

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

29 | of a concealed weapon while on seaport property in a
30 | designated restricted area; requiring periodic review of
31 | the statewide minimum standards for seaport security to be
32 | conducted under the Office of Drug Control within the
33 | Executive Office of the Governor; requiring the Office of
34 | Drug Control to convene a Seaport Security Standards
35 | Advisory Council to review the statewide minimum standards
36 | for seaport security with respect to current narcotics and
37 | terrorism threats to Florida's seaports; providing
38 | membership, terms, organization, and meetings of the
39 | council; creating s. 311.121, F.S.; requiring the
40 | authority or governing board of each seaport that is
41 | subject to statewide minimum seaport security standards to
42 | impose specified requirements for certification as a
43 | seaport security officer; creating the Seaport Security
44 | Officer Qualification, Training, and Standards
45 | Coordinating Council under the Department of Law
46 | Enforcement; providing membership and organization of the
47 | council; providing terms of members; providing duties and
48 | authority of the council; requiring the Department of
49 | Education to develop curriculum recommendations and
50 | specifications of the council into initial and continuing
51 | education and training programs for seaport security
52 | officer certification; providing requirements and
53 | procedures with respect to such training programs;
54 | providing requirements and procedures with respect to
55 | certification as a seaport security officer; providing
56 | requirements for renewal of inactive or revoked

57 certification; creating s. 311.122, F.S.; authorizing each
 58 seaport in the state to create a seaport law enforcement
 59 agency for its facility; providing requirements of an
 60 agency; requiring certification of an agency; providing
 61 requirements with respect to the composition of agency
 62 personnel; providing powers of seaport law enforcement
 63 agency officers and seaport security officers; creating s.
 64 311.123, F.S.; providing for the creation of a maritime
 65 domain security awareness training program; providing
 66 purpose of the program; providing program training
 67 curriculum requirements; creating s. 311.124, F.S.;
 68 providing authority of seaport security officers to detain
 69 persons suspected of trespassing in a designated
 70 restricted area of a seaport; providing immunity from
 71 specified criminal or civil liability; creating s.
 72 817.021, F.S.; providing a criminal penalty for willfully
 73 and knowingly providing false information in obtaining or
 74 attempting to obtain a seaport security identification
 75 card; providing an effective date.

76

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

78

79 Section 1. Section 311.111, Florida Statutes is created to
 80 read:

81 311.111 Security area designations; access requirements;
 82 authority.--Each seaport authority or governing board of a
 83 seaport identified in s. 311.09 that is subject to the statewide
 84 minimum seaport security standards in s. 311.12 shall clearly

85 designate in seaport security plans and clearly identify with
86 appropriate signs and markers on the premises of a seaport the
87 following security area designations, access requirements, and
88 corresponding security enforcement authorizations, which may
89 include, but not be limited to, clear notice of the prohibition
90 on possession of concealed weapons and other contraband material
91 on the premises of the seaport:

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

96 (2) RESTRICTED PUBLIC ACCESS AREA.--A restricted public
97 access area of a seaport is open to the public for a specific
98 purpose via restricted access and open to individuals working on
99 the seaport, seaport employees, or guests who have business with
100 the seaport. Any person found in these areas without the proper
101 level of identification card is subject to the trespass
102 provisions of ss. 810.08 and 810.09 and this chapter. All
103 persons and objects in these areas are subject to search by an
104 on-duty sworn state-certified law enforcement officer, a Class D
105 seaport officer certified under Maritime Transportation Security
106 Act guidelines, or an employee of the seaport security force
107 certified under the Maritime Transportation Security Act
108 guidelines.

109 (3) RESTRICTED ACCESS AREA.--A restricted access area of a
110 seaport is open only to individuals working on the seaport,
111 seaport employees, or guests who have business with the seaport.
112 Any person found in these areas without the proper level of

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113 identification card is subject to the trespass provisions of ss.
114 810.08 and 810.09 and this chapter. All persons and objects in
115 these areas are subject to search by an on-duty sworn state-
116 certified law enforcement officer, a Class D seaport officer
117 certified under Maritime Transportation Security Act guidelines,
118 or an employee of the seaport security force certified under the
119 Maritime Transportation Security Act guidelines.

120 (4) SECURED RESTRICTED ACCESS AREA.--A secured restricted
121 access area of a seaport is open only to individuals working on
122 the seaport, seaport employees, or guests who have business with
123 the seaport and is secured at each point of access at all times
124 by a Class D security guard certified under the Maritime
125 Transportation Security Act, a sworn state-certified law
126 enforcement officer, or an employee of the port's security force
127 certified under the Maritime Transportation Security Act. Any
128 person found in these areas without the proper level of
129 identification card is subject to the trespass provisions of ss.
130 810.08 and 810.09 and this chapter. All persons and objects in
131 these areas are subject to search by an on-duty Class D seaport
132 security officer certified under Maritime Transportation
133 Security Act guidelines, a sworn state-certified law enforcement
134 officer, or an employee of the seaport security force certified
135 under the Maritime Transportation Security Act guidelines.

136
137 During a period of high terrorist threat level designated by the
138 United States Department of Homeland Security or the Florida
139 Department of Law Enforcement or during an emergency declared by
140 the seaport security director of a port due to events applicable

141 to that particular port, the management or controlling authority
 142 of the port may temporarily designate any part of the port
 143 property as a restricted access area or a secured restricted
 144 access area. The duration of such designation is limited to the
 145 period in which the high terrorist threat level is in effect or
 146 port emergency exists. Subsections (3) and (4) do not limit the
 147 power of the managing or controlling authority of a seaport to
 148 designate any port property as a restricted access area or a
 149 secured restricted access area as otherwise provided by law.

150 Section 2. Subsection (2) and paragraph (b) of subsection
 151 (4) of section 311.12, Florida Statutes, are amended, and
 152 subsections (7) and (8) are added to that section, to read:

153 311.12 Seaport security standards; inspections;
 154 compliance; appeals.--

155 (2) (a) Each seaport identified in s. 311.09 shall maintain
 156 a security plan to provide for a secure seaport infrastructure
 157 specific to that seaport that shall promote the safety and
 158 security of the residents and visitors of the state and promote
 159 the flow of legitimate trade and travel. Commencing January 1,
 160 2007, and every 5 years thereafter, the seaport director of each
 161 seaport, with the assistance of the Regional Domestic Security
 162 Task Force and in conjunction with the United States Coast
 163 Guard, shall revise the seaport security plan based on the
 164 results of continual, quarterly assessments by the seaport
 165 director of security risks and possible risks related to
 166 terrorist activities and ~~relating to the specific and~~
 167 identifiable needs of the seaport which assures that the seaport

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168 ~~is in substantial compliance with~~ the statewide minimum
169 standards established pursuant to subsection (1).

170 (b) Each plan adopted or revised pursuant to this
171 subsection shall be inspected ~~must be reviewed~~ and approved by
172 the Office of Drug Control and the Department of Law Enforcement
173 based solely upon the standards as set forth under the Maritime
174 Transportation Security Act as revised July 2003, 33 C.F.R. s.
175 105.305, and the statewide minimum standards established
176 pursuant to subsection (1). All such seaports shall allow
177 unimpeded access by the Department of Law Enforcement to the
178 affected facilities for purposes of plan or compliance
179 inspections or other operations authorized by this section.

180 (c) Each seaport security plan shall ~~may~~ establish
181 unrestricted and restricted access areas within the seaport
182 consistent with the requirements of the statewide minimum
183 standards and the provisions of s. 311.111. In such cases, a
184 Uniform Port Access Credential Card, authorizing restricted-area
185 access, shall be required for any individual working within or
186 authorized to regularly enter a restricted access area and the
187 requirements in subsection (3) relating to criminal history
188 checks and employment restrictions shall be applicable only to
189 employees or other persons working within or authorized to
190 regularly enter a restricted access area. Every seaport security
191 plan shall set forth the conditions and restrictions to be
192 imposed upon others visiting the port or any restricted access
193 area sufficient to provide substantial compliance with the
194 statewide minimum standards. As determined by the seaport
195 director's most current quarterly risk assessment report, any

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196 restricted access area with a potential human occupancy of 50
197 persons or more, any cruise terminal, or any business operation
198 that is adjacent to an unrestricted public access area shall be
199 protected from the most probable and creditable terrorist threat
200 to human life by the use of like or similar standards as those
201 set forth in the United States Department of Defense Minimum
202 Antiterrorism Standard for Buildings, Unified Facilities
203 Criteria 4-010-0.

204 (d) Within 30 days after the completion of the seaport's
205 security plan inspection by the Department of Law Enforcement,
206 it shall be delivered to the United States Coast Guard, Regional
207 Domestic Security Task Force, and the Domestic Security
208 Oversight Council.

209 (e) It is the intent of the Legislature that Florida's
210 seaports adhere to security practices that are consistent with
211 risks assigned to each seaport through the risk assessment
212 process established in this section. Therefore, the Department
213 of Law Enforcement shall inspect every seaport within the state
214 to determine if all security measures adopted by the seaport are
215 in compliance with the standards set forth in this chapter and
216 shall submit the department's findings within 30 days after the
217 inspection in a report to the Domestic Security Oversight
218 Council and the United States Coast Guard for review, with
219 requests to the Coast Guard for any necessary punitive action.

220 (f) Notwithstanding the provisions of chapter 120, a
221 seaport may appeal to the Domestic Security Oversight Council
222 for review and mediation the findings in any Department of Law
223 Enforcement inspection report as they relate to the requirements

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224 of this section. The Domestic Security Oversight Council shall
225 establish a review process and may review only those findings
226 under this section that are in specific dispute by the seaport.
227 In reviewing the disputed findings, the council may concur in
228 the findings of the department or the seaport or may recommend
229 corrective action to the seaport. Findings of the council shall
230 be considered final.

231 (4)

232 (b) The Office of Drug Control and the executive director
233 of the Department of Law Enforcement may modify or waive any
234 physical facility requirement or other requirement contained in
235 the statewide minimum standards for seaport security upon a
236 finding or other determination that the purposes of the
237 standards have been reasonably met or exceeded by the seaport
238 requesting the modification or waiver. Alternate means of
239 compliance may not in any way diminish the safety or security of
240 the seaport and shall be verified through an extensive risk
241 analysis conducted by the port director. Waivers shall be
242 submitted in writing with supporting documentation to the Office
243 of Drug Control and the Department of Law Enforcement. The
244 Office of Drug Control and the Department of Law Enforcement
245 shall have 90 days to jointly grant the waiver or reject the
246 waiver in whole or in part. Waivers not granted within 90 days
247 or jointly rejected shall be submitted by the seaport to the
248 Domestic Security Oversight Council for consideration. The
249 Domestic Security Oversight Council shall grant the waiver or
250 reject the waiver in whole or in part. The decision of the
251 Domestic Security Oversight Council shall be considered final.

252 Waivers submitted for standards established under s. 311.122(3)
253 may not be granted for percentages below 10 percent. Such
254 modifications or waivers shall be noted in the annual report
255 submitted by the Department of Law Enforcement pursuant to this
256 subsection.

257 (7) Any person who has in his or her possession a
258 concealed weapon, or who operates or has possession or control
259 of a vehicle in or upon which a concealed weapon is placed or
260 stored, while in a designated restricted area on seaport
261 property commits a misdemeanor of the first degree, punishable
262 as provided in s. 775.082 or s. 775.083. This subsection does
263 not apply to active-duty certified federal or state law
264 enforcement personnel.

265 (8) (a) Commencing on January 15, 2007, and every 5 years
266 thereafter, a review of the statewide minimum standards for
267 seaport security as contained in paragraph(1) (a) shall be
268 conducted under the Office of Drug Control within the Executive
269 Office of the Governor by the Seaport Security Standards
270 Advisory Council as provided in paragraph (b).

271 (b) The Office of Drug Control shall convene a Seaport
272 Security Standards Advisory Council as defined in s. 20.03(7) to
273 review the statewide minimum standards for seaport security for
274 applicability to and effectiveness in combating current
275 narcotics and terrorism threats to Florida's seaports. All
276 sources of information allowed by law shall be utilized in
277 assessing the applicability and effectiveness of the standards.

278 (c) The members of the council shall consist of the
279 following:

- 280 1. Two seaport directors appointed by the Governor.
- 281 2. Two seaport security directors appointed by the
 282 Governor.
- 283 3. One designee from the Department of Law Enforcement.
- 284 4. The director of the Office of Motor Carrier Compliance
 285 of the Department of Transportation.
- 286 5. One designee from the Attorney General's Office.
- 287 6. One designee from the Department of Agriculture and
 288 Consumer Services.
- 289 7. One designee from the Office of Tourism, Trade, and
 290 Economic Development.
- 291 8. A representative of the United States Coast Guard who
 292 shall serve as an ex officio member of the council.
- 293 (d) Members of the council shall serve for terms of 4
 294 years. A vacancy shall be filled by the original appointing
 295 authority for the balance of the unexpired term.
- 296 (e) Seaport Security Standards Advisory Council members
 297 shall serve without pay; however, state per diem and travel
 298 allowances may be claimed for attendance of officially called
 299 meetings as provided by s. 112.061.
- 300 (f) The Seaport Security Standards Advisory Council shall
 301 be chaired by a designee from the Office of Drug Control. The
 302 council shall meet upon the call of the chair and at least once
 303 every 5 years.
- 304 (g) Recommendations and findings of the council shall be
 305 transmitted to the Governor, the Speaker of the House of
 306 Representatives, and the President of the Senate.

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307 Section 3. Section 311.121, Florida Statutes, is created
308 to read:

309 311.121 Qualifications, training, and certification of
310 licensed security officers at Florida seaports.--

311 (1) It is the intent of the Legislature that seaports in
312 the state be able to mitigate operational security costs without
313 reducing security levels by employing a combination of certified
314 law enforcement officers and certified private security service
315 officers. The Department of Law Enforcement shall adhere to this
316 intent in the approval and certification process for seaport
317 security required under s. 311.12.

318 (2) The authority or governing board of each seaport
319 identified under s. 311.09 that is subject to the statewide
320 minimum seaport security standards established in s. 311.12
321 shall require that a candidate for certification as a seaport
322 security officer:

323 (a) Has received a Class D license as a security officer
324 under chapter 493.

325 (b) Has successfully completed the certified training
326 curriculum for a Class D license or has been determined by the
327 Department of Agriculture and Consumer Services to have
328 equivalent experience as established by rule of the department.

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

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

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- 335 (b) The executive director of the Department of Law
336 Enforcement shall appoint 12 members to the council which shall
337 include:
- 338 1. The seaport administrator of the Department of Law
339 Enforcement.
 - 340 2. The chancellor of the Community College System.
 - 341 3. The director of the Division of Licensing of the
342 Department of Agriculture and Consumer Services.
 - 343 4. The administrator of the Florida Seaport Transportation
344 and Economic Development Council.
 - 345 5. Two seaport security directors from seaports designated
346 under s. 311.09.
 - 347 6. One director of a state law enforcement academy.
 - 348 7. One representative of a local law enforcement agency.
 - 349 8. Two representatives of contract security services.
 - 350 9. One representative of the Division of Driver Licenses
351 of the Department of Highway Safety and Motor Vehicles.
 - 352 10. One representative of the United States Coast Guard.
- 353 (c) Council members designated in subparagraphs (b)1.-4.
354 shall serve for the duration of their employment or appointment.
355 Council members designated under subparagraphs (b)5.-10. shall
356 serve 4-year terms, except that the initial appointment for the
357 representative of a local law enforcement agency, one
358 representative of a contract security agency, and one seaport
359 security director from a seaport designated in s. 311.09 shall
360 serve for terms of 2 years.
- 361 (d) The chancellor of the Community College System shall
362 serve as chair of the council.

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

366 (f) Council members shall serve without pay; however,
367 state per diem and travel allowances may be claimed for
368 attendance of officially called meetings as provided by s.
369 112.061.

370 (g) The council shall identify the qualifications,
371 training, and standards for seaport security officer
372 certification and recommend a curriculum for the seaport
373 security officer training program that shall include no less
374 than 218 hours of initial certification training and that
375 conforms to or exceeds model courses approved by the Federal
376 Maritime Act under Section 109 of the Federal Maritime
377 Transportation Security Act of 2002 for facility personnel with
378 specific security duties.

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

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

384 (4) (a) The Department of Education shall develop the
385 curriculum recommendations and classroom-hour specifications of
386 the Seaport Security Officer Qualifications, Training, and
387 Standards Coordinating Council into initial and continuing
388 education and training programs for seaport security officer
389 certification.

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

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

396 (d) The training programs shall include proficiency
397 examinations that must be passed by each candidate for
398 certification who successfully completes the required hours of
399 training or provides proof of authorized training equivalencies.

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

406 (5) Seaport security officer certificates shall be
407 provided by the Department of Agriculture and Consumer Services
408 for issuance by a school licensed under s. 493.6304 and such
409 school may issue the certificate to an applicant who has
410 successfully completed the training program. A school shall
411 notify the Division of Licensing within the department upon the
412 issuance of each certificate. The notification must include the
413 name and Class D license number of the certificateholder and a
414 copy of the certificate. The department shall place the
415 notification with the licensee's file. Notification may be
416 provided by electronic or paper format pursuant to instruction
417 of the Department of Agriculture and Consumer Services.

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

422 (b) A person who has been issued a seaport security
 423 officer certificate is authorized to perform duties specifically
 424 required of a seaport security officer.

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

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

433 (e) Renewal of certification following licensure
 434 revocation or a lapse of longer than 1 year requires, at a
 435 minimum, 20 hours of recertification training and reexamination
 436 of the applicant.

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

439 311.122 Seaport law enforcement agency; authorization;
 440 requirements; powers; training.--

441 (1) Each seaport in the state is authorized to create a
 442 seaport law enforcement agency for its facility, which authority
 443 in no way precludes the seaport from contracting with local
 444 governments or law enforcement agencies to comply with the
 445 security standards required by this chapter.

446 (2) Each seaport law enforcement agency shall meet all of
447 the standards set by the state under certified law enforcement
448 guidelines and requirements and shall be certified as provided
449 under chapter 943.

450 (3) If a seaport creates a seaport law enforcement agency
451 for its facility, a minimum of 30 percent of the aggregate
452 personnel of each seaport law enforcement agency shall be sworn
453 state-certified law enforcement officers with additional
454 Maritime Transportation Security Act seaport training; a minimum
455 of 30 percent of on-duty personnel of each seaport law
456 enforcement agency shall be sworn state-certified law
457 enforcement officers with additional Maritime Transportation
458 Security Act seaport training; and at least one on-duty
459 supervisor must be a sworn state-certified law enforcement
460 officer with additional Maritime Transportation Security Act
461 seaport training.

462 (4) For the purposes of this chapter, where applicable,
463 seaport law enforcement agency officers shall have the same
464 powers as university police officers as provided in s. 1012.97;
465 however, such powers do not extend beyond the property of the
466 seaport except in connection with an investigation initiated on
467 seaport property or in connection with an immediate, imminent
468 threat to the seaport.

469 (5) For the purposes of this chapter, sworn state-
470 certified seaport security officers shall have the same law
471 enforcement powers with respect to the enforcement of traffic
472 laws on seaport property as university police officers under s.
473 1012.97, community college police officers under s. 1012.88, and

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474 airport police officers under the provisions of s.
 475 316.640(1)(a)1.d.(I)-(II).

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

480 Section 5. Section 311.123, Florida Statutes, is created
 481 to read:

482 311.123 Maritime domain security awareness training
 483 program.--

484 (1) The Florida Seaport Transportation and Economic
 485 Development Council, in conjunction with the Department of Law
 486 Enforcement and the Office of Drug Control within the Executive
 487 Office of the Governor, shall create a maritime domain security
 488 awareness training program to instruct all personnel employed
 489 within a seaport's boundaries about the security procedures
 490 required of them for implementation of the seaport security
 491 plan.

492 (2) The training program curriculum must include security
 493 training required pursuant to 33 C.F.R. part 105 and must be
 494 designed to enable the seaports in this state to meet the
 495 training, drill, and exercise requirements of 33 C.F.R. part 105
 496 and individual seaport security plans and to comply with the
 497 requirements of s. 311.12 relating to security awareness.

498 Section 6. Section 311.124, Florida Statutes, is created
 499 to read:

500 311.124 Trespassing; detention by a certified seaport
 501 security officer.--

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502 (1) Any Class D or Class G seaport security officer
503 certified under the Maritime Transportation Security Act
504 guidelines or any employee of the seaport security force
505 certified under the Maritime Transportation Security Act
506 guidelines who has probable cause to believe that a person is
507 trespassing pursuant to the provisions of s. 810.08 or s. 810.09
508 or this chapter in a designated restricted area pursuant to s.
509 311.111 is authorized to detain such person in a reasonable
510 manner for a reasonable period of time pending the arrival of a
511 law enforcement officer, and such action shall not render the
512 security officer criminally or civilly liable for false arrest,
513 false imprisonment, or unlawful detention.

514 (2) Upon detaining a person for trespass, the seaport
515 security officer shall immediately call a certified law
516 enforcement officer to the scene.

517 Section 7. Section 817.021, Florida Statutes, is created
518 to read:

519 817.021 False information to obtain a seaport security
520 identification card.--A person who willfully and knowingly
521 provides false information in obtaining or attempting to obtain
522 a seaport security identification card commits a felony of the
523 third degree, punishable as provided in s. 775.082 or s.
524 775.083.

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