

By the Committees on Justice Appropriations; Commerce and Consumer Services; Criminal Justice; and Senators Wise and Lynn

604-2377-06

1 A bill to be entitled
2 An act relating to seaport security; creating
3 s. 311.111, F.S.; requiring each seaport
4 authority or governing board of a seaport that
5 is subject to the statewide minimum seaport
6 security standards to designate and identify
7 security area designations, access
8 requirements, and security enforcement
9 authorizations on seaport premises and in
10 seaport security plans; providing that any part
11 of a port's property may be designated as a
12 restricted access area under certain
13 conditions; amending s. 311.12, F.S.; revising
14 purpose of security plans maintained by
15 seaports; requiring periodic plan revisions;
16 requiring plans to be inspected for compliance
17 by the Office of Drug Control and the
18 Department of Law Enforcement based upon
19 specified standards; providing requirements
20 with respect to protection standards in
21 specified restricted areas; requiring delivery
22 of the plan to specified entities; requiring
23 the Department of Law Enforcement to inspect
24 every seaport within the state to determine if
25 all security measures adopted by the seaport
26 are in compliance with seaport security
27 standards; requiring a report; authorizing
28 seaports to request review by the Domestic
29 Security Oversight Council of the findings in a
30 Department of Law Enforcement inspection
31 report; limiting the findings which the council

1 is authorized to review; requiring the
2 Department of Law Enforcement to establish a
3 waiver process to grant certain individuals
4 unescorted access to seaports or restricted
5 access areas under certain circumstances;
6 providing waiver process requirements;
7 requiring the administrative staff of the
8 Parole Commission to review the waiver
9 application and transmit the findings to the
10 department; requiring the department to make a
11 final disposition of the application and notify
12 the applicant and the seaport; providing that
13 the waiver review process is exempt from the
14 Administrative Procedure Act; providing
15 procedures and requirements with respect to
16 waiver of any physical facility requirement or
17 other requirement contained in the statewide
18 minimum standards for seaport security;
19 providing a penalty for possession of a
20 concealed weapon while on seaport property in a
21 designated restricted area; creating the
22 Seaport Standards Security Advisory Council
23 under the Office of Drug Control within the
24 Executive Office of the Governor; providing
25 membership, terms, organization, and meetings
26 of the council; requiring the Office of Drug
27 Control to convene the Seaport Security
28 Standards Advisory Council to review the
29 statewide minimum standards for seaport
30 security; requiring periodic review of the
31 statewide minimum standards for seaport

1 security to be conducted by the council;
2 creating s. 311.121, F.S.; providing
3 legislative intent with respect to the
4 employment by seaports of certified law
5 enforcement officers and certified private
6 security officers; providing authority of
7 seaports and requirements of the Department of
8 Law Enforcement with respect to such intent;
9 requiring the authority or governing board of
10 each seaport that is subject to statewide
11 minimum seaport security standards to impose
12 specified requirements for certification as a
13 seaport security officer; creating the Seaport
14 Security Officer Qualification, Training, and
15 Standards Coordinating Council under the
16 Department of Law Enforcement; providing
17 membership and organization of the council;
18 providing terms of members; providing duties
19 and authority of the council; requiring the
20 Department of Education to develop curriculum
21 recommendations and specifications of the
22 council into initial and continuing education
23 and training programs for seaport security
24 officer certification; providing requirements
25 and procedures with respect to such training
26 programs; providing requirements and procedures
27 with respect to certification as a seaport
28 security officer; providing requirements for
29 renewal of inactive or revoked certification;
30 creating s. 311.122, F.S.; authorizing each
31 seaport in the state to create a seaport law

1 enforcement agency for its facility; providing
2 requirements of an agency; requiring
3 certification of an agency; providing
4 requirements with respect to the composition of
5 agency personnel; providing powers of seaport
6 law enforcement agency officers and seaport
7 security officers; creating s. 311.123, F.S.;
8 providing for the creation of a maritime domain
9 security awareness training program; providing
10 purpose of the program; providing program
11 training curriculum requirements; creating s.
12 311.124, F.S.; providing authority of seaport
13 security officers to detain persons suspected
14 of trespassing in a designated restricted area
15 of a seaport; providing immunity from specified
16 criminal or civil liability; creating s.
17 817.021, F.S.; providing a criminal penalty for
18 willfully and knowingly providing false
19 information in obtaining or attempting to
20 obtain a seaport security identification card;
21 providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Section 311.111, Florida Statutes, is
26 created to read:

27 311.111 Security area designations; access
28 requirements; authority.--Each seaport authority or governing
29 board of a seaport identified in s. 311.09 that is subject to
30 the statewide minimum seaport security standards in s. 311.12
31 shall clearly designate in seaport security plans and clearly

1 identify with appropriate signs and markers on the premises of
2 a seaport the following security area designations, access
3 requirements, and corresponding security enforcement
4 authorizations, which may include, but not be limited to,
5 clear notice of the prohibition on possession of concealed
6 weapons and other contraband material on the premises of the
7 seaport:

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

12 (2) RESTRICTED PUBLIC ACCESS AREA.--A restricted
13 public access area of a seaport is open to the public for a
14 specific purpose via restricted access and open to individuals
15 working on the seaport, seaport employees, or guests who have
16 business with the seaport. Any person found in these areas
17 without the proper level of identification card is subject to
18 the trespass provisions of ss. 810.08 and 810.09 and this
19 chapter. All persons and objects in these areas are subject to
20 search by a sworn state-certified law enforcement officer, a
21 Class D seaport security officer certified under Maritime
22 Transportation Security Act guidelines and s. 311.121, or an
23 employee of the seaport security force certified under the
24 Maritime Transportation Security Act guidelines and s.
25 311.121.

26 (3) RESTRICTED ACCESS AREA.--A restricted access area
27 of a seaport is open only to individuals working on the
28 seaport, seaport employees, or guests who have business with
29 the seaport. Any person found in these areas without the
30 proper level of identification card is subject to the trespass
31 provisions of ss. 810.08 and 810.09 and this chapter. All

1 persons and objects in these areas are subject to search by a
2 sworn state-certified law enforcement officer, a Class D
3 seaport security officer certified under Maritime
4 Transportation Security Act guidelines and s. 311.121, or an
5 employee of the seaport security force certified under the
6 Maritime Transportation Security Act guidelines and s.
7 311.121.

8 (4) SECURED RESTRICTED ACCESS AREA.--A secured
9 restricted access area of a seaport is open only to
10 individuals working on the seaport, seaport employees, or
11 guests who have business with the seaport and is secured at
12 each point of access at all times by a Class D seaport
13 security officer certified under the Maritime Transportation
14 Security Act, a sworn state-certified law enforcement officer,
15 or an employee of the port's security force certified under
16 the Maritime Transportation Security Act. Any person found in
17 these areas without the proper level of identification card is
18 subject to the trespass provisions of ss. 810.08 and 810.09
19 and this chapter. All persons and objects in these areas are
20 subject to search by a Class D seaport security officer
21 certified under Maritime Transportation Security Act
22 guidelines and s. 311.121, a sworn state-certified law
23 enforcement officer, or an employee of the seaport security
24 force certified under the Maritime Transportation Security Act
25 guidelines and s. 311.121.

26 (5) TEMPORARY DESIGNATION.--During a period of high
27 terrorist threat level designated by the United States
28 Department of Homeland Security or the Florida Department of
29 Law Enforcement or during an emergency declared at a port by
30 the seaport security director due to events applicable to that
31 particular port, the management or controlling authority of

1 the port may temporarily designate any part of the port
2 property as a restricted access area or a secured restricted
3 access area. The duration of such designation is limited to
4 the period in which the high terrorist threat level is in
5 effect or a port emergency exists. Subsections (3) and (4) do
6 not limit the power of the managing or controlling authority
7 of a seaport to designate any port property as a restricted
8 access area or a secured restricted access area as otherwise
9 provided by law.

10 Section 2. Subsection (2) and paragraph (b) of
11 subsection (4) of section 311.12, Florida Statutes, are
12 amended, paragraph (e) is added to subsection (3), and
13 subsections (7) and (8) are added to that section, to read:

14 311.12 Seaport security standards; inspections;
15 compliance; appeals.--

16 (2)(a) Each seaport identified in s. 311.09 shall
17 maintain a security plan to provide for a secure seaport
18 infrastructure specific to that seaport that shall promote the
19 safety and security of the residents and visitors of the state
20 and promote the flow of legitimate trade and travel.
21 Commencing January 1, 2007, and every 5 years thereafter, the
22 seaport director of each seaport, with the assistance of the
23 Regional Domestic Security Task Force and in conjunction with
24 the United States Coast Guard, shall revise the seaport
25 security plan based on the results of continual, quarterly
26 assessments by the seaport director of security risks and
27 possible risks related to terrorist activities and relating to
28 the specific and identifiable needs of the seaport which
29 assures that the seaport is in substantial compliance with the
30 statewide minimum standards established pursuant to subsection
31 (1).

1 **(b)** Each plan adopted or revised pursuant to this
2 subsection shall be inspected for compliance and must be
3 reviewed and approved by the Office of Drug Control and the
4 Department of Law Enforcement based solely upon the standards
5 as set forth under the most current Maritime Transportation
6 Security Act, 33 C.F.R. s. 105.305, and the statewide minimum
7 standards established pursuant to subsection (1). All such
8 seaports shall allow unimpeded access by the Department of Law
9 Enforcement to the affected facilities for purposes of plan or
10 compliance inspections or other operations authorized by this
11 section.

12 **(c)** Each seaport security plan shall ~~may~~ establish
13 unrestricted and restricted access areas within the seaport
14 consistent with the requirements of the statewide minimum
15 standards and the provisions of s. 311.111. In such cases, a
16 Uniform Port Access Credential Card, authorizing
17 restricted-area access, shall be required for any individual
18 working within or authorized to regularly enter a restricted
19 access area and the requirements in subsection (3) relating to
20 criminal history checks and employment restrictions shall be
21 applicable only to employees or other persons working within
22 or authorized to regularly enter a restricted access area.
23 Every seaport security plan shall set forth the conditions and
24 restrictions to be imposed upon others visiting the port or
25 any restricted access area sufficient to provide substantial
26 compliance with the statewide minimum standards. As determined
27 by the seaport director's most current risk assessment report,
28 any restricted access area with a potential human occupancy of
29 50 persons or more, any cruise terminal, or any business
30 operation that is adjacent to an unrestricted public access
31 area shall be protected from the most probable and creditable

1 terrorist threat to human life by the use of the methods and
2 principles contained within Federal Emergency Management
3 Agency, Risk Management Series, "Reference Manual to Mitigate
4 Potential Terrorist Attacks Against Buildings" (FEMA 426) and
5 the Federal Emergency Management Agency, Risk Management
6 Series, "Risk Assessment: A How-To Guide to Mitigate Potential
7 Terrorist Attacks Against Buildings" (FEMA 452).

8 (d) Within 30 days after the completion of the
9 seaport's security plan inspection by the Department of Law
10 Enforcement, it shall be delivered to the United States Coast
11 Guard, the Regional Domestic Security Task Force, and the
12 Domestic Security Oversight Council.

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

25 (f) A seaport may request review by the Domestic
26 Security Oversight Council of the findings in any Department
27 of Law Enforcement inspection report as they relate to the
28 requirements of this section. The Domestic Security Oversight
29 Council may review only those findings under this section that
30 are in specific dispute by the seaport. In reviewing the
31 disputed findings, the council may concur in the findings of

1 the department or the seaport or may recommend corrective
2 action to the seaport. The department and the seaport shall
3 give great weight to any findings and recommendations of the
4 council.

5 (3)

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

1 and the port authority that originally denied employment to
2 the applicant of the final disposition of the waiver. The
3 review process under this paragraph is exempt from chapter
4 120.

5 (4)

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 shall be verified
15 through an extensive risk analysis conducted by the port
16 director. Waivers shall be submitted in writing with
17 supporting documentation to the Office of Drug Control and the
18 Department of Law Enforcement. The Office of Drug Control and
19 the Department of Law Enforcement shall have 90 days to
20 jointly grant the waiver or reject the waiver in whole or in
21 part. Waivers not granted within 90 days or jointly rejected
22 shall be submitted by the seaport to the Domestic Security
23 Oversight Council for review. The Domestic Security Oversight
24 Council shall recommend that the Office of Drug Control and
25 the Department of Law Enforcement grant the waiver or reject
26 the waiver in whole or in part. The Office of Drug Control and
27 the Department of Law Enforcement shall give great weight to
28 any recommendations of the Domestic Security Oversight
29 Council. Waivers submitted for standards established under s.
30 311.122(3) shall not be granted for percentages below 10
31 percent. Such modifications or waivers shall be noted in the

1 annual report submitted by the Department of Law Enforcement
2 pursuant to this subsection.

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

12 (8)(a) The Seaport Security Standards Advisory Council
13 is created under the Office of Drug Control. The council shall
14 serve as an advisory council under s. 20.03(7).

15 (b)1. The members of the Seaport Security Standards
16 Advisory Council shall be appointed by the Governor and
17 consist of the following:

18 a. Two seaport directors.

19 b. Two seaport security directors.

20 c. One designee from the Department of Law
21 Enforcement.

22 d. One designee from the Office of Motor Carrier
23 Compliance of the Department of Transportation.

24 e. One designee from the Attorney General's Office.

25 f. One designee from the Department of Agriculture and
26 Consumer Services.

27 g. One designee from the Office of Tourism, Trade, and
28 Economic Development.

29 h. One designee from the Office of Drug Control.

30 2. In addition to the members designated in
31 subparagraph 1., the council may invite a representative of

1 the United States Coast Guard to attend and participate in
2 council meetings as an ex officio, nonvoting member of the
3 council.

4 (c) Members of the council shall serve for terms of 4
5 years. A vacancy shall be filled by the original appointing
6 authority for the balance of the unexpired term.

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

11 (e) Commencing on January 15, 2007, and at least every
12 4 years thereafter, the Office of Drug Control shall convene
13 the Seaport Security Standards Advisory Council to review the
14 statewide minimum standards. The Seaport Security Standards
15 Advisory Council shall review the statewide minimum standards
16 for seaport security for applicability to and effectiveness in
17 combating current narcotics and terrorism threats to Florida's
18 seaports. All sources of information allowed by law shall be
19 utilized in assessing the applicability and effectiveness of
20 the standards.

21 (f) Seaport Security Standards Advisory Council
22 members shall serve without pay; however, per diem and travel
23 allowances may be claimed for attendance of officially called
24 meetings as provided by s. 112.061.

25 (g) The Seaport Security Standards Advisory Council
26 shall consult with the appropriate area maritime security
27 committees to assess possible impacts to commerce and trade
28 contained in the council's non-classified recommendations and
29 findings.

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31

1 (h) Recommendations and findings of the council shall
2 be transmitted to the Governor, the Speaker of the House of
3 Representatives, and the President of the Senate.

4 Section 3. Section 311.121, Florida Statutes, is
5 created to read:

6 311.121 Qualifications, training, and certification of
7 licensed security officers at Florida seaports.--

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

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

24 (a) Has received a Class D license as a security
25 officer under chapter 493.

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

31

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

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

7 (b)1. The executive director of the Department of Law
8 Enforcement shall appoint 11 members to the council which
9 shall include:

10 a. The seaport administrator of the Department of Law
11 Enforcement.

12 b. The chancellor of the Community College System.

13 c. The director of the Division of Licensing of the
14 Department of Agriculture and Consumer Services.

15 d. The administrator of the Florida Seaport
16 Transportation and Economic Development Council.

17 e. Two seaport security directors from seaports
18 designated under s. 311.09.

19 f. One director of a state law enforcement academy.

20 g. One representative of a local law enforcement
21 agency.

22 h. Two representatives of contract security services.

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

26 2. In addition to the members designated in
27 subparagraph 1., the executive director may invite a
28 representative of the United States Coast Guard to attend and
29 participate in council meetings as an ex officio, nonvoting
30 member of the council.

31

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

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

12 (e) The council shall meet upon the call of the chair,
13 and at least once a year to update or modify curriculum
14 recommendations.

15 (f) Council members shall serve without pay; however,
16 per diem and travel allowances may be claimed for attendance
17 of officially called meetings as provided by s. 112.061.

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

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

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

1 (4)(a) The Department of Education shall develop the
2 curriculum recommendations and classroom-hour specifications
3 of the Seaport Security Officer Qualifications, Training, and
4 Standards Coordinating Council into initial and continuing
5 education and training programs for seaport security officer
6 certification.

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

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

13 (d) The training programs shall include proficiency
14 examinations that must be passed by each candidate for
15 certification who successfully completes the required hours of
16 training or provides proof of authorized training
17 equivalencies.

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

24 (5) Seaport security officer certificates shall be
25 provided by the Department of Agriculture and Consumer
26 Services for issuance by a school licensed under s. 493.6304
27 and such school may issue the certificate to an applicant who
28 has successfully completed the training program. A school
29 shall notify the Division of Licensing within the department
30 upon the issuance of each certificate. The notification must
31 include the name and Class D license number of the certificate

1 holder and a copy of the certificate. The department shall
2 place the notification with the licensee's file. Notification
3 may be provided by electronic or paper format pursuant to
4 instruction of the Department of Agriculture and Consumer
5 Services.

6 (6)(a) Upon completion of the certification process, a
7 person holding a Class D license must apply for a revised
8 license pursuant to s. 493.6107(2), which license shall state
9 that the licensee is certified as a seaport security officer.

10 (b) A person who has been issued a seaport security
11 officer certificate is authorized to perform duties
12 specifically required of a seaport security officer.

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

16 (d) The certificate shall become void if the seaport
17 security officer's Class D license is revoked or allowed to
18 lapse for more than 1 year or if the licensee fails to
19 complete the annual continuing education requirement prior to
20 expiration of the Class D license.

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

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

27 311.122 Seaport law enforcement agency; authorization;
28 requirements; powers; training.--

29 (1) Each seaport in the state is authorized to create
30 a seaport law enforcement agency for its facility, which
31 authority in no way precludes the seaport from contracting

1 with local governments or law enforcement agencies to comply
2 with the security standards required by this chapter.

3 (2) Each seaport law enforcement agency shall meet all
4 of the standards set by the state under certified law
5 enforcement guidelines and requirements and shall be certified
6 as provided under chapter 943.

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

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

26 (5) For the purposes of this chapter, sworn
27 state-certified seaport security officers shall have the same
28 law enforcement powers with respect to the enforcement of
29 traffic laws on seaport property as university police officers
30 under s. 1012.97, community college police officers under s.
31

1 1012.88, and airport police officers under the provisions of
2 s. 316.640(1)(a)1.d.(I)-(II).

3 (6) Certified seaport security officers shall have the
4 authority to immediately tow any vehicle parked illegally as
5 indicated by an existing sign or during an emergency as deemed
6 necessary to maintain seaport security.

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

9 311.123 Maritime domain security awareness training
10 program.--

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

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

26 Section 6. Section 311.124, Florida Statutes, is
27 created to read:

28 311.124 Trespassing; detention by a certified seaport
29 security officer.--

30 (1) Any Class D or Class G seaport security officer
31 certified under the Maritime Transportation Security Act

1 guidelines and s. 311.121 or any employee of the seaport
2 security force certified under the Maritime Transportation
3 Security Act guidelines and s. 311.121 who has probable cause
4 to believe that a person is trespassing pursuant to the
5 provisions of s. 810.08 or s. 810.09 or this chapter in a
6 designated restricted area pursuant to s. 311.111 is
7 authorized to detain such person in a reasonable manner for a
8 reasonable period of time pending the arrival of a law
9 enforcement officer, and such action shall not render the
10 security officer criminally or civilly liable for false
11 arrest, false imprisonment, or unlawful detention.

12 (2) Upon detaining a person for trespass, the seaport
13 security officer shall immediately call a certified law
14 enforcement officer to the scene.

15 Section 7. Section 817.021, Florida Statutes, is
16 created to read:

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

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

4 Restores language requiring each seaport to provide in its
5 seaport security plans possible risks relating to the specific
6 and identifiable needs of the seaport which assures that the
7 seaport is in substantial compliance with the statewide
8 minimum standards established.

9 Establishes specific requirements of seaports to provide for
10 the protection against the most probable and creditable
11 terrorist threat to human life of any restricted access areas
12 with a potential human occupancy of 50 persons or more, any
13 cruise terminal, or any business operation that is adjacent to
14 an unrestricted public access area.

15 Provides that a seaport may request review by the Domestic
16 Security Oversight Council of the findings in any Department
17 of Law Enforcement inspection report relating to the seaport's
18 security plans. The council may concur in the findings or may
19 recommend corrective action to the seaport. The department
20 and the seaport shall give great weight to any finding or
21 recommendation of the council, but the findings are not final.

22 Creates the Seaport Security Standards Advisory Council, and
23 requires the council to commence on January 15, 2007 and every
24 four years thereafter, to review statewide minimum standards
25 for seaport security.

26 Removes the requirement for the Seaport Security Standards
27 Advisory Council to review specific infrastructure standards
28 for cruise passenger terminals or other buildings in a
29 restricted-access area, and removes the requirement that the
30 council identify state or federal funding sources that may be
31 used to finance the cost of potential infrastructure or
operational security measures.

Increases minimum staffing ratios for sworn seaport law
enforcement personnel if a seaport creates a seaport law
enforcement agency for its facility.