports in the state be able to mitigate operational security costs without reducing security levels by employing a combination of certified law enforcement officers and certified private security service officers. In order to accomplish this intent, seaports shall have the option to recruit and employ seaport security officers who are trained and certified pursuant to the provisions of this section. The FDLE shall adhere to this intent in the approval and certification process for seaport security required under s. 311.12, F.S.

The authority or governing board of each seaport identified under s. 311.09, F.S., that is subject to the statewide minimum seaport security standards established in s. 311.12, F.S., shall require that a candidate for certification as a seaport security officer has received a Class D license as a security officer; successfully completed the certified training curriculum for a Class D license or has been determined by the Department of Agriculture and Consumer Services (DACS) to have equivalent experience as established by rule of the department; and completed the training or training equivalency and testing process established by this section for becoming a certified seaport security officer.

The Seaport Security Officer Qualification, Training, and Standards Coordinating Council is created under FDLE. This section specifies the membership of the council, which includes the seaport administrator of FDLE, the chancellor of the Community College System who serves as chair, the director of the Division of Licensing of the DACS, the administrator of the Florida Seaport Transportation and Economic Development Council, two seaport security directors from seaports designated under s. 311.09, F.S., one director of a state law enforcement academy, one representative of a local law enforcement agency, two representatives of contract security

services, one representative of the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles, and a representative of the USCG who may be invited to serve as an ex officio, nonvoting member of the council. Members are unpaid but may claim state per diem and travel allowances for official meetings. This section also specifies the members' terms and the minimum number of meetings (at least once a year).

By December 1, 2006, the council shall identify the qualifications, training, and standards for seaport security officer certification and recommend a curriculum for the seaport security officer training program that shall include no less than 218 hours of initial certification training and that conforms to or exceeds model courses approved by the Federal Maritime Act under Section 109 of the Federal Maritime Transportation Security Act of 2002 for facility personnel with specific security duties. The council shall also recommend a continuing education curriculum of no less than 8 hours of additional training for each annual licensing period. The council may recommend training equivalencies that may be substituted for portions of the required training.

The Department of Education shall develop the curriculum recommendations and classroom-hour specifications of the council into initial and continuing education and training programs for seaport security officer certification. Such training programs shall be used by schools licensed under s. 493.6304, F.S., and each instructor providing training must hold a Class D license. A seaport authority or other organization involved in seaport-related activities may apply to become a licensed school. The training programs shall include proficiency examinations that must be passed by each candidate for certification who successfully completes the required hours of training or provides proof of authorized training equivalencies.

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

Seaport security officer certificates shall be provided by the Division of Licensing of DACS for issuance by a licensed school, which may issue the certificate to an applicant who has successfully completed the training program and which shall notify the division upon the issuance of each certificate. This section specifies what must be provided in the notification and how it may be provided to DACS.

Upon completion of the certification process, a person holding a Class D license must apply for a revised license pursuant to s. 493.6107(2), F.S., which license shall state that the licensee is certified as a seaport security officer. A person who has been issued a seaport security officer certificate is authorized to perform duties specifically required of a seaport security officer. This certificate is valid for the duration of the seaport security officer's Class D license and shall be renewed upon renewal of the license. This section specifies when this certificate becomes void, and the requirements for renewal of certification following licensure revocation or a lapse (as specified).

Section 4 creates s. 311.122, F.S., which authorizes the creation of a Seaport Law Enforcement Agency by the seaport director to satisfy the seaport's security force requirements; provides requirements of such an agency; provides requirements with respect to the composition of

agency personnel, and provides powers of seaport law enforcement agency officers and seaport security officers.

Each seaport in the state is authorized to create a seaport law enforcement agency for its facility, which authority in no way precludes the seaport from contracting with local governments or law enforcement agencies to comply with the security standards required by this chapter. Such agency shall meet all of the standards set by the state under certified law enforcement guidelines and requirements and shall be certified as provided under ch. 943, F.S. A minimum of 10 percent of the aggregate personnel of such agency shall be sworn state-certified law enforcement officers with additional MTSA seaport training; a minimum of 30 percent of on-duty personnel of such agency shall be sworn state-certified law enforcement officers with additional MTSA seaport training; and at least one on-duty supervisor of such agency shall be a sworn state-certified law enforcement officer with additional MTSA seaport training.

For the purposes of ch. 311, F.S., where applicable, seaport law enforcement agency officers shall have the same powers as university police officers under s. 1012.97, F.S.; however, such powers do not extend beyond the property of the seaport except in connection with an investigation initiated on seaport property or in connection with an immediate, imminent threat to the seaport. Also, for the purposes of this chapter, sworn state-certified seaport security officers shall have the same law enforcement powers with respect to the enforcement of traffic laws on seaport property as university police officers, community college police officers under s. 1012.88, F.S., and airport police officers under the provisions of s. 316.640(1)(a)1.d.(I)-(II), F.S. Certified seaport security officers shall also have the authority to immediately tow any vehicle parked illegally as indicated by an existing sign or during an emergency as deemed necessary to maintain seaport security.

Section 5 creates s. 311.123, F.S., which provides for the creation of a maritime domain security awareness training program; the purpose of the program and program training curriculum requirements.

The Florida Seaport Transportation and Economic Development Council, in conjunction with the FDLE and the ODC, shall create a maritime domain security awareness training program to instruct all personnel employed within a seaport's boundaries about the security procedures required of them for implementation of the seaport security plan. This training program must include security training required pursuant to 33 C.F.R. part 105 and must be designed to enable the seaports in this state to meet the training, drill, and exercise requirements of 33 C.F.R. part 105, and individual seaport security plans and to comply with the requirements of s. 311.12, F.S., relating to security awareness.

Section 6 creates s. 311.124, F.S., provides authority of seaport security officers to detain persons suspected of trespassing, and provides immunity from specified criminal and civil liability.

Any Class D or Class G seaport security officer certified under the MTSA guidelines and s. 311.121, F.S., or any employee of the seaport security force certified under the MTSA guidelines and s. 311.121, F.S., who has probable cause to believe that a person is trespassing in a designated restricted area is authorized to detain such person in a reasonable manner for a reasonable period of time pending the arrival of a law enforcement officer, and such action shall not render the security officer criminally or civilly liable for false arrest, false imprisonment, or unlawful detention. Upon detaining a person for trespass, the seaport security officer shall immediately call a certified law enforcement officer to the scene.

Section 7 creates s. 817.021, F.S., which provides that it is a third degree felony⁵ for a person to willfully and knowingly provide false information in obtaining or attempting to obtain a seaport security identification card.

Section 8 provides an effective date of July 1, 2006.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There may be a cost associated with providing additional training for certification. This cost may be borne by the individual applicant seeking upgraded skills and certification. The impact to private sector security agency employers seeking higher skill level security officers is unknown.

⁵ The maximum term of imprisonment for a third degree felony is five years in state prison. s. 775.082, F.S.

The Department of Agriculture and Consumer Services states that:

Since the number of applicants needing training has not been determined, we cannot estimate the fiscal impact on the private sector for costs associated with revised/duplicate license requests. These requests would be made upon completion of the certification process prior to the licensee's renewal period.

We are unable to determine the fiscal impact on the private sector for Seaport Security training and testing as the required training hours is unknown at this time. The cost of training is directly proportionate to the number of individuals required to take the training: fewer students will cost more to train than a large population.

C. Government Sector Impact:

This committee substitute for committee substitute for committee substitute is permissive to seaport authorities and governing boards with regard to requiring certified seaport security officers. However, there are potential cost savings to public seaports given the ability to design an optimum security force mix of sworn and non-sworn law enforcement officers and certified seaport security officers.

This bill requires that the Department of Education develop the curriculum recommendations and classroom-hour specifications of the Seaport Security Officer Qualifications, Training, and Standards Coordinating Council into initial and continuing education and training programs for seaport security officer certification. There may be an indeterminate costs associated with developing the recommendations and specifications.

The Department of Agriculture and Consumer Services estimates the fiscal impact of this bill to be approximately \$195,200 to develop and integrate new database requirements into existing database and electronic document management system. The Division of Licensing; however, states that this non-recurring cost could be absorbed with existing revenues in the department. Also noted were recurring costs of approximately \$2,000 for printing training certificates; however, revenues will be generated from the fee for revised/duplicate licenses.

The Department of Law Enforcement states that there is no fiscal impact to their department.

The fiscal impact of this bill on the Florida Parole Commission is indeterminate. The costs could be negligible, or could require funding for additional staff to handle a workload increase related to providing factual reviews of the waiver applications to determine whether individuals denied employment or regular unescorted access to restricted areas of a public seaport pose a risk of engaging in theft, drug trafficking, or terrorism. Based on the commission's analysis, the potential impact could be 5 FTE, \$284,400 (\$21,200 non-recurring). This is based on assumptions that one to two percent of the 30,000 applicants for initial employment (300 to 600 cases annually) at a seaport

are denied and could request a waiver for further factual review of their backgrounds based on information submitted by the applicant. The costs could be negligible should there be 100 cases or less per year requiring review.

The Criminal Justice Impact Conference (CJIC) has not yet met to consider the impact to the Department of Corrections, if any, of felony offenses created by this bill. However, generally CJIC estimates that unranked third degree felony offenses have an insignificant prison bed impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
