

By Senator Wise

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A bill to be entitled
An act relating to seaport security; amending
s. 311.12, F.S.; requiring that the Department
of Law Enforcement establish a waiver process
to allow an individual, who is otherwise
unqualified, to be allowed unescorted access to
a seaport or restricted access area; requiring
the administrative staff of the Parole
Commission to review the facts of the waiver
application and transmit the findings to the
Department of Law Enforcement; requiring the
department to make a final disposition of the
application and notify the applicant and the
port authority that denied employment to the
applicant; exempting the review from ch. 120,
F.S.; creating s. 311.121, F.S.; authorizing
the seaport authority or governing board of
certain seaports to require that seaport
security officers receive additional training
and certification; providing legislative intent
relating to mitigation of operational security
costs at seaports; requiring the department to
apply such intent; providing eligibility
requirements for such certification; creating
the Seaport Security Officer Qualifications,
Training, and Standards Steering Committee to
develop the curriculum for the training
program; providing for the membership of the
steering committee; requiring the Department of
Education to implement the training curriculum;
authorizing the substitution of training

1 equivalencies; requiring an examination;
2 providing requirements for certification
3 renewal; providing continuing education
4 requirements for certification; providing
5 requirements for schools that offer training
6 for seaport security officers; providing for
7 the issuance of a license indicating that the
8 licensee is certified as a seaport security
9 officer; creating s. 311.122, F.S.; authorizing
10 a seaport security officer to take into custody
11 any person whom the officer has cause to
12 believe is trespassing in a restricted access
13 area; providing that such officer is not
14 criminally or civilly liable for taking such
15 action; defining the term "restricted access
16 area"; providing for designation of seaport
17 property as a restricted access area under
18 certain emergency conditions; creating s.
19 311.123, F.S.; requiring the Florida Seaport
20 Transportation and Economic Development
21 Council, in conjunction with the Department of
22 Law Enforcement and the Governor's Office of
23 Drug Control, to create a maritime domain
24 awareness training program; providing purposes
25 of the program; providing requirements for the
26 curriculum; providing an effective date.

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28 Be It Enacted by the Legislature of the State of Florida:

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30 Section 1. Paragraph (e) is added to subsection (3) of
31 section 311.12, Florida Statutes, to read:

1 311.12 Seaport security standards.--
2 (3)
3 (e) The Department of Law Enforcement shall establish
4 a waiver process to allow unescorted access to an individual
5 who is found to be unqualified under paragraph (c) and denied
6 employment by a seaport. The waiver consideration shall be
7 based on the circumstances of any disqualifying act or
8 offense, restitution made by the individual, and other factors
9 from which it may be determined that the individual does not
10 pose a risk of engaging in theft, drug trafficking, or
11 terrorism within the public seaports regulated under this
12 chapter or of harming any person. The waiver process shall
13 begin when an individual who has been denied initial
14 employment within or regular unescorted access to restricted
15 areas of a public seaport as described in paragraph (c)
16 submits an application for a waiver and notarized letter or
17 affidavit from the individual's employer or union
18 representative which states the mitigating reasons for
19 initiating the waiver process. No later than 90 days after
20 receipt of the application, the administrative staff of the
21 Parole Commission shall conduct a factual review of the waiver
22 application. Findings of fact shall be transmitted to the
23 Department of Law Enforcement for review. The department shall
24 make a copy of those findings available to the applicant
25 before final disposition of the waiver request. The department
26 shall make a final disposition of the waiver request based on
27 the factual findings of the investigation by the Parole
28 Commission. The port authority that originally denied
29 employment and the waiver applicant shall be notified of the
30 final disposition of the waiver application by the department.
31 This review process is exempt from chapter 120.

1 Section 2. 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 in s. 311.12 may
8 require that a security officer working on the seaport receive
9 additional training and certification as a seaport security
10 officer. In accordance with s. 311.12(4), it is the intent of
11 the Legislature to provide seaports in this state with the
12 ability to mitigate operational security costs without
13 reducing security through a combination of sworn law
14 enforcement officers and certified private security services.
15 To the maximum extent feasible, the Florida Department of Law
16 Enforcement shall apply this intent in achieving the security
17 requirements required in s. 311.12.

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

1 (3) The curriculum for the seaport security officer
2 training program shall be developed by the Seaport Security
3 Officer Qualifications, Training, and Standards Steering
4 Committee. The curriculum must require no less than 8 hours
5 of initial certification training and must conform to or
6 exceed the model courses for facility personnel having
7 specific security duties which have been approved by the
8 federal Maritime Administration under Section 109 of the
9 federal Maritime Transportation Security Act of 2002. The
10 steering committee shall meet at least once each year to
11 update or modify the curriculum. Members of the steering
12 committee shall be appointed by the Department of Law
13 Enforcement. Members shall serve for the duration of their
14 employment or appointment in a specified position or for a
15 term of 4 years if not designated by title to a specified
16 position. The steering committee shall consist of the Seaport
17 Administrator of the Department of Law Enforcement, the
18 Chancellor of the Community College System, who shall serve as
19 chair, the director of the Division of Licensing of the
20 Department of Agriculture and Consumer Services, the
21 administrator of the Florida Seaport Transportation and
22 Economic Development Council, two seaport security directors
23 from ports designated in s. 311.09, one director of a state
24 law enforcement academy, one representative of a local law
25 enforcement agency, two representatives of contract security
26 services, one representative of the Division of Driver
27 Licenses of the Department of Highway Safety and Motor
28 Vehicles, and one representative of the United States Coast
29 Guard.

30 (4) The Department of Education shall implement the
31 curriculum recommendations of the Seaport Security Officer

1 Qualifications, Training, and Standards Steering Committee in
2 order to provide a training program for certified seaport
3 security officers which shall be used by licensed schools
4 pursuant to s. 493.6304. Each instructor providing training
5 must hold a Class DI license pursuant to s. 493.6301. A
6 seaport authority or other organization involved in
7 seaport-related activities may apply to become a licensed
8 school pursuant to s. 493.6304.

9 (5) The Seaport Security Officer Qualifications,
10 Training, and Standards Steering Committee may consider
11 training equivalencies that may be substituted for the
12 required training. Such equivalencies must be established and
13 provided to any person seeking certification in advance of
14 training. A candidate for certification as a seaport security
15 officer must successfully pass a proficiency examination.

16 (6) A person who successfully completes the training,
17 or training equivalency, and passes the examination shall
18 receive a seaport security officer certificate authorizing the
19 person to perform duties specifically required of a seaport
20 security officer. The certificate is valid for the duration of
21 the person's active Class D license and shall be renewed upon
22 renewal of that license. The certificate becomes void if the
23 person's license is revoked or allowed to lapse for more than
24 1 year. Renewal of certification following licensure
25 revocation or a lapse of longer than 1 year requires, at a
26 minimum, reexamination of the applicant.

27 (7) The steering committee shall recommend a
28 continuing education curriculum to be implemented by the
29 Department of Education. The curriculum must be offered by any
30 licensed school or seaport that provides certificate training
31 for seaport security officers and must require no less than 4

1 hours of additional training per annual licensing period. A
2 seaport security officer certificate is void if the
3 certificateholder licensee fails to complete the annual
4 continuing education requirement prior to expiration of the
5 Class D license.

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

20 (9) Upon completion of the certification process, a
21 person holding a Class D license must apply for a revised
22 duplicate license pursuant to s. 493.6107(2), which license
23 states that the licensee is certified as a seaport security
24 officer.

25 Section 3. Section 311.122, Florida Statutes, is
26 created to read:

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

1 is designated by the facility security officer to maintain
2 order and provide security within the seaport, who has
3 probable cause to believe that a person is trespassing in a
4 designated restricted access area of a seaport pursuant to s.
5 810.08 or s. 810.09 may take into custody and detain such
6 person in a reasonable manner for a reasonable time pending
7 the arrival of a law enforcement officer. Such action by an
8 officer does not render him or her criminally or civilly
9 liable for false arrest, false imprisonment, or unlawful
10 detention. A law enforcement officer shall be called to the
11 scene immediately after a person is taken into custody. As
12 used in this section, the term "designated restricted access
13 area" means an area where signage, fencing, or other
14 access-control measures designed to prevent unauthorized
15 access to that area are in place. During a period of a high
16 terrorist threat level designated by the United States
17 Department of Homeland Security or the Department of Law
18 Enforcement, or during an emergency declared by the seaport
19 security director of a port due to events applicable to that
20 particular port, the management or controlling authority of
21 the port may temporarily designate any part of the port
22 property as a restricted access area. The duration of such
23 designation is limited to the period when the high terrorist
24 threat level or port emergency exists. This section does not
25 limit the power of the managing or controlling authority of a
26 seaport to designate any port property as a restricted access
27 area as otherwise provided by law.

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

30 311.123 Maritime domain awareness training of
31 personnel working on Florida seaports.--The Florida Seaport

1 Transportation and Economic Development Council, in
2 conjunction with the Department of Law Enforcement and the
3 Office of Drug Control within the Executive Office of the
4 Governor, shall create a maritime domain awareness training
5 program to instruct all workers within a seaport's boundaries
6 about the security awareness procedures required of them in
7 order to implement the seaport security plan. The training
8 program curriculum must also include security training
9 required pursuant to 33 C.F.R. part 105 and must be designed
10 to enable the seaports in this state to meet the training,
11 drill, and exercise requirements of 33 C.F.R. part 105 and
12 individual seaport security plans and to comply with the
13 requirements of s. 311.12 concerning security awareness.

14 Section 5. This act shall take effect July 1, 2006.

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17 SENATE SUMMARY

18 Provides a procedure to allow an individual, who is
19 otherwise unqualified, to be allowed unescorted access to
20 a seaport or restricted-access area. Provides for
21 additional training and certification of seaport security
22 officers. Creates the Seaport Security Officer
23 Qualifications, Training, and Standards Steering
24 Committee. Provides for membership and duties. Provides
25 certification requirements as a seaport security officer.
26 Requires the Florida Seaport Transportation and Economic
27 Development Council to create a maritime domain awareness
28 training program. (See bill for details.)
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