

1 Domestic Security Oversight Council to
2 establish a review process; requiring that the
3 Department of Law Enforcement establish a
4 waiver process to allow an individual who is
5 otherwise unqualified to be allowed unescorted
6 access to a seaport or restricted access area;
7 requiring the administrative staff of the
8 Parole Commission to review the facts of the
9 waiver application and transmit the findings to
10 the Department of Law Enforcement; requiring
11 the department to make final disposition of the
12 application and notify the applicant and the
13 port authority that denied employment to the
14 applicant; exempting the review from ch. 120,
15 F.S.; providing procedures and requirements
16 with respect to waiver of any physical-facility
17 requirement or other requirement contained in
18 the statewide minimum standards for seaport
19 security; providing a penalty for possession of
20 a concealed weapon while on seaport property in
21 a designated restricted area; requiring that
22 periodic review of the statewide minimum
23 standards for seaport security be conducted
24 under the Office of Drug Control within the
25 Executive Office of the Governor; requiring the
26 Office of Drug Control to convene an advisory
27 council to review the statewide minimum
28 standards for seaport security; providing
29 membership standards for seaport security;
30 providing membership, terms, organization, and
31 meetings of the council; creating s. 311.121,

1 F.S.; requiring the seaport authority or
2 governing board of each seaport that is subject
3 to statewide minimum seaport security standards
4 to impose specified requirements for
5 certification as a seaport security officer;
6 creating the Seaport Security Officer
7 Qualification, Training, and Standards
8 Coordinating Council under the Department of
9 Law Enforcement; providing membership and
10 organization of the council; providing terms of
11 members; providing duties and authority of the
12 council; requiring the Department of Education
13 to develop curriculum recommendations and
14 specifications of the council into initial and
15 continuing education and training programs for
16 certification as a seaport security officer;
17 providing requirements and procedures with
18 respect to such training programs; providing
19 requirements and procedures with respect to
20 certification as a seaport security officer;
21 providing requirements for renewal of inactive
22 or revoked certification; creating s. 311.122,
23 F.S.; authorizing each seaport in the state to
24 create a seaport law enforcement agency for its
25 facility; providing requirements of an agency;
26 requiring certification of an agency; providing
27 requirements with respect to the composition of
28 agency personnel; providing powers of seaport
29 law enforcement agency officers and seaport
30 security officers; creating s. 311.123, F.S. ;
31 providing for the creation of a maritime domain

1 security awareness training program; providing
2 purpose of the program; providing requirements
3 for the program training curriculum; creating
4 s. 311.124, F.S.; authorizing seaport security
5 officers to detain persons suspected of
6 trespassing in a designated restricted area of
7 a seaport; providing immunity from specified
8 criminal or civil liability; creating s.
9 817.021, F.S.; providing a criminal penalty for
10 providing false information in obtaining or
11 attempting to obtain a seaport security
12 identification card; providing an effective
13 date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Section 311.111, Florida Statutes, is
18 created to read:

19 311.111 Security area designations; access
20 requirements; authority.--Each seaport authority or governing
21 board of a seaport identified in s. 311.09 which is subject to
22 the statewide minimum seaport security standards in s. 311.12
23 shall clearly designate in seaport-security plans and clearly
24 identify with appropriate signs and markers on the premises of
25 a seaport the following security-area designations, access
26 requirements, and corresponding security enforcement
27 authorizations, which may include, but are not limited to,
28 clear notice of the prohibition on possession of concealed
29 weapons and other contraband material on the premises of the
30 seaport:

31

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

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.

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

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

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. Security improvements
13 identified in a seaport risk assessment report as potential
14 solutions for mitigation shall be presented to the appropriate
15 regional domestic security task force and to the Domestic
16 Security Oversight Council for consideration in the
17 prioritized list of projects recommended by the council for
18 funding each fiscal year.

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

24 (e) It is the intent of the Legislature that this
25 state's seaports adhere to security practices that are
26 consistent with risks assigned to each seaport through the
27 risk-assessment process established in this section.
28 Therefore, the Department of Law Enforcement shall inspect
29 each seaport within the state to determine if all security
30 measures adopted by the seaport are in compliance with the
31 standards set forth in this chapter and shall submit the

1 department's findings within 30 days after the inspection in a
2 report to the Domestic Security Oversight Council and the
3 United States Coast Guard for review with requests to the
4 Coast Guard for any necessary corrective action.

5 (f) Notwithstanding chapter 120, a seaport may appeal
6 to the Domestic Security Oversight Council, for review and
7 mediation, the findings in any inspection report by the
8 Department of Law Enforcement as it relates to the
9 requirements of this section. The Domestic Security Oversight
10 Council shall establish a review process and may review only
11 those findings under this section which are in specific
12 dispute by the seaport. In reviewing the disputed findings,
13 the council may concur in the findings of the department or
14 the seaport or may recommend corrective action to the seaport.
15 Findings of the council are final.

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

1 for state processing and to the Federal Bureau of
2 Investigation for federal processing. The results of each
3 fingerprint-based check must ~~shall~~ be reported to the
4 requesting seaport. The costs of the checks, consistent with
5 s. 943.053(3), must ~~shall~~ be paid by the seaport or other
6 employing entity or by the person checked.

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

28 (c) In addition to other requirements for employment
29 or access established by each seaport pursuant to its seaport
30 security plan, each seaport security plan must ~~shall~~ provide
31 that:

1 1. Any person who has within the past 7 years been
2 convicted, regardless of whether adjudication was withheld,
3 for a forcible felony as defined in s. 776.08; an act of
4 terrorism as defined in s. 775.30; planting of a hoax bomb as
5 provided in s. 790.165; any violation involving the
6 manufacture, possession, sale, delivery, display, use, or
7 attempted or threatened use of a weapon of mass destruction or
8 hoax weapon of mass destruction as provided in s. 790.166;
9 dealing in stolen property; any violation of s. 893.135; any
10 violation involving the sale, manufacturing, delivery, or
11 possession with intent to sell, manufacture, or deliver a
12 controlled substance; burglary; robbery; any felony violation
13 of s. 812.014; any violation of s. 790.07; any crime an
14 element of which includes use or possession of a firearm; any
15 conviction for any similar offenses under the laws of another
16 jurisdiction; or conviction for conspiracy to commit any of
17 the listed offenses may ~~shall~~ not be qualified for initial
18 employment within or regular access to a seaport or restricted
19 access area; and

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

29 (d) By October 1 of each year, each seaport shall
30 report to the Department of Law Enforcement each determination
31 of denial of employment or access, and any determination to

1 authorize employment or access after an appeal of a denial
2 made during the previous 12 months. The report ~~must shall~~
3 include the identity of the individual affected, the factors
4 supporting the determination, and any other material factors
5 used in making the determination.

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

1 final disposition of the waiver application by the department.

2 This review process is exempt from chapter 120.

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

6 (b) The Office of Drug Control and the executive
7 director of the Department of Law Enforcement may modify or
8 waive any physical facility requirement or other requirement
9 contained in the statewide minimum standards for seaport
10 security upon a finding or other determination that the
11 purposes of the standards have been reasonably met or exceeded
12 by the seaport requesting the modification or waiver.

13 Alternate means of compliance may not in any way diminish the
14 safety or security of the seaport and must be verified through
15 an extensive risk analysis conducted by the port director. A
16 waiver must be submitted in writing with supporting
17 documentation to the Office of Drug Control and the Department
18 of Law Enforcement. The Office of Drug Control and the
19 Department of Law Enforcement shall have 90 days to jointly
20 grant the waiver or reject the waiver in whole or in part. A
21 waiver that is not granted within 90 days or jointly rejected
22 must be submitted by the seaport to the Domestic Security
23 Oversight Council for consideration. The Domestic Security
24 Oversight Council shall grant the waiver or reject the waiver
25 in whole or in part. The decision of the Domestic Security
26 Oversight Council is final. A waiver submitted for standards
27 established under s. 311.122(3) may not be granted for
28 percentages below 10 percent. Such modifications or waivers
29 ~~must shall~~ be noted in the annual report submitted by the
30 Department of Law Enforcement pursuant to this subsection.
31

1 (c) Beginning with the 2001-2002 fiscal year, the
2 Department of Law Enforcement, or any entity designated by the
3 department, shall conduct no less than one annual unannounced
4 inspection of each seaport listed in s. 311.09 to determine
5 whether the seaport is meeting the minimum standards
6 established pursuant to this section, and to identify seaport
7 security changes or improvements necessary or otherwise
8 recommended. The Department of Law Enforcement, or any entity
9 designated by the department, may conduct additional announced
10 or unannounced inspections or operations within or affecting
11 any affected seaport to test compliance with, or the
12 effectiveness of, security plans and operations at each
13 seaport, to determine compliance with physical facility
14 requirements and standards, or to assist the department in
15 identifying changes or improvements necessary to bring a
16 seaport into compliance with the statewide minimum security
17 standards.

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

1 (e) In making security project or other funding
2 decisions applicable to each seaport listed in s. 311.09, the
3 Legislature may consider as authoritative the annual report of
4 the Department of Law Enforcement required by this section,
5 especially regarding each seaport's degree of substantial
6 compliance with the statewide minimum security standards
7 established by this section. The Legislature shall review any
8 seaport that is not in substantial compliance with the
9 statewide minimum security standards by November 2005, as
10 reported by the Department of Law Enforcement.

11 (f) By December 31, 2004, the Legislature shall review
12 the ongoing costs of operational security on seaports, the
13 impacts of this section on those costs, mitigating factors
14 that may reduce costs without reducing security, and methods
15 by which seaports may implement operational security using a
16 combination of sworn law enforcement officers and private
17 security services.

18 (g) Subject to the provisions of this chapter and
19 appropriations made for seaport security, state funds may not
20 be expended for operational security costs without
21 certification of need for such expenditures by the Office of
22 Ports Administrator within the Department of Law Enforcement.

23 (5) This section does not prevent ~~Nothing in this~~
24 ~~section shall be construed as preventing~~ any seaport from
25 implementing security measures that are more stringent,
26 greater than, or supplemental to the statewide minimum
27 standards established by this section except that, for
28 purposes of employment and access, each seaport shall adhere
29 to the requirements provided in paragraph (3)(c) and may ~~shall~~
30 not exceed statewide minimum requirements.
31

1 (6) When funds are appropriated for seaport security,
2 the Office of Drug Control and the Florida Seaport
3 Transportation and Economic Development Council shall mutually
4 determine the allocation of such funds for security project
5 needs identified in the approved seaport security plans
6 required by this section. Any seaport that receives state
7 funds for security projects must enter into a joint
8 participation agreement with the appropriate state entity and
9 must use the seaport security plan developed pursuant to this
10 section as the basis for the agreement. If funds are made
11 available over more than one fiscal year, such agreement must
12 reflect the entire scope of the project approved in the
13 security plan and, as practicable, allow for reimbursement for
14 authorized projects over more than 1 year. The joint
15 participation agreement may include specific timeframes for
16 completion of a security project and the applicable funding
17 reimbursement dates. The joint participation agreement may
18 also require a contractual penalty, not to exceed \$1,000 per
19 day, to be imposed for failure to meet project completion
20 dates provided state funding is available. Any such penalty
21 shall be deposited into the State Transportation Trust Fund to
22 be used for seaport security operations and capital
23 improvements.

24 (7) Any person who has in his or her possession a
25 concealed weapon, or who operates or has possession or control
26 of a vehicle in or upon which a concealed weapon is placed or
27 stored while in a designated restricted area on seaport
28 property, commits a misdemeanor of the first degree,
29 punishable as provided in s. 775.082 or s. 775.083. This
30 subsection does not apply to active-duty, certified federal or
31 state law enforcement personnel.

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

8 (b) The Office of Drug Control shall convene a Seaport
9 Security Standards Advisory Council as defined in s. 20.03(7)
10 to review the statewide minimum standards for seaport security
11 for applicability to and effectiveness in combating current
12 narcotics and terrorism threats to this state's seaports. All
13 sources of information allowed by law shall be used in
14 assessing the applicability and effectiveness of the
15 standards.

16 (c) The council shall consist of the following
17 members:

18 1. Two seaport directors appointed by the Governor.

19 2. Two seaport security directors appointed by the
20 Governor.

21 3. One designee from the Department of Law
22 Enforcement.

23 4. The director of the Office of Motor Carrier
24 Compliance of the Department of Transportation.

25 5. One designee from the Office of the Attorney
26 General.

27 6. One designee from the Department of Agriculture and
28 Consumer Services.

29 7. One designee from the Office of Tourism, Trade, and
30 Economic Development.

31

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

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

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

10 (f) The Seaport Security Standards Advisory Council
11 shall be chaired by a designee from the Office of Drug
12 Control. The council shall meet upon the call of the chair and
13 at least once every 5 years.

14 (g) Recommendations and findings of the council shall
15 be transmitted to the Governor, the President of the Senate,
16 and the Speaker of the House of Representatives.

17 Section 3. Section 311.121, Florida Statutes, is
18 created to read:

19 311.121 Qualifications, training, and certification of
20 licensed security officers at Florida seaports.--

21 (1) It is the intent of the Legislature that seaports
22 in the state be able to mitigate operational security costs
23 without reducing security levels by employing a combination of
24 certified law enforcement officers and certified private
25 security service officers. In order to accomplish this intent,
26 seaports may recruit and employ seaport security officers who
27 are trained and certified pursuant to this section. The
28 Department of Law Enforcement shall adhere to this intent in
29 the approval and certification process for seaport security
30 required under s. 311.12.

31

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

6 (a) Received a Class D license as a security officer
7 under chapter 493;

8 (b) Successfully completed the certified training
9 curriculum for a Class D license or has been determined by the
10 Department of Agriculture and Consumer Services to have
11 equivalent experience as established by rule of the
12 department; and

13 (c) Completed the training or training equivalency and
14 testing process established by this section for becoming a
15 certified seaport security officer.

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

19 (b) The executive director of the Department of Law
20 Enforcement shall appoint 12 members to the council which
21 shall include:

22 1. The seaport administrator of the Department of Law
23 Enforcement.

24 2. The chancellor of the Community College System.

25 3. The director of the Division of Licensing within
26 the Department of Agriculture and Consumer Services.

27 4. The administrator of the Florida Seaport
28 Transportation and Economic Development Council.

29 5. Two seaport security directors from seaports
30 designated under s. 311.09.

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

1 7. One representative of a local law enforcement
2 agency.

3 8. Two representatives of contract security services.

4 9. One representative of the Division of Driver
5 Licenses of the Department of Highway Safety and Motor
6 Vehicles.

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

9 (c) Council members designated in subparagraphs
10 (b)1.-4. shall serve for the duration of their employment or
11 appointment. Council members designated under subparagraphs
12 (b)5.-10. shall be appointed to 4-year terms, except that the
13 initial appointment for the representative of a local law
14 enforcement agency, one representative of a contract security
15 agency, and one seaport security director from a seaport
16 designated in s. 311.09 shall be appointed to terms of 2
17 years.

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

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

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

27 (g) By December 1, 2006, the council shall identify
28 the qualifications, training, and standards for certification
29 as a seaport security officer and recommend a curriculum for
30 the seaport security officer training program which shall
31 include no less than 218 hours of initial certification

1 training and which conforms to or exceeds model courses
2 approved by the Federal Maritime Act under section 109 of the
3 Federal Maritime Transportation Security Act of 2002 for
4 facility personnel having specific security duties.

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

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

10 (4)(a) The Department of Education shall develop the
11 curriculum recommendations and classroom-hour specifications
12 of the Seaport Security Officer Qualifications, Training, and
13 Standards Coordinating Council into initial and continuing
14 education and training programs for certification as a seaport
15 security officer.

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

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

22 (d) Each training program must include proficiency
23 examinations that must be passed by each candidate for
24 certification who successfully completes the required hours of
25 training or provides proof of authorized training
26 equivalencies.

27 (e) A candidate for certification must be provided
28 with a list of authorized training equivalencies in advance of
29 training; however, each candidate for certification must
30 successfully complete 20 hours of study specific to Florida
31

1 Maritime Security and pass the related portion of the
2 proficiency examination.

3 (5) A seaport security officer's certificate shall be
4 provided by the Department of Agriculture and Consumer
5 Services for issuance by a school licensed under s. 493.6304,
6 and such school may issue the certificate to an applicant who
7 has successfully completed the training program. A school
8 shall notify the Division of Licensing upon the issuance of
9 each certificate. The notification must include the name and
10 Class D license number of the certificateholder and a copy of
11 the certificate. The department shall place the notification
12 with the licensee's file. Notification may be provided in
13 electronic or paper format pursuant to instruction by the
14 Department of Agriculture and Consumer Services.

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

19 (b) A person who has been issued a certificate as a
20 seaport security officer may perform duties specifically
21 required of a seaport security officer.

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

25 (d) The certificate is void if the seaport security
26 officer's Class D license is revoked or allowed to lapse for
27 more than 1 year or if the licensee fails to complete the
28 annual continuing-education requirement before expiration of
29 the Class D license.

30 (e) Renewal of certification following licensure
31 revocation or a lapse of longer than 1 year requires, at a

1 minimum, 20 hours of recertification training and
2 reexamination of the applicant.

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

5 311.122 Seaport law enforcement agency; authorization;
6 requirements; powers; training.--

7 (1) Each seaport in the state may create a seaport law
8 enforcement agency for its facility. Such agency does not
9 preclude the seaport from contracting with a local government
10 or a law enforcement agency to comply with the security
11 standards required by this chapter.

12 (2) Each seaport law enforcement agency shall meet all
13 of the guidelines and requirements set by law for certified
14 law enforcement agencies and shall be certified as provided
15 under chapter 943.

16 (3) If a seaport creates a seaport law enforcement
17 agency for its facility, a minimum of 30 percent of the
18 aggregate personnel of each seaport law enforcement agency
19 shall be sworn, state-certified, law enforcement officers who
20 have additional seaport training pursuant to the Maritime
21 Transportation Security Act; a minimum of 30 percent of
22 on-duty personnel of each seaport law enforcement agency shall
23 be sworn, state-certified, law enforcement officers who have
24 additional seaport training pursuant to the Maritime
25 Transportation Security Act; and at least one on-duty
26 supervisor must be a sworn, state-certified, law enforcement
27 officer who has additional seaport training pursuant to the
28 Maritime Transportation Security Act.

29 (4) For the purposes of this chapter, where
30 applicable, a seaport law enforcement agency officer shall
31 have the same powers as a university police officer as

1 provided in s. 1012.97; however, such powers do not extend
2 beyond the property of the seaport except in connection with
3 an investigation initiated on seaport property or in
4 connection with an immediate, imminent threat to the seaport.

5 (5) For the purposes of this chapter, a sworn,
6 state-certified, seaport security officer has the same law
7 enforcement powers with respect to the enforcement of traffic
8 laws on seaport property as a university police officer under
9 s. 1012.97, a community college police officer under s.
10 1012.88, and an airport police officer under s.
11 316.640(1)(a)1.d.(I)-(II).

12 (6) A certified seaport security officer may
13 immediately tow any vehicle parked illegally as indicated by
14 an existing sign or during an emergency as deemed necessary to
15 maintain seaport security.

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

18 311.123 Maritime domain security awareness training
19 program.--

20 (1) The Florida Seaport Transportation and Economic
21 Development Council, in conjunction with the Department of Law
22 Enforcement and the Office of Drug Control within the
23 Executive Office of the Governor, shall create a maritime
24 domain security awareness training program to instruct all
25 personnel employed within a seaport's boundaries concerning
26 the security procedures required of them for implementation of
27 the seaport security plan.

28 (2) The training program curriculum must include
29 security training required pursuant to 33 C.F.R. part 105 and
30 must be designed to enable the seaports in this state to meet
31 the training, drill, and exercise requirements of 33 C.F.R.

1 part 105 and individual seaport security plans and to comply
2 with the requirements of s. 311.12 relating to security
3 awareness.

4 Section 6. Section 311.124, Florida Statutes, is
5 created to read:

6 311.124 Trespassing; detention by a certified seaport
7 security officer.--

8 (1) Any Class D or Class G seaport security officer
9 certified under the Maritime Transportation Security Act
10 guidelines and s. 311.121 or any employee of the seaport
11 security force certified under the Maritime Transportation
12 Security Act guidelines and s. 311.121 who has probable cause
13 to believe that a person is trespassing pursuant to s. 810.08,
14 s. 810.09, or this chapter, or is in a designated restricted
15 area pursuant to s. 311.111, may detain such person in a
16 reasonable manner for a reasonable period of time pending the
17 arrival of a law enforcement officer, and such action does not
18 render the security officer criminally or civilly liable for
19 false arrest, false imprisonment, or unlawful detention.

20 (2) Upon detaining a person for trespass, the seaport
21 security officer shall immediately call a certified law
22 enforcement officer to the scene.

23 Section 7. Section 817.021, Florida Statutes, is
24 created to read:

25 817.021 False information to obtain a seaport security
26 identification card.--A person who willfully and knowingly
27 provides false information in obtaining or attempting to
28 obtain a seaport security identification card commits a felony
29 of the third degree, punishable as provided in s. 775.082, s.
30 775.083, or s. 775.084.

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

- 1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 190
- 4 - Establishes security area designations and access
5 requirements for seaports, which can be used by the
6 seaport directors in their security plan and
7 credentialing program.
- 8 - Establishes a five-year recurring review of seaport
9 security plans by the seaport director with the
10 assistance of the Regional Domestic Security Task Force
11 and the Coast Guard.
- 12 - Provides for the use of a risk assessment by seaport
13 directors in creating a security plan and determining the
14 use of counter terrorism devices and initiatives.
- 15 - Requires that each seaport security plan be inspected and
16 adopted by the Office of Drug Control and the Florida
17 Department of Law Enforcement based solely on the
18 standards set forth in the Maritime Transportation Act
19 (as revised) and the statewide minimum standards
20 established in state law.
- 21 - Allows a seaport to request review by the Domestic
22 Security Oversight Council of the seaport's request to
23 waive minimum statewide seaport security standards if
24 this request is not approved by the Office of Drug
25 Control and the Florida Department of Law Enforcement,
26 and authorizes those agencies to modify or waive any
27 physical facility requirement or other requirement
28 contained in the security standards upon a finding or
29 other determination that the purposes of the standards
30 have been reasonably met or exceeded by the seaport
31 requesting the modification or waiver.
- Provides 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 and to the Domestic Security
Oversight Council for consideration in the prioritized
list of projects recommended by the council for funding
each fiscal year.
- Establishes a Seaport Security Standards Advisory Council
to review the statewide seaport security standards for
applicability to current narcotics and terrorist threats.
- Establishes 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.
- Provides authority to create a Seaport Law Enforcement
Agency at the discretion of the seaport director.
- Establishes a maritime domain awareness training program

1 | for security awareness training of all seaport workers.
2 | - Authorizes certified Seaport Security Officers to detain,
3 | based on probable cause, persons believed to be
4 | trespassing in designated seaport restricted access areas
5 | pending the immediate arrival of a law enforcement
6 | officer, and provides limited protection from liability.
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