

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

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

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

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 311.111, Florida Statutes, is
16 created to read:

17 311.111 Security area designations; access
18 requirements; authority.--Each seaport authority or governing
19 board of a seaport identified in s. 311.09 which is subject to
20 the statewide minimum seaport security standards in s. 311.12
21 shall clearly designate in seaport-security plans and clearly
22 identify with appropriate signs and markers on the premises of
23 a seaport the following security-area designations, access
24 requirements, and corresponding security enforcement
25 authorizations, which may include, but are not limited to,
26 clear notice of the prohibition on possession of concealed
27 weapons and other contraband material on the premises of the
28 seaport:

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

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

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

28 (4) SECURED RESTRICTED-ACCESS AREA.--A secured
29 restricted-access area of a seaport is open only to
30 individuals working on the seaport, seaport employees, or
31 guests who have business with the seaport and shall be secured

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

15 (5) TEMPORARY DESIGNATION.--During a period of
16 high-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 or a secured
23 restricted-access area. The duration of such designation is
24 limited to the period in which the high-terrorist-threat level
25 is in effect or a port emergency exists. Subsections (3) and
26 (4) do not limit the power of the managing or controlling
27 authority of a seaport to designate any port property as a
28 restricted-access area or a secured restricted-access area as
29 otherwise provided by law.

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

1 311.12 Seaport security standards; inspections;
2 compliance; appeals.--

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

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

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

1 security plan based on the results of continual, quarterly
2 assessments by the seaport director of security risks and
3 possible risks related to terrorist activities and relating to
4 ~~the specific and identifiable needs of the seaport which~~
5 ~~assures that the seaport is in substantial compliance with the~~
6 statewide minimum standards established pursuant to subsection
7 (1).

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

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

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

8 (e) It is the intent of the Legislature that this
9 state's seaports adhere to security practices that are
10 consistent with risks assigned to each seaport through the
11 risk-assessment process established in this section.
12 Therefore, the Department of Law Enforcement shall inspect
13 each seaport within the state to determine if all security
14 measures adopted by the seaport are in compliance with the
15 standards set forth in this chapter and shall submit the
16 department's findings within 30 days after the inspection in a
17 report to the Domestic Security Oversight Council and the
18 United States Coast Guard for review with requests to the
19 Coast Guard for any necessary corrective action.

20 (f) Notwithstanding chapter 120, a seaport may appeal
21 to the Domestic Security Oversight Council, for review and
22 mediation, the findings in any inspection report by the
23 Department of Law Enforcement as it relates to the
24 requirements of this section. The Domestic Security Oversight
25 Council shall establish a review process and may review only
26 those findings under this section which are in specific
27 dispute by the seaport. In reviewing the disputed findings,
28 the council may concur in the findings of the department or
29 the seaport or may recommend corrective action to the seaport.
30 Findings of the council are final.

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

23 (b) By January 1, 2002, each seaport security plan
24 shall identify criminal convictions or other criminal history
25 factors consistent with paragraph (c) which ~~shall~~
26 person from ~~either~~ initial seaport employment or new
27 authorization for regular access to seaport property or to a
28 restricted access area. Such factors must ~~shall~~ be used to
29 disqualify all applicants for employment or others seeking
30 regular access to the seaport or restricted access area on or
31 after January 1, 2002, and may be used to disqualify all those

1 employed or authorized for regular access on that date. Each
2 seaport security plan may establish a procedure to appeal a
3 denial of employment or access based upon procedural
4 inaccuracies or discrepancies regarding criminal history
5 factors established pursuant to this paragraph. A seaport may
6 allow waivers on a temporary basis to meet special or
7 emergency needs of the seaport or its users. Policies,
8 procedures, and criteria for implementation of this subsection
9 ~~must shall~~ be included in the seaport security plan. Each
10 waiver ~~All waivers~~ granted pursuant to this paragraph must be
11 reported to the Department of Law Enforcement within 30 days
12 of issuance.

13 (c) In addition to other requirements for employment
14 or access established by each seaport pursuant to its seaport
15 security plan, each seaport security plan ~~must shall~~ provide
16 that:

17 1. Any person who has within the past 7 years been
18 convicted, regardless of whether adjudication was withheld,
19 for a forcible felony as defined in s. 776.08; an act of
20 terrorism as defined in s. 775.30; planting of a hoax bomb as
21 provided in s. 790.165; any violation involving the
22 manufacture, possession, sale, delivery, display, use, or
23 attempted or threatened use of a weapon of mass destruction or
24 hoax weapon of mass destruction as provided in s. 790.166;
25 dealing in stolen property; any violation of s. 893.135; any
26 violation involving the sale, manufacturing, delivery, or
27 possession with intent to sell, manufacture, or deliver a
28 controlled substance; burglary; robbery; any felony violation
29 of s. 812.014; any violation of s. 790.07; any crime an
30 element of which includes use or possession of a firearm; any
31 conviction for any similar offenses under the laws of another

1 jurisdiction; or conviction for conspiracy to commit any of
2 the listed offenses ~~may shall~~ not be qualified for initial
3 employment within or regular access to a seaport or restricted
4 access area; and

5 2. Any person who has at any time been convicted for
6 any of the listed offenses ~~may shall~~ not be qualified for
7 initial employment within or authorized regular access to a
8 seaport or restricted access area unless, after release from
9 incarceration and any supervision imposed as a sentence, the
10 person remained free from a subsequent conviction, regardless
11 of whether adjudication was withheld, for any of the listed
12 offenses for a period of at least 7 years prior to the
13 employment or access date under consideration.

14 (d) By October 1 of each year, each seaport shall
15 report to the Department of Law Enforcement each determination
16 of denial of employment or access, and any determination to
17 authorize employment or access after an appeal of a denial
18 made during the previous 12 months. The report ~~must shall~~
19 include the identity of the individual affected, the factors
20 supporting the determination, and any other material factors
21 used in making the determination.

22 (e) The Department of Law Enforcement shall establish
23 a waiver process to allow unescorted access to an individual
24 who is unqualified under paragraph (c) and denied employment
25 by a seaport. The waiver consideration shall be based on the
26 circumstances of any disqualifying act or offense, restitution
27 made by the individual, and other factors from which it may be
28 determined that the individual does not pose a risk of
29 engaging in theft, drug trafficking, or terrorism within the
30 public seaports regulated under this chapter or of harming any
31 person. In order to obtain a waiver, an individual who has

1 been denied initial employment within or regular unescorted
2 access to restricted areas of a public seaport as described in
3 paragraph (c) must submit an application for a waiver and a
4 notarized letter or affidavit from the individual's employer
5 or union representative which states the mitigating reasons
6 for initiating the waiver process. No later than 90 days after
7 receipt of the application, the administrative staff of the
8 Parole Commission shall conduct a factual review of the waiver
9 application. Findings of fact shall be transmitted to the
10 Department of Law Enforcement for review. The department shall
11 make a copy of those findings available to the applicant
12 before final disposition of the waiver request. The department
13 shall make a final disposition of the waiver request based on
14 the factual findings of the investigation by the Parole
15 Commission. The port authority that originally denied
16 employment and the waiver applicant shall be notified of the
17 final disposition of the waiver application by the department.
18 This review process is exempt from chapter 120.

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

22 (b) The Office of Drug Control and the executive
23 director of the Department of Law Enforcement may modify or
24 waive any physical facility requirement or other requirement
25 contained in the statewide minimum standards for seaport
26 security upon a finding or other determination that the
27 purposes of the standards have been reasonably met or exceeded
28 by the seaport requesting the modification or waiver.
29 Alternate means of compliance may not in any way diminish the
30 safety or security of the seaport and must be verified through
31 an extensive risk analysis conducted by the port director. A

1 waiver must be submitted in writing with supporting
2 documentation to the Office of Drug Control and the Department
3 of Law Enforcement. The Office of Drug Control and the
4 Department of Law Enforcement shall have 90 days to jointly
5 grant the waiver or reject the waiver in whole or in part. A
6 waiver that is not granted within 90 days or jointly rejected
7 must be submitted by the seaport to the Domestic Security
8 Oversight Council for consideration. The Domestic Security
9 Oversight Council shall grant the waiver or reject the waiver
10 in whole or in part. The decision of the Domestic Security
11 Oversight Council is final. A waiver submitted for standards
12 established under s. 311.122(3) may not be granted for
13 percentages below 10 percent. Such modifications or waivers
14 must ~~shall~~ be noted in the annual report submitted by the
15 Department of Law Enforcement pursuant to this subsection.

16 (c) Beginning with the 2001-2002 fiscal year, the
17 Department of Law Enforcement, or any entity designated by the
18 department, shall conduct no less than one annual unannounced
19 inspection of each seaport listed in s. 311.09 to determine
20 whether the seaport is meeting the minimum standards
21 established pursuant to this section, and to identify seaport
22 security changes or improvements necessary or otherwise
23 recommended. The Department of Law Enforcement, or any entity
24 designated by the department, may conduct additional announced
25 or unannounced inspections or operations within or affecting
26 any affected seaport to test compliance with, or the
27 effectiveness of, security plans and operations at each
28 seaport, to determine compliance with physical facility
29 requirements and standards, or to assist the department in
30 identifying changes or improvements necessary to bring a
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1 seaport into compliance with the statewide minimum security
2 standards.

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

16 (e) In making security project or other funding
17 decisions applicable to each seaport listed in s. 311.09, the
18 Legislature may consider as authoritative the annual report of
19 the Department of Law Enforcement required by this section,
20 especially regarding each seaport's degree of substantial
21 compliance with the statewide minimum security standards
22 established by this section. The Legislature shall review any
23 seaport that is not in substantial compliance with the
24 statewide minimum security standards by November 2005, as
25 reported by the Department of Law Enforcement.

26 (f) By December 31, 2004, the Legislature shall review
27 the ongoing costs of operational security on seaports, the
28 impacts of this section on those costs, mitigating factors
29 that may reduce costs without reducing security, and methods
30 by which seaports may implement operational security using a
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1 combination of sworn law enforcement officers and private
2 security services.

3 (g) Subject to the provisions of this chapter and
4 appropriations made for seaport security, state funds may not
5 be expended for operational security costs without
6 certification of need for such expenditures by the Office of
7 Ports Administrator within the Department of Law Enforcement.

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

16 (6) When funds are appropriated for seaport security,
17 the Office of Drug Control and the Florida Seaport
18 Transportation and Economic Development Council shall mutually
19 determine the allocation of such funds for security project
20 needs identified in the approved seaport security plans
21 required by this section. Any seaport that receives state
22 funds for security projects must enter into a joint
23 participation agreement with the appropriate state entity and
24 must use the seaport security plan developed pursuant to this
25 section as the basis for the agreement. If funds are made
26 available over more than one fiscal year, such agreement must
27 reflect the entire scope of the project approved in the
28 security plan and, as practicable, allow for reimbursement for
29 authorized projects over more than 1 year. The joint
30 participation agreement may include specific timeframes for
31 completion of a security project and the applicable funding

1 reimbursement dates. The joint participation agreement may
2 also require a contractual penalty, not to exceed \$1,000 per
3 day, to be imposed for failure to meet project completion
4 dates provided state funding is available. Any such penalty
5 shall be deposited into the State Transportation Trust Fund to
6 be used for seaport security operations and capital
7 improvements.

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

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

23 (b) The Office of Drug Control shall convene a Seaport
24 Security Standards Advisory Council as defined in s. 20.03(7)
25 to review the statewide minimum standards for seaport security
26 for applicability to and effectiveness in combating current
27 narcotics and terrorism threats to this state's seaports. The
28 council shall review infrastructure standards for cruise
29 passenger terminals or other buildings in a restricted-access
30 area having a potential human occupancy of 50 persons or more
31 to ensure that such standards provide protection from the most

1 probable and creditable terrorist threat to human life by the
2 use of like or similar standards to those set forth in the
3 United States Department of Defense Minimum Antiterrorism
4 Standard for Buildings, Unified Facilities Criteria 4-010-0 or
5 other similar building criteria established for passenger
6 terminals. The council also shall identify state or federal
7 funding sources that may be used to finance the cost of
8 potential infrastructure or operational security measures to
9 address such measures. All sources of information allowed by
10 law shall be used in assessing the applicability and
11 effectiveness of the standards.

12 (c) The council shall consist of the following
13 members:

14 1. Two seaport directors appointed by the Governor.

15 2. Two seaport security directors appointed by the
16 Governor.

17 3. One designee from the Department of Law
18 Enforcement.

19 4. The director of the Office of Motor Carrier
20 Compliance of the Department of Transportation.

21 5. One designee from the Office of the Attorney
22 General.

23 6. One designee from the Department of Agriculture and
24 Consumer Services.

25 7. One designee from the Office of Tourism, Trade, and
26 Economic Development.

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

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

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

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

9 (g) Recommendations and findings of the council shall
10 be transmitted to the Governor, the President of the Senate,
11 and the Speaker of the House of Representatives.

12 Section 3. Section 311.121, Florida Statutes, is
13 created to read:

14 311.121 Qualifications, training, and certification of
15 licensed security officers at Florida seaports.--

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

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

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1 (a) Received a Class D license as a security officer
2 under chapter 493;

3 (b) Successfully completed the certified training
4 curriculum for a Class D license or has been determined by the
5 Department of Agriculture and Consumer Services to have
6 equivalent experience as established by rule of the
7 department; and

8 (c) Completed the training or training equivalency and
9 testing process established by this section for becoming a
10 certified seaport security officer.

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

14 (b) The executive director of the Department of Law
15 Enforcement shall appoint 12 members to the council which
16 shall include:

17 1. The seaport administrator of the Department of Law
18 Enforcement.

19 2. The chancellor of the Community College System.

20 3. The director of the Division of Licensing within
21 the Department of Agriculture and Consumer Services.

22 4. The administrator of the Florida Seaport
23 Transportation and Economic Development Council.

24 5. Two seaport security directors from seaports
25 designated under s. 311.09.

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

27 7. One representative of a local law enforcement
28 agency.

29 8. Two representatives of contract security services.
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1 9. One representative of the Division of Driver
2 Licenses of the Department of Highway Safety and Motor
3 Vehicles.

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

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

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

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

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

24 (g) By December 1, 2006, the council shall identify
25 the qualifications, training, and standards for certification
26 as a seaport security officer and recommend a curriculum for
27 the seaport security officer training program which shall
28 include no less than 218 hours of initial certification
29 training and which conforms to or exceeds model courses
30 approved by the Federal Maritime Act under section 109 of the
31

1 Federal Maritime Transportation Security Act of 2002 for
2 facility personnel having specific security duties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 311.122 Seaport law enforcement agency; authorization;
4 requirements; powers; training.--

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

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

14 (3) If a seaport creates a seaport law enforcement
15 agency for its facility, a minimum of 10 percent of the
16 aggregate personnel of each seaport law enforcement agency
17 shall be sworn, state-certified, law enforcement officers who
18 have additional seaport training pursuant to the Maritime
19 Transportation Security Act; a minimum of 10 percent of
20 on-duty personnel of each seaport law enforcement agency shall
21 be sworn, state-certified, law enforcement officers who have
22 additional seaport training pursuant to the Maritime
23 Transportation Security Act; and at least one on-duty
24 supervisor must be a sworn, state-certified, law enforcement
25 officer who has additional seaport training pursuant to the
26 Maritime Transportation Security Act.

27 (4) For the purposes of this chapter, where
28 applicable, a seaport law enforcement agency officer shall
29 have the same powers as a university police officer as
30 provided in s. 1012.97; however, such powers do not extend
31 beyond the property of the seaport except in connection with

1 an investigation initiated on seaport property or in
2 connection with an immediate, imminent threat to the seaport.

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

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

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

16 311.123 Maritime domain security awareness training
17 program.--

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

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

1 with the requirements of s. 311.12 relating to security
2 awareness.

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

5 311.124 Trespassing; detention by a certified seaport
6 security officer.--

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

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

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

24 817.021 False information to obtain a seaport security
25 identification card.--A person who willfully and knowingly
26 provides false information in obtaining or attempting to
27 obtain a seaport security identification card commits a felony
28 of the third degree, punishable as provided in s. 775.082, s.
29 775.083, or s. 775.084.

30 Section 8. This act shall take effect July 1, 2006.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS/SB 190

This committee substitute differs from the committee substitute as filed in that it:

- Removes the requirement that restricted access area with a potential human occupancy of 50 persons or more, any cruise terminal, or business operation adjacent to an unrestricted public access area be protected by "like or similar" standards as required by the U.S. Department of Defense rules;
- Requires the Seaport Security Advisory Council, as created in this bill, to review the infrastructure standards for cruise passenger terminals or other areas with high "human occupancy" to ensure they provide protection similar to what is required by DOD standards; and
- Authorizes seaports to create a seaport law enforcement agency to provide security for their respective port, provided that 10 percent, rather than 30 percent as specified in the bill, of the agency are sworn, state-certified law enforcement officers who have relevant seaport security training.